ACTS

ACCESSION NO. 33032

OF THE RECORDS

CATALOGUED

Ninety-Eighth Legislature,

OF THE

STATE OF NEW JERSEY,

AND

THIRTIETH UNDER THE NEW CONSTITUTION.



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HENRY C. KELSEY,

Secretary of State.

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Ninety-Eighth Legislature of New Jersey

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GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

NINETY-EIGHTH LEGISLATURE

CHAPTER XXVI.

A further supplement to an act entitled "An act to prevent frauds by incorporated companies," approved April fifteenth, eighteen hundred and forty-six,

Receiver of insolvent railroad companies to operate the road and subject to orders of the chancellor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any incorporated railroad company in this State shall become insolvent, and the property of such company shall have passed into the hands of a receiver by order of the chancellor, in accordance with the act to which this is a supplement, the receiver shall, and he is hereby empowered to operate said railroad for the use of the public, subject at all times to the order of the chancellor; and all expenses incident to the operation of said railroad, shall be a first lien on the receipts, to be paid before any other encumbrance whatever.

Expenses to be a first lien on receipts.

2. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

JOHN W. TAYLOR,
President of the Senate,
GARRET A. HOBART,
Speaker of the House of Assembly.

Approved February 11, 1874.

JOEL PARKER,
Governor.

CHAPTER XXVII.

An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate.

If companies fail, to operate their railroad for ten days, the chancellor on petition may appoint a receiver.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any railroad company in this state has or may hereafter fail or neglect to run daily trains on any part of its road for the space of ten days, then the chancellor of this state, upon petition of any citizens of this state, and due proof of the facts, shall speedily appoint a receiver, which said receiver by order of the chancellor, shall be and is hereby empowered and required to take possession of all the real and personal property of said company, and to operate said road and transact the ordinary business thereof in the transportation of freight and passengers for such time as the 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, be distributed as the chancellor may direct.

Receiver may take possession of and operate road.

Expenses to be first lien on earnings.

Receiver to apply unincumbered personal property and moneys and effects, transferred to him, to the payment of wages due at the time of the transfer.

2. *And be it enacted*, That whenever the chancellor shall appoint a receiver of any railroad company, said receiver shall apply all unincumbered personal effects and all moneys which may be transferred to him at the time of entering upon his duties as such receiver toward the payment of wages at that time due the employees of said company and the chancellor may from time to time make such orders as he may deem proper to equitably carry out the provisions of this section; *provided* that no such payments shall be made for more than two months wages.

Chancellor may issue orders to receiver.

Payment of wages to be not more than for two months

3. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved February 12, 1874.

CHAPTER XXXIX.

An act to legalize certain publications in a newspaper known as the "Sunday Call," of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the sheriff, surrogate, county clerk, or other officer of the county of Essex, be and they are hereby empowered to publish in the newspaper now published in the city of Newark, in the county of Essex, and known as the "Sunday Call, any legal advertisement or other notice that they or either of them are now authorized to publish by law. Legal advertisements of Essex County may be puolished in "Sunday Call."

2. *And be it enacted*, That the comptroller of the state is hereby authorized to audit and draw his warrant for the payment of the bill of the "Sunday Call," for the publication of the laws of the session of eighteen hundred and seventy-three, at the same rate as allowed to other papers published in Essex county, on receiving proof of publication thereof. Comptroller to order payment for publication of laws of 1873.

3. *And be it enacted*, That any advertisement or notice published in said paper shall have the same effect, and be as legal as if published in any other paper in said county. Previous publications legalized.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1874.

CHAPTER LII.

A further supplement to an act entitled "An Act authorizing the sale of lands held in trust in certain cases," approved April sixth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever by any last will and When lands

or real estate held in trust or contingency are liable to be sold for taxes or assessments, chancellor may appoint a trustee and ordain the sale of the property.

testaments, lands and real estate are devised to, or whenever by any deed, lands and real estate are conveyed to or in trust for any person or persons for life, or until the happening of some event in such will or deed named, and said lands and real estate so devised or conveyed, shall or have become chargeable with or liable to taxes or assessments, for the payment whereof no adequate provision is made in such will, or afforded by the estate of the testator, or provided for in such deed, and such lands and real estate have been sold or shall be liable to be sold for such taxes or assessments by virtue of any laws of this state, whereby the interests of the owner or owners of the particular estate or of the estate in remainder in said lands and real estate, and named in said will, or said deed, may be injured or impaired, it shall be lawful for the court of chancery of this state, upon application of any such owner or owners, and upon consideration of the circumstances of the case to appoint a trustee or trustees for all said owners, and to order and decree that such trustee or trustees or the survivor of them, shall sell and convey such land and real estate or any part thereof, which trustee or trustees shall give such bonds for the faithful performance of his or their trust, and shall make such sale as said chancellor may direct; and when such decree shall be made and such bond given, said trustee or trustees or survivor may sell and convey said lands and real estate free, clear, and discharged of any interest of said owners therein; and the proceeds of such sale, after the payment of said taxes or assessments, shall be held by such trustee, subject to the provisions of said will or said deed relating to said lands and real estate, in such manner as the chancellor may direct.

Trustees to give bonds, and convey the property and hold the proceeds of the sale subject to the orders of the chancellor.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1874.

CHAPTER LXIV.

An act to defray the expense of the constitutional commission.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of defraying the expense of the constitutional commission appointed by the governor in pursuance of a joint resolution approved April fourth, eighteen hundred and seventy-three, the treasurer of this state is hereby directed to pay, upon the warrant of the comptroller, the following sums: for the expenses of stationery, printing, postage, &c., incurred by said commission in the performance of their duties, an amount not exceeding six hundred and seventy-five dollars; to the president and each of the members, the sum of three hundred dollars for the entire session or proportionately for any part of the session; to each of the secretaries, the sum of five hundred dollars, and to the sergeant-at-arms, the sum of one hundred dollars. Treasurer to pay expenses of the commission, and salary of members and officers.

2. *And be it enacted*, that this act shall take effect immediately.

Approved February 19, 1874.

CHAPTER XCII.

A further supplement to the act entitled, "An act for the better securing the property of married women," approved March twenty-fifth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman who now is, or may hereafter become entitled, by gift, devise, or be- Married women may, with

the concurrence of the husband, convey any interest which they may be entitled to in any real or personal property.

quest, to any contingent estate, or interest in any real or personal property or estate, may, with the concurrence of her husband, compound and receipt for, assign and convey the same, in all cases where she lawfully might, if a feme sole; and every release, receipt, assignment, discharge, agreement, covenant, or contract, thereupon entered into by her in regard to the same and to the said property, shall be as valid and binding in every respect, upon her, her heirs, executors, administrators, and assigns, and any and all persons claiming under her, them or either of them, as if she were, at the time of entering into the same, a feme sole, and, when duly executed and acknowledged in the manner provided by law for conveyance of real estate, may be recorded in the surrogate's office, and whenever it relates to real estate, in the clerk's or register's office, of the proper county or counties, in the same manner and with like effect as other receipts and discharges may now be recorded therein.

All agreements entered into by her thereupon to be as valid as if she were a feme sole, and te be recorded as are like papers.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1874.

CHAPTER CXIV

An act relative to the Public Printing.

How printing shall be done.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall hereafter be printed in the same general style in which the volume of laws was printed in the year one thousand eight hundred and seventy-one, excepting that the laws shall be collated and indexed under the three heads of general public acts, special public acts, and private acts; *also*, that the legislative documents shall be hereafter printed in the same style in which the said work was done in the year one thousand eight hundred and seventy-one; *also*, that the journals of the senate and minutes of the joint meetings, and executive sessions, and the minutes of the house of assembly shall be printed hereafter

in a compact and workmanlike style; *also*, that the public bills ordered by either branch of the legislature shall be printed on good writing paper, with pica type, each page to contain thirty-one lines; and the prices to be paid for the said printing shall be as follows: for printing three thousand copies of the session laws, the sum of forty dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate with the minutes of the joint meetings, and one thousand copies of the minutes of the house of assembly, the sum of thirty dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for press work; for printing two hundred copies of the public bills, ordered by either branch of the legislature, at the rate of seven dollars per sheet of four foolscap pages; and for printing the pamphlets and other papers ordered by the legislature, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rates above stated; and where matter requires two justifications, without rules, one price and a half shall be paid; *and provided further*, that one dollar extra per page, shall be paid for printing all indices and tables of contents set in bourgeois type in the session laws, journals of senate, and minutes of the house of assembly.

Prices for the composition and presswork.

Proviso.

Proviso.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality and of the following description: for the documents, journals, and minutes, white calendered printing paper, twenty-four by thirty-eight inches in size, weighing not less than forty-four pounds to the ream of four hundred and eighty sheets; for the laws, the same size as for the journals, and to weigh not less than fifty pounds to the ream of four hundred and eighty sheets; for the bills, to be on good flatcap paper, weighing fourteen pounds to the ream; the price to

Folding and stitching to be charged extra.

Quality and weight of paper.

Price of paper.

be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia during the first week in January; and satisfactory evidence of the price of such papers within the said period shall be submitted to the comptroller, before the allowance by him of any bill for paper on which any public printing shall be executed.

Legislative Documents

3. *And be it enacted*, That all messages, pamphlets, reports, or other documents which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in one volume, under the title of "Legislative Documents;" and no document or report shall be embraced in said volume, unless so ordered by the joint committee on printing: and when said joint committee shall order any document to be printed in the said volume of documents, there shall be one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual message shall be classed as document number one in said volume; when any document shall be ordered to be printed more than once, at periods more than four days apart, the printer thereof shall be entitled to charge for composition as above provided for, each time the document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

Copy for Senate Journal and Assembly Minutes to be delivered to printer within 30 days.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses, to the persons employed to print the same, within thirty days after the close of the session of the legislature; and in the event of the said clerk and secretary failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary.

Penalty for failure.

Indices how and by whom compiled and price for the work.

5. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, the minutes of the house of assembly, and the legislative documents, shall be hereafter made out by the person or persons respectively who may be employed to execute said printing; and the sum of one hundred dollars each shall be allowed the said printers for compiling such indices; *provided*, that said indices shall be

printed in solid bourgeois type, and be made out alphabetically under one heading in the style of the indices respectively of the pamphlet laws, and the senate journal for the year one thousand eight hundred and seventy-one

Who to print Senate bills, reports, &c.

6. *And be it enacted*, That William S. Sharp, of Trenton, shall be employed to print the senate bills, pamphlets, reports of state officers for presentation to the legislature, and such other matter as may be ordered by the senate and house of assembly.

Who to print Minutes of Assembly.

7. *And be it enacted*, That Godfrey H. Hays, of Burlington, be employed to print one thousand copies of the minutes of the house of assembly for the current year, in compact form, as per minutes of one thousand eight hundred and sixty-five.

Who to print Journal of the Senate.

8. *And be it enacted*, That John Y Foster, of Newark, be employed to print one thousand copies of the journal of the senate and minutes of the joint meetings and executive sessions for the current year, in compact form, as per minutes of one thousand eight hundred and sixty-five.

Who to print Legislative Documents.

9. *And be it enacted*, That George F. Nixon, of Bridgeton, be employed to print one thousand copies of the legislative documents of the current year.

Who to print Assembly bills.

10. *And be it enacted*, That Murphy and Bechtel be employed to print the bills of the house of assembly during the present session.

Who to print laws.

11. *And be it enacted*, That Chiswell and Wurts, of Paterson, be employed to print three thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer, within two months after the said Chiswell and Wurts shall have received the copy thereof, and on failure thereof, the said Chiswell and Wurts shall forfeit the sum of five hundred dollars, which sum the said treasurer is authorized to withhold and deduct from the amount due them for printing said copies.

When to be delivered to State Treasurer.

Secretary of State to furnish copy for book of laws within 30 days.

12. *And be it enacted*, That it shall be the duty of the secretary of state to deliver, or cause to be delivered, to the person or persons who shall be employed to print the copies of the laws, a copy of every law passed at this session of the legislature, within thirty days after the passage of each law, and on failure thereof shall be compelled to pay to the person or persons employed to print the copies of the laws, any sum which he or they may have forfeited by reason of such default.

13. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act, be and are hereby repealed.

14. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1874.

CHAPTER CXVII.

A further supplement to the act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, one thousand eight hundred and seventy-one.

Appropriation to continue the erection of an Asylum for the Insane.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the commissioners appointed under the original act to continue the erection of said asylum buildings, and to discharge the trust committed to them, the sum of three hundred thousand dollars be, and the same is hereby appropriated to be paid by the treasurer of this state on the warrant of the comptroller, which shall be drawn on the requisition of the said commissioners.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1874.

CHAPTER CXVIII.

An act to authorize the construction of works for supplying the state prison with gas.

Supervisors of State Prison authorized to

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of supervisors of the state prison are hereby authorized to provide in such man-

ner as to them may seem best, works for manufacturing gas, and to supply the said prison therewith; and to expend for the purposes aforesaid, a sum not exceeding twelve thousand dollars. erect gas works, at a cost not exceeding $12,000.

2. *And be it enacted*, That the comptroller shall from time to time draw his warrants upon the treasurer in favor of said board of supervisors for such sum or sums as shall be necessary for carrying into effect the first section of this act. Comptroller to draw warrants in favor of supervisors

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1874.

CHAPTER CXIX.

Supplement to an act entitled "An act for the government and regulation of the State Prison," approved March twenty-sixth, one thousand eight hundred and sixty-nine.

WHEREAS, The act to which this is a supplement, confers on the board of supervisors of the state prison "power to cause such improvements and repairs to be made in said prison as may, from time to time, be necessary and proper for the carrying on of the business thereof;" and the same act authorizes the inspectors of the state prison "to cause such repairs and improvements to be made in the said prison, and the walls and grounds thereof, as may be from time to time necessary and proper;" *and whereas*, the exercise of authority so nearly the same by two sets of officers, is calculated to produce confusion in the execution of the aforesaid repairs and improvements, and lead to injudicious expenditures of public money; therefore— Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of supervisors of the state prison shall have sole power to cause such repairs and improvements to be made, in and about the said prison, and the buildings, walls and grounds thereof as may be from time to time necessary and proper. Supervisors of State Prison vested with power to make repairs and improvements in buildings and grounds.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are

hereby repealed, and that this act shall take effect immediately.

Approved March 3, 1874.

CHAPTER CXX.

A supplement to an act to authorize the sale of lands limited over to infants, or in contingency, in cases where such sale would be beneficial.

Proceedings in case the names or existence of parties in interest cannot be ascertained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear to the satisfaction of the chancellor that it is impossible after due inquiry to ascertain the names of the owners of any particular or future estate in lands limited in the manner mentioned in the act to which this is a supplement, or to ascertain whether some of such owners are living or dead, it shall be lawful for the chancellor on proceedings instituted under the act to which this is a supplement, to order that said proceedings be continued as if all such owners or their legal representatives were known, making such absent or unknown owner or owners of said real estate a party or parties thereto by such description as the chancellor may in such order prescribe; said order shall briefly relate the facts set forth in said petition, and call upon such party or parties to appear within such time as the chancellor shall direct, not less than two months from the date of such order, which order shall be published in one or more public newspapers printed in this state, and designated in such order for six weeks successively, at least once in every week, and also in any other manner that the chancellor may see proper to direct; and upon proof of such publication, and of the performance of the directions contained in said order, the chancellor shall make such order against said unknown owner or owners as if they were known to the court and as may be equitable and just; and shall have power to make like orders and decrees in the premises as fully in all respects as he is empowered to make upon proof of service of the notice of

Notice to such parties to be published for two months.

Chancellor may make same order, as if parties were known.

presenting such petition as prescribed by the act to which this is a supplement.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1874.

CHAPTER CXXXIV.

A further supplement to an act entitled "An act to enable the owners of swamp or meadow ground to drain the same, and to repeal a law heretofore made for that purpose," passed November twenty-fourth, seventeen hundred and ninety-two.

Proceedings in case it is necessary to clear out natural water courses, in order to drain land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owner or owners of any land improved or otherwise, lying or being so situate that it cannot be drained sufficiently for the effectual improvement of the same, without clearing out creeks or natural water courses, or cutting, opening or clearing out ditches or drains, into or through other lands owned by or in possession of such person or persons as will not sufficiently clear out creeks or water courses, or will not cut, make, clear out and keep open sufficient ditches or drains in or through the lands so owned or possessed by them, to make application for the laying out of a ditch, drain or water course, under the provisions of the act to which this is a supplement; and upon such application the same proceedings shall and may be had in all respects, for all purposes, and with the like effect, as can or may be had under the provisions of said original act, and the several supplements thereto, on any application now authorized thereby.

In townships when but one chosen freeholder is elected application may be made to

2. *And be it enacted*, That in all cases where but one chosen freeholder shall be elected in the township, in or through which any ditch, drain or water course is proposed to be laid out or renewed and repaired, or altered or abolished, application may be made to the chosen freeholder of such township, and the chosen freeholder of any adjacent

him and to the chosen freeholder of an adjoining township.

township of the same county, who in conjunction with such surveyors of the highways as are or may be authorized by law to act in the premises, shall exercise the powers, and perform the duties conferred and enjoined bythe said original act and the several supplements thereto.

Proceedings in case the chosen freeholder or surveyor of highways is interested.

3. *And be it enacted*, That when any surveyor of the highways, or chosen freeholder of any township, in or through which any ditch, drain or water course is proposed to be laid out or renewed and repaired, or altered or abolished, shall be interested for or against the same, application shall be made to any surveyor of the highways, or chosen freeholder of any adjacent township of the same county, in place of the surveyor of the highways or chosen freeholder so interested as aforesaid, who in conjunction with such other surveyors and freeholders, as may by law be authorized to act in the premises, shall exercise the powers and perform the duties conferred and enjoined by said original act and the supplements thereto.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1874.

CHAPTER CXXXVII.

An act relating to the Centennial Celebration of American Independence.

Preamble.

WHEREAS, It is proposed by the people and government of the United States, that the Centennial Anniversary of American Independence shall be celebrated by a great international exhibition, to be held in Philadelphia, with the view of exhibiting to the world the progress made by the republic in one hundred years; *and whereas*, by an act of congress approved June first, one thousand, eight hundred and seventy-two, a centennial board of finance was created for the purpose of procuring the funds necessary to erect buildings and meet the expenses of the exposition; *and whereas*, the said proposed exposition, being entirely national in its character, and for the equal benefit of the

whole Union, and intended to celebrate and commemorate that great memorable and decisive event, the declaration of our independence as a nation, it is but right and proper that it should be celebrated in a manner commensurate with our character and greatness as a people and a nation, and that all the means necessary to properly inaugurate it should be promptly provided; *therefore*, admitting these facts, and recognizing the obligation and duty that rests upon this state to do its part in providing the means necessary to enable the centennial board of finance to proceed with the work—

Subscription to ten thousand shares of centennial stock authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, comptroller, and treasurer be and they are hereby authorized and directed in behalf of, and in the name of the state of New Jersey to subscribe for ten thousand shares of the centennial stock, at the par value of ten dollars each, which stock as soon as issued by the centennial board of finance, shall become the property of the state, and be held by the treasurer for the use and benefit of the state.

Treasurer directed to make payments.

2. *And be it enacted*, That the treasurer of the state is hereby directed to pay out of any funds in the treasury the installments upon such stock so subscribed, as the same may become due and payable, that is to say twenty per cent. thereof, on the first day of April next, and twenty per cent. thereof every three months thereafter, until the whole of the said stock so subscribed for shall be fully paid; *provided*, Proviso.

Money not to be paid until the success of the exposition is assured.

that no part of the money appropriated by this act shall be paid until sufficient money shall be subscribed or appropriated either by the national government, the states, by corporations or individuals, or by all combined, to make the proposed exposition in the opinion of the governor, comptroller and treasurer a success as a national exposition; *and* Proviso.

provided further, that if in the judgment of the governor, comptroller, and treasurer the success of the exposition shall not be assured before the first day of April of the present year that then in that event the first installment of twenty per cent. on the said stock shall be paid on the first day of the next month after such assurance shall be attained and the remaining installments thereof every three months thereafter until the whole shall be paid.

Approved March 5, 1874.

CHAPTER CXLII.

An Act for the relief of Mrs. Hannah Royce, of the County of Middlesex.

Preamble. WHEREAS, Mrs. Hannah Royce, born Hannah Bull, who is believed to be nearest, if not the only surviving blood relative of Colonel Zebulon Pike and his son, Brigadier-General Zebulon Montgomery Pike, natives of New Jersey, and distinguished officers of the United States army during the war of one thousand eight hundred and twelve, the former of whom served also in the American revolution, and the latter, then the most distinguished of our general officers, fell at the capture of Little York, in Canada, where he commanded the attack; *and whereas*, Hannah Royce is now a resident of the township of Woodbridge, in the county of Middlesex, and is over eighty years of age and on the verge of pauperism; therefore

Pension to be paid by Treasurer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state is hereby authorized and required to pay to Hannah Royce, of the county of Middlesex, the sum of one hundred dollars per annum, to be paid half yearly on the first day of April and the first day of October, and that the receipt of the said Hannah Royce or her order shall be a sufficient voucher for the treasurer for all moneys paid by virtue of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLXIII.

A further supplement to an act entitled "An act concerning Taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, in all cases where taxes are imposed by virtue of any law of this state, upon personal property where the same is situated, such property shall not be liable to taxation elsewhere. Personal property, when taxed where situated, shall not be taxable elsewhere.

2. *And be it enacted*, That in any case, where property is so taxed, the certificate of the assessor by whom the assessment was made shall be deemed sufficient evidence thereof, and shall entitle the owner to exemption for such property in all other places. Certificates of assessor shall be evidence of taxation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLXIV.

A further supplement to an act entitled "An act concerning Landlords and Tenants," approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any building or buildings erected on leased premises shall be injured by fire without the fault of the lessee, the landlord shall repair the same as speedily as possible, or in default thereof, the rent shall cease until such time as such building or buildings shall be put in complete repair; and in case of the total If a building erected on leased premises is injured by fire, the landlord shall repair the same, or rent cease.

If building destroyed, rent shall be paid to date, and the lease shall end. Proviso.

destruction of such building or buildings by fire or otherwise, the rent shall be paid up to the time of such destruction, and then, and from thenceforth, the lease shall cease and come to an end; *provided always*, that this section shall not extend to or apply to cases where the parties have otherwise stipulated in their agreement of lease.

Approved March 5, 1874.

CHAPTER CLXV.

A further supplement to the act entitled "An act relative to commissioners for the taking of acknowledgments and proofs of deeds," approved April fifteenth, one thousand eight hundred and forty-six.

Commissioners of Deeds of New Jersey for the State of New York may reside in this State

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any commissioner for the State of New Jersey, in and for the State of New York, heretofore appointed, or who may hereafter be appointed, under and in pursuance of said act, and the several supplements thereto, to reside in the State of New Jersey, but nothing in this act shall be so construed as to empower such commissioner to exercise the duties of his office outside the state of New York; and the acts of any such commissioner who may have resided in the state of Jersey during his term of office, or any part thereof, or who may hereafter reside in New Jersey, shall be as valid and effectual in law, as if he had during such time resided in the State of New York.

Acts made valid.

2 *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLXVI.

A Supplement to an act entitled "An act for the better preservation of the Early Records of the State of New Jersey."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars be, and is hereby appropriated to procure copies of such documents, papers, records, and legislative proceedings relating to, or connected with the history of New Jersey, or of the provinces of East and West Jersey, not now in the possession of the state, which may be found in the record offices of England or elsewhere; the said sum to be expended, and the said copies obtained under the direction of the New Jersey Historical Society, to whose order the treasurer of the state shall pay the said three thousand dollars; the said copies when so obtained to be placed in the state library. Appropriation made for procuring copies of records relating to history of New Jersey. To be expended by Historical Society.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLXVIII.

A further supplement to an act relative to Insurance Companies; approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear to the satisfaction of the secretary of state, as the result of an examination, as provided for by the act to which this is a supplement, or supplements thereto, that any joint stock When joint stock companies of this State shall have a net sur-

Surplus of over $50,000 represented by scrip the Secretary of State shall certify such surplus and the company may increase its capital stock to that amount in exchange for said scrip.

insurance company, incorporated by the legislature of this state, shall have a net surplus, after providing for the capital stock, re-insurance and all claims for losses and other actual liabilities, of not less than fifty thousand dollars, which amount shall be represented by scrip issued by said company, the secretary of state shall issue a certificate of the amount of such net surplus, and such company upon a vote therefor of a majority of all the directors thereof, may increase the capital stock to the amount of such certificate, or any portion thereof, in exchange for said scrip, and may issue certificate of such stock, which shall contain the same provisions, and in shares of similar amount with that originally issued; in the case of mutual insurance companies of this state, if upon such examination the secretary of state shall find a net surplus, after providing for re-insurance and all claims for losses and other actual liabilities, equal to the amount of scrip issued, he shall issue a certificate of the amount of such net surplus, and such company, upon a vote therefor, of a majority of all the directors thereof, may create a capital stock for the whole or any portion of the amount of such scrip, in exchange for said scrip, and may issue certificates of such stock, which shall be divided into shares of such amount, and the holders thereof shall be entitled to such privileges, and subject to such liabilities as the board of directors thereof may determine not inconsistent with the charter of such company, or with the laws of this state.

Mutual companies may also increase capital stock equal to the amount of net surplus.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1874.

CHAPTER CLXIX.

An act for the relief of Gideon C. Angle.

Preamble.

WHEREAS, Gideon C. Angle, at the time a resident of Warren county, state of New Jersey, did, on the twelfth day of September, one thousand eight hundred and sixty-one, enlist in the military service of the United States, from

the state of New Jersey, for the term of three years; and whereas, after having so enlisted, he was placed in a Pennsylvania regiment, to wit, the "Eleventh Pennsylvania Cavalry"; and whereas, in consequenc of being thus attached to a Pennsylvania regiment, he was refused payment of the sum of six dollars per month for the relief of his family, to which he was entitled under the laws of New Jersey, by reason of his enlistment from this state, and he has never been paid the same for his services from the date of said enlistment until January first, one thousand eight hundred and sixty-four, when he re-enlisted as a veteran; therefore,

Treasurer to pay amount of "State pay" with interest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and directed to pay to the said Gideon C. Angle, now a resident of the county of Hunterdon, the sum of one hundred and sixty-five dollars, with interest thereon from the said date of re-enlistment, (January first, one thousand eight hundred and sixty-four), being the amount of pay due the said Angle from this state.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Passed March 10, 1874.

CHAPTER CLXXIX.

An act for the benefit of the Soldiers' Orphans of the State of New Jersey.

Soldiers' and Sailors' orphans to receive a certificate of the service of their fathers in the army or navy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That immediately upon the passage of this act, it shall be the duty of the adjutant general to furnish, over his official signature and the seal of his office, to each of the soldiers' or sailors' orphans now or heretofore residing in the Soldiers' Orphans' Home of this state, situated in the city of Trenton, a certificate on parchment setting forth the letter of the company, the number of the regiment, branch of service, corps, division and brigade in which the father of such orphaned child served, or

was serving at the time of his receiving the wounds or wound, or incurred the disability resulting in his death, the same to be signed by the lady president of the home.

Appropriation of $1,000 made

2. *And be it enacted*, That it shall be the duty of the treasurer of this state to pay, upon the order of the adjutant general approved by the comptroller, a sum not to exceed one thousand dollars for the purpose of carrying this act into effect.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1874.

CHAPTER CLXXXVI.

An Act to enable Churches to change their Corporate Names or Titles.

Churches may change their corporate name, by the resolution of their trustees; and on filing such resolution in the County Clerk's office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any church incorporated under and by the laws of this state, may change its corporate name or title and assume another name or title, by resolution passed at a meeting of its trustees; such resolution shall be certified under its corporate seal, and proved in the same manner as deeds for lands are required to be proved, and when filed in the office of the clerk of the county in which such church is situated, such corporation shall be thereafter known, and may bring and defend actions and suits at law or in equity by such new name; *provided*, that nothing herein contained shall be construed to relieve any such corporation from any of its legal contracts, obligations, debts, or other liabilities, or release any legal existing obligations, debts, or other liabilities, or rights due to, held by, or belonging to such corporation.

Proviso.

County Clerk shall file the resolution.

2. *And be it enacted*, That it shall be the duty of the clerk of the county within which such church is situated, to file the resolution changing the corporate name or title, in the same manner as certificates of incorporation are required to be filed, and to endorse on the original certificate of incorporation the change of the corporate name or title,

and for these services he shall be entitled to receive the sum of one dollar. Fees.

3. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 11, 1874.

CHAPTER CLXXXVII.

A Further Supplement to an act entitled "An Act concerning Roads," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when it shall appear to the court that the return of the surveyors of the highways is defective or erroneous, it shall not, on account thereof, vacate the road, or annul or set aside the proceedings to lay out, vacate or alter the road; but the court, on motion of the applicants for the road, or any of them, shall make an order specifying the particulars wherein said return is defective or erroneous, and requiring the surveyors who signed said return, and who are still living and residents of the county or counties in which the road is located, to meet, at a time and place to be designated in the order, to make an amended return; said applicants, or any of them, may serve, or cause to be served, a copy of said order on each of the surveyors who signed said return, and who are named in said order, either personally or by leaving it at his residence, at least six days prior to the time of their meeting; and the surveyors named in said order shall meet at the time and place therein designated; and they, or a majority of them, shall make, date and sign an amended return, correcting the errors and defects in their former return, to which, when filed, the clerk shall annex the map attached to their former return; but if said map shall be defective or erroneous, the said surveyors shall annex to their amended return a new map of the road, or authorize the practical surveyor to

Defect in the return of the surveyors of highways not to vacate road or annul proceedings.

The court shall require the return to be amended.

Proceedings for amending the return.

If the error is in a map, a new one shall be made.

The amended return to be filed and shall be of full effect.

annex it thereto, as now provided by law in such cases; and the annexed return shall be delivered to some of the applicants, and be transmitted to the clerk, and be recorded as prescribed by the aforesaid act in relation to the returns of the surveyors of the highways; and such amended return shall have the same force and effect as an original return.

If amended return erroneous, court may order further amendment

2. *And be it enacted*, That if it shall appear to the court that the amended return is defective or erroneous, and the court deem it necessary, it may order another amended return to be made in the manner aforesaid.

Powers and compensation of surveyors.

3. *And be it enacted*, That the surveyors, in their proceedings to make an amended return, shall have the same powers, and receive the same compensation, as is now provided by law in such proceedings; and if, at the time of making the order aforesaid, the terms of office of the surveyors, or any of them, who signed the former return, and who shall then reside in the county or counties aforesaid, have expired, such person or persons are hereby authorized and empowered to act in making the amended return in the same manner and with the same effect as if they were still in office.

Surveyors empowered to act, although their term of office shall have expired.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1874.

CHAPTER CLXXXVIII.

An act for the relief of soldiers and sailors of this state in the war of one thousand eight hundred and twelve.

Pension to soldiers and sailors of war of 1812, or their widows.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars per annum be paid all soldiers and sailors of this state who served in the war of one thousand eight hundred and twelve, and the widows of any such soldiers and sailors, in equal semi-annual payments during their life-time.

Evidence of service shall be

2. *And be it enacted*, That the evidence of service in each case shall be furnished to and filed in the office of the ad-

jutant general, and he shall examine the same and upon being satisfied that such service was really performed he shall so certify to the comptroller, and the comptroller shall audit such claims and the treasurer of the state shall pay the same; *provided*, that this act shall not apply to any persons who are now or may hereafter be in the receipt of pensions under any special law of this state or of any pensions from the United States government for similar services during the continuance of payment of such pension.

presented to adjutant and on his certificate the pension shall be paid.

Act not to apply to persons receiving pensions.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 12, 1874.

CHAPTER CCXLV.

An act to better facilitate the direction of travelers on the roads, turnpikes or highways in New Jersey.

WHEREAS, the roads, turnpikes and highways of this state frequently intersect and cross each other at places distant from any habitation, making it inconvenient and troublesome to travelers to designate routes, thereby frequently causing delay and loss of time in traveling from place to place through the state; therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each and every township in this state shall, in the manner hereinafter provided, erect and maintain guide posts on the several roads, turnpikes and highways within each township, at each and every place where such roads, turnpikes or highways intersect or cross each other.

Townships shall erect guide posts at road crossings.

2. *And be it enacted*, That it shall be the duty of the township committee, in each and every township aforesaid, to require the overseers of the highways, in the several highway districts in such township, to ascertain and to report to the said committee annually at the first regular meeting thereof, (after having been notified so to do) at what place or places guideposts are required, as aforesaid in section one of

The township committee shall require overseers of highways to report at what places are necessary.

this act, to be erected for the direction of travelers in each of the said districts; and for each neglect or refusal to so ascertain or make such report, said overseers shall severally forfeit and pay, into the treasury of the township whereof they are respectively such overseers, the sum of ten dollars as a penalty therefor.

Penalty for overseers neglecting to report.

3. *And be it enacted*, That it shall be the duty of each and every township committee in the several townships in this state, upon the receipt of such report of the overseers of the highways, as provided in section two of this act, and within three months thereafter, to erect or cause to be erected at each and every place designated in such report a substantial post or posts, of not less than eight feet in height above and firmly set in the ground, and near the upper end of which shall be securely fastened a board of suitable size and dimension, and upon such board shall be plainly and legibly painted the name of the next town or place thereto, and also such other town or place of note, as the township committee may think proper, to which said road, turnpike or highway leads, together with the distance or number of miles to the same; and also the figure of a hand with the forefinger thereof pointing towards the town or place to which said road, turnpike or highway leads.

The township committee shall cause the guide posts to be erected.

How they shall be constructed and what they shall state.

4. *And be it enacted*, That each and every township which neglects or refuses to erect and maintain such guideposts or some adequate substitute therefor, in the manner herein provided, shall forfeit and pay into the county treasury, annually, the sum of ten dollars for each and every guidepost which it so neglects or refuses to erect or maintain.

Penalty for neglect.

5. *And be it enacted*, That each and every person who shall maliciously or willfully disfigure, mutilate, break down or destroy any guidepost erected, or that shall hereafter be erected as aforesaid, in any of the townships in this state, shall pay a penalty of ten dollars for each and every such offence, to be recovered by an action of debt before any justice of the peace of the said county.

Penalty for injuring posts.

6. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1874.

CHAPTER CCXLVI.

A further supplement to an act entitled "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," approved April fifteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if, at any time hereafter, the election for directors of any incorporated company of this state shall not be duly held on the day designated by the act incorporating such company, or on the day designated by the by-laws of such company, it shall be the duty of the secretary of such corporation, on the written request of five stockholders, and in Mutual insurance companies on like request of five policy holders, to call a meeting of the stockholders or policy holders of such company, for the purpose of electing directors; said call to be made in the same manner as required by the charter or by-laws of such company for the regular election of directors thereof. If election of directors not held on the day required by the charter or by-laws, the Secretary on request of stockholders may call a meeting for the election of directors.

2. *And be it enacted*, That nothing in this act shall apply to any incorporated literary or religious society. Act not to apply to literary or religious societies.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1874.

CHAPTER CCXLVII.

A supplement to an act entitled "An act relative to the sale of unclaimed freight, transported upon railroad, canal and express lines in this state," approved February twenty-fourth, eighteen hundred and seventy-three.

Unclaimed freight may be collected from several depots and sold at one place.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for railroad, canal and express companies in this state to collect from the various stations or places upon the line of their roads or works, at some suitable place, all the unclaimed goods, wares or merchandise consigned to said various stations or places, for the purpose of selling the same, as provided for in the act to which this is a supplement; *provided nevertheless*, that the notice required by the act to which this is a supplement, of the time and place of the sale of the said goods, wares and merchandise, shall be given in the manner required by said act.

The same notice as heretofore required shall be given.

Order for sale, by whom made.

2. *And be it enacted*, That the order for such sale required by the act to which this is a supplement, may be made by any justice of the supreme court of this state, supreme court commissioner, or any judge of the court of common pleas residing in the county where such goods, wares or merchandise shall be collected, as heretofore provided.

3. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with this act, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 17, 1874.

CHAPTER CCXLVIII.

A further supplement to an act entitled "An act for the Punishment of Crimes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any consignee, factor, bailee, agent or servant, entrusted with the care or sale of any personal property, shall fraudulently take and convert the same, or the proceeds of the sale of the same, or any part thereof, to his own use or to the use of any other person or persons whatsoever, except the rightful owner thereof, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding two years, or both, at the discretion of the court before whom such conviction shall be had. The fraudulent conversion of the proceeds of the sale of personal property a misdemeanor. Penalty.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1874.

CHAPTER CCXLIX.

A further supplement to an act entitled "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers of the State Lunatic Asylum be and they are hereby authorized to purchase, for the use of the asylum, and in the name of the state, to take title for the tract of land, water power, and premises known as the "English Mill property," situate in the township of Managers of State Lunatic Asylum authorized to purchase land.

Ewing, in the county of Mercer, adjoining other lands of the state of New Jersey, and extending from the Trenton and Ewing turnpike to the raceway of the Trenton Water Power Company, at a cost not exceeding twenty thousand dollars.

Appropriation be paid by State Treasurer.

2. *And be it enacted*, That the sum of twenty thousand dollars be and the same is hereby appropriated to pay for said premises; said money to be paid by the state treasurer out of any fund not otherwise appropriated, on the warrant of the comptroller under the requisition of the president of the board of managers; *provided*, that not more than five thousand dollars thereof be required or paid during the current year, and that the residue of the purchase money remain secured by the mortgages now on said premises.

Not more than $5,000 to be paid during current year.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1874.

CHAPTER CCL.

An act relating to the transportation of explosive and dangerous material.

No person shall deliver any explosive material for transportation, without information as to the nature of the article; nor without plainly marking the package.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall deliver, or cause to be delivered, to any canal, railroad, steamboat, or other transportation company, or to any persons, firm, or corporation engaged in the business of transportation, any nitro glycerine, dualin, dynamite, gunpowder, mining or blasting powder, gun-cotton, phosphorous, friction matches, or other explosive or dangerous material of any nature whatsoever, under any false or deceptive invoice or description, or without previously informing such person, firm or corporation, in writing, of the true nature of such article, and without having the box, keg, barrel, can or package containing the same plainly marked with the name of the explosive or dangerous material therein contained, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to imprisonment for thirty days, and to

Failure to comply a misdemeanor.

pay a fine of one hundred dollars, and shall be responsible for all damages to persons or property directly or indirectly resulting from the explosion of any such article.

Transportation companies may require shippers to open suspected packages.

2. *And be it enacted*, That it shall and may be lawful for any officer or agent of any person, firm, or corporation, engaged in the business of transportation to require any package tendered for transportation, believed to contain explosive material, to be opened by the person delivering the same, and to refuse to receive any such package unless such requirements be complied with; and if such package be opened and found to contain such explosive or dangerous material, the said package and its contents shall be forthwith removed to any lawful place for the storing of gunpowder, and after conviction of the offender, or after three months from such removal, the said package, with its contents, shall be sold at public sale, after the expiration of ten days from notice of the time and place of such sale, published in one newspaper in the county where such seizure shall have been made; and the proceeds of such sale, after deducting therefrom the expenses of removal, storage, advertisement, and sale, shall be paid into the treasury of the said county; *provided however*, that nothing in this act contained shall be construed to require common carriers to transport any such explosive or dangerous articles against their consent, nor to transport them otherwise than at such times, and under such regulations for safety to persons and property, as they may from time to time prescribe in relation thereto.

If explosive material is found it shall be removed to a safe place, and sold.

Notice of sale to be published.

Common carriers not to transport explosive material against their consent.

Approved March 17, 1874.

CHAPTER CCLI.

A further supplement to an act to provide for the support of the government of this state, and to fix the salaries of public officers, approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the criers of all the courts in the

Criers of courts to receive $3 per diem.

several counties of this state shall receive three dollars per diem for every day's attendance at court.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same is hereby repealed, and this act shall take effect immediately.

Approved March 17, 1874.

CHAPTER CCLII.

An act relating to freights and fares on railroads in this state.

Act of March 14th, 1856, to apply to all railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the privileges and provisions of an act entitled "An act relative to freights and fares on certain railroads in this state," approved March fourteenth, eighteen hundred and fifty six, be and the same are hereby extended to, and may be exercised by all railroad companies now incorporated, or hereafter to be incorporated in this state.

2. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken to be a public law.

Approved March 18, 1874.

CHAPTER CCLIII.

A supplement to an act entitled "An act to provide for the revision and consolidation of the Public Statutes of this State," approved April fourth, one thousand eight hundred and seventy-one.

Revised statutes to be prepared by and

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That when the revised statutes of this state shall be prepared for the press by the commissioners

named in the act to which this is a supplement, with marginal references and notes as provided by the fourth section of said act, the copy thereof shall be delivered to Murphy and Bechtel of the city of Trenton, who shall be authorized to print and bind, under the direction and supervision of the said commissioners, such number of copies of said revised statutes, and in such form and style as the said commissioners shall direct; and the compensation for such work shall be at the rate of compensation for work of a similar class done for the state, as now provided by law. printed under supervision of commissioners. Price for printing.

2. *And be it enacted*, That the treasurer of this state is hereby directed to pay upon the warrant of the comptroller the bills for such printing and binding when duly certified by the commissioners or a majority of them. Treasurer to pay bills for printing and bind.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1874.

CHAPTER CCLXXIX.

A supplement to the act entitled "An act to provide for the drainage of lands," approved March eighth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the assessment made by the commissioners appointed to carry out and execute the drainage of any tract of land by virtue of the act to which this act is a supplement, shall have been approved and confirmed by the supreme court, the said commissioners may either collect the whole amount of the same immediately, according to the provisions of said act, or at their discretion, from time to time, and at different times collect such proportionate parts of the same as may then be required for the current expenses of said drainage, and the interest on any money raised by said commissioners by the issue of bonds in pursuance of said act, and for a sinking fund for the redemption of such bonds. Assessments for drainage may be collected at one or several times at the option of the commissioners.

If drainage is suspended before completion, the expenses shall be collected proportionably from lands benefited.

2. *And be it enacted*, That if the said commissioners, after having commenced the drainage of such tract, and proceeded therewith, shall before the drainage of the same shall be completed, be compelled to suspend the completion thereof, from any inability at that time to raise the money required therefor, they shall proceed to ascertain the tracts of land benefitted or intended to be benefitted by said drainage, and the relative proportions in which the said respective tracts have been or will be benefitted thereby, and also the expenses already incurred in said drainage, and as near as may be the additional expenses required for the completion thereof, which expenses they shall assess on the respective tracts of land in the proportions aforesaid, and make report of said assessment and their proceedings in the premises to the supreme court, who shall hear and determine any objection thereto in the manner prescribed in the act to which this act is a supplement, and after said assessment shall have been approved and confirmed by said court the said commissioners shall collect the same in the manner prescribed by said act, either at one time or at different times, in such installments as may be required for the payment of said expenses and apply the moneys so collected to the payment thereof.

Proceedings to be reported to and approved by the supreme court.

Lands conveyed for the purpose of drainage shall be in trust.

3. *And be it enacted*, That any lands conveyed for the purpose of effecting said drainage, shall be conveyed to the said commissioners in trust, for the use and benefit of all the owners of said lands proposed to be drained, but said owners shall have no power to encumber their respective interests in the same.

Appeals from the award for damages shall be made to the supreme court, who shall order a trial in the circuit court of any county.

4. *And be it enacted*, That the appeal given by the fourth section of the act to which this act is a supplement, to the owner or occupier of any lands who shall be injured or sustain damage in his legal rights by said damage from the award of the assessment of said damages by the said commissioners shall be made to the supreme court instead of the circuit court of the county in which the lands lie as provided by said act, and the supreme court shall order said appeal to be heard before the circuit court of such county as the supreme court shall deem proper, and such court shall cause a jury to be empanelled to try said appeal, and shall try the same in the same manner as is directed in said fourth section of said act.

5. *And be it enacted*. That this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCLXXX.

A further supplement to the act entitled "An act empowering Railroad Companies to employ a police force," approved March twenty-second, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement are hereby so extended as to apply in all things to all the railroad corporations of this state, on which transportation is carried on either by horse or other motive power. Act extended to all railroad companies.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCLXXXI.

An act to authorize any city of this state to enter into contracts with railroad companies whose roads enter their corporate limits, whereby said companies may re-locate, change or elevate their railroads, and when necessary for that purpose, to vacate, change the grade of or alter the lines of any streets or highways therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proper municipal authorities, respectively of any city of this state, be and they are hereby authorized and empowered to enter into such contracts with any of the railroad companies whose roads enter their cities respectively, to secure greater safety to persons and property therein, whereby the said railroad companies may re-locate, The authorities of cities may make contracts with railroad companies for changes in the location or grade of their tracks

change or elevate their railroads within said cities, or either of them, as in the judgment of such municipal authorities respectively, may be best adapted to secure the safety of lives and property, and promote the interests of said cities respectively, and for that purpose shall have power to vacate, alter the lines and change the grades of any streets or highways therein, and to do all such acts as may be necessary and proper to effectually carry out such contracts; and any such contracts, made by any railroad company or companies, as aforesaid, with said cities, or either of them, are hereby fully ratified and confirmed.

May alter and vacate streets.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCLXXXII.

A supplement to the act entitled "An act to provide a digest of the law and equity reports of the state of New Jersey," approved April ninth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, as follows:

Digest of law and equity reports to be in two volumes.

That in case the digest provided for by the act to which this is a supplement shall, owing to the large accumulation of decisions since the passage thereof, be published in two volumes of not less than eight hundred pages each, with the approval of the justices of the supreme court, the price to be paid per volume for such digest by the treasurer, under said act and the joint resolution, March seventeenth, eighteen hundred and seventy, in relation to such digest, shall be seven dollars and one-half, and no more; *provided*, that such digest shall be delivered to the treasurer, well bound and in good condition, on or before the first Tuesday of November next.

Price.

When to be delivered.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCLXXXIII.

An act relating to Public Health.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James R. Mercein, Samuel Lilly, George H. Cook, William Elmer, Jr., Edward W. Hunt, Lewis Oakley and Richard M. Cooper, be and are hereby appointed a sanitary commission for the purposes herein specified, viz: to examine into the present sanitary needs of this state; into any deficiencies in existing laws, as to the secure- ment of vital statistics, the abatement of nuisances or whatever concerns the prevention or mitigation of disease, and also to report such form of general state law as to health, as may seem to them desirable. Commission to enquire into sanitary condition of the State and laws necessary for prevention of disease.

2. *And be it enacted*, That the commission be instructed through a secretary appointed from one of their number, to inquire into the present construction of health boards and as to local health laws so as to know what general legislation may be needed; this commission shall report to the governor on or before the first of December next ensuing; the expenses of said eommission shall not exceed one hundred dollars. To report to Governor. Expenses to be paid.

Approved March 19, 1874.

CHAPTER CCLXXXIV.

A further supplement to an act entitled "An act concerning Idiots and Lunatics.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the lands or real estate of any idiot or lunatic shall be, or hath heretofore been sold, pursuant to the provisions of the act entitled, "a supple- Chancellor may order the Property in this State of non-resi-

dent idiot to be delivered to a non-resident guardian giving sufficient bonds.

ment to an act entitled, 'An act concerning idiots and lunatics,"' which supplement was approved the twenty-sixth day of February, one thousand eight hundred and fifty-two; or whenever any idiot or lunatic may be entitled to property of any description in this state, and such idiot or lunatic shall be a non-resident, and shall have a guardian or committee in the state or place of his or her residence, and such non-resident guardian shall produce an exemplification from under the seal of the office, (if there be a seal), of the court in the state or place of his residence, containing all the entries on record in relation to his appointment and giving bond, and authenticated as required by the act of congress in such cases; the chancellor, or the ordinary, or orphans' court of the proper county in this state, may cause suitable orders to be made, authorizing the delivery and passing over the proceeds of any such sale, or any property in this state to which such idiot or lunatic may be entitled, to such non-resident guardian or committee, and discharging any resident guardian, executor, administrator, or trustee, and requiring receipts to be passed and recorded, if deemed advisable; *provided*, that thirty days' notice shall be given to the resident guardian, executor, administrator, or trustee, of the intended application for the order of removal, unless it shall appear to the court that such notice has been waived, and the court may reject the application and refuse such order, whenever it is satisfied that it is for the interest of such idiot or lunatic, that such removal shall not take place.

Notice to be given to resident guardian.

Chancellor may refuse o order transfer.

Additional security may be required by the chancellor.

2. *And be it enacted*, That the chancellor, in case of not being satisfied with the proof of security given by any such non-resident guardian or committee, in respect of the property of any such non-resident idiot or lunatic ward, may require additional security to be given in this state, and make such order in respect thereof, as may to him seem meet and right.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCLXXXV.

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, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every fire, life, accident, marine or other insurance company incorporated or doing business, or which may be hereafter authorized to do business under the laws of this state shall, during the month of April next, and annually thereafter during the month of January, file in the department of state of this state a statement exhibiting its condition on the thirty-first day of December next preceding, as now required of insurance companies of other states and nations doing business in this state; and for this purpose it shall be the duty of the secretary of state to furnish blank forms for statements, the same as now in use, which forms may by him be from time to time changed, as may be requisite to secure full information as to the standing and condition of such insurance companies; *provided*, that the statements required of purely mutual companies taking notes in whole or in part for premiums, which notes are liable to assessments, shall be in such form as the secretary of state may prescribe, adapted to the use of such companies; any insurance company failing to make and file such statement for the space of thirty days from the time above fixed for such filing, or to reply in writing to any inquiry made by the secretary of state touching the same, within twenty days, shall be subject to a penalty of five hundred dollars, and a like penalty for every month that such company shall continue thereafter to transact any business of insurance without filin such statement, to be sued for and recovered in the nam and for the benefit of the state by the attorney general, on notice from the secretary of state.

Companies incorporated or doing business in this state shall file statement of its condition.

Secretary of state to furnish blanks for reports.

Mutual companies to report in form as required by secretary of state.

Penalty of $500 each month for failure to report.

To be sued for by attorney general

New Jersey State Library

Secretary of state to examine into condition of fire insurance companies.

2. *And be it enacted*, That it shall be the duty of the secretary of state, whenever he shall deem it expedient, or at the request of such company, or like request in writing by three or more policy holders therein, or creditors thereof, himself, or by such person or persons as he may designate, to examine into the affairs of any fire insurance company organized under the laws of, or by its agents doing business in this state; *provided*, that not more than one examination shall be made at the request of policy-holders or creditors in any one year; and it shall be the duty of the officers or agents of any such company doing business in this state to exhibit all its books, records and accounts for the purpose of such examination, and otherwise to facilitate the same so far as it may be in their power to do, and for that purpose the secretary of state or his representatives shall have power to examine, under oath, the officers and agents of any company relative to the business and affairs of such company; and whenever the secretary of state shall deem if necessary to the public good he shall publish the result of such examination in two newspapers published in the city of Trenton, and two published in the county where the company is located; and whenever it shall appear as the result of such examination that the assets of any fire insurance company organized under the laws of this state, after charging it with an amount requisite for the re-insurance of all its outstanding risks and with its other proper liabilities, excepting capital stock paid in, amount to less than three-fourths of such capital, if it be a joint stock capital company, or in the case of mutual companies, if the assets, less unsettled claims and other actual liabilities, amount to less than three-fourths of the sum requisite for reinsurance, then he shall call upon said company to make up such deficiency within such reasonable time as he shall fix, and on failure to comply with such requisition he shall communicate the fact to the attorney general, whose duty it shall then become to apply forthwith to the chancellor for an order to show cause why an injunction should not issue restraining them from doing further business, and the chancellor shall thereupon proceed to hear the allegations and proofs of the respective parties; and in case it shall appear to his satisfaction that the assets and funds of said company are not sufficient as aforesaid, or that the interests of the people so require, the chancellor shall decree a dissolution of said company and a

Not more than one examination at request of policy holders or creditors in same year.

Officers of companies to exhibit books, &c., and aid in examination.

Oaths may be administered.

Result of examination to be published.

When exhibit of New Jersey companies not satisfactory they shall be required to make up deficiency.

On failure to comply attorney general shall apply to chancellor to restrain company from doing further business.

Chancellor may dissolve company if examination unsatisfactory.

distribution of its effects; the chancellor shall have power to refer the application of the attorney general to a master, to inquire into and report upon the facts alleged. Chancellor may refer matters to a master.

3. *And be it enacted*, That whenever it shall appear to the secretary of state as the result of examination as provided in this act, that the affairs of any company not incorporated by this state, and doing business herein, are in an unsound condition, estimated in the same manner prescribed in the preceding sections, he shall revoke the certificates granted to such company and its agents, and shall cause a notification thereof to be published at least six times in two newspapers published in the cities of Trenton and Newark respectively, and all agents of such company, after the first publication of such notice, shall be required to discontinue the issuing of new policies or the renewing of any previously issued, and any agent who shall make, issue or deliver any policy, or the renewal of any policy of insurance, or collect or receive any premium of insurance, or in any way transact any business of insurance on behalf of any such company, shall be liable to the same penalties, to be recovered in like manner as prescribed in the act to which this is a supplement. If exhibit of foreign companies not satisfactory, certificates shall be revoked. Revocation shall be published; after which no business shall be transacted, under penalty.

4. *And be it enacted*, That the provisions of the foregoing sections, so far as may be, shall be held to apply to life insurance companies of this state, or of other states and governments doing business in this state, and such companies shall be subject to the same examinations, liabilities and requirements as by such sections imposed upon fire insurance companies, and the same duties are imposed upon the secretary of state, the attorney general and the chancellor; *provided*, that injunction shall issue only when it shall appear by examination that the assets of any life insurance company as aforesaid, are not sufficient to re-insure its outstanding risks and discharge its total actual liabilities; the actual expenses of all examinations made under authority of this act shall be paid by the companies examined. This act to apply to life insurance companies. Company shall not be dissolved if assets will re-insure risk and pay liabilities. Expenses to be paid by companies.

5. *And be it enacted*, That the secretary of state shall be, by virtue of his office, commissioner of insurance, and it shall be his duty to make annual report to the legislature, containing a summary of the statement of every insurance company filed in his office as required by law, together with such facts and information touching the same as may be in his possession, which report shall be published as are other Secretary of state shall be commissioner of insurance and shall report to the legislature.

Expenses shall not exceed ten per cent. of receipts.

legislative documents; and for the purpose of carrying out the provisions of this act, the said secretary shall be authorized to expend from the sum annually received from taxes on insurance companies of other states an amount not exceeding ten per centum thereof; the penalty for violation of this act, except where otherwise provided, shall be the same, to be collected in the same manner, as provided in the act to which this is a supplement.

Penalty for violation of act.

Penalty for effecting insurance in companies which have not complied with the law.

6. *And be it enacted*, That any person or firm who shall in any manner act for or on behalf of another in the placing or procuring of any insurance in any company of another state or nation that has not complied with the laws of this state, shall be liable to the same penalties to be recovered in like manner as prescribed in section nine of the act to which this is a supplement; certificates of authority may be issued to persons to place or cause to be procured insurance in companies which have complied with the laws of this state, although such person may not be the commissioned agent of such company, and that the amount to be paid for filing the statements required by this act, and the act to which this is supplementary, and for certificates to agents of foreign companies shall be and remain as fixed by the act to which this is supplementary, and the act entitled "An act to regulate the business of fire insurance by companies or associations not incorporated by this state," approved March nineteenth, one thousand eight hundred and sixty.

Certificates of authority may be issued to other than agents for insurance in companies which have complied with the law.

Fees for filing statements and issuing certificates same as by the laws of 1860 and 1867.

No company of this state shall issue policies without certificate and authority from secretary of state.

7. *And be it enacted*, That no insurance company hereafter organized in this state shall issue policies until upon examination by the secretary of state it shall have been found to have complied with the laws thereof; nor until the said secretary shall have issued his certificate setting forth such fact and authorizing the company to commence business, and that no insurance company organized under the laws of this state, or transacting business in this state, shall expose itself to loss on any one risk or hazard by fire, to an amount exceeding ten per centum of its paid up capital, or, in the case of mutual companies, of their net assets; *provided*, that no joint stock capital insurance company shall hereafter be organized in this state, or do any business of insurance, until it shall have a fully paid up capital of at least one hundred thousand dollars, and that no such com-

No single fire risk shall exceed 10 per cent. of a company's paid up capital, or the net assets of mutual companies.

No stock company

pany shall make any loan or investment on the security of its own capital stock. shall do business until it has a paid up capital of $100,000, and shall make no loan on security of its capital stock.

8. *And be it enacted*, That the deposits of securities now required, or which may hereafter be required to be made by any insurance company of this state in the state treasury shall be approved by the secretary of state, and he shall have authority to examine the same at all times, and may order the same or any part thereof changed at his pleasure, and no change or transfer of the same shall be made without his assent. Deposits of security shall be subject to approval and control of secretary of state.

9. *And be it enacted*, That this act and the act to which it is supplementary shall be held and construed to extend to and include any and every company transacting the business of insurance of whatever kind in this state, and that all acts or parts of acts inconsistent or conflicting with this act, be and the same are hereby repealed, and that this act shall take effect immediately. Act to apply to all companies doing business of insurance of any kind.

Approved March 19, 1874.

CHAPTER CCCI.

An Act to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey for the session of one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the officers of the two Houses of the Legislature of New Jersey, for the session of one thousand eight hundred and seventy-four, whether elected or appointed, shall receive the same amount of compensation or pay as was granted to or received by those of a similar grade for services rendered during the session of the Legislature for the year one thousand eight hundred and seventy-three. Pay of officers of Legislature to be the same as previous year.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCCII.

An act for the support of the State Reform School for Boys.

Appropriation for support schools.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty thousand dollars is hereby appropriated for the maintenance and support of the Reform School for boys.

Appropriation for completion and furnishing of building.

2. *And be it enacted*, That for the completion and furnishing of the buildings now in process of completion, and for the necessary improvement of the farm buildings, the further sum of five thousand dollars is hereby appropriated.

Treasurer directed to pay the sums appropriated.

3. *And be it enacted*, That the treasurer of the state is hereby directed to pay to the trustees of the school, the aforesaid sums on the warrant of the comptroller.

Approved March 19, 1874.

CHAPTER CCCIII.

An act concerning fees.

Committees of either House of the Legislature, to have power to summon witnesses and employ secretaries and counsel.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any joint committee of the legislature, any standing committee of either house, or any special committee which shall have been, by resolution, directed to enter upon any investigation or inquiry, the pursuit of which shall necessitate sending for persons and papers and the examination of witnesses, shall have power to summon before them such persons as they may deem necessary and proper to testify in the matter under investigation, and shall also be authorized to employ such legal and clerical assistance as they may deem necessary, and the persons so testifying shall be entitled to receive the like witness fees and mileage as are now allowed to persons summoned to testify

Witness fees.

in the courts of this state; and the treasurer of this state is hereby authorized and directed, to pay upon the warrant of the comptroller, such fees and compensations for the above-named purposes as shall be certified to have been correct and necessary by the chairman of the committee under whose authority and by whose order such expenses shall have been incurred, and approved by the governor. Chairman of committees to certify bills, and State Treasurer shall pay them.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCCVIII.

An act to promote the agricultural interests of the State of New Jersey.

WHEREAS, The agricultural and horticultural interests of this state need and deserve more public recognition and support, and hence are entitled to such material aid as will tend to stimulate and encourage the same; *and whereas*, in consideration of the importance of such aid it is expedient to legislate by judicious care to foster this branch of our domestic economy by a system of proffered rewards that will incite a true spirit of generous and profitable rivalry among the tillers and producers of the soil; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the State Board of Agriculture shall annually appoint from its board three persons, and the directors of the New Jersey State Agricultural Society shall also in like manner appoint three persons from its board, who, together with the governor of this state, shall constitute a committee to be designated and known as the "State Premium Committee." Appointment of State Premium Committee of State Agricultural Society.

2. *And be it enacted*, That it shall be the duty of the said state premium committee, upon its appointment annually, to meet and organize, and thereupon proceed to make up and arrange a list of premiums, which shall, in the discre- Committee to make up list of premiums.

tion of the said committee, be most conducive to the development of the best agricultural and horticultural interests of the state; such premiums to be awarded to exhibitors at the next ensuing annual fair of the New Jersey State Agricultural Society, and designated special state premiums.

Committee to appoint judges to award premiums.

3. *And be it enacted*, That the said committee shall appoint competent judges from different parts of the state, whose duty it shall be to carefully examine the articles or products exhibited under the provisions of this act, and to adjudge and award the premiums specified in the aforesaid list upon the merits thereof, according to the classes or departments in said list prescribed; and in such action to be guided by the general rules and regulations of the said New Jersey State Agricultural Society; and upon the conclusion of such award, said judges shall make and submit a full and complete written report of all of their said doings to said state premium committee.

Three thousand dollars appropriated for payment of premiums.

4. *And be it enacted*, That it shall be the duty of the said committee upon the receipt of the report of the said judges as aforesaid, to make up and submit the amonnt of the awards so reported to the comptroller of the state, who shall thereupon draw his warrant therefor upon the state treasurer, and said state treasurer shall pay the same out of any moneys in the treasury not otherwise appropriated to the said committee, upon such warrant; *provided*, that the said amount shall not in any one year exceed the sum of three thousand dollars.

Expenses of carrying act into effect to be the Society.

5. *And be it enacted*, That all costs of advertising, and all expenses incurred in carrying into effect the provisions of this act, shall be paid by the New Jersey State Agricultural Society, excepting only the amounts of the award for premium herein provided.

Appropriation not to exceed $3,000.

6. *And be it enacted*, That the appropriation for the purpose of carrying out the provisions of this act, shall not exceed the aforesaid sum as designated in section four herein; and this act shall take effect immediately.

Approved March 20, 1874.

CHAPTER CCCXII.

An act to relieve owners and officers of vessels owned in New Jersey from detention at Quarantine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any vessel or vessels, owned and officered by citizens of New Jersey, sailing from the port of Baltimore, Maryland, or any port or ports in the Chesapeake bay and bound to any port in New Jersey to sail direct to their port of destination without any let or hindrance from any quarantine authorities claiming control of New York waters. New Jersey vessels, sailing from ports on Chesapeake Bay not to be quarantined by New York authorities

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXIII.

An act concerning the records of Notaries Public of other States and Territories.

1. BE it ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the register or other book of any notary public appointed and qualified under the laws of any state or territory of the United States containing a record of the official acts of such notary public by him done in pursuance of his office shall have been, or shall hereafter be, in pursuance of the law of such state or territory, by reason of the death, removal or other disability of such notary public, deposited in the office of the clerk, prothonotary or recorder of deeds of the city or county in which the said notary public resided at the time of his acting as A duly proven copy of the official record of notaries public of other state, respecting the protesting of a note or bill of exchange shall be received as evidence in the courts

of this State.

such notary public, a copy of such record or of any part thereof respecting the protesting of any note or bill of exchange protested by such notary public, and the time when, place where and upon whom demand of acceptance or payment was made, with a copy of the notice of non-acceptance or non-payment (if a copy of such notice shall appear on said record), how the notice of non-acceptance or non-payment was served, and time when, or if sent, in what manner, and the time when, and to whom, duly certified under the hand and seal of such clerk, prothonotary or recorder of deeds, or otherwise proved to be truly taken from said record, shall be held and received in all the courts of this state as conclusive evidence of the facts therein recited, and also of the official character of said notary public; and whenever it shall appear from such record that the said note or bill of exchange had been protested for want of acceptance or payment thereof, and that the said notary public making such protest had duly notified the drawer or endorsers, by mail, of the demand of payment or acceptance and refusal thereof, without specifying the names or the post office address of such drawer or endorsers, the copy of such record certified or proved as aforesaid, shall be held and received in all the courts of this state as conclusive evidence that the drawer and endorsers of such note or bill of exchange were duly notified of such demand and refusal; *provided*, that the party offering the same shall have annexed a copy of such record to his declaration or other pleading, or shall at least twenty days before the trial of any cause where such record is to be offered in evidence serve upon the opposite party or his attorney a notice that he intends to offer in evidence upon said trial such record or a copy thereof, setting forth the cause; *and provided further*, that any party may contradict by other evidence any of the matters appearing upon the said record in all cases where such party shall give notice of his intention so to do within five days after a service of the notice mentioned in the first proviso of this section.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXIV.

A supplement to the act entitled "An act to authorize the establishment, and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act, to which this is a supplement, shall be extended to such persons as may associate themselves into a company for the purpose of manufacturing butter and cheese and the business incident thereto. Act to include persons associating for the manufacture of butter and cheese.

2. *And be it enacted*, That any company for the purpose of manufacturing butter and cheese, organized by virtue of this act may commence business with a paid up capital stock of one thousand dollars. Capital stock.

3. *And be it enacted*, That all companies that may be established under this act shall possess all the general powers given by the act to which this is a supplement.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXV.

An act to regulate the manufacture in this state of nitro-glycerine and its compounds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person or persons or company shall be permitted within this state to erect, have or maintain, or cause to be erected, had or maintained, any estab- Nitro-glycerine shall not be manufactured or stored

within a quarter of a mile of any city, town village or house of public worship.

Nor within like distance of an inhabited house without consent of occupant.

Penalty for violation of act.

lishment, building or manufactory, which shall be actually employed in manufacturing or storing nitro-glycerine, or any powder or material of which nitro-glycerine is an essential ingredient or forms a component part, within the distance of a quarter of a mile from any town, city, village or house of public worship; or within the distance of a quarter of a mile from any inhabited house, without the consent in writing of the occupant or occupants of such inhabited house as aforesaid; and every person or company offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding two thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXVI.

A supplement to an act entitled "An act to provide for the organization of the New Jersey Home for Disabled Soldiers," approved April fourth, eighteen hundred and sixty-six.

Appropriation to Home for Disabled Soldiers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation for the support of the home for disabled soldiers, now authorized by law, the further sum of twenty-five thousand dollars is hereby appropriated for the object contemplated in the act to which this is a supplement.

How to be expended.

2. *And be it enacted*, That the above sum shall be expended under the direction of the managers of said home, and the state treasurer is hereby authorized to pay the same for the purpose aforesaid, to the treasurer of said home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXVII.

An act for the Protection of Fisheries in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall not be lawful for any person or persons, with net, seine, trap, fike, gilling net, set net, pot or gun, to take or catch fish in any of the lakes or ponds of this state which may have been stocked by the fish commissioner of this state with fresh water fish; and any person or persons who shall take or catch any fish in any of such lakes or ponds of this state, in manner aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof, before any court having jurisdiction of such offence, shall be imprisoned in the county jail for a term not less than three months, or by fine not less than twenty-five dollars, nor exceeding one hundred dollars, or by both, such fine and imprisonment, at the discretion of the court before which such conviction shall be had; *provided always*, that such penalty shall not apply to the taking or catching of small minnows for bait, with a seine not over fifteen feet long, or to legitimate fishing with a hook, line and rod, *provided, further*, no person shall use less than a four and-half inch mesh in fishing for shad.

No fishing with net, seine, trap, fike, gilling net, set net, pot or gun in any waters stocked by the commissioners.

Penalty.

Proviso.

Proviso.

2. *And be it enacted*, That it shall not be lawful for any person or persons to take or catch, with hook and line, or with hook, line and rod, any fish whatsoever, from any of the lakes or ponds of this state which have been or which may hereafter be stocked by the fish commissioners of this state, for three years from the time the stock fish or spawn is introduced in such lakes or ponds, and any person or persons who shall violate the provisions of this section, shall, upon conviction, be punished as provided in the preceding section.

3. *And be it enacted*, That any lake or pond of this state, which, before the passage of this act may have been stocked with fresh water fish, or which may hereafter be stocked with fresh water fish by any individual or individuals, as a

Act to apply to waters stocked by individuals.

private enterprise, shall come within the provisions of this act, and no fish shall be taken from any such lake or pond for three years from the time such lake or pond shall have been stocked, under the penalty as in the first section of this act provided.

When brook trout not to be caught.

4. *And be it enacted*, That hereafter it shall not be lawful for any person or persons to take or catch any brook trout in any of the streams of this state, before the first day of April or after the fifteenth day of August of each year.

When black bass and perch not to be caught

5. *And be it enacted*, That it shall not be lawful for any person or persons to take or catch from any of the lakes or ponds of this state, any black bass or perch, between the first day of March and the first day of June in each year, and whoever shall be convicted of violating the provisions of this section, or of the preceding section, shall be punished as in the first section of this act provided.

Unlawful to take fish from waters stocked by individuals.

6. *And be it enacted*, That hereafter it shall not be lawful for any person or persons, in any manner to catch, take or carry away any trout or other fish from any stream, pond or reservoir, belonging to any person, persons or corporation, except the owner thereof, which stream, pond or reservoir may have been stocked with fish by hatching the eggs or spawn or otherwise and any person so offending shall, upon conviction, be punished as in the first section of this act provided, and in addition thereto the person or persons so offending, shall be liable to the owner or owners of such stream, pond or reservoir for the full value of all fish so taken or carried away, to be recovered in an action of debt before any court having jurisdiction thereof.

Penalty.

No deleterious substances to be placed in streams for the purpose of catching fish.

7. *And be it enacted*, That it shall not be lawful for any person or persons to place in any of the ponds, lakes, rivers or streams of this state, or in any of the waters belonging to this state, any lime, gas-tar, coculus indicus, (otherwise known as fish berries,) or any other deleterious substance, or take or catch fish with any deleterious substance or medicated bait, nor shall any person or persons make use of giant or electric powder, or any explosive substance whatever for the purpose of taking fish; and any person or persons offending against the provisions of this section of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a period not less than six months or more than two years, or by a fine not less than two hundred dollars nor more than five hundred dollars, or

Penalty.

by both such fine and imprisonment, at the discretion of the court before which such conviction shall be had.

To whom penalty shall be paid.

8. *And be it enacted*, That of all penalties recovered under this act, one half shall go to the informer, and the other half shall be paid to the clerk of the county in which the conviction shall be had, to be paid by him upon demand to the commissioner of fisheries in charge of the district in which such county may be located, which commissioner shall account for the same to the comptroller of the state.

Fish may be caught with hook in certain waters.

9. *And be it enacted*, That it shall be lawful at any and at all times, for any person or persons to legitimately take or catch with hook and line, or with hook line and rod, any pike, or pickerel, or bass, in or from the bodies of water known as lake Hopatcong and Stanhope reservoir, situated in the counties of Sussex and Morris in this state, and the bodies of water, known as Cranberry reservoir, Swartswood pond, Decker's pond and Culver's lake, situated in the county of Sussex in this state, and none of the penalties contained in this act shall apply to such legitimate fishing, as is provided for in this section.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874

CHAPTER CCCLV.

A supplement to the act entitled "An act to make free the Public Schools of the State," and supplemental to the act entitled An act to establish a system of Public Instruction, approved March twenty-first, one thousand eight hundred and sixty-seven.

School money to be apportioned among districts in rates of number of scholars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all apportionments of school moneys to districts shall be made upon the basis of the last published school census, in proportion to the number of scholars in each district.

Additional money to be raised by district tax.

2. *And be it enacted*, That the money needed in any school district, in addition to that received from other sources, to maintain free schools the required time, shall be raised by district tax, in the manner provided therefor; which tax shall be in lieu of the township school tax required in section one of the act to which this is a supplement.

When school census taken.

3. *And be it enacted*, That the required school census shall be taken between the first and the twentieth day of July.

When reports shall be made.

4. *And be it enacted*, That the annual reports required of city superintendents, district clerks and township collectors, shall be made on or before the first day of August, and that the reports of the county superintendents shall be made on or before the first day of September of each and every year.

Election of school trustees.

5. *And be it enacted*, That the time for the election of school trustees shall be the first Monday in August.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall be deemed a public act and take effect immediately.

Approved March 21, 1874.

CHAPTER CCCLVI.

An Act to provide Ways and Means to defray the State Expenditures.

State tax of one and a half mills to be levied.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied and collected, on the inhabitants of this state, and upon the taxable, real and personal property, as exhibited by the abstracts of ratables from the several counties, made out by the several boards of assessors for the year one thousand eight hundred and seventy-three, and filed in office of the comptroller of the treasury, a state tax of one and one-half mills on each dollar of the valuations contained in said abstracts, and the proceeds of said tax is hereby appropriated, and shall be applied as follows, to wit: there shall be paid to the commissioners of the sinking fund one hundred thousand dollars, to pay that portion of the principal falling due on

Amount appropriated to sinking fund.

the first day of January, one thousand eight hundred and seventy-five, of a loan authorized by an act entitled "An act authorizing a loan for the purposes of war, and so forth," approved May tenth, one thousand eight hundred and sixty-one, and the several supplements thereto; and there shall also be paid to the said commissioners the necessary amount to pay such portion of the interest due upon the said loan on the first day of January, one thousand eight hundred and seventy-five, and the first day of July, one thousand eight hundred and seventy-five, as the income of the sinking fund for the then current year shall not suffice to pay; and the residue of said tax shall be paid into the state fund, and shall be appropriated for and applied to the purpose of defraying the necessary expenses of the state; which tax and the sums required to be raised for county, city, township and other public purposes, shall be levied, assessed and collected on the persons and property, and in the manner directed by an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, and the laws of the state, which shall be in force at the time the said taxes shall be assessed, regulating the assessment and collection of taxes, except as in and by this act otherwise ordered and directed.

Balance to be appropriated to state fund.

How to be assessed and collected.

2. *And be it enacted*, That it shall be the duty of the comptroller aforesaid to apportion the said tax, and at the rate aforesaid, among the several counties, in proportion to the amount of taxable real and personal estate in said counties respectively, as shown by the abstracts respectively as aforesaid; and it shall be his duty to transmit, within thirty days after the approval or passage of this act, to the county collector of each county, a statement of the amount of said tax apportioned to said county, and said county collector shall lay said statement before the assessors of the townships or wards within his county, at their next meeting to apportion the township taxes, and the said assessors shall thereupon proceed to assess said tax according to law.

Comptroller to apportion tax among counties.

3. *And be it enacted*, That it shall be the duty of the comptroller to furnish to the collector of the several counties printed forms, on which the boards of assessors shall make their returns of the amount of ratables of their respective counties; upon which forms there shall be printed the oath

Comptroller to furnish form for reports of ratables in the several counties.

required to be taken by the assessors, as provided by section twelve of an act entitled "A further supplement to an act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty-six," which supplement was approved April eleventh, one thousand eight hundred and sixty-six; and no abstract of the amount of ratables from any county shall be deemed to have been made according to law, unless said oath shall have been taken and subscribed by each member of the board of assessors; and no assessor shall be entitled to receive compensation for his services until he shall have taken and subscribed the said oath as herein provided.

Assessors to swear to reports.

Acts to apply to this act.

4. *And be it enacted*, That the provisions of the act entitled "A further supplement to the act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty-six," which said further supplement was approved April first, one thousand eight hundred and sixty-nine, shall be and the same are hereby held to apply and be in force so far as they do not conflict with the provisions of this act.

Repealer.

5. *And be it enacted*, That 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 March 21, 1874.

CHAPTER CCCLVII.

Supplement to the act relative to the publication of the public laws.

New Jersey State Republican to publish laws, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey State Republican, a newspaper published in the city of Plainfield, in the county of Union, is hereby authorized to publish all laws and notices now authorized to be published by any newspaper published in said county under any law of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCLIX.

A further supplement to the act entitled "An act against usury," approved April tenth, eighteen hundred and forty-six.

Bonds and mortgages issued by corporation not invalid because disposed of below par.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no bond or mortgage for the payment of money heretofore made or issued, or that may hereafter be made or issued, by any corporation created by or under the laws of this state, shall be held, deemed or considered invalid, or liable to any deduction from the amount that may become due thereon, because such bond or mortgage may have been made, issued, sold, assigned or otherwise disposed of by such corporation below the par value thereof; *provided*, such bond or mortgage shall be valid on its face; *and provided also*, that this act shall not apply to any suit now pending.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 24, 1874.

CHAPTER CCCLXVIII.

An act to revive certain acts and to legalize and ratify proceedings thereunder.

Preamble

WHEREAS, the governor of this state, in accordance with the provisions of an act entitled "An act providing for declaring and making known that certain laws and joint resolutions have become inoperative and void," approved March third, eighteen hundred and seventy-three, has by his proclamation, duly issued and dated the first day of

December, anno domini eighteen hundred and seventy-three, made known that the acts hereinafter enumerated, have become and are inoperative and void, because the parties therein interested have failed to pay the assessment required by law; *and whereas*, such failure to pay said assessment has arisen in many cases from mistake or inadvertance, now therefore—

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following acts, to wit:

List of acts revived.

An act to renew the charter of the Farmers' and Mechanics' Bank of Rahway, and to increase the capital stock thereof; approved February second, eighteen hundred and sixty.

An act to incorporate the Morristown, Hanover and Pequannock Canal Company; approved February twenty-first, eighteen hundred and sixty.

A further supplement to the act entitled "An act to incorporate the Sussex Mine Railroad Company," approved March ninth, eighteen hundred and forty-eight; approved February twenty-first, eighteen hundred and sixty.

An act to confirm certain deeds made by Joseph L. Corey, surviving executor of the last will and testament of Joseph Line, late of the township of New Providence, in the county of Essex (now Union), deceased; approved February twenty-ninth, eighteen hundred and sixty.

A further supplement to the act entitled "An act to incorporate the Northern Railroad of New Jersey," approved February ninth, one thousand eight hundred and fifty-four; approved March seventh, eighteen hundred and sixty.

An act to incorporate the Citizens' Gas Light Company of Freehold; approved March fourteenth, eighteen hundred and sixty.

A supplement to an act entitled "An act to incorporate the Hightstown and Perrinesville Turnpike Company," approved March ninth, eighteen hundred and fifty-nine; approved March fourteenth, eighteen hundred and sixty.

An act to confirm the conveyance of a lot of land in the city of Newark, in the county of Essex, from Thomas C. Hunt and Mary, his wife, to Joseph Booth; approved March seventeenth, eighteen hundred and sixty.

A further supplement to the act entitled "An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen, passed November thir-

tieth, eighteen hundred and two; approved March seventeenth, eighteen hundred and sixty. List of acts revived.

An act to vest in the heirs-at-law of Ann Johnson, deceased, certain land and real estate in the county of Burlington whereof William Ashton died seized; approved March twenty-first, eighteen hundred and sixty.

An act to incorporate the Mendham and Chester Railroad Company; approved March twenty-second, eighteen hundred and sixty.

A further supplement to the act entitled "An act to incorporate the Cape Island Turnpike Company," approved March first, eighteen hundred and fifty-one; approved March twenty-second, eighteen hundred and sixty.

A supplement to an act entitled "An act to incorporate the Hoboken and Weehawken Horse Railroad Company, and to confirm the grants therein mentioned," approved February fourteenth, eighteen hundred and sixty: approved March twenty-second, eighteen hundred and sixty.

An act to amend an act entitled "An act to incorporate the Hoboken Fire and Marine Insurance Company," passed March twenty-third, eighteen hundred and fifty-nine; approved March twenty-second, eighteen hundred and sixty.

An act to incorporate the Farmers' Mutual Fire Insurance Association of Warren county; approved March twenty-second, eighteen hundred and sixty.

A further supplement to the act entitled "An act to enable the owners of the swamps and bog meadows lying on the east and west branches of the Paulings' Kill, in the township of Newton, in the county of Sussex, to drain the same; passed March first, eighteen hundred and thirty-six; approved February sixteen, eighteen hundred and sixty-one.

A further supplement to an act entitled "An act to incorporate the Hackensack and New York Railroad Company," approved March fourteenth, eighteen hundred and fifty-six; approved March twelfth, eighteen hundred and sixty-one.

An act to incorporate the stockholders of the Beverly and Mount Holly Turnpike or Plank Road by the name of "Beverly and Mount Holly Turnpike Company," approved March fourteenth, eighteen hundred and sixty-one.

An act to enable Michael Mullone to convey and dispose of his property, approved March fifteenth, eighteen hundred and sixty-one.

List of acts revived.

A supplement to an act entitled "An act to incorporate the Trenton Horse Railroad Company," approved March ninth, eighteen hundred and fifty-nine; approved March fifteenth, eighteen hundred and sixty-one.

Supplement to an act entitled "An act to incorporate the New Brunswick Water Company," approved March first, eighteen hundred and fifty-nine; approved March fifteenth, eighteen hundred and sixty-one.

An act to incorporate the Boonton Protective Union, in the county of Morris; approved March fifteenth, eighteen hundred and sixty-one.

An act to incorporate the Madison Aqueduct Company; approved March thirteenth, eighteen hundred and sixty-two.

A supplement to the act entitled "An act to incorporate the Trenton Horse Car Railroad," approved March ninth, eighteen hundred and fifty-nine; approved March thirteenth, eighteen hundred and sixty-two.

An act to confirm the sale under foreclosure of the property, rights and franchises of the New York and Erie Railroad Company, and to complete the organization of the Erie Railway Company; approved March thirteenth, eighteen hundred and sixty two.

An act to authorize the Lehigh Crane Iron Company, incorporated by an act of the legislature of Pennsylvania to construct a railroad in the county of Sussex, for the use of their iron mines and other mines in the vicinity thereof; approved March nineteenth, eighteen hundred and sixty-two.

An act to authorize "The Thomas Iron Company" to construct a railroad from their iron mines and other mines in the vicinity thereof, in the county of Morris, to the Morris Canal and the Morris and Essex Railroad; approved March twenty-seventh, eighteen hundred and sixty-two.

A further supplement to the act entitled "An act to incorporate the Sussex Mine Railroad Company," approved March the ninth, eighteen hundred and forty-eight; approved February fourth, eighteen hundred and sixty-three.

An act to enable the owners and possessors of the meadow, marsh and swamp lands on New Port or Autuxet creek, in the county of Cumberland, to make a dam across the said creek, and to erect and maintain banks, dikes, dams and water works sufficient to prevent the tide from overflowing the same; approved February ninth, eighteen hundred and sixty-three.

List of acts revived.

A supplement to an act entitled "An act to incorporate the Manufacturers' Fire and Marine Insurance Company, of Newark, New Jersey," approved February twenty-fourth, eighteen hundred and fifty-two; approved February ninth, eighteen hundred and sixty-three.

An act supplementary to the act entitled "An act to incorporate the Moorestown and Mount Laurel Turnpike Company," approved February eleventh, eighteen hundred and sixty-three.

An act to authorize the erection of wharves, piers and bulkheads in front of certain lands on Cooper's creek, in the city of Camden; approved March twenty-first, eighteen hundred and sixty-three.

An act to construct a railroad from the borough of Princeton to the Camden and Amboy Railroad; approved March twenty-first, eighteen hundred and sixty-three.

An act to incorporate the Camden County Manufacturing Company; approved March twenty-fifth, eighteen hundred and sixty-three.

An act in relation to the Belleville and Newark Horse Car railroad Company; approved March twenty-fifth, eighteen hundred and sixty-three.

An act to vest in the devisees under the will of Margaret Curtis, deceased, land and real estate in the county of Burlington, of which Emma Curtis died seized; approved March twenty-fifth, eighteen hundred and sixty-three.

An act to confirm a certain sale and conveyance made by Anna Maria Cougle, late of the county of Hunterdon, dated March seventeenth, eighteen hundred and fifty-eight; approved March seventeenth, eighteen hundred and sixty-four.

A supplement to the act entitled "An act to incorporate the Camden County Manufacturing Company;" approved March twenty-fifth, eighteen hundred and sixty-three; approved March twenty-second, eighteen hundred and sixty-four.

An act to incorporate the New Jersey Glass Manufacturing Company, in the county of Camden; approved March twenty-second, eighteen hundred and sixty-four.

A further supplement to the act entitled "An act to incorporate the Cape Island Turnpike Company," approved March first, eighteen hundred and fifty-one; approved March twenty-second, eighteen hundred and sixty-four.

List of Acts revived.

An act to incorporate the Little Mantua Creek Meadow Company; approved March twenty-second, eighteen hundred and sixty-four.

A supplement to the act entitled "An act to incorporate the Elizabethport Manufacturing Company," passed February seventeenth, eighteen hundred and thirty-six; approved March twenty-second, eighteen hundred and sixty-four.

An act to authorize Luke Stansbie to vacate a certain part of a private road in the township of West Hoboken, in the county of Hudson; approved March twenty-third, eighteen hundred and sixty-four.

A supplement to an act entitled "An act to enable the owners and possessors of the meadows adjoining Assiscunk or Birch creek, within the townships of Springfield and Mansfield, in the county of Burlington to improve the same," passed March seventh, eighteen hundred and thirty-two; approved March twenty-third, eighteen hundred and sixty-four.

A further supplement to the act entitled "An act to incorporate the Stockton and Newton Turnpike Company," approved March eighteenth, eighteen hundred and fifty-nine; approved March twenty-fourth, eighteen hundred and sixty-four.

A supplement to the act entitled "An act to incorporate the Washington Aqueduct Company, approved January twentieth, anno domini eighteen hundred and thirty-one; approved March twenty-fourth, eighteen hundred and sixty-four.

A further supplement to the act entitled "An act to incorporate the Jersey City Gas Light Company," approved March first, eighteen hundred and forty-nine; approved March twenty-ninth, eighteen hundred and sixty-four.

An act to incorporate the Union Club of Orange, in the county of Essex; approved March twenty-ninth, eighteen hundred and sixty-four.

An act for the relief of James N. Lawrence; approved April fourteenth, eighteen hundred and sixty-four.

An act to incorporate the Congress Hall Hotel Company; approved April fourteenth, eighteen hundred and sixty-four.

An act to incorporate the South Jersey Cranberry Company; approved March tenth, eighteen hundred and sixty-five.

List of Acts revived.

An act to incorporate the Schooley's Mountain Turnpike Company; approved March twenty-second, eighteen hundred and sixty-five.

An act to authorize the West Hoboken and Hoboken Passenger Railway Company and the Hoboken and Hudson City Horse Car Railroad Company, or either of them, to sell and convey their or its property, powers, privileges and franchises to the Hoboken and Weehawken Horse Railroad Company, and the latter company to purchase and hold, possess, exercise and enjoy the same, and to alter the name of the last mentioned company to that of the "North Hudson County Railway Company;" approved March twenty-ninth, eighteen hundred and sixty-five.

A further supplement to "An act incorporating the New York and Fort Lee Railroad Company;" approved March thirtieth, eighteen hundred and sixty-five.

An act to incorporate the Bordentown and Buffalo Creek Oil and Mining Company; approved April fifth, eighteen hundred and sixty-five.

An act to incorporate the Hudson County Aqueduct Company; approved April sixth, eighteen hundred and sixty-five.

An act to incorporate the East Brunswick and New Brunswick Turnpike Company; approved April sixth, eighteen hundred and sixty-five.

A further supplement to an act entitled "An act to incorporate the Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine; approved April sixth, eighteen hundred and sixty-five.

A supplement to an act entitled "An act to incorporate the Dale Manufacturing Company,' approved February thirteenth, eighteen hundred and sixty-four; approved March twenty-seventh, eighteen hundred and sixty-six.

A further supplement to the act entitled "An act to incorporate the Gloucester Turnpike Company," approved March fifth, eighteen hundred and fifty; approved April third, eighteen hundred and sixty-six.

Supplement to an act entitled "An act to incorporate the Jersey City Gas Light Company," approved March first, eighteen hundred and forty-nine; approved April second, eighteen hundred and sixty-six.

An act to incorporate the Middlesex Building and Land

List of Acts revived.

Improvement Company; approved March seventh, eighteen hundred and sixty-six.

Supplement to an act entitled "An act to incorporate the Newark and South Orange Horse Car Railroad Company," approved April sixth, eighteen hundred and sixty-five; approved March thirteenth, eighteen hundred and sixty-six.

A further supplement to an act entitled "An act to incorporate the Oxford Iron Company," approved March fifteenth, eighteen hundred and fifty-nine; approved March thirteenth, eighteen hundred and sixty-six.

A supplement to the act entitled "An act to incorporate the Mount Hope Mineral Rail Road Company," approved March sixteenth, eighteen hundred and sixty-six, approved April fourth, eighteen hundred and sixty-seven.

An act to incorporate the Hudson Warehousing Loan and Insurance Company; approved April third, eighteen hundred and sixty-seven.

An act to incorporate the Jersey City Steamboat Company; approved April fourth, eighteen hundred and sixty-seven.

A supplement to an act entitled "An act to incorporate the New Brunswick and Cranberry Turnpike Company;" approved March twenty-seventh, eighteen hundred and sixty-seven.

A supplement to an act entitled "An act to incorporate the Orange and Newark Horse Car Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine; approved March twenty-seven, eighteen hundred and sixty-seven.

An act to incorporate the Sussex Valley Railroad Company; approved March fourteenth, eighteen hundred and sixty-seven.

An act to incorporate the Jersey City Workingmen's Co-operative Association; approved March twenty-seventh, eighteen hundred and sixty-eight.

A supplement to an act entitled "An act to incorporate the Water Gap and State Line Railroad Company," approved March nineteenth, eighteen hundred and sixty-seven; approved April second, eighteen hundred and sixty-eight.

An act to incorporate the Belleville Land Improvement Company; approved April seventh, eighteen hundred and sixty-eight.

An act to incorporate the Texas Mills and Spotswood

Turnpike Company; approved April ninth, eighteen hundred and sixty-eight. List of Acts revived.

A supplement to the act entitled "An act to incorporate the Gloucester Turnpike Company," approved March fifth, eighteen hundred and fifty; approved April sixteenth, eighteen hundred and sixty-eight.

An act to incorporate the Woodside Co-operative Grocery Store Association; approved April seventeenth eighteen hundred and sixty-eight.

An act to incorporate the Milltown Turnpike Company; approved March second, eighteen hundred and sixty-nine.

An act to incorporate the Friendly Sons of Ireland, of Hudson county; approved March seventeenth, eighteen hundred and sixty-nine.

A further supplement to an act entitled "An act to incorporate the Hightstown and Perrinesville Turnpike Company," approved the ninth day of March, anno domini eighteen hundred and fifty-nine; approved March seventeenth, eighteen hundred and sixty-nine.

A further supplement to an act entitled "An act to incorporate the Newark, Bloomfield and Montclair Horse Car Railroad Company," approved February twelfth, eighteen hundred and sixty-seven; approved March thirtieth, eighteen hundred and sixty-nine.

An act to incorporate the Englewood Atheneum; approved March thirtieth, eighteen hundred and sixty-nine.

A supplement to the act entitled "A supplement to the act entitled 'An act to incorporate the Chester Railroad Company,'" approved April second, eighteen hundred and sixty-seven; approved March ninth, eighteen hundred and sixty-eight; approved March thirtieth, eighteen hundred and sixty-nine.

A supplement to the act entitled "An act to incorporate the Middlesex and Monmouth Turnpike Company," approved March thirteenth, eighteen hundred and sixty-three; approved March thirty-first, eighteen hundred and sixty-nine.

An act to incorporate the Camden Fire Insurance Company, approved April first eighteen hundred and sixty-nine.

Supplement to an act entitled "An act to incorporate the Mendham and Chester Railroad Company," approved March twenty-second, eighteen hundred and sixty, and its several

List of Acts revived.

supplements; approved April first, eighteen hundred and sixty-nine.

A further supplement to the act entitled "An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen;" approved April second, eighteen hundred and sixty-nine.

A supplement to the act entitled "An act to incorporate the Spotswood and Old Bridge Turnpike Company," approved April second, eighteen hundred and sixty-nine.

An act to incorporate the Union Hall Association, of Belleville; approved April second, eighteen hundred and sixty-nine.

An act to incorporate the Forked River and Barnegat Turnpike Company; approved February twenty-third, eighteen hundred and seventy.

An act to incorporate the Morris County Ice Company; approved March eighth, eighteen hundred and seventy.

Supplement to an act entitled "An act to incorporate the Pavonia Horse Railroad Company," approved April fourth, eighteen hundred and sixty-eight; approved March fifteenth, eighteen hundred and seventy.

A further supplement to the act approved March twenty-third, eighteen hundred and fifty-nine, entitled "An act to incorporate the Jersey City and Hoboken Horse Railroad Company," approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Hightstown and Princeton Turnpike Company; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Caledonian Club, of Hudson county; approved March seventeenth, eighteen hundred and seventy.

A supplement to "An act to incorporate the Ocean Cranberry Company;" approved March fourteenth, eighteen hundred and sixty-seven; approved March seventeenth, eighteen hundred and seventy.

An act to authorize the building of a private wagon bridge over the North Branch of the Rancocas creek, at Mount Holly, Burlington county; approved March seventeenth, eighteen hundred and seventy.

A further supplement to an act entitled "An act to incorporate the Essex County Mutual Insurance Company," passed February thirteenth, one thousand eight hundred

and forty-four; approved February twenty-second, eighteen hundred and seventy-one. List of Acts revived.

An act to incorporate the People's Freight and Transportation Company; approved March thirty-first, eighteen hundred and seventy-one.

An act to authorize Henry Barber to build wharves, piers and bulkheads in front of his lands on the Delaware river, in the township of Upper Penns Neck, Salem county, New Jersey; approved March twenty-third, eighteen hundred and seventy-one.

An act to incorporate the Warren Mutual Live Stock Insurance Company; approved March thirty-first, eighteen hundred and seventy-one.

A supplement to "An act to charter the Passaic Valley and Peapack Railroad Company," approved March twenty-ninth, one thousand eight hundred and sixty-five; approved April fourth, eighteen hundred and seventy-one.

A supplement to the act entitled "An act to incorporate the Caldwell Railroad Company," approved March tenth, one thousand eight hundred and sixty-nine; approved April fifth, eighteen hundred and seventy-one.

A further supplement to the act entitled "An act to incorporate the People's Mutual Fire and Marine Insurance Company, of Newark, New Jersey," approved March fifth, eighteen hundred and sixty-six; approved February fifteenth, eighteen hundred and seventy-two.

An act to confirm to the grantees thereof the title of certain land and premises in the township of Bellville, in the county of Essex, sold and conveyed by the executors of the last will and testament of John Williams, deceased, late of said township; approved March fifth, eighteen hundred and seventy-two.

An act to incorporate the Central Land Improvement and Building Company; approved March fifth, eighteen hundred and seventy-two.

An act to incorporate the Equitable Fire Insurance Company of New Jersey; approved March seventh, eighteen hundred and seventy-two.

An act to incorporate the Hudson County German Publishing Association; approved March eighth, eighteen hundred and seventy-two.

An act to incorporate the Union Hall Association, of Bar-

List of Acts revived.

negat, New Jersey; approved March eighth, eighteen hundred and seventy-two.

A further supplement to the act entitled "An act to incorporate the Citizens' Gas Light Company, of the city of Newark," approved March eighteenth, one thousand eight hundred and sixty-eight; approved March twentieth, eighteen hundred and seventy-two.

An act to incorporate the Burlington County Land and Improvement Company; approved March twenty-second, eighteen hundred and seventy-two.

An act to incorporate the New Jersey Trust and Safe Deposit Company; approved March twenty-sixth, eighteen hundred and seventy-two.

A further supplement to an act entitled "An act to incorporate the Hudson County Gas Light Company," approved March sixth, eighteen hundred and sixty-three; approved March nineteenth, eighteen hundred and seventy-two.

An act to incorporate the Hudson and Hackensack River Horse Railroad Company, of Jersey City; approved March twenty-sixth, eighteen hundred and seventy-two.

An act to repeal an act entitled "Act to incorporate the Beverly and Charleston Turnpike Company," approved the second day of April, one thousand eight hundred and sixty-eight; approved April third, eighteen hundred and seventy-three.

An act to incorporate the High Bridge Co-operative Company; approved March fifth, eighteen hundred and seventy-three.

An act to incorporate the Hackettstown Iron Company, approved April fourth, eighteen hundred and seventy-three.

An act to incorporate the Point Pleasant Land and Improvement Company; approved April fourth, eighteen hundred and seventy-three.

An act to incorporate the Wheatland Manufacturing Company, of Ocean county; approved April fourth, eighteen hundred and seventy-three.

A supplement to an act entitled "An act to incorporate the Palisade Land Company," approved March fourteenth, one thousand eight hundred and seventy-one; approved April second, eighteen hundred and seventy-three.

An act for the protection of the Morrisville Water Power; approved April fourth, eighteen hundred and seventy-three.

An act to repeal an act entitled "An act to incorporate the Mount Holly and Eayrestown Turnpike Company," approved March twenty-fourth, one thousand eight hundred and fifty-five; approved March twenty-sixth, eighteen hundred and seventy-three. List of Acts revived.

Supplement to the act incorporating the Woodstown and Mantua Railroad Company; approved March twenty-eighth, eighteen hundred and seventy-three.

A further supplement to the act entitled "An act to incorporate the Schooley's Mountain Turnpike Company," approved March twenty-second, anno domini one thousand eight hundred and sixty-five; approved March twenty-eighth, eighteen hundred seventy-three.

An act to change the name of Joseph B. Seward to Joseph B. Winters; approved February twelfth, eighteen hundred and seventy-three.

A supplement to an act entitled "An act to incorporate the Spottswood and Old Bridge Turnpike Company," approved February twenty-fifth, one thousand eight hundred and sixty-seven; approved April fourth, eighteen hundred and seventy-three.

Supplement to "An act to incorporate the Union Hall Association of Barnegat, New Jersey," approved March eighth, one thousand eight hundred and seventy-two; approved April fourth, eighteen hundred and seventy-three.

An act to authorize Samuel Hilliard to build wharves, piers and bulkheads in front of his land on Maurice River, Cumberland county, New Jersey; approved February twelfth, eighteen hundred and seventy-three.

A supplement to an act entitled "An act to authorize the transfer of the Lodi Branch Railroad, and to incorporate the Lodi Branch Railroad Company," approved February sixteenth, one thousand eight hundred and seventy; approved April third, eighteen hundred and seventy-three.

A supplement to an act entitled "An act to incorporate the Freehold and Smithville Turnpike Company," passed February twenty-sixth, eighteen hundred and fifty-eight; approved February fourteenth, eighteen hundred and sixty.

An act to incorporate the Citizens' Gas Light Company of Freehold; approved March fourteenth, eighteen hundred and sixty.

A supplement to an act entitled "An act to incorporate the Hightstown and Perrinesville Turnpike Company," ap-

List of Acts revived.

proved March ninth, eighteen hundred and fifty-nine; approved March fourteenth, eighteen hundred and sixty.

An act to incorporate the Middletown Point Gas Light Company; approved March fifteenth, eighteen hundred and sixty.

An act to incorporate the Matawan and Holmdel Turnpike Company; approved March eleventh, eighteen hundren and sixty-two.

An act to revive the act entitled "An act to incorporate the Middletown and Keyport Turnpike Company," approved March fifteenth, eighteen hundred and fifty-nine; approved March nineteenth, eighteen hundred and sixty-three.

An act to incorporate the Long Branch and Sea Shore Railroad Company; approved March twentieth, eighteen hundred and sixty-three.

An act to incorporate the Marlboro' and Quinton's Bridge Turnpike Company; approved February fifteenth, eighteen hundred and sixty-four.

An act to increase the capital stock of the Keyport and Middletown Point Steamboat Company; approved March eighteenth, eighteen hundred and sixty-four.

An act to repeal the charter of "The Keyport Dock Company," approved February nineteenth, eighteen hundred and fifty-one, and to vest the property of said corporation in "The Keyport and Middletown Point Steamboat Company;" approved March twenty-fourth, eighteen hundred and sixty-four.

An act to incorporate the Red Bank and Rumson Neck Railroad Company; approved March twenty-third, eighteen hundred and sixty-five.

An act to incorporate the Long Branch Reservoir and Water Power Company; approved April eleventh, eighteen hundred and sixty-seven.

An act to incorporate the Long Branch Spring Company; approved April ninth, eighteen hundred and sixty-seven.

A supplement to an act entitled "An act to incorporate the Long Branch and Deal Turnpike Company;" approved February thirteen, eighteen hundred and sixty-eight.

An act to renew the charter of the Smithville and Blue Ball Turnpike Company, of the county of Monmouth, incorporated February seventh, eighteen hundred and sixty-six, and a supplement thereto; approved April first, eighteen hundred and sixty-eight.

An act to incorporate the Manchester Fruit Preserving and Manufacturing Company, in the county of Ocean; approved April sixteenth, eighteen hundred and sixty-eight. List of Acts revived.

A further supplement to an act entitled "An act to incorporate the Hightstown and Perrinesville Turnpike Company," approved the ninth day of March, Anno Domini eighteen hundred and fifty-nine; approved March seventeenth, eighteen hundred and sixty-nine.

An act to incorporate the New Egypt and Farmingdale Railroad Company; approved March seventeenth, eighteen hundred and sixty-nine.

An act to incorporate the Forked River and Barnegat Turnpike Company; approved February twenty-third, eighteen hundred and seventy.

An act to incorporate the Hightstown and Allentown Turnpike Company; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Middletown and Holmdel Turnpike Company; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Freehold Cranberry and Land Improvement Company; approved February twenty-ninth, eighteen hundred and seventy-two.

An act to incorporate the Union Hall Association, of Barnegat, New Jersey; approved March eighth, eighteen hundred and seventy-two.

An act to incorporate the Farmingdale Manufacturing Company; approved March twenty-second, eighteen hundred and seventy-two.

A supplement to "An act to incorporate the Allentown Railroad Company;" approved March fifth, eighteen hundred and seventy-three.

Supplement to "An act to incorporate the Farmingdale Manufacturing Company;" approved April third, eighteen hundred and seventy-three.

An act to incorporate the Long Branch Association; approved March eleventh, eighteen hundred and seventy-three.

An act to incorporate the Point Pleasant Land and Improvement Company; approved April fourth, eighteen hundred and seventy-three.

A supplement to an act entitled "An act to incorporate the Long Branch and Sea Shore Railroad Company," ap-

List of Acts revived.

proved March twentieth, one thousand eight hundred and sixty-three; approved February nineteenth, eighteen hundred and seventy-three.

Supplement to "An act to incorporate the Red Bank and Rumson Neck Railroad Company," approved March seventeenth, one thousand eight hundred and seventy; approved March sixth, eighteen hundred and seventy-three.

A supplement to an act entitled "An act to incorporate the Toms River and Waretown Railroad Company, of Ocean County, New Jersey," approved March seventeenth, one thousand eight hundred and seventy; approved April fourth, eighteen hundred and seventy-three.

An act entitled "A supplement to and amendatory to an act entitled 'An act to incorporate the Tuckerton and Atlantic Railroad Company,'" approved March twenty-third, one thousand eight hundred and sixty-nine; approved April third, eighteen hundred and seventy-three.

An act to revive and amend an act entitled "An act to incorporate the Stockton and Newton Turnpike Company," approved March eighteenth, eighteen hundred and fifty-nine; approved February eighteenth, eighteen hundred and sixty-two.

SAVINGS BANKS.

An act to incorporate the Fifth Ward Savings Bank of Jersey City; approved March twenty-first, eighteen hundred and sixty-three.

A supplement to the act entitled "An act to incorporate the Howard Savings Institution," approved March sixteenth, eighteen hundred and fifty-seven; approved February eleventh, eighteen hundred and sixty-four.

Supplement to an act entitled "An act to incorporate the Rahway Savings institution," approved February nineteenth, eighteen hundred and fifty-one; approved March fifteenth, eighteen hundred and sixty-four.

A supplement to an act entitled "An act to incorporate the Hoboken Bank for Savings, for the City of Hoboken," approved March twentieth, eighteen hundred and fifty-seven; approved March twenty-third, eighteen hundred and sixty-four.

Supplement to an act entitled "An act to incorporate the Rahway Savings Institution, approved February nineteenth,

eighteen hundred and fifty-one; approved March twenty-ninth, eighteen hundred and sixty-five. List of Acts revived.

An act to incorporate the Savings Bank of South Amboy; approved April sixth, eighteen hundred and sixty-five.

An act to incorporate the Bergen Savings Institution; approved April eleventh, eighteen hundred and sixty-seven.

An act to incorporate the Dime Savings Institution; approved March sixth, eighteen hundred and sixty-seven.

A supplement to the act entitled "An act to incorporate the Dime Savings Institution of Elizabeth;" approved April ninth, eighteen hundred and sixty-seven.

A supplement to an act entitled "An act to incorporate the Elizabethtown Savings Institution; approved April ninth, eighteen hundred and sixty-seven.

An act to incorporate the Morristown Institution for Savings; approved April ninth, eighteen hundred and sixty-seven.

An act to incorporate the Newark Sparverein of Newark, New Jersey (Newark Savings Association); approved February thirteenth, eighteen hundred and sixty-eight.

An act to incorporate the Hudson City Savings Bank; approved March twenty-seventh, eighteen hundred and sixty-eight.

An act to incorporate the Bridgeton Savings Institution; approved April second, eighteen hundred and sixty-eight.

An act to incorporate the Elizabethport Savings Bank; approved April second, eighteen hundred and sixty-eight.

An act to incorporate the Dime Savings Bank of the City of Hoboken; approved April third, eighteen hundred and sixty-eight.

A supplement to an act entitled "An act to incorporate the Morristown Institution for Savings," approved April ninth, eighteen hundred and sixty-seven; approved April eighth, eighteen hundred and sixty-eight.

Supplement to the act entitled "An act to incorporate the Citizens' Savings' Institution of Jersey City," approved April third, eighteen hundred and sixty-seven; approved April fourteenth, eighteen hundred and sixty-eight.

An act to amend an act entitled "An act to incorporate the Hoboken Bank for Savings, of the City of Hoboken;" approved March twentieth, eighteen hundred and fifty-seven; approved April sixteenth, eighteen hundred and sixty-eight.

List of acts revived.

An act to incorporate the Dime Savings Institution of Plainfield, New Jersey; approved April twenty-second, eighteen hundred and sixty-eight.

An act to incorporate the Dime Savings Bank of the city of Hudson; approved February tenth, eighteen hundred and sixty-nine.

n act to incorporate the Mechanics and Laborers' Savings Bank of Jersey City; approved March third, eighteen hundred and sixty-nine.

An act to incorporate the Dime Savings Bank of the city of Rahway; approved March eighteenth, eighteen hundred and sixty-nine.

An act to incorporate the Englewood Savings Bank; approved March twenty-fourth, eighteen hundred and sixty-nine.

An act to incorporate the Raritan Savings Bank; approved March thirtieth, eighteen hundred and sixty-nine.

An act to incorporate the State Savings Bank of the city of Trenton; approved March thirty-first, eighteen hundred and sixty-nine.

An act to incorporate the Perth Amboy Savings Institution; approved April second, eighteen hundred and sixty-nine.

A Supplement to an act entitled "An act to incorporate the Morristown Institution for Savings," approved April ninth, eighteen hundred and sixty-seven; approved February ninth, eighteen hundred and seventy.

An act to incorporate the Mechanics' Savings Bank of Elizabeth; approved February twenty-third, eighteen hundred and seventy.

A supplement to an act entitled "An act to incorporate the Perth Amboy Savings Institution," approved April second, eighteen hundred and sixty-nine; approved March third, eighteen hundred and seventy.

An act to extend the charter of the New Brunswick Savings Institution; approved March eighth, eighteen hundred and seventy.

A further supplement to "An act to incorporate the New Brunswick Savings Institution," approved March fifteenth, eighteen hundred and fifty-one; approved March tenth, eighteen hundred and seventy.

An act to incorporate the Union County Dime Savings

Bank; approved March fifteenth, eighteen hundred and seventy. List of acts revived.

A supplement to an act entitled "An act to incorporate the Orange Savings Bank," passed March twenty-first, eighteen hundred and fifty-four; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Bayonne City Savings Bank; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Hamilton Savings Bank, of the city of Paterson; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Ocean County Savings Bank; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the People's Savings Bank, of the City of Trenton; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Hackettstown Savings Bank; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Bergen City Savings Bank; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Half Dime Savings Bank, of the town of Orange, in the county of Essex; approved March seventeenth, eighteen hundred and seventy.

An act to incorporate the Dime Savings Bank of the City of New Brunswick, New Jersey; approved February seventh, eighteen hundred and seventy one.

An act to incorporate the Miners' Savings Bank, of Dover, New Jersey; approved February seventh, eighteen hundred and seventy-one.

A supplement to the act entitled "An act to incorporate the Morristown Institution for Savings," approved February fourteenth, eighteen hundred and seventy-one.

An act to incorporate the Central Savings Bank, of Jersey City; approved February fourteenth, eighteen hundred and seventy-one.

A supplement to an act entitled "An act to incorporate the Union County Dime Savings Bank," approved March fifteenth, eighteen hundred and seventy; approved February fourteenth, eighteen hundred and seventy-one.

An act to incorporate the Germania Mutual Savings Insti-

List of acts revived.

tution; approved March fourteenth, eighteen hundred and seventy-one.

An act to incorporate the People's Savings Institution, of the City of Newark, to be located north of Bridge street, in said city; approved March fourteenth, eighteen hundred and seventy-one.

An act to incorporate the Dover Savings Institution; approved March twenty-first, eighteen hundred and seventy-one.

An act to incorporate the Bloomfield Savings Institution; approved March twenty-first, eighteen hundred and seventy-one.

An act to incorporate the Sussex County Savings Institution; approved March twenty-first, eighteen hundred and seventy-one.

An act to incorporate the Somerville Dime Savings Bank; approved March twenty-seventh, eighteen hundred and seventy-one.

An act to incorporate the Germania Savings Bank, of Jersey City; approved March twenty-ninth, eighteen hundred and seventy-one.

An act to incorporate the Home Savings Bank, of New Brunswick, New Jersey; approved April fifth, eighteen hundred and seventy-one.

An act to incorporate the Dime Savings Bank, of the village of Woodbridge; approved April fifth, eighteen hundred and seventy-one.

An act entitled "An act to incorporate the Citizens Saving Bank of Passaic; approved April fifth, eighteen hundred and seventy-one.

A supplement to the act entitled "An act to incorporate the Mechanics and Laborers' Savings Bank, of Jersey City," approved March third, one thousand eight hundred and sixty-nine; approved April fifth, eighteen hundred and seventy-one.

An act to incorporate the Lambertville Savings Bank; approved April sixth, eighteen hundred and seventy-one.

A further supplement to the act entitled "An act to incorporate the Dime Savings Bank of the city of New Brunswick, New Jersey," approved February seventh, one thousand eight hundred and seventy-one; approved February eighth, eighteen hundred and seventy-two.

A supplement to the act entitled "An act to incorporate

the Half-Dime Savings Bank of the town of Orange, in the county of Essex," approved March seventeenth, eighteen hundred and seventy; approved February fourteenth, eighteen hundred and seventy-two. List of acts revived.

A supplement to an act entitled "An act to incorporate the Germania Mutual Savings Institution, of Newark, New Jersey," approved March fourteenth, eighteen hundred and seventy-one; approved March first, eighteen hundred and seventy-two.

Supplement to an act entitled "An act to incorporate the Bergen City Savings Bank," approved March seventeenth, eighteen hundred and seventy; approved March first, eighteen hundred and seventy-two.

A supplement to an act entitled "An act to incorporate the Mechanics' Savings Bank of Elizabeth," approved February twenty-third, eighteen hundred and seventy; approved March nineteenth, eighteen hundred and seventy-two.

Supplement to "An act to incorporate the Citizens' Savings Bank of Passaic," approved April fifth, eighteen hundred and seventy; approved April third, eighteen hundred and seventy-two.

A further supplement to the act entitled "An act to incorporate the Dime Savings Bank of Somerville, New Jersey," approved March twenty-seventh, eighteen hundred and seventy-one; approved April fourth, eighteen hundred and seventy-two.

An act to incorporate the Chester Savings Bank; approved March twenty-seventh, eighteen hundred and seventy-three.

A supplement to an act entitled "An act to incorporate the Central Savings Bank, of Jersey City," approved February fourteenth, one thousand eight hundred and seventy-one; approved April third, eighteen hundred and seventy-three.

A supplement to an act entitled "An act to incorporate the Hudson City Savings Bank," approved March twenty-seventh, one thousand, eight hundred and sixty-eight; approved April third, eighteen hundred and seventy-three.

An act to incorporate the Franklin Building and Loan Savings Bank, of Metuchen; approved April fourth, eighteen hundred and seventy-three.

An act to incorporate the Madison Savings Bank; approved April fourth, eighteen hundred and seventy-three.

Be and they are hereby revived and declared to be in

Proviso. State assessments to be paid.

full force; *provided*, that the persons in said acts interested shall pay or cause to be paid, on or before the first day of May now next ensuing, the assessments due thereon, respectively, according to the terms of the act entitled "An act to increase the revenues of the State of New Jersey," approved March sixth, eighteen hundred and fifty-eight, and the supplement thereto, approved March eighteenth, eighteen hundred and fifty-nine, and also twenty-five dollars additional for this supplement.

If assessments paid acts heretofore done are legalized.

2. *And be it enacted*, That in all cases of the payment of the assessments as required by this act, all acts and proceedings had and done heretofore under the acts so revived, and each and every of the before mentioned acts of the legislature, be and they are hereby ratified, legalized and confirmed, and are declared to be of equal force and effect as if the said assessments had been paid as required by law.

3. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXXV.

A supplement to an act entitled "An act concerning roads," approved April sixteenth, eighteen hundred and forty-six.

Proceedings when the finding of surveyors of highways in laying out or altering roads is certioraried

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the appointment of freeholders to review the finding of surveyors of the highway, in regard to the laying out, alteration or vacation of any road, made under the eighth section of the act to which this is a supplement, shall be certioraried, the court of common pleas, making such appointments shall have the power and authority, after the final determination of such certiorari when such appointment shall be affirmed, to make another and new appointment of freeholders to review such finding of the surveyors of the highways, in the room and place of the freeholders whose appointment had been or may be certioraried, which appointment of freeholders shall have the same force and authority as the original appointment;

and said freeholders, so appointed shall proceed in the same manner as directed by the said eighth section, and the report of the said freeholders so afterwards appointed, shall have the same effect, and shall be acted upon in the same manner by said court of common pleas as directed by the said eighth section; *provided*, that in all cases of such appointments heretofore certioraried and affirmed, such new appointments herein provided for, shall be made within six months after the approval of this supplement, and in all cases hereafter certioraried and affirmed within six months after the said final determination of such appointment. Proviso.

2. *And be it enacted*, That whenever the report and proceedings of chosen freeholders, appointed under and by virtue of the provisions of the second section of the act, approved March twenty-second, eighteen hundred and sixty, entitled "A further supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six, and the several supplements thereto," have been or shall be set aside or reversed upon certiorari or otherwise, the court of common pleas by whom the said freeholders were appointed, shall have the power and authority to make another and new appointment of chosen freeholders, for the purposes and upon the notice directed in said act; and the said chosen freeholders so newly appointed shall proceed to perform their duties, and meet upon the same notice, and their report shall be filed and have the same force and effect in all respects as provided for in the said act; *provided*, that in all cases wherein such report and proceedings have been heretofore reversed or set aside the application for such new appointment herein provided for shall be made within six months after the approval of this supplement, and in all future cases within six months after such report and proceedings shall be reversed or set aside. When proceedings are set aside by supreme court a new appointment of freeholders shall be made. Acts of freeholders to be the same and have the same effect as if originally appointed. Proviso.

3. *And be it further enacted*, That this act shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXXVI.

A further supplement to an act entitled "An Act respecting Bridges," approved April tenth, eighteen hundred and forty-six.

When bridges over navigable streams are being repaired, owners shall not be liable for damages for obstructing navigation.

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

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXXVII.

An act to regulate the manufacture and sale of fertilizers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every commercial fertilizer which

shall be offered for sale in this state shall be accompanied by an analysis, stating the percentage therein of ammonia or its equivalent of nitrogen of potash, in any form or combination, soluble in distilled water; and of phosphoric acid in any form or combination; the portion of phosphoric acid soluble in distilled water; that portion soluble in a neutral solution of citrate of ammonia at a temperature not exceeding one hundred degrees Fahrenheit; and that portion of phosphoric acid not soluble in either of the above named fluids, shall each be determined separately; and the material from which the phosphoric acid is obtained shall also be stated; a legible statement of such analysis shall accompany all packages or lots of over one hundred pounds, sold, offered or exposed for sale. Fertilizers offered for sale shall be accompanied with analysis.

2. *And be it enacted*, That the chemist of the state board of agriculture shall be the inspector of fertilizers; it shall be his duty to analyze one or more samples of every kind of commercial fertilizers coming within the provisions of this act, which may be offered for sale within this state, and of which he shall be informed. Who shall inspect fertilizers, and his duties.

3. *And be it enacted*, That manufacturers, dealers, and all persons interested may obtain an analysis by notifying the chemist of the state board of agriculture, upon which notification he shall be authorized to analyze at his discretion, samples selected by himself, and to furnish certified copies of such analysis to the persons on whose application they were made; and it shall also be his duty to report all such analysis to the state board of agriculture. Dealers may obtain analysis from inspector of fertilizers.

4. *And be it enacted*, That the chemist of the state board of agriculture shall receive for each certificate of analysis made by him, a sum not to exceed fifteen dollars, to be paid by the person or persons applying therefor. Fee for making certificate of analysis.

5. *And be it enacted*, That any person selling, offering or exposing for sale any commercial fertilizer without the analysis required by the first section of this act, or with an analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, shall forfeit fifty dollars for the first offence, and one hundred dollars for each subsequent offence. Penalty for selling without analysis or with a fraudulent one.

Approved March 24, 1874.

CHAPTER CCCXCII.

A supplement to an act entitled "An act for the government and regulation of the State Prison," approved March twenty-sixth, one thousand eight hundred and sixty-nine

Pay of inspectors of state prison

1. BE it ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inspectors of the state prison shall be entitled to receive the annual salaries and pay hereinafter mentioned, and no other compensation whatever; that is to say, each of the acting inspectors at the rate of three hundred dollars per annum; and each of the other members of the board of inspectors, at the rate of three hundred dollars per annum; all of which salaries shall be paid in the manner now provided by the laws of this state.

Act to apply to inspectors of 1873.

2. *And be it enacted*, That this act shall be retroactive so far as relates to those inspectors of the state prison who have received no compensation for their services since the first day of April, one thousand eight hundred and seventy-three.

3. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1874.

CHAPTER CCCXCIII.

An act to repeal an act entitled "An act to incorporate the Lincoln Library of Jersey City," approved March twenty-one, eighteen hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the above entitled act be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1874.

CHAPTER CCCCIV.

A further supplement to the act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That none of the provisions of the thirty-seventh section of the act entitled "An act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six, or of the act entitled "A supplement to an act concerning inns and taverns," approved March third, eighteen hundred and forty-seven, which supplement was approved March eighth, eighteen hundred and forty-eight, or of the act entitled "A further supplement to an act entitled 'An act concerning inns and taverns,'" approved February twentieth, eighteen hundred and forty-nine, shall hereafter apply to offences committed in any of the incorporated cities of this state, the ordinances of which provide for the punishment of the unlicensed sale of spirituous Certain acts not to apply to cities whose ordinances punish unlicensed sale of liquors.

liquors, and for the punishment of the sale of spirituous, malt, vinous, fermented or intoxicating liquors on Sunday.

Where city ordinances punish keepers of disorderly houses, unlawful to indict persons violating state acts, as for keeping a disorderly house.

2. *And be it enacted*, That where the ordinances of any incorporated city of this state shall provide for the punishment of the offence of keeping a disorderly house, it shall not hereafter be lawful to prosecute by indictment any person accused of keeping a disorderly house in such city, where the alleged offence consists only of the continuous or frequent violation of the provisions of the acts mentioned in the first section of this act, or any of them, but any person so offending shall be prosecuted and punished only under and by virtue of the provisions of such ordinances.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCV.

A supplement to the act entitled "An act to incorporate trustees of religious societies;" approved April seventeenth, eighteen hundred and forty-six.

Who to act when offices of bishop and vicar general are vacant.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act supplementary to the act entitled 'An act to incorporate trustees of religious societies,'" which act was approved February seventeenth, eighteen hundred and sixty-four, be so far amended as to empower, during a vacancy in the offices of bishop and vicar general, the administrator of the diocese for the time being, to exercise and discharge such powers and duties as are authorized by said act to be performed by said bishop and vicar general.

When vacancies in offices of bishop and vicar general, the sanction of the admin-

2. *And be it further enacted*, That in order to make valid and effectual in law, the proceedings, orders and acts of such corporations as are created by virtue of said act, it shall be necessary that the same shall receive the sanction of the bishop, or in the absence of the bishop, of the vicar general,

or in case of a vacancy in those offices, of the administrator of the diocese for the time being. istrator of diocese necessary.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCVI.

A further supplement to "An act to open public roads to and from railroad depots," approved April fourth, eighteen hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in townships where there are no road commissioners, and any road or roads of said townships are laid out by the freeholders of the county, the said freeholders shall give notice in writing to the overseers of the roads in said township nearest where said road or roads are or have been, or hereafter shall be so laid out, to open the same at once to accommodate the public; and the township committee of said township where said road is built, shall order assessed the costs of land taken for said roads over and above the benefits derived, and all other expenses of opening and improving said road or roads upon the assessed property in the township, and it shall be collected in the same manner, and at the same time as other taxes are collected, and paid to the parties so damaged by said township committee. By whom road, to be opened, when there are no road commissioners. Costs to be assessed on property of the township.

2. *And be it enacted*, That if the overseer or overseers of roads so notified as aforesaid, shall neglect or refuse for the space of twenty days after receiving the notice to be given as aforesaid by said freeholders to said overseer or overseers of roads, to open the aforesaid roads, the same overseer or overseers shall be liable to indictment for such neglect or refusal as for a misdemeanor. Penalty for failure of overseer of roads to open roads.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCVII.

A further supplement to the act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, one thousand eight hundred and seventy-one.

Preamble. WHEREAS, It is very desirable that the asylum building now being erected near Morristown, shall be completed and ready for use at as early a day as practicable; *and whereas*, it is represented that a further sum than heretofore appropriated can be judiciously and economically expended this season for the purpose; therefore,

Appropriation to continue erection of asylum for the insane. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the commissioners appointed under said original act to continue the erection of said asylum building, and to discharge the trust committed to them, the sum of two hundred thousand dollars be and the same is hereby appropriated to be paid by the treasurer of the state on the warrant of the comptroller, which shall be drawn on the requisition of the said commissioners.

Number of commissioners increased. 2. *And be it enacted*, That the number of commissioners to select a site and build said asylum be increased to seven, and that the additional commissioners hereby authorized to be appointed shall be elected by the senate and general assembly in joint meeting assembled.

How elected.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCVIII.

A further supplement to the act entitled "An act appointing commissioners for a sinking fund, and defining their duties," approved March twenty-fifth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Commissioners of the Sinking Fund of New Jersey," be and they are hereby authorized and empowered to bid for and purchase any lands and premises exposed to sale under the order or decree of any court for the payment and satisfaction of any mortgage encumbrance thereon held by the said commissioners, and to take and hold the title to the lands and premises so purchased in and by their official name, style and title, and as part of the assets of the sinking fund of New Jersey; *provided, however*, that the said commissioners shall in no case bid a higher price for such lands than shall be sufficient to save the amount due upon their said mortgage encumbrance and costs. Commissioners authorized to buy in property sold under their mortgages. Proviso.

2. *And be it enacted*, That the said commissioners be and they are hereby empowered and directed to sell and convey to any purchaser, any lands and premises by them acquired under the provisions of this act, at such times, for such prices, and on such terms of payment as the governor of this state, for the time being, shall, by writing, under his hand approve; and the consideration received therefor, shall be assets of the sinking fund. May sell property, so bought, with approval of governor.

3. *And be it enacted*, That the governor of this state, for the time being, be, and he is hereby empowered and directed to sell to any purchaser, any land and premises heretofore struck off and conveyed to the state of New Jersey, at sheriff's sale, under the foreclosure of any mortgage held by the said commissioners of the sinking fund, and to execute in the name of the state of New Jersey, and acknowledge Governor authorized to sell any property heretofore conveyed to state in satisfaction of mortgage.

and deliver to such purchaser, a good and sufficient deed therefor, in fee; *provided*, that the price and terms of payment therefor shall be approved in writing by said commissioners, and that the whole purchase money, or securities therefor, shall be paid or executed and delivered to the said commissioners, and shall be assets and securities of the sinking fund.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCIX.

An act for an appropriation for the support and maintainance of the Soldiers' Children's Home.

Extra appropriation to soldier's children's home.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation for the support of the Soldiers' Children's Home, directed by the Act approved April first, one thousand eight hundred and sixty-nine, the sum of two thousand dollars is hereby appropriated for the object designated by the title of this act, to be expended under the direction of the managers of said home, and the treasurer of the state is hereby directed to pay to the treasurer of the said Children's Home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the said sum of money for the purposes aforesaid.

Treasurer to pay the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCX.

An act to prevent the defacement of Natural Scenery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall paint or print upon, or in any manner place upon or affix to any of the steep rocks called the Palisades, on the Hudson River, in this state, any word, letter, character or device, stating, referring to or advertising, or intending to state, refer to or advertise the sale or manufacture of any property or article, profession, business, exhibition, amusement, or place of amusement or other thing; and any person who shall directly or indirectly cause any such act to be done, or shall aid therein, shall be deemed guilty of a misdemeanor, and upon conviction, shall for each and every such offence, be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment at the discretion of the court in which such offence shall be tried. Advertising signs not to be painted or printed on the Palisades. Penalty.

2 *And be it enacted*, That without the previous consent of the owner, all persons are hereafter prohibited from advertising their wares or occupations by printing notices of the same on fences or other private property, or upon cliffs or rocks or other natural objects. Advertising signs not to be printed on private property without consent of owner, or on natural objects.

3. *And be it enacted*, That all persons violating the provisions of the second section of this act shall be punished by a fine of ten dollars for each offence to be recovered before a justice of the peace, the action to be brought in debt in the corporate name of the township, borough or city wherein such offence shall be committed; one-half of which said fine shall be for the use of the informer or prosecutor of such action; the other half to the overseer of the poor of the township, borough or city in which such offence shall have been committed. Penalty. How to be sued for and disposed of.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCXI.

Supplement to an act entitled "An act for the organization of the National Guard of the State of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

There shall be a judge advocate on regimental staff.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act to which this is a supplement shall be and the same is hereby amended by inserting after the words "one chaplain, to rank as captain," the words "one judge advocate, to rank as captain."

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCXII.

An Act to permit the Treasurer of the State to pay to the Anchor Life Insurance Company, money or securities now in his custody, belonging to said company.

Trustee allowed to draw from custody of treasurer, securities, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis Robinson, the trustee of the Anchor Life Insurance Company, a corporation of this state, be and is hereby allowed to draw from the custody of the treasurer of this state from time to time, such securities or moneys on deposit now in the hands of said treasurer, belonging to said company, for the purpose of liquidating the claims of policy holders in said company; *provided*, that no portion of the said securities or funds shall be withdrawn

Proviso.

as aforesaid, except by the consent and upon the approval of the secretary of state and state treasurer of this state, whose duty it shall be to supervise and direct the withdrawal and disbursement of said funds by said trustee, and no part thereof shall be disbursed for any other purpose than in liquidation of the claims against said company, and in the necessary expenses attendant thereon.

2. *And be it enacted*, That this shall be a public act, and take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCXIII.

An act to extend the operation of an act entitled, "A supplement to an act concerning roads," approved April sixteenth, anno domini, one thousand eight hundred and forty-six, which supplement was approved March twenty-fourth, one thousand eight hundred and fifty-nine.

Act extended to streets in cities and towns.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the operation of the act entitled, "A supplement to an act concerning roads," approved April sixteenth, one thousand eight hundred and forty-six, which supplement was approved March twenty-fourth, one thousand eight hundred and fifty-nine, shall be, and is hereby extended so as to include any street or highway within the limits of any municipal corporation.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 26, 1874.

CHAPTER CCCCXXVI.

An act authorizing common carriers, factors and others to sell goods, wares, merchandise and other property unclaimed, upon which they have a lien.

Common carriers may sell unclaimed freight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for common carriers, having a lien, either for freight, storage or other charges, upon goods, wares, merchandise or other property, and which shall have been or shall be thereafter unclaimed for three months, or upon which such freight or charges shall have remained, or shall hereafter remain unpaid for a like period of time, to sell such goods, wares, merchandise or other property at public auction, after notice by advertisement once a week for three weeks, in at least one newspaper published in the city or county where such sale is to be made, and by hand-bills posted at the place where such goods, wares or merchandise were originally consigned to, and at not less than twenty conspicuous places at the designated point of sale, at least ten days prior to such sale, giving time and place of sale, and name of owner or consignee, if known or legible, address or marks thereon, if any, with a description or name of the article to be sold, and, when known, the place to which the same were consigned; and all goods, wares merchandise or other property hereby authorized to be sold which may be in the custody of or stored by any common carrier at any depot, station or other place, may be removed therefrom, and sold at such cities or towns or boroughs within this state as such carriers may deem the best market for the articles to be sold, and that such sale may be made in bulk, in the original packages as marked and consigned, contents unknown, or by the piece, as may, in the judgment of of the carriers, realize the largest amount to the owners.

Notice to be given.

May collect the goods at one place and sell them.

Perishable goods may be sold at public auction.

2. *And be it enacted*, That in all cases where goods, wares, merchandise or other property shall be perishable or damaged, and which the owner or consignee shall for that or any

other reason refuse to receive, or by reason of the owner or consignee being unknown, it shall be lawful for the carrier or other having a lien upon the same as aforesaid to sell the same by public outcry, or auction, upon such notice thereof as the nature of the case may reasonably seem to require or admit of.

Proceeds of sale how disposed of.

3. *And be it enacted*, That the proceeds of all sales made under the authority of this act, after deducting freight, storage and charges which may be due, as well as advertising, cost of selling and other reasonable expenses, shall be paid to the owner of such property, upon satisfactory proof of such ownership; *provided*, that such proof be made within two years from the date of such sale; and on failure to make such proof at the expiration of that period, such surplus shall be paid into the state treasury for the use of the state.

4. *And be it enacted*, That all acts or parts of acts which are supplied by this act are hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXXVII.

A further supplement to an act entitled "An act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York, and elsewhere in the state," approved April eleventh, eighteen hundred and sixty-four.

The votes of three commissioners and approval of governor necessary for sale or lease of lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful for the riparian commissioners, or any three of them therein concurring, together with the governor of this state, to fix and determine, within the limits prescribed by law, the price or purchase money, or annual rental to be paid by any applicant for so much of lands below high-water mark, or lands formerly under tide-water belonging to this state as may be described in any application therefor

duly made according to law; and the said commissioners, or any three of them therein acting and concurring, with the approval of the governor, shall in the name and under the great seal of the state, grant or lease said lands to such applicant accordingly; and all such conveyances or leases shall be prepared by the said commissioners or their agents at the cost and expense of the grantee or lessee therein, and shall be subscribed by the governor, and at least three of said commissioners, and attested by the secretary of state.

Conveyances how prepared and by whom paid for.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Passed March 27, 1874.

CHAPTER CCCCXXVIII.

Supplement to an act entitled "An act respecting the office of treasurer," approved April seventeenth, eighteen hundred and forty-six.

State Treasurer to give bonds in $300,000.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall, prior to the entering upon the duties of his office, take and subscribe an oath of office, and give bond with sufficient sureties, to be approved of by the legislature, in the sum of three hundred thousand dollars, payable to the State of New Jersey, with condition for the faithful performance of the duties of his office, and for the fidelity of the person or persons to be by him employed, which oath and bond shall be deposited in the office of the secretary of the state.

2. *And be it enacted*, That all acts or parts of acts, inconsistent with this act, be, and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXXXVI.

An act relating to the Stevens Battery.

Preamble

WHEREAS. It is alleged that the war vessel known as the Stevens battery has not been and cannot be finished on what the executors of Edwin A. Stevens, deceased, have adopted and pursued as his general plans, for the sum of one million of dollars, nor without a large additional expenditure; *and whereas*, there now is and for a considerable time past has been, a suit pending in the court of chancery of this state (originally instituted by the widow and infant children of said Edwin A. Stevens, against two of the executors of said deceased, the attorney-general o this state and an adult daughter of said deceased,) involving for judicial decisions, among other things, the powers, rights and duties of said executors in respect to finishing and disposing of said vessel, the rights of this state as well as those of the widow and children of said deceased in and to said vessel, and the money appropriated by the will of said deceased to finish said vessel; and also the rights of the heirs-at-law of Robert L. Stevens, deceased, in and to said vessel; *and whereas*, the dam which separates the basin containing said vessel from the waters of Hudson river, and other protections to said vessel, are believed to be insecure and liable to be at any time broken by the force of the waters of said river or otherwise, and great, if not irreparable damage done thereby to said vessel; and while the protection and preservation of said vessel, since the work of finishing it stopped, has been and will continue to be largely expensive to said executors, the said vessel, and its constituent parts have been and will continue to be (rapidly and largely) deteriorating in quality and value, so that, unless said vessel is disposed of at an early day, it will be of but small value to any one and will be substantially wasted and lost; *and whereas*, the interest, if any, of the heirs-at-law of Robert L. Stevens in and to said vessel is but a part interest in

common with others, and the state, if said vessel be adjudged to it, can, under the permission of congress heretofore given, make no use of said vessel, except to sell it; and said executors desire and intend to sell said vessel in case it shall be adjudged that they can not or should not offer said vessel to the state as a present and that the state shall not receive said vessel; therefore,

Battery may be sold.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the vessel known as the Stevens Battery, and all and every of the rights and interests of the state of New Jersey, and of all persons and of every person therein and thereto, be absolutely sold and transferred in the manner hereinafter provided, at the farthest, before the first day of September next, and the proceeds of such sale, as soon as paid by the purchaser or purchasers, shall be paid into the court of chancery, in the suit hereinbefore mentioned, to be disposed of pursuant to the orders and decrees of said court.

By whom sale shall be made.

2. *And be it enacted*, That said sale shall be made by the governor or person for the time being acting as governor, and the vice chancellor and the executors of the last will and testament of said Edwin A. Stevens, deceased, or a majority of said executors; and a deed or bill of sale of said vessel, or of any part thereof, to any purchaser thereof, signed, acknowledged and delivered by the acting governor and the vice chancellor and all or a majority of said executors, shall vest in the purchaser or purchasers a full and complete title to what shall purport to be conveyed and transferred by such deed or bill of sale.

Purchaser to have use of the dock and yards for one year.

3. *And be it enacted*, That one of the terms upon which said vessel shall be sold, shall be, that the purchaser or purchasers thereof shall, for one year after he or they become the purchaser or purchasers, have the use, free of rent, of the dock and yards and basin heretofore appropriated to the said battery, for the purpose of finishing said battery and removing it, or for removing it without finishing it, but for no other purpose.

Bids to be advertised for.

4. *And be it enacted*, That bids shall be invited by the persons so, as aforesaid, authorized to make said sale of said vessel and all things belonging or appertaining to it, as an entirety, and also bids for said vessel, separated from its engines, machinery, tools and material, and also separate bids for the engines, machinery, tools and material to be separ-

ated from each other, and if the aggregate of the bids of responsible bidders for the several parcels shall amount to more than the highest bid offered by a responsible bidder for said vessel and all things belonging and appertaining to it, as an entirety, then the sale shall be in parcels, otherwise as an entirety.

5. *And be it enacted*, That the persons who, as aforesaid, are to make sale of said vessel shall, in their advertisement of said sale, give a description of said vessel and its contents, and a general schedule of the tools, machinery and materials purchased for said vessel, but not yet placed in it, and shall invite sealed bids, or proposals in writing for the purchase of said vessel as an entirety, and also separate bids for its several portions, separated as aforesaid, to be delivered to the governor at the executive chamber in the State House, at Trenton, before twelve o'clock, noon, of the first day of July next, and on the day last named the said bids shall be opened at the State House, by the governor or vice chancellor, in the presence of each other, and in the presence of the said executors, or of such of said executors as shall see fit to attend; and the said vessel, either as an entirety or in parcels, as hereinbefore prescribed, shall be awarded and sold to the highest bidder or bidders, and the same shall be conveyed in manner aforesaid, to the purchaser or purchasers upon his or their paying therefor as shall be prescribed in the conditions of sale; the advertisements aforesaid shall be prepared and issued within sixty days after the date of the approval of this act, and if the said executors shall not co-operate in preparing and issuing them within that time, then the same shall be prepared and issued by the governor alone; and in all things touching the advertising and making of said sale not herein specially provided for, the said persons, so as aforesaid authorized to make said sale, shall exercise their best discretion and judgment with a view to obtaining the largest amount of money for the said vessel.

When and by whom bids to be opened.

Conveyance to be made.

6. *And be it enacted*, That the necessary and reasonable expenses of preparing for and making said sale, certified to by the governor and vice chancellor, shall be paid out of the proceeds of said sale on the order of the chancellor.

Payment of expenses.

7. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXXXVII.

An act to defray incidental expenses of the New Jersey Legislature, for the Session of one thousand eight hundred and seventy-four.

Certain expenses to be paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That 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, viz:

Item No. 1. To David Campbell, for services rendered in attending the electrical gas machine, in the senate and general assembly chambers, during the session of one thousand eight hundred and seventy-four, one hundred dollars, $100 00

Item No. 2. To I. D. James, for mucilage and brushes for the secretary of the senate, during the session of one thousand eight hundred and seventy-four, thirty-six dollars, $36 00

Item No. 3. To Ivins and Lalor, for carriages for the use of the committee on Industrial School for Girls, per order of Messrs. Thorn and Carpenter, chairmen of the joint committees, twenty dollars, $20 00

Item No. 4. To Louisa Antsworth, for cleaning senate and assembly chambers, session of one thousand eight hundred and seventy-four, two hundred dollars. $200 00

Item No. 5. To George T. Dudley, for stationery furnished to the clerk of the house during the session of one thousand eight hundred and seventy-four, twenty-nine dollars and ninety-one cents, $29 91

Item No. 6. To George T. Dudley, for stationery furnished the senate, session of one thousand eight hundred and seventy-four, as per resolution, one hundred and twenty-six dollars, $126 00

Certain expenses to be paid.

Item No. 7. To George T. Dudley, for stationery furnished to the engrossing clerk of the senate, session of one thousand eight hundred and seventy-four, two hundred and thirty-eight dollars and forty cents. $238 40

Item No. 8. To George T. Dudley, for articles furnished to the engrossing clerk of the house, session of one thousand eight hundred and seventy-four, five dollars and seventy-five cents. $5 75

Item No. 9. To George T. Dudley, for articles furnished to speaker's room, session of one thousand eight hundred and seventy-four, seventeen dollars. $17 00

Item No. 10. To George T. Dudley, for stationery for a portion of the members of the house of assembly, as per order of William H. Iszard chairman of the stationery committee, five hundred and sixty-four dollars, $564 00

Item No. 11. To Ivins & Lalor, for carriages to take committee to the prison, as per order of D. C. Hemmingway, chairman, ten dollars, $10 00

Item No. 12. To Murphy & Bechtel, for stationery for the use of the speaker's room, session of eighteen hundred and seventy-four, nineteen dollars and forty-seven cents, $19 47

Item No. 13. To Murphy and Bechtel, for stationery furnished to the clerk of the house, session of eighteen hundred and seventy-four, two hundred and fifty-two dollars and twenty cents, $252 20

Item No. 14. To Sutphin and Snedecar, for carriages for the use of asylum committee, as per order of Samuel Hopkins, chairman, session of eighteen hundred and seventy-four, twenty-four dollars, $24 00

Item No. 15. To Murphy and Bechtel, for stationery for the engrossing clerk of the house, session of eighteen hundred and seventy-four, three hundred and eighty-four dollars and seventy-five cents, $384 75

Item No. 16. To Murphy and Bechtel, for advertising notice of incidental committee, one dollar and seventy-five cents, $1 75

Item No. 17. To A. H. Rickey, for parchment rolls

Certain expenses to be paid.

for oaths of members of senate and assembly, at the usual rates, twenty-five dollars, $25 00

Item No. 18. To Charles Scott, for thirty-two Nixon's forms, for the new members of the house of assembly, as per resolution of the house, one hundred and twenty-eight dollars, $128 00

Item No. 19. To John P. Lansing, for services rendered the joint committee on state treasurer's account, as approved by Honorable Josephus Sooy, Junior, state treasurer, one hundred dollars, $100 00

Item No. 20. To Murphy and Bechtel, for stationery furnished to the clerk of the engrossing committee of the senate, as per order of the chairman, sixty dollars and twenty cents, $60 20

Item No. 21. To Ivins and Lalor, for carriages furnished to take members of the senate and house of assembly to visit the soldiers' children s home, approved by William J. Sewell, chairman, one hundred and sixty-two dollars, $162 00

Item No. 22. To William S. and E. W. Sharp, for books and blanks furnished to the president of the senate and speaker of the house, session of one thousand eight hundred and seventy-four, fifty-two dollars and fifty cents, $52 50

Item No. 23. To George T. Dudley, for stationery furnished to the senate, as per order of the sergeant-at-arms of the senate, session of one thousand eight hundred and seventy-four, five hundred and fifteen dollars and twenty-six cents, $515 26

Item No. 24. To George T. Dudley, for stationery furnished to the house of assembly, as per order of the sergeant-at-arms of the house, session of one thousand eight hundred and seventy-four, four hundred and forty-three dollars and seventy-five cents, $443 75

Item No. 25. To Murphy and Bechtel, for stationery furnished to the secretary of the senate, for the use of the senate, session of one thousand eight hundred and seventy-four, eight hundred and forty-six dollars and twenty-eight cents, $846 28

Item No. 26. To William G. Allen, to coaches for prison committee of the senate, as per order of

Honorable Charles Hewitt, chairman, session of one thousand eight hundred and seventy-four, fifteen dollars, $15 00 Certain expenses to be paid.

Item No. 27. To I. D. James, for mucilage furnished to the secretary of the senate, session of one thousand eight hundred and seventy-four, nine dollars, $9 00

Item No. 28. To the clergy of the city of Trenton, each ten dollars, for services in opening the sessions of the Legislature with prayer, in the year one thousand eight hundred and seventy-four; *provided*, that no clergyman shall receive more than ten dollars.

Item No. 29. To Frank Wauser, for extra services as page of the house of assembly, fifty dollars, $50 00

Item No. 30. That John B. Courtney and John Goodwin, assistant door-keepers of the senate, be allowed the sum of one hundred dollars each for extra services, $100 00

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXLVIII.

An act to provide for the incorporation of Conservatories of Music and Literature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than five nor more than thirteen, may be incorporated for the development of music and literature, upon filing with the secretary of state such articles of incorporation, with a list of the names and address of each incorporator, the location or proposed place of business, and the purposes thereof. Associations may be formed for development of music and literature.

2. *And be it enacted*, That the conservatory of music and literature, when fully organized, may hold real estate of the value of twenty thousand dollars (except in cities of fifty May hold property.

thousand inhabitants and upwards, where it may hold fifty thousand dollars), for the purposes of the society in the promotion of its business, and pass all necessary by-laws for the management of its affairs; dividends may be paid as provided by the directors, and annual reports shall be made to the secretary of state to be filed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLII.

A further supplement to an act entitled "An act to prevent injuries by fire from locomotive engines on railroads, and to provide for compensation therefor," approved April sixth, anno domini, eighteen hundred and sixty-five.

Act shall apply to suits in which the cause of action arose since July 4th.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the second section of the supplement to the act entitled "Supplement to an act entitled 'An act to prevent injuries by fire from locomotive engines on railroads, and to provide compensation therefor,'" approved April sixth, one thousand eight hundred and sixty-five, which said supplement was approved April fourth, eighteen hundred and seventy-three, shall apply only where the cause of action upon which a suit is brought arose or accrued since the fourth day of July, eighteen hundred and seventy-three.

Repealer.

2. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with the provisions of this act be, and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLVIII.

A further supplement to an act entitled "An act to incorporate Trustees of Religious Societies," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a further supplement, with all the rights, privileges and advantages thereof, shall be and hereby are extended to and for the benefit of all associations which now are or hereafter may be organized in this state, the object of which is or shall be to establish and maintain what are commonly known as mission Sunday schools. Provisions of act extended to mission Sunday schools.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLIX.

A further supplement to an act respecting Circuit Courts in the several Counties of this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the stenographers appointed or hereafter to be appointed in each of the circuit courts of this state, shall, when called upon so to do, by the judge of such circuit, attend the sessions of any court of quarter sessions in such circuit, and perform therein like duties to those now required by law of such stenographers in the said circuit courts. Stenographers, when called on shall attend the quarter sessions.

2. *And be it enacted*, That the compensation of stenograph- Compensation, by

whom fixed.

ers now appointed or hereafter to be appointed in the several courts of this state for attendance in the said courts, and for transcripts of the proceedings of said courts when furnished by order of the court, shall be fixed by the circuit judge of the said court, and paid by the county collector of the county in which the said court is held, upon the certificate of the said judge that such service has been performed by the said stenographer.

3. *And be it enacted*, That all acts and parts of acts, inconsistent herewith, are hereby repealed.

4. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXVII.

A further supplement to an act entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," passed November twenty-sixth, one thousand eight hundred and eight.

Ten days' notice not required.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be necessary in any case to give the ten days' notice heretofore required by the second section of a further supplement to an act entitled "An act to regulate fisheries in the river Delaware, and for other purposes," approved February twenty-eighth, one thousand eight hundred and seventy-two, this section to take effect when concurred in by the legislature of Pennsylvania.

Approved March 27, 1874.

CHAPTER CCCCLXVIII.

An act to amend an act entitled "A further supplement to the act entitled 'An act for the maintenance of bastard children,' approved April tenth, eighteen hundred and forty-six;" approved April fourth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the above entitled act, approved April fourth, eighteen hundred and sixty-four, be amended so that the same shall read as follows: *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That upon the application of any overseer or overseers of the poor of any township in which the legal settlement of any bastard child is, or in which the legal settlement of any bastard child likely to be born may be, to any one or more justice or justices of the peace of the county in which such township is situate, the said justice or justices shall have and take such proceedings for the relief and indemnity of such township as he or they might or could have had taken if the said bastard child had been born or was likely to be born in such township by virtue of the act to which this is a supplement. Amendment. Proceedings when legal settlement of bastard is or may be in certain township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXX.

An act to further define the duties of the fish commissioners of New Jersey.

Erection and improvement of fishways in dams over Raritan River and tributaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever there exists in the Raritan river or its tributaries any dam which prevents the free passage of fish in said river or tributaries, it shall be the duty of the duly authorized fish commissioners of the state of New Jersey to examine the same, and if, in their judgment, good and efficient fishways can be constructed therein, or if there now be any inefficient fishways constructed in any dam spanning said river or tributaries, and if, in the judgment of said commissioners or a majority thereof, the same can be made to accomplish the free passage of fish, then the said commissioners shall have power to cause efficient fishways to be so constructed, and may cause any fishways now existing in any dam spanning said river or its tributaries, which may by said commissioners be deemed inefficient to be repaired, remodeled, rebuilt, or reconstructed, under the supervision of said commissioners, in such way, design or manner as shall accomplish the purpose designed by this act.

Notice to parties interested.

2. *And be it enacted*, That whenever said commissioners deem it necessary to construct, rebuild, remodel or repair any fishway in any dam now spanning said river or its tributaries, so as to accomplish the purposes specified in this act, it shall be the duty of said commissioners to give notice in writing to the person or persons, company or corporations owning, leasing or holding said dam, that a fishway must be constructed, rebuilt, remodeled or repaired in said dam (as the case may be), which notice must be given between the first day of April and the first day of June, in any year.

Parties required to construct or improve fishways.

3. *And be it enacted*, That whenever said person or persons, companies or corporations shall receive such notice, as described in the second section of this act, they shall construct, rebuild, remodel or repair said fishway at their own

proper expense, and neglecting or refusing to commence the same within sixty days after receiving said notice, or who may unnecessarily delay the completion of said work, then the said commissioners shall have full power to cause said work to be done as described in this act, at the expense of the person or persons, companies or corporation owning or holding said dam or dams; the said commissioners shall have power and shall collect the said expenses, with cost, in an action of debt, in any court in the state of New Jersey having jurisdiction of the same.

On failure commissioners may do the work

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXI.

A further supplement to an act for the relief of creditors against absconding and absent debtors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of the death of any defendant in attachment, after the return day of the writ of attachment, as provided for in the forty-eighth section of the act to which this is a supplement, it shall be lawful for the executors or administrators of such deceased defendant to enter an appearance to the suit of the plaintiff or plaintiffs therein, or of any creditor or creditors under the said attachment, in the manner and to the same effect as is provided for in cases of living defendants in the supplement to said act, approved March first, one thousand eight hundred and seventy-one; and thereupon such further proceedings may be had as are provided for in said supplement in cases of living defendants.

Proceedings in case of death of defendant in attachment.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXIII.

A further supplement to an act entitled "An act concerning roads," revision approved April sixteenth, eighteen hundred and forty-six.

Preamble.

WHEREAS, changes in public roads are frequently desirable and necessary, to accommodate public and private interests, by vacating short pieces of such roads and relaying them in other places; *and whereas*, for small changes, proceedings under the present act to which this is a supplement, are both expensive and troublesome, and are attended with much delay, so much so that few persons are willing for the public good to incur the expenses attendant on such change; for remedy whereof,

Proceedings for alteration of short sections of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever ten or more persons, being freeholders, shall think any alteration of any public road necessary in any part of the county wherein they reside, by having a portion of such road vacated, not exceeding in length six hundred yards, and said road changed by relaying it in another place (the road so relaid not to exceed six hundred yards in length) they may make application to three of the surveyors of the highways of said county, one of whom shall be a surveyor of the highway of the township wherein the portion of the road proposed to be changed shall be situated (unless the road to be vacated, or relaid, shall run through his land, in which case a surveyor of any adjoining township may be selected in his stead), the other two surveyors to be taken from the surveyors of the highways, of two of the adjoining townships by public notice in writing signed by said freeholders and put up in three public places in the township where the said road so proposed to be changed or altered is situated; which notice shall contain a description of the portion of road proposed to be vacated and a general description of the road proposed to be laid out in lieu of the one so vacated, and shall name

Application to surveyors of highways.

Notice—what to state.

a day and hour not less than ten days from the putting up of said notice, and when they will apply to one of the judges of the court of common pleas of said county at his chambers (giving also the name and residence of said judge) for the selection and appointment of said three surveyors of the highways as aforesaid, which judge upon due proof being made to him of the putting up of said notices as required by this act, without any further application than a copy of the notice so as aforesaid put up, is hereby authorized to make such selection and appointment from the acting surveyors of the highways, as aforesaid, by an order under his hand, which order shall name the said surveyors and the township wherein they severally reside, and shall fix the time and place of meeting of said surveyors, and for so doing he shall receive the sum of one dollar.

Appointment of surveyors.

2. *And be it further enacted*, That said applicants shall cause the said order, so as aforesaid, to be copied, and a copy thereof served on each of the surveyors therein mentioned, at least six days before the day therein appointed for their meeting.

Copies of appointment to be served.

3. *And be it further enacted*, That like notices required to be put up by the second section of the act to which this is a supplement, shall be given of the time and place of meeting of said surveyors.

And to be posted.

4. *And be it further enacted*, That said three surveyors, so selected, when met as aforesaid, or a majority of them, on due proof being made to them of the putting up of the notices of their said meeting, as required by this supplement on which said surveyors shall decide, and their decision shall be final and conclusive, and they shall thereupon proceed, as surveyors are now required to proceed by the fifth section of the act to which this is a supplement, and the first and second sections of a supplement thereto, approved March first, eighteen hundred and fifty, and the certificate and return of said surveyors shall be final and conclusive as to the alteration of any road made in pursuance herewith and the same may be opened, on tendering to the owner of the lands not applicants, the damages assessed to him, her, or them, and on his, her, or their refusal to accept the same, then by paying the same to the clerk of the county wherein said road is situated.

Meeting and duties of surveyors.

5. *And be it further enacted*, That the said applicants shall cause to be returned with the certificate of said surveyors,

Papers to be filed with county clerk.

to the clerk of the county, the order made by said judge, and the notice whereon said order was founded, and such certificate and proceedings shall not be set aside for matters of form, and any omission may be supplied, by affidavit and an order of the court amending such return in matters of substance, and said clerk shall receive ten cents per folio for recording said proceedings and return.

Review of proceedings.

6. *And be it enacted*, That if the township committee, or the owner of lands or real estate so taken, as aforesaid, shall be dissatisfied with the assessment of said surveyors, they may have the same reviewed by proceeding in the manner provided by the fifth section of the supplement to the act to which this is a further supplement, which supplement was approved March first, eighteen hundred and fifty.

Act not to apply to Sussex and Somerset.

7. *And be it enacted*, That the provisions of this act shall not extend to the counties of Sussex, and Somerset, and this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXIV.

An Act to authorize Railroad Companies to charge and collect an excess of ten cents, where fare is paid in the cars.

Railroad companies may charge ten cents when fare is paid on the train.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That it shall be lawful for any railroad company owning or operating a railroad in this state, to demand and collect an excess charge of ten cents, over the regular or established rate of fare, from any passenger who pays fare in the car in which he or she may have taken passage; *provided, however*, that it shall be the duty of such company to give to any passenger paying such excess a receipt or other evidence of such payment, and which shall entitle the holder thereof to have such excess charge refunded, upon delivery of the same at any ticket office of the said company, upon the line of their railroad.

Proviso.

Amount charged to be refunded

2. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken to be a public law.

Approved March 27, 1874.

CHAPTER CCCCLXXV.

An Act appropriating two thousand dollars to enable the Commissioners of Fisheries to stock the streams, etc., of the state with food fishes, etc.

Appropriation for stocking waters with food fishes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two thousand dollars, be and the same is hereby appropriated, under the direction of the commissioners of fisheries of the state of New Jersey, to be used in stocking the lakes, ponds, and streams of our state, with food fishes, during the year one thousand eight hundred and seventy-four.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXVIII.

A supplement to an act entitled "An act to regulate Fees."

Fees of supreme court commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, supreme court commissioners shall be entitled to receive for their services the following fees and no more:

For making every order for bail the sum of one dollar;

For taking every recognizance of bail, the sum of one dollar;

For approving every replevin bond, the sum of one dollar;

For ordering the entry of every judgment on bond and warrant of attorney, the sum of one dollar;

For taking testimony, the same fees as are now allowed to masters in chancery for like services.

Approved March 27, 1874.

CHAPTER CCCCXCIII.

An Act for the relief of Joseph I. Thompson.

Preamble. WHEREAS, the said Thompson, in execution of his duty as sheriff of the county of Monmouth, did, in the year one thousand eight hundred and sixty-two, seize certain vessels for violating the laws of New Jersey, made for the protection of clams against non-residents, and three suits were thereupon brought against him in the state of New York; *and whereas*, this state by joint resolution approved March eighteenth, one thousand eight hundred and sixty-three, did direct that he should be defended therein at the expense of the state; *provided, however*, that the state should not pay the costs and damages which might be recovered, unless the counsel employed by the governor to defend him, should certify that the said Thompson in the doing of the acts complained of in said actions, respectively, acted within the power and authority conferred upon him by the laws of this state, and did not exceed the power and authority conferred upon him by said laws; *and whereas*, said counsel, to wit: Benjamin Williamson, Joseph D. Bedle and Robert Allen, jr., have given such certificate, and judgment has been rendered against said Thompson in the supreme court of the United States, in the most important of said suits; now therefore,

Costs and damages to be paid by the state. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall out of any moneys in the treasury not otherwise appropriated, appropriate and pay to the said Thompson, or the plaintiffs in said suits, the amount or amounts recovered against said Thompson in all said actions; *provided*, the gross amount thereof does not exceed the sum of fifteen thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER DVI.

An additional supplement to "An act to provide for the publication of the Public Laws of this state," approved February sixteenth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all laws directed to be published by the act to which this is a supplement, and the supplements thereto, in any of the newspapers published in the county of Atlantic, shall be published in the Atlantic County Review, a weekly newspaper, printed and published in Atlantic City, for which publication the proprietor thereof shall be entitled to receive the same compensation as is allowed the publishers of other newspapers published in this state for said work. Public laws to be published in Atlantic County Review.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER DVII.

A further supplement to the act entitled " An act to provide for the publication of the Public Laws of this state," approved February sixteenth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all laws directed to be published by the act to which this is a supplement, and the supplements thereto, in any of the newspapers published in the county of Mercer, shall be published in the "Public Opinion," a daily newspaper published in the city of Trenton, for which publication the proprietors thereof shall be entitled Public laws to be published in Public Opinion.

New Jersey State Library

to receive the same compensation as is allowed the publishers of other newspapers published in this state for said work.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER DVIII.

A further supplement to an act entitled "An Act respecting the Court of Chancery," approved April sixteenth, one thousand eight hundred and forty-six.

Word "official" to be stricken out

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "official" contained in the first section of the act supplementary to the act to which this is a supplement, approved March twelfth, one thousand eight hundred and seventy-three, be and the same is hereby stricken out.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER DIX.

An Act to authorize the establishment and to prescribe the duties of corporations for manufacturing and selling gas in any of the cities and towns of this state.

Incorporation of gas companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons exceeding four, who shall have associated themselves together by articles of agreement in writing under their hands and seals, for the purpose of manufacturing and selling gas, made of coal or other materials, for the lighting of the streets, and the heating and lighting of buildings, manufac-

tories and other places in any town or city within this state, and shall have complied with the provisions of this act, they and their successors, and all others who may become subscribers to the capital stock, shall be and remain a corporation, under any name indicating the corporate character assumed in their articles of agreement, and which is not previously in use by any other corporation of this state.

What the articles of association shall state.

2. *And be it enacted*, That the articles of association directed to be made by the foregoing section, shall contain:

I. The name assumed to designate such company, and to be used in its business and dealings.

II. The place or places where the business of such company is to be conducted, and the objects for which the company shall be formed;

III. The total amount of capital stock of such company, which shall not be less than ten thousand dollars, and the number of shares into which the same shall be divided;

IV. The names of the associates and their residences, and the number of shares of stock subscribed for by each;

V. The period at which such company shall commence and terminate, not exceeding fifty years.

Articles of agreement to be acknowledged and filed.

3. *And be it enacted*, That the said articles of agreement shall be proved or acknowledged before an officer competent to take the proof or acknowledgment of deeds in this state, and recorded in a book to be kept for that purpose in the office of the clerk of the county where the office or place of business of such company shall be established, and after being so recorded, shall be filed in the office of the secretary of state of this state.

Copy of articles of agreement evidence.

4. *And be it enacted*, That the said articles of agreement, or a copy duly certified by the secretary of state, or the clerk of the county in whose office the same has been recorded, shall be evidence in all courts and places for and against said company.

Powers of companies incorporated under this act.

5. *And be it enacted*, That such company, and the officers of every such company, and the stockholders thereof, may exercise the powers, and shall be governed by the provisions of, and be subject to the liabilities hereinafter provided, to wit:

Company to be parties to suits; to have seal

I. Every such company shall have corporate power in all courts of law and equity to sue and to be sued, plead and be impleaded, answer and be answered unto, defend and be

and may make contracts, &c.

defended in all manner of actions, suits, complaints, matters and causes, whatsoever; may have a common seal, which they may change, alter, and renew at pleasure; and by its corporate name shall in law be capable to enter into and execute all contracts, agreements or covenants, in relation to the objects of the company, and enforce the same; every such company shall have power to make by-laws and regulations not repugnant to the constitution and laws of the United States or of this state, or the provisions of this act, for the government of such company, the management and disposition of its stock and property, the election of directors, and all matters appertaining to its business and concerns;

May hold real estate.

II. By its corporate name such company shall in law be capable of purchasing, taking, holding, and disposing of any lands, tenements, hereditaments or other property, real or personal, whatsoever, necessary or useful for such company in carrying on its operations, or giving effect to the purposes of the company, or for the accommodation of the business and concerns of the company, which may be necessary for such company to acquire, hold, or dispose of in the course of their business; *provided*, that the real estate shall not exceed what is necessary for the purposes mentioned; and no part of the funds of such company shall be used or employed at any time in banking operations, or for any other purpose inconsistent with the provisions of this act or objects for which the company is formed;

May lay pipes and erect posts.

III. Such company is hereby empowered to lay down gas pipes and erect gas posts, burners and reflectors, in the streets, alleys, lanes, avenues or public grounds in any city or town in this state where the business of the company is to be conducted; and to [do] all things necessary to light such cities or towns, or any part thereof; *provided*, that public travel at no time be unnecessarily affected or impeded by laying such pipes or erecting such posts; and the streets, side and crosswalks, public grounds, lanes and avenues, shall not be injured, but all be left in as good and perfect a condition as before laying such pipes or erecting such posts; *and provided also*, that such company shall conform to and be subject to the regulations and ordinances of the respective cities and towns made for the benefit and protection of the public.

Proviso—public travel shall not be unnecessarily impeded.

Proviso.

6. *And be it enacted*, That the first meeting of such com-

pany shall be called by a notice, signed by a majority of the persons named in the articles of association, designating the time and place and purpose of such meeting,; and such notice, for one week at least before the time of the meeting, shall be published in one or more newspapers of the county, where the company may be established, or, if no newspaper is published in the county, in a newspaper published in an adjoining county; at which first meeting there shall be elected a board of directors, president, secretary, and treasurer, to hold their offices until the second Monday of January next succeeding such election, and until others are chosen in their stead; on the second Monday of January of each year, at such time and place as a majority of the directors may appoint, the stockholders shall meet for the purpose of electing a board of directors and other officers for the ensuing year; and public notice shall be given of the time and place of holding such election, by advertisements for ten days, in one or more newspapers, published as aforesaid.

First meeting how and by whom called.

Election of Directors.

7. *And be it enacted*, That the business of the company shall be managed and conducted by the board of directors thereof, who shall not be less than three in number, and respectively stockholders thereof, a majority shall be residents of this state; and any vacancy in said board of directors may be supplied by the survivors until the next annual election; all other officers, agents, and factors of the company, shall be chosen in such manner and hold office for such term as shall be directed by the by-laws.

Business to be managed by Board of Directors.

Vacancies how filled.

8. *And be it enacted*, That the duties of all officers, agents and factors, shall be designated by the board of directors; the treasurer shall give a bond in such sum and with such sureties as the board of directors may require for the faithful discharge of his duties.

Duties of officers.

Treasurer's bond.

9. *And be it enacted*, That the shares of stock shall be deemed personal property, and transferable on the books of the company in such manner as the by-laws may provide; the directors of such company, from time to time may assess upon each share such sums of money, not exceeding in the aggregate the par value of each share, and shall direct the treasurer, to give thirty days notice of the time the payment thereof shall be due and payable.

Shares personal property.

Assessments.

10. *And be it enacted*, That whenever the owner or owners of such shares neglects to pay the sum or sums duly as-

Failure to pay assessments to

work forfeiture of stock.

sessed thereon, for the space of thirty days after the time appointed for the payment thereof, the treasurer may sell at public auction such number of shares of the delinquent owner or owners, as will pay all the assessments then due from him or them, with interest, and all necessary incidental charges; *provided*, he shall give notice of the time and place appointed for such sale, and of the sum due upon each share, by advertising the same for three successive weeks in a newspaper, circulating in the county where such company is established; the treasurer, upon making such sale, shall transfer such shares to the purchaser, who shall be entitled to a certificate therefor.

Proviso.

Elections how conducted.

11. *And be it enacted*, That all elections shall be conducted by ballot; such of the stockholders as shall attend for that purpose, either in person or by proxy, shall be entitled to one vote for each share of stock held by him; one-fourth of the whole number of shares of stock shall constitute a quorum for the transaction of business.

Certificate of amount of stock paid in, to be made.

12. *And be it enacted*, That the president and directors, with the secretary and treasurer of such company, within thirty days after the payment of the last installment of the capital stock, so fixed and limited by the company, shall make a certificate, stating the amount of capital so fixed and paid in in cash; which certificate shall be signed, and sworn or affirmed to by the president, secretary, treasurer, and a majority of the directors; and shall within thirty days cause the same to be recorded in a book, to be kept for that purpose in the office of the clerk of the county, where the business of the company is conducted.

No payment for stock to be by note or other obligation.

13. *And be it enacted*, That no note or obligation, given by any stockholder, whether secured by any pledge or otherwise, shall be considered as payment of any part of the capital stock; and no loan of money shall be made to a stockholder therein; and if any such loan is made to a stockholder, the officers who make it, or assent thereto, shall be jointly and severally liable to the extent of such loan and interest thereon, for all the debts of the company, contracted before the repayment of the sum so loaned.

May increase or reduce capital stock.

14. *And be it enacted*, That such company, by a vote of two-thirds in interest of the stockholders, or their legal representatives, at any meeting called for that purpose, may increase or reduce its capital stock, and in such case a certificate of the proceedings, signed and acknowledged as is pro-

vided in section twelve shall, within thirty days after the passing thereof, be recorded in said book in the clerk's office of the county wherein the business of the company is conducted; and if any such officers neglect or refuse to perform the duties required of them in this section of the act, they shall be jointly and severally liable for all debts of the company contracted after the expiration of the said thirty days and before such certificate is recorded as aforesaid.

Certificates of increase or decrease to be filed.

Penalty for neglect.

15. *And be it enacted*, That dividends of the profits of the company may be declared at any time by the board of directors, and if they declare a dividend when the company is insolvent, or wher the payment thereof would render it insolvent, they shall jointly and severally be liable for all debts of the company then existing and for all thereafter contracted, so long as they respectively continue in office; *provided*, they shall be liable only in an amount not exceeding the amount of such dividend; and if any are absent at the time of making such dividend, or object thereto at such time, and file their objections in writing, with the secretary of the company, and publish the same in a newspaper circulating in the county where the company is located, such directors shall be exempted from such liability; and the stockholders shall be liable to refund any dividend unlawfully made and received by them.

Dividends shall not be declared when company is insolvent.

Penalty.

Proviso.

16. *And be it enacted*, That the whole amount of the debts which such company may owe at any time shall not exceed the amount of the capital stock actually paid in; in case of excess the directors under whose administration it happens, shall be jointly and severally liable to the extent of the excess for all debts of the company then existing, and for all contracted so long as they respectively continue in office until the debt is reduced to said amount of capital stock; *provided*, any director absent at time of contracting any debt contrary to the foregoing provision, or being present and objecting thereto, shall be exempt from such liability by forthwith giving notice of the fact to the stockholders at a meeting which they may call for that purpose.

Debts of company shall not exceed paid up capital.

Directors liable for excess.

Proviso.

17. *And be it enacted*, That whenever for want of sufficient by-laws for the purpose, or officers duly authorized, or from improper neglect or refusal of such officers, or from other legal impediment, a legal meeting of the company cannot be otherwise called, three or more stockholders thereof may

Meetings may in certain cases be called by three stockholders.

call a meeting of the company by giving ten days' notice in a newspaper circulating in the county wherein the business of the company is conducted; and such meeting so called, shall be a legal meeting of the company; and if no officers of the company are present, whose duty it is to preside at a meeting, the stockholders present may elect officers for the meeting, and it shall be the duty of the secretary of the company to record the proceedings of such meeting in the book of minutes of the company.

Officers may be elected pro-tempore.

Liabilities of officers.

18. *And be it enacted*, That when any officer of such company or the stockholders thereof are liable by the provisions of this act, to pay the debts of the company or any part thereof, any person to whom they shall be so liable may have an action on the case against one or more of such officers or stockholders, and the declaration in such action shall state the claim against the company and the ground on which the plaintiff expects to charge the defendants personally; and such action may be brought notwithstanding the pendency of any action against the company for the recovery of the same claim or demand; and both of such actions may be prosecuted, until the plaintiff obtains the debt and costs of both actions.

How action shall be brought.

May be brought by bill in chancery.

19. *And be it enacted*, That when any of the said officers or stockholders are liable, as mentioned in this act, for the debts of such company, or any part thereof, the person to whom they are so liable may, instead of the proceedings mentioned in this act, have his remedy against such officers or stockholders by a bill in chancery.

Officers or stockholders may recover money paid for debts of company.

20. *And be it enacted*, That any officer or stockholder of such company who has paid any debt of the company for which he is liable under the provisions of this act, may recover the amount so paid in an action against such company for money paid for their use, in which action the property of the company only shall be liable to be taken, and not the property of any stockholder.

Names of officers shall be furnished any person bearing a writ of execution.

21. *And be it enacted*, That every agent or other person having charge of any property of such company, on request of any public officer having for service a writ of execution against such company, shall furnish the names of the directors and secretary, or stockholders thereof, and a schedule of all its property, including debts due or to become due to the company, so far as he may have knowledge of the same.

22. *And be it enacted*, That if any such officer holding an

execution shall be unable to find other property belonging to such company liable to execution, he or the judgment creditor may elect to satisfy such execution, in whole or in part, by any debts due such company, not exceeding the amount thereof; and it shall be the duty of any agent or other person having the custody of any evidence of such debt to deliver the same to the officer for the use of the creditor, and such delivery, with a transfer to the officer in writing for the use of the creditor, and notice to debtor, shall be a valid assignment thereof; and such creditor may sue for and collect the same in the name of such company subject to such equitable set-offs on the part of the debtor as may be in other assignments. Proceedings if sufficient property is not found to satisfy writ of execution.

23. *And be it enacted*, That every such agent or other person who shall neglect or refuse to comply with the provisions of the two preceding sections shall be himself liable to pay to the execution creditor the amount due on said execution with costs. Penalty.

24. *And be it enacted*, That every person holding stock in such company, as executor, administrator, guardian or trustee, may represent the share or shares of stock in his hands at all meetings of the company, and may vote accordingly as if a stockholder. Persons holding stock as agent, &c., may vote on it.

25. *And be it enacted*, That such companies which may expire by their own limitation, or be annulled by the legislature or otherwise, shall nevertheless, be continued bodies corporate for the term of five years after the term when they would have been so dissolved, for the purpose of prosecuting and defending suits by and against them, and of enabling them to gradually settle and close their concerns, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which such company is established. Companies which expire or are annulled, to continue five years in order to close up business.

26. *And be it enacted*, That whenever any such company is dissolved, as mentioned in the preceding section, the chancellor, on the application of any creditor or stockholder thereof, at any time within said five years, shall appoint one or more persons to be receivers of and for such company; and the chancellor shall have jurisdiction of such application, and of all questions arising in the proceedings thereon; and may make such orders, injunctions and decrees therein, as justice and equity shall require. When company dissolved, chancellor shall appoint receivers.

27. *And be it enacted*, That such receiver or receivers shall take charge of the estate and effects of such company, and Receivers shall take charge of

company and its business.

collect the debts due and property belonging to such company, and have power to prosecute and defend in the name of the company, or otherwise, all such suits as may be necessary or proper for the purposes aforesaid, and may appoint an agent or agents under them, and do all other acts which could have been done by such corporation, if in being, that may be necessary for the final settlement of the unfinished business of the company; and the powers of the receivers may be continued beyond the said five years as long as the chancellor may deem it necessary for the purposes aforesaid.

Receiver shall settle the debts of the company.

28. *And be it enacted*, That the said receivers shall pay all debts due from the company, if the funds in their hands are sufficient therefor; and if not, they shall distribute the same ratably among all the creditors who have proved their debts in the manner directed by an order or decree of court for that purpose made; and any balance remaining after the payment of such debts and necessary expenses the receivers shall distribute among and pay to those who are justly entitled thereto, as having been stockholders of the company, or their legal representatives.

Balance, if any, to be paid to stockholders.

Wages of laborers, to be paid prior to other debts.

29. *And be it enacted*, That in case of the insolvency of such company, the laborers in its employ, shall have a lien upon the assets thereof for the amount of wages due to them respectively, which shall be paid prior to any other debt or debts of such company.

Amendment or repeal.

30. *And be it enacted*, That the provisions contained in this act may be amended or repealed at the pleasure of the legislature, and every company created under this act shall be bound by such amendments; but such amendment or repeal shall not take away or impair any remedy against any such company or its officers for any liability which they may have previously incurred.

On dissolution of company property to be vested in stockholders or owners in common.

31. *And be it enacted*, That on the final dissolution of any company created under this act, all its real and personal estate, not legally disposed of, shall be vested in the individuals who may be stockholders, at the time of such dissolution, in their respective proportions, and they shall hold the same as tenants or owners in common.

Act not to apply to cities now supplied with gas.

32. *And be it enacted*, That nothing in this act shall authorize the building of gas works or laying of gas pipes in any city or town which is already being supplied with gas.

33. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER DXVI.

An act to provide for the education of the deaf and dumb, the blind, and the feeble-minded, in this state.

Preamble.

WHEREAS, the commissioners heretofore appointed by the governor have reported that there exists at present within the state no schools adequate for imparting education to pupils who are either deaf and dumb, blind or feeble-minded, and that there are at the present time at least one hundred and fifty deaf and dumb, one hundred blind, and one hundred feeble-minded pupils who would gladly avail themselves of such facilities as the state might provide; *and whereas*, it is the duty of the state to educate these, her unfortunate children:

Commissioners appointed to receive proposals for sites for asylums, for the blind, deaf and dumb, and feeble minded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles D. Deshler, Jeremiah Baker, William S. Yard, Charles D. Hendrickson, Ralph B. Goudy and Eldridge Mix be, and they are hereby appointed commissioners to advertise for and receive proposals for sites, that is to say, for a site upon which to erect suitable buildings in which to board and instruct pupils who are deaf and dumb, which site shall contain not less than twenty acres of ground; for a site upon which to erect suitable bulidings in which to board and educate pupils who are blind, which site shall contain not less than five acres of ground; for a site upon which to erect suitable buildings in which to board and educate pupils who are feeble-minded, which site shall contain not less than fifty acres; that all these sites shall be remote from malarial influences, capable of complete drainage and of securing thereon an abundant supply of sweet soft water; which proposals shall name the lowest price at which the land will be sold to the state, giving to the state an option to purchase the same, at the price named, at any time before the first day of April, eighteen hundred and seventy-five.

Plans for buildings shall be procured.

2. *And be it enacted*, That said commissioners may procure from competent experts plans for the several buildings in which may be boarded and educated one hundred and fifty

deaf and dumb pupils, one hundred blind, and one hundred feeble-minded, with all convenient and proper appliances for their comfort, instruction and preservation of health; and for the accommodation of the officers, teachers and assistants; which buildings shall be, when constructed, of durable material, and shall be limited in cost as follows: that for the deaf and dumb not to exceed one hundred and fifty thousand dollars; that for the blind not to exceed one hundred thousand dollars, and that for the feeble-minded not to exceed eighty thousand dollars.

Limitation of cost.

To report to governor

3. *And be it enacted*, That the said commissioners shall report, with their opinions thereon, the proposals and plans they may receive under this act to the governor, to be by him laid before the next legislature.

Appropriation to defray expenses.

4. *And be it enacted*, That to defray the entire expenses which the said commissioners may incur under this act, the sum of two thousand dollars is hereby appropriated, to be drawn from the treasury only upon proper detailed vouchers, signed by the commissioners and audited and certified by the comptroller.

Approved March 27, 1874.

CHAPTER DXXII.

A supplement to the act entitled "An Act relative to Law Reports of New Jersey," approved April fourth, one thousand eight hundred and seventy-two.

Proviso in 1st section of act of April 4th, 1872, repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso contained in the first section of the act to which this is a supplement, which authorizes the appointment of a person to reprint the law reports, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall go into effect immediately.

Approved March 27, 1874.

CHAPTER DXXIII.

An act relative to the attendance of Children at School.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every parent, guardian, or other person having control and charge of any child between the ages of eight and thirteen years, shall cause such child to attend some public or private school at least twelve weeks in each year, six weeks at least of which attendance shall be consecutive; or to be instructed at home at least twelve weeks in each year, in the branches of education commonly taught in the public schools, unless the physical or mental condition of the child is such as to render such attendance inexpedient or impracticable, and for every neglect of such duty, the party so offending shall forfeit, to the use of the city, town, borough, or school district in which such child resides, a sum not exceeding twenty dollars, to be recovered in any court of competent jurisdiction in the county in which such city, town, borough, or school district may be situated; *provided however*, that the aforesaid penalty shall not be imposed if it shall be satisfactorily proven, upon the trial of the case, that the parent, guardian, or other person, so neglecting, was unable, by reason of extreme poverty, to comply with the requirements of this act.

Children shall attend school twelve weeks in each year, or be instructed at home for same period.

Penalty.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER DXXIV.

A further supplement to an act entitled "An act to ascertain the rights of the State and Riparian owners in the lands lying under the waters of the Bay of New York and elsewhere in this State," approved April eleventh, one thousand eight hundred and sixty-four.

Compensation to be paid by canal company for lands under water taken from parties to whom the state has leased or granted them.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where lands which now are or ever have been under the tide waters of this state, but which have been or may hereafter be leased or granted by this state to any person or persons, party or parties, shall be taken by the company incorporated by an act entitled "An act to incorporate a company to form an artificial navigation between the waters of Newark bay and New York bay," approved March thirteenth, one thousand eight hundred and sixty-six, or by virtue of any supplement thereto, or by any commissioners appointed under last mentioned act; that in such case such person or persons, party or parties, and all persons claiming through and under them, or either of them, shall be entitled to compensation for the lands or any materials so taken, in the same way and manner as the owner or owners of lands and materials taken for said company, under and by virtue of last mentioned act, or the supplements thereto, are entitled to compensation therefor; and in case of dissatisfaction with the report made by the commissioners appointed under last mentioned act, and the supplements thereto, they or either of them shall have the same right to appeal, and under the same provisos as is provided for by the said last mentioned act, and the supplement thereto, *provided, however*, that nothing in this act or in the said act, approved March thirteenth, one thousand eight hundred and sixty-six, or any supplement thereto shall be construed to give any right, title or interest of the state to lands under water to any person or persons, corporation or corporations.

Proviso.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER DXXV.

An act to amend and consolidate the several acts relating to Game and Game Fish.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall kill or pursue in any part of this state any buck, doe, fawn or wild deer, save only from the fifteenth day of October to the first day of December in any year, and any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of fifty dollars for each buck, doe or fawn so killed or pursued, and may be proceeded against in any county of the state wherein he may be arrested having the same in his or her possession; *provided*, however, that any person may sell or have in his or her possession the buck, doe or fawn aforesaid, between the fifteenth day of October in any year and the first day of December next following, without liability to the penalty herein imposed. When deer shall not be killed. Penalty. Proviso. Penalty.

2. *And be it enacted*, That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any gray, black or fox squirrel between the first day of January and the first day of July in each year, under a penalty of five dollars for each and every squirrel so killed or had in possession. When squirrel shall not be killed. Penalty.

3. *And be it enacted*, That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any hare, commonly called rabbit, between the first day of January and the first day of November in any year under a penalty of five dollars for each and every hare or rabbit so killed or had in his possession. When rabbits shall not be killed. Penalty.

4. *And be it enacted*, That no person shall at any time kill any wild duck, brant or goose with any device or instrument How wild duck, brant or geese

shall be killed.

known as a swivel or punt gun, or with any gun other than such guns as are habitually raised at arms length and fired from the shoulder; or shall use any net, device, instrument, or gun other than such gun as aforesaid with intent to capture or kill any such wild duck or goose, under a penalty of fifty dollars.

Penalty.

When plovers and gray snipe shall not be killed.

5. *And be it enacted*, That no person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any upland or grass plover between the first day of January and the first day of August in any year under a penalty of ten dollars for each bird so killed or had in his possession; no person shall kill, expose for sale, or have unlawfully in his or her possession any "Wilson" or gray snipe between the first day of May and the first day of October in any year, under a like penalty.

Penalty.

When woodcock shall not be killed.

6. *And be it enacted*, That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any woodcock between the first day of January and the fourth day of July in any year, under a penalty of ten dollars for each bird so killed or had in possession.

Penalty.

When quail shall not be killed.

7. *And be it enacted*, That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any quail or Virginia partridge between the first day of January and the first day of November in any year, under a penalty of fifteen dollars for each bird so killed or had in possession.

Penalty.

When pheasant shall not be killed.

8. *And be it enacted*, That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any ruffed grouse, commonly called pheasant, between the fifteenth of December and the first day of October in any year, under a penalty of fifteen dollars for each bird so killed or had in possession.

Penalty.

When prairie chicken shall not be killed.

9. *And be it enacted*, That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any pinnated grouse or wild turkey, commonly called prairie chicken, prior to the first day of November anno domini one thousand eight hundred and eighty, under a penalty of fifty dollars for each bird so killed or had in possession; and subsequent to the date heretofore mentioned, it shall only be lawful to hunt and kill pinnated grouse or prairie chicken between the first day of November and the first day of January in any year, under a penalty of

Penalty.

twenty dollars for each pinnated grouse or prairie chicken so killed or had in possession.

When rail and reed bird shall not be killed.

10. *And be it enacted*, That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any rail bird or reed bird, except in the months of September, October and November, under a penalty of five dollars for each and every rail bird or reed bird so killed or had in possession.

Penalty.

Insectivorous birds shall not be killed.

11. *And be it enacted*, That no person shall, at any time within this state, kill, trap or expose for sale or have unlawfully in his or her possession after the same is killed, any night-hawk, whip-poor-will, sparrow, thrush, lark, finch, martin, barn-swallow, wood-pecker, flicker, robin, oriole, red or cardinal bird, cedar-bird, tanager, cat-bird, blue-bird, or any other insectivorous bird, under a penalty of five dollars for each bird killed, trapped, exposed for sale or had in possession.

Penalty.

Proviso.

12. *And be it enacted*, That the last section, to wit: section eleven, shall not apply to any person who shall kill any bird for the purpose of scientific investigation or having the same stuffed and set up as a specimen.

Eggs of wild birds shall not be destroyed.

13. *And be it enacted*, That no person shall rob or destroy the eggs or nests of any wild birds whatsoever, save only those of a predatory character and destructive of game and insectivorous birds, under a penalty of ten dollars for each offence; *provided*, that this section shall not apply to any person who shall collect such eggs for scientific purposes.

Proviso.

Wild pigeons shall not be killed or disturbed on or near the nesting ground.

14. *And be it enacted*, That no person shall kill, catch, or discharge any fire-arms at any wild pigeon while on its nesting-ground, or break up or in any manner disturb such nesting-ground, or the birds therein, or discharge any fire arms within one-fourth of a mile of such nesting-place at any wild pigeon or pigeons, or shoot at, maim or kill any wild pigeon or pigeons within their roostings, under a penalty of twenty-five dollars.

What birds shall not be trapped.

15. *And be it enacted*, That no person shall, at any time or place within this state, kill or take any ruffed grouse, commonly called pheasant or quail, or Virginia partridge, or woodcock, or pinnated grouse, or prairie chicken, or wild turkey, or rail or reed bird, by means of any blind, trap, snare, net or device whatever, under a penalty of ten dollars for each and every such bird so trapped, snared or taken; *provided*, that nothing in this section shall be so construed

Proviso.

as to prevent individuals or associations, for protection, preservation and propagation of game, from gathering alive, by nets or traps, with the written consent of the owner of the land, quails or Virginia partridges, from the first day of January in any year to the first day of February next following, for the sole purpose of preserving them alive over the winter.

Speckled trout and bass how to be caught.

16. *And be it enacted*, That no person shall at any time catch any speckled trout, or bass, with any device save only with hook and line, except for the purpose of propagation or scientific investigation, or place any set-lines in waters inhabited by them, under a penalty of twenty-five dollars for each offence.

When trout shall not be caught.

17. *And be it enacted*, That no person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any trout, brook trout, or lake trout, in the months of October, November, December, January and February, under a penalty of ten dollars for each fish.

Penalty for trespassing on private ground to catch fish.

18. *And be it enacted*, That any person trespassing on any lands for the purpose of taking fish from any private pond, stream or spring, after public notice on the part of the owner or occupant thereof, such notice being posted adjacent to such pond, stream or spring, shall be deemed guilty of trespass, and, in addition to damages recoverable by law, shall be liable to the owner, lessee or occupant, in a penalty of one hundred dollars for every such offence.

Catching or killing fish by medicine, poison or injurious substances.

19. *And be it enacted*, That no person shall place in any fresh water stream, lake or pond, any lime or other deleterious substance, or any drug or medicated bait with intent thereby to injure, poison or catch fish, nor place in any pond, lake or stream stocked with or inhabited by trout, bass, pickerel, pike, sunfish, or perch, any drug or other deleterious substance with intent to kill or catch such trout, bass, or other fish; any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall in addition thereto and in addition to any damage he may have done be liable to a penalty of fifty dollars or by imprisonment in the common jail of the county in which such offence is committed, not exceeding three months, or by such penalty and imprisonment both.

Fish shall not be caught except with hook and

20. *And be it enacted*, That no person shall at any time catch or kill in any of the waters of this state, save only with a hook and line or scroll; and no person shall catch or ex-

pose for sale, or have in his or her possession after the same has been killed, any black bass, pike or pickerel, between the first day of March and the first day of May, except alive for stocking other waters, under a penalty of twenty-five dollars for each offence. line or scroll. When bass, pike, pickeral not to be caught.

21. *And be it enacted*, That no person shall catch any speckled trout, black bass or other fish in any of the waters of this state by shutting or drawing off any portion of said waters, or by dragging or drawing small nets or seines therein when the waters shall be wholly or in part drawn off except by order of the state fishery commissioners, under a penalty of twenty-five dollars for each offence. Fish not to be caught or killed by drawing off the water.

22. *And be it enacted*, That any person may sell or have in his or her possession any ruffed grouse, commonly called pheasant, and quail or Virginia partridge for a period of five days after the time limited for killing the same has expired, and shall not be liable to any penalty under this act, *provided*, he or she shall prove that such birds were killed within the period allowed by this act, or were killed outside the limits of this state at some place where the law did not forbid the killing of the same. Persons may have or sell pheasant and quail in 5 days after time limited for killing. Proviso.

23. *And be it enacted*, That in all cases where the shooting of any game or catching any fish mentioned in this act is entirely prohibited until after a certain fixed term of years shall have expired, by special laws now in force in any county or counties of this state, nothing in this act shall be construed as to alter or invalidate said laws, or to justify or permit the shooting of such game or catching of such fish in said counties at any time within the term of years during which the same is prohibited. Act not to interfere with special acts forbidding killing of game for certain periods.

24. *And be it enacted*, That in all prosecutions against common carriers under this act, it shall be competent for them to shew that the prohibited article came into possession in another state or from beyond the United States at some place where the law did not prohibit such possession; and such evidence shall be a valid defence to the prosecution. Common carriers may prove reception of goods in other states. Shall be a valid defence.

25. *And be it enacted*, That any judge of the court of quarter sessions, or any mayor, alderman, justice of the peace, police or other magistrate, upon receiving sufficient proof by affidavit that any of the provisions of this act have been violated by any person being temporarily within his jurisdiction, but not residing there permanently, or by any Persons believed to have violated act may be arrested.

person whose name and residence are unknown, is hereby authorized and required to issue his warrant for the arrest of such person, and to cause him to be committed or held to bail to answer the charge against him; and any such justice or magistrate upon receiving proof or probable cause for believing in the concealment of any game or fish mentioned in this act during any of the periods prohibited, shall issue his search warrant and cause search to be made in any house, market, boat, box, package, car or other building; all courts of quarter sessions are hereby invested with jurisdiction to try and dispose ot all and any of the offences against the provisions of this act occurring in the same county.

Search may be made for game believed to be concealed.

All persons to aid in arresting and prosecuting persons violating act.

26. *And be it enacted*, That it shall and is hereby made the duty of the several mayors of the several cities, towns and boroughs within this commonwealth, to require their respective police or constabulary force, and it is hereby made their duty as it is hereby made the duty of the several clerks of markets of said cities, towns and boroughs, and any other person or persons, to diligently search out and arrest as for a misdemeanor all persons violating the provisions of this act, by having any game or fish mentioned therein unlawfully in their possession, or vending the same during any of the periods prohibited in this act within such cities, towns or boroughs, and all persons so arrested shall be taken before the mayor, justice, or any police or other magistrate of said cities, towns or boroughs, in which the arrest is made, who shall proceed to hear and determine as to the truth of the offence charged on the oath or affirmation of one or more witnesses to the same; *provided*, that the officer making the arrest shall be a competent witness; and if the person or persons so arrested shall be found guilty, he, she or they, shall be convicted of a misdemeanor and sentenced to pay the fine or fines, penalty or penalties, imposed by this act, for having such game or fish unlawfully in possession, or vending the same during any of the periods prohibited therein, together with the costs; one-half of said penalty shall go to the person informing, and the other half shall be forthwith paid to the treasurer of the county or city in which the offence was committed, and in default of payment as aforesaid the offender shall be committed to the common jail of the proper county, for the term of not less than one day for each dol-

Proviso.

lar of penalty imposed; *provided*, that said coviction shall be had within six months after committing the offence; *and provided further*, that the defendant may, on refusing to pay said penalty, enter into a recognizance with one or more sufficient sureties, to answer said complaint on a charge for misdemeanor, before the court of quarter sessions of the peace of the county in which the offence is committed, which court, on conviction of the defendant of the offence charged, and failure to pay the penalty or penalties imposed by this act, together with costs, shall commit said defendant to the common jail of the county, for a period of not less than one day for each dollar of penalty imposed. Proviso. Proviso.

When penalties are not recovered, the costs shall be paid by county.

27. *And be it enacted*, That whenever any officer, constable or other person making complaint of the violation of any of the provisions of this act, shall fail to recover the penalty or penalties mentioned therein in any prosecution or suit commenced by him or them pursuant to the foregoing sections of this act, the costs of suit incurred by him or them shall be a charge upon the proper county, and shall be audited and allowed as other county charges are audited and allowed.

When cases to be tried by the Quarter Sessions.

28. *And be it enacted*, That in all cases not separately and particularly provided for in other sections of this act, wherever the penalty or penalties mentioned in said act exceed in amount the jurisdiction of the mayor, aldermen or justice of the peace, it shall be the duty of the said mayor, alderman, justice of the peace or other proper officer to let such offender or offenders to bail or mainprise unto the next court of quarter sessions to be held in the said county, and upon conviction thereof, one-half of the penalty recovered shall belong to the person laying information on which the action is brought, and the other half shall be paid to the treasurer of the county in which the offence is committed.

To whom penalty shall be paid.

When actions shall be brought.

29. *And be it enacted*, That all actions for violation of the provisions of this act, except where otherwise therein directed, shall be brought within six months from the time such violation was committed.

Act not to apply to catching or killing of game by persons on their own premises.

30. *And be it enacted*, That nothing in this act shall be so construed as to prevent any person in any part of this state from catching speckled trout or black bass with nets in waters owned by himself for the purpose of stocking other waters, but none of the penalties or provisions of this act

shall be so construed as to apply to or prevent any person or persons from taking, catching or killing any of the game, birds, animals or fishes therein named from or upon their own premises.

31. *And be it enacted*, That all acts or parts of acts which are inconsistent with this act are hereby repealed.

32. *And be it enacted*, That this act shall take effect immediately.

Approved, March 27, 1874.

CHAPTER DXXXVI.

A supplement to the act relative to the Publication of the Public Laws.

Preamble.

WHEREAS, certain notices relative to the sale of real estate, under legal authority, have been published in "The Argus," a newspaper published in South Amboy, in the county of Middlesex; and the "Guardian," a newspaper published in the city of Perth Amboy, in the county of Middlesex, and the "Atlantic County Democrat," a newspaper printed and published in Egg Harbor City, in the county of Atlantic; *and whereas*, it is expedient that the publication of said notices in said newspapers should be legalized, and said newspapers declared to be legal newspapers, with authority to publish the like laws and notices as are published by the other newspapers in the said county of Middlesex; therefore,

The Argus, the Guardian, and the Atlantic County Democrat authorized to publish legal notices, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Argus, the Guardian, and the Atlantic County Democrat are hereby declared to be legal newspapers with authority to publish such laws and notices as are authorized by law to be published in the county of Middlesex, and that the publication of said notices heretofore published in said newspapers are hereby validated and declared to have been legally published.

2. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER DXXXVII.

An act to legalize the publication of certain notices published in the East Newark Record and Harrison and Kearny Advertiser.

Preamble.

WHEREAS, certain notices have, in accordance with an order of the common council of the town of Harrison, in the county of Hudson, by a unanimous vote of said common council been published in the East Newark Record and Harrison and Kearny Advertiser, a newspaper printed and and published in said town and county; *and whereas*, it is expedient that the publication of said notices in said newspapers should be made legal and said newspaper declared to be a legal newspaper, with authority to publish the like notices as are published by the other newspapers published in the said county of Hudson; therefore

East Newark Record and Harrison and Kearny Advertiser authorized to publish legal notices, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the East Newark Record and Harrison and Kearny Advertiser is hereby declared to be a legal newspaper and shall have authority to publish such notices as are by law authorized to be published in other newspaper published in the county of Hudson, and that the publication of said notices heretofore published in said newspaper are hereby validated and declared to have been legally published.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

3. *And be it enacted*, That this act shall be taken to be and deemed a public act and shall take effect immediately.

Approved March 27, 1874.

JOINT RESOLUTION.

NUMBER 1.

Joint resolution recommending appropriation relative to Barnegat Bay and its tributaries.

1. BE IT RESOLVED *by the Senate aud General Assembly of the State of New Jersey*, That our senators and representatives in congress be and they are hereby requested to procure, if possible, an appropriation of money not to exceed the sum of fifty thouaand dollars, by the congress of the United States, for the purpose of improving the navigation of the waters of Barnegat Bay and its tributaries within this state. Appropriation asked for improvement of Barnegat Bay.

2. *And be it resolved*, That the governor of this state be requested to transmit a copy of this joint resolution, as soon as practicable, to our senators and representatives in congress of the United States from this state. Governor to transmit resolution to congress.

Approved March 18, 1874.

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SPECIAL PUBLIC LAWS.

SPECIAL PUBLIC LAWS

PASSED BY THE

NINETY-EIGHTH LEGISLATURE

CHAPTER VII.

A further supplement to an act entitled "An act relative to juries and verdicts," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the petit jurors referred to in the third section of the supplement to "An act relative to juries and verdicts," which supplement was passed April fourth, eighteen hundred and seventy-three, and is applicable to Hudson county, shall be taken to mean only the petit jurors of the general panel. Petit jurors referred to in supplement, to mean only petit jurors of the general panel.

2. *And be it enacted*, That the duties of the sheriff in regard to struck juries, as provided in section seventeen of the said act relative to juries and verdicts, except as to summoning the jurors struck, shall be performed by one or both of the commissioners of jurors mentioned in the said supplement of April fourth, eighteen hundred and seventy-three. Duties of sheriff in regard to struck juries to be performed by one or both of commissioners.

3. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved February 4, 1874.

CHAPTER VIII.

A further supplement to an act entitled "A supplement to an act entitled 'An act to incorporate the chosen freeholders of the several counties of this state, approved April sixteenth, eighteen hundred and forty-six,'" approved April sixth, eighteen hundred and sixty-five.

Annual statement to be published in pamphlet form.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Camden cause the annual statement required by the second section of the act to which this is a supplement to be published in pamphlet form in lieu of the publication required in the newspapers of said county, and that at least one thousand of such pamphlet copies be published for circulation, one copy of which shall be filed in the office of the clerk of the said county.

One thousand of such pamphlets to be published, one copy to be filed with clerk of county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1874.

CHAPTER IX.

A supplement to the act entitled "An act to create the town of Newton, and the townships of Andover and Hampton out of the township of Newton, in the county of Sussex," approved March tenth, one thousand eight hundred and sixty-four.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourteenth and sixteenth sec-

tions of the above recited act be and the same are hereby repealed.

Town committee to have charge of streets, their powers and duties.

2. *And be it enacted*, That the town committee of the said town of Newton for the time being, or a majority of them shall have charge of all the roads, streets and sidewalks in the said town of Newton, and shall have authority by themselves or by others under their direction, to make, form, work and repair the said roads, streets and sidewalks, and to remove all obstructions or nuisances thereon or thereto, and for such purposes shall have power to procure and provide the necessary teams, wagons, carts, implements, workmen and materials, and shall have power and authority if need be in the name, and upon the responsibility and credit of the said town of Newton, to borrow and raise money and pay and expend the same, for the purposes above specified, not to exceed in the whole the sum voted at the next preceding town meeting of said town, to be raised for the highways and streets of said town; and the moneys that may be so borrowed or raised or expended, shall be paid by the town collector out of the money voted to be raised as aforesaid when collected by him on the order of the said town committee to the persons entitled to receive the same in payment and satisfaction of the said moneys by them borrowed or expended; and the said town committee shall be subject to the liabilities, and possess the powers of an overseer of the highways, not inconsistent with the provisions of this act.

May borrow and raise money.

Town collector to pay money on order of town committee.

Town committee to possess the powers of an overseer of the highways.

May make contracts for lighting the streets.

3. *And be it enacted*, That the said town committee shall have power to make contracts for lighting the streets of said town of Newton, and pay for the same out of any money that may be voted at the preceding annual town meeting for that purpose in the same manner in which other township expenses are paid.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1874.

CHAPTER X.

A supplement to an act entitled "An act to revise and amend the charter of the city of Rahway," approved March twenty-third, eighteen hundred and sixty-five.

Mayor and Common Council may lay out and open new streets, may alter lines and vacate portions of existing streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any road has been or may be laid out or opened leading toward and terminating at a point in the boundary line of said city of Rahway, where there is no street in said city to connect with the same, it shall be lawful for the mayor and common council of said city by ordinance to lay out and open a new street, and to alter the lines of any existing street in said city so as to connect with such road; and if in order to accomplish such purpose they shall deem it necessary, they may vacate a portion of any existing street or streets in said city.

May be opened, altered or vacated without petition

2. *And be it enacted*, That any street may be opened, altered or vacated under this act without any petition therefor, and the same proceedings shall be taken in making the assessments of damages and benefits therefor as are now prescribed in opening, altering and vacating streets in said city.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1874.

CHAPTER XXIV.

A further supplement to an act entitled "An act to incorporate the city of Bridgeton."

Common Council to consist of three members from each ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Bridgeton shall hereafter consist of three members from each ward in said city; and that at the next city election to be held on the second Tuesday of March, anno domini one thousand eight hundred and seventy-four, there shall be one person elected in the first ward, and one in the third ward, to serve as common councilmen for the term of three years; and there shall be elected in the second ward three persons to serve as common councilmen, one of whom shall hold his office one year, one for two years, and one for three years; and at the first meeting of the common council after said election, it shall be determined by lot which of the members from the second ward shall hold his office for one year, which for two years, and which for three years; and annually thereafter there shall be elected one councilman from each ward, who shall hold his office respectively for three years.

To elect President.

2. *And be it enacted*, That at the first meeting of the common council after the aforesaid election, and after each succeeding annual election, they shall elect one member to act as president of the council to serve for one year, who shall preside over all meetings of the council and shall have a vote only in cases where there is a tie; and if the president be absent at any meeting, the councilmen present shall appoint one of their number to preside pro tempore; and when met said common council shall have all the powers now vested in the common council of said city, and that a majority of the members shall constitute a quorum.

Salaries of Mayor and Recorder.

3. *And be it enacted*, That the salaries of the mayor and recorder of said city, shall be fixed by the common council at any sum not exceeding six hundred dollars per annum

for the mayor, and two hundred dollars per annum for the recorder.

Office of City Marshal and City Solicitor abolished.

4. *And be it enacted*, That after the second Tuesday of March next the offices of city marshal and of city solicitor of the city of Bridgeton shall be abolished.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent with this act be, and the same are hereby repealed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1874.

CHAPTER XXV.

A supplement to the act entitled "An act to re-organize the Local Government of Jersey City, passed March thirty-first, one thousand eight hundred and seventy-one.

Mayor may offer a reward for apprehension and conviction of any defaulting city officer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor of said city is hereby authorized to offer a reward to be paid by the mayor and aldermen of Jersey City, for the apprehension and conviction of any defaulting city officer or other person who has absconded or who may hereafter abscond with the money, bonds or other property of said city, or being in default to said city, absconds; *provided*, such reward shall not, in any instance, exceed the sum of twenty-five hundred dollars; *and provided*, that the board of finance and taxation shall order payment of any such reward out of any unexpended appropriation.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 11, 1874.

CHAPTER XXVIII.

Supplement to an act entitled "An act to reorganize the local government of Jersey City."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of public works may, by resolution accept so much work as has been done or materials furnished under and by virtue of any contract or contracts made by the mayor and board of aldermen of the city of Bergen, or the mayor and aldermen of Jersey City, for the improvement of Montgomery street from Bergen avenue to the centre of Mill creek or intermediate points; also, the said board of public works may by resolution, accept so much work as has been done or materials furnished under and by virtue of any contracts made by the mayor and aldermen of Jersey City, for the construction of a sewer with man-holes and sewer connections, to curb line in Montgomery street from Bergen avenue to Putnam street, or for the construction of any sewer between said points, that said board of public works may by and with the consent of any person or persons with whom said contracts may have been made, by resolution, annul any or all of said contracts to do any of the work provided for in any one, or all of said contracts as is still incompleted; *provided*, the board of aldermen shall concur in such resolutions, and the said board of public works are hereby authorized to provide for the payment of that part of the work done or materials furnished under any or all of said contracts.

Board of Public Works may by resolution accept work done, or material furnished.

May by consent of contractor annul uncompleted contract.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1874.

CHAPTER XXXV.

A further supplement to an act entitled "An act to revise and amend the charter of the city of Camden," approved February fourteenth, anno domini one thousand eight hundred and seventy-one.

Assessors when and how elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual election for city and ward officers there shall be elected from among the qualified voters of the city of Camden three assessors; one for the term of one year, one for the term of two years, and one for the term of three years, who shall constitute and be known as the "board of assessors of the city of Camden;" and every year thereafter there shall be elected from among the qualified voters aforesaid one assessor, who shall hold his office for the space or term of three years; and in case of the death, resignation or removal of any of said board, the city council of said city shall have power to fill said vacancy until the next annual election, at which election the vacancy shall be filled for the unexpired term only; and said board shall, between the first day of January and June in each year, personally make the assessments on all property liable to taxation, take the accounts of births, marriages and deaths, and the number of children of proper age for admittance into the public schools of the city of Camden, and perform all the duties now performed by the various ward assessors, except such as are hereinafter provided, and they shall receive for their services such salary as the city council shall by ordinance provide, and no other compensation whatever; *provided*, that the salary of said assessors shall not be fixed at a less sum than eight hundred dollars per annum; and the said board are hereby empowered to employ a clerk, yearly, at such salary as the city council shall deem reasonable; *provided*, the same be not less than three hundred dollars per annum.

By what name to be known.

Vacancy how filled.

Duties, &c.

Proviso.

Proviso.

2. *And be it enacted*, That at the first election for city and

ward officers after the passage of this act, and annually thereafter, there shall be elected from each of the wards of said city, from among the qualified voters thereof, one extra assessor, who shall meet the assessors of the wards and townships of the county of Camden, and perform the duties heretofore performed by ward assessors of said city, at said meetings, and said extra assessors shall receive for their services three dollars for each day of actual service, and no other compensation whatever; and the duplicates of the value of the real and personal estate to be assessed by each of the assessors named in the first section of this act, shall be produced by said extra assessors at said annual meeting of the assessors of the wards and townships, together with the affidavits of said assessors, as required by section twelve of an act entitled "A further supplement to an act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty six, approved April eleventh, one thousand eight hundred and sixty-six.

Extra assessor when and how elected.

Duties, &c.

Compensation.

3 *And be it enacted*, That the said extra ward assessors shall constitute the board of revision and appeal in cases of unjust or unequal taxation in said city; they shall meet at the city hall in said city, between the hours of ten o'clock in the forenoon and eight o'clock in the evening, daily during the week in July commencing on the second Monday of said month, and five of the said board of revision and appeal shall constitute a quorum; *provided*, that at least one of the said city assessors shall be present at said meeting.

Extra ward assessors to constitute board of revision and appeal.

Time and place of meeting.

Proviso.

4. *And be it enacted*, That all appointments to office in the various departments of said city (except mechanics working at their regular trade and ordinary day laborers, and the chief of police, police officers and night watchmen and persons employed in the public schools) shall be by ordinance passed by a majority of the members of the city council; and it shall not be lawful for the city treasurer to pay any salary to any person otherwise appointed.

Certain appointments to be made by ordinance.

5. *And be it enacted*, That the city council, at a meeting preceding the expiration of the term of office of any city, ward or department officer or officers, either elected or appointed, shall fix the salary of said officer or officers by ordinance; and in case of the neglect or refusal of the said city council to fix the salary of any officer or officers, then the salary theretofore paid for similar services shall be considered the salary of said officer or officers for his or their

City Council to fix salaries.

term of service; and no officer under the city government or employee in any department, either elected or appointed, shall have his salary, fees or emoluments of office increased or diminished during the term for which he was elected or appointed; *provided*, that this act shall not apply to mechanics working at their regular trades, or day laborers in their various departments.

Proviso.

City Solicitor to publish sales for taxes.

6. *And be it enacted*, That the city solicitor of said city shall be required to publish the sales for taxes as provided for in the sixty-fifty section of the act to which this is a supplement, for the space of four weeks only, at least once each week.

Annual statement to be published in pamphlet form.

7. *And be it enacted*, That the annual statement required to be made out by the city treasurer in the forty-sixth section of the act to which this is a supplement, shall, at the time required in said section, be published in pamphlet form of not less than one thousand copies, and not more than three thousand five hundred copies, and kept by the treasurer for gratuitous distribution, and such publication shall be in lieu of the publication now required to be made in the newspapers in said city.

Sales of land for non-payment of taxes, not to divest lien of mortgage recorded before assessment made.

8. *And be it enacted*, That the sales of land hereafter made by the said city for non-payment of any taxes, paving, grading, culverting, or other improvements or repairs, shall not divest the lien or incumbrance of any mortgage recorded before such taxes shall be assessed or improvements made, but shall be made subject to said mortgage.

Repealer.

9. *And be it enacted*, That all acts or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 16, 1874.

CHAPTER XXXVI.

An act to enable the Trustees of School District Number Thirty-six, in the county of Passaic, to Mortgage their School Property.

Preamble. WHEREAS, the trustees of school district number thirty-six, in the township of Manchester, in the county of Passaic, were authorized and directed heretofore, by the inhabitants thereof, to purchase land for school building and to build and furnish a new school house for said school district, the expense of which should not exceed the sum of three thousand nine hundred and twenty-five dollars, and were likewise authorized to borrow the money on bond and mortgage on said school property to carry out the design of the said inhabitants and trustees; *and whereas*, the land has been purchased and the school building erected and furnished, and there still remains due and unpaid upon the same, the sum of twenty-five hundred dollars; therefore,

Trustees to execute mortgage and issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number thirty-six, in the township of Manchester, in the county of Passaic, are hereby authorized and empowered to execute a mortgage and issue bonds in denominations of one hundred dollars each, payable at such time or times as the board of trustees shall designate, amounting in the aggregate to the sum of twenty-five hundred dollars, the amount required for the purposes aforesaid; which mortgage when signed and executed by the said board, shall be a valid lien upon the property so mortgaged, and the proceeds of the sale of such bonds so secured shall be used to pay the present existing liabilities against the school district aforesaid; *provided, however*, that not more than the amount heretofore fixed by the inhabitants of the said school district shall be levied, assessed and collected in any one year, and the time of payment of said mortgage shall correspond, in so far as is possible, with the vote of said inhabitants upon that subject.

Mortgage when signed and executed, becomes a lien on property mortgaged.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1874.

CHAPTER XXXVII.

A supplement to an act entitled "An act to revise and amend the charter of the city of Elizabeth, approved March fourth, anno domini, one thousand eight hundred and sixty-three," and the several supplements thereto.

City not to purchase sewer or drain pipe except so much as may be necessary to complete contracts not yet performed. Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for the city of Elizabeth, its officers or agents, to purchase any sewer pipe or drain pipe of any kind whatever, except such pipe as may be necessary to be furnished by said city, for the completion of any sewer or sewers, the contracts for which are not yet performed; *provided*, that said city shall have the right to purchase pipe which shall at any time hereafter be required for the repairing of any sewer or sewers now built or to be built by said city.

Furnishing of pipe to be included in proposals for building sewer or drain.

2. *And be it enacted*, That hereafter, when any sewer or drain shall be ordered to be built by said city, the furnishing of the pipe including the cost of delivering the same upon the line of the contemplated sewer or drain, shall be included in the proposals and the contract for building said sewer or drain, and shall in no case be furnished by said city of Elizabeth.

Comptroller to sell sewer and drain pipe now on hand.

Proceeds to be deposited to credit of sinking fund.

3. *And be it enacted*, That it shall be the duty of the comptroller of the city of Elizabeth, to sell the sewer pipe and drain pipe now on hand and owned by said city, at public or private sale, in parcels or in one lot at such time or times and upon such terms as he shall think best for the interests of said city, and the proceeds of such sale or sales shall be by him deposited to the credit of the sinking fund of said city; to be appropriated according to the provisions of the charter of said city, relating to the payment of moneys belonging to the sinking fund of said city of Elizabeth.

4. *And be it enacted*, That from and after the passage of this act, the office of inspector of sewer pipe of the city of Elizabeth, be and the same is hereby abolished, and until the sewer pipe and drain pipe owned by said city shall be sold or otherwise disposed of, the same shall be under the charge and supervision of the street commissioner of said city. Office of Inspector of sewer pipe abolished.

5. *And be it enacted*, That this act shall take effect immediately; and that all acts and parts of acts, and all ordinances of said city inconsistent with the provisions of this act be and the same and are hereby repealed. Repealer.

Approved February 17, 1874.

CHAPTER XXXVIII.

A supplement to an act entitled "An act to provide for and regulate street improvements in the township of North Plainfield, in the county of Somerset."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee to assess upon and cause to be collected from the inhabitants of said township the entire amount of the cost and expenses which may be incurred in grading, paving or macadamizing all intersections of streets, whenever the same shall be done according to the provisions of an act to which this is a supplement. Township Committee to assess and cause to be collected from inhabitants of township amount of cost and expense incurred in grading, paving, &c.

2. *And be it enacted*, That the township committee of said township may assess such per centage, yearly, of the cost and expenses of grading and macadamizing of any street, road or highway, in said township that now is, or may hereafter be graded or macadamized, under the provisions of the act to which this is a supplement, as the said committee may deem advisable, in which shall also be included the cost of engineering and superintending, and the interest upon such expenditures; and the township committee shall order a copy of any such partial assessments they may from time to time make to the township collector, who shall enter May assess such per centage as they may deem advisable.

the same in his duplicate; and it shall be the duty of the township collector to collect such partial assessments, in the same manner as township and county taxes; and in case default be made in the payment of any such assessments, the persons making such default shall be liable to pay interest thereon at the same rate as on unpaid township and county taxes.

Township Collector to collect such partial assessments.

3. *And be it enacted*, That said township committee shall have power, by resolution, to order and appoint the time for the payment of any such partial assessments, of which time, and of the amount of such assessments, the township committee shall give like notice to the persons so assessed as in case of general township and county taxes.

Township Committee may order and appoint time for payment of partial assessments.

Must notify person assessed.

4. *And be it enacted*, That the provisions of the act to which this is a supplement may be applied to the grading, flagging or curbing of any sidewalk in said township, and it shall be the duty of the township committee, upon receiving a petition for grading, flagging or curbing, having the requisite three-fifths of frontage ownership of such sidewalk, to give such owners notice to do such work within sixty days of the date of such notice, or the committee will proceed to advertise, and let such work to the lowest bidder, according to the provisions of the act to which this is a supplement.

Provisions of original act applied to grading, &c.

Duties of township committee on receiving petition, &c.

5. *And be it enacted*, That the township committee shall have power to establish a building line on either or both sides of any street in said township on the application by petition of three-fifths of the frontage ownership of such side or street designating such line as they wish to have established, and no building erected after said line is so established shall be nearer said street than the line thus established.

Shall have power to establish building line.

6. *And be it enacted*, That all acts or parts of acts, inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and take effect immediately.

Repealer.

Approved February 17, 1874.

CHAPTER XLI.

An act to repeal an act entitled "An act to incorporate the Burlington and Willingboro' Turnpike Company," approved March twenty-first, anno domini one thousand eight hundred and fifty-five.

WHEREAS, That portion of the Burlington and Willingboro' turnpike situate in the township of Burlington, in the county of Burlington, and state of New Jersey, has been purchased by the inhabitants of said township; *and whereas*, the residue of said turnpike has been for some time past virtually abandoned by the said turnpike company in neglecting to make any repairs upon the same, thereby rendering it not only difficult, but dangerous to travel upon; *and whereas*, it is the wish of the stockholders that the charter be repealed, and the said turnpike declared to be a public road; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Burlington and Willingboro' Turnpike Company," approved March twenty-first, anno domini one thousand eight hundred and fifty-five, be and the same is hereby repealed, and that the said turnpike shall be deemed and taken to be a lawful public road, and shall be kept in repair in the same manner and by the same means, and shall be subject to the same penalties as other public roads are in the several townships through which the same may pass. Act of March 21st, 1855, repealed.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall take effect immediately.

Approved February 17, 1874.

CHAPTER XLIII.

An act to incorporate the West Jersey Orphanage for Destitute Colored Children.

Name of Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph M. Kaighn, Charles Rhoads, William J. Sewell, Augustus Reeve, J. Earl Atkinson, Isaac B. Mulford, Asahel Troth, Joseph M. Cooper, William Bettle, Richard H. Reeve, Joseph C. Hollingshed, John Cooper, Jacob Pitman, William H. Cole, Benjamin F. Starr, John Gill, junior, John Stockham, Isaac C. Martindale, Howard M. Cooper, Alexander C. Wood, Henry Fredericks, Howard French, Martha A. Kaighn, Beulah M. Rhoads, Meribah Troth, Anne Burrough, Susan Atkinson, Mary Mulford, Abigal Starr, Anna B. Cooper, Sarah Fredericks, Mary Pitman, Priscilla Lippincott, Emma G. Cole. Matilda Bockins, Rachel Cooper, Rebecca C. W. Reeve, Mary C. Browning, Elizabeth Brewer, Abigal Hollingshed, Mary M. Cooper, Jane Bettle, Sallie W. Reeve, Hannah Martindale, Mary Bettle, Sallie C. Kaighn and Sarah Wyatt Reeve, and their associates be and they are hereby incorporated and made a body politic, in law and fact, by the name, style and title of "The West Jersey Orphanage for Destitute Colored Children," and by that name, style and title shall have perpetual succession, with power to have a common seal and the same to change at pleasure; to make contracts relative to the institution; to sue and be sued, implead and be impleaded, and by that name, style and title to be capable of taking, holding, purchasing and conveying any estate, real or personal for the use of said corporation; *provided*, the annual income of such estate shall not exceed ten thousand dollars, nor be applied to any other purposes than those for which this association is formed; to fix the quorum of the board of managers and of the board of trustees, and appoint such officers as may be requisite; to establish such other by-laws, rules and regulations as the said corporation shall judge necessary or expedient for the due management of the concerns of

Corporate name and powers.

Proviso.

the said corporation; *provided*, that the same be not repugnant to the constitution of the United States or of this state Proviso.

2. *And be it enacted*, That every person who shall annually pay to the treasurer of the West Jersey Orphanage for Destitute Colored Children the sum of two dollars or upward, shall be a member of the said the West Jersey Orphanage for Destitute Colored Children while such person so contributes, and every person who shall pay twenty-five dollars at one time shall be a member for life. Who may become members.

3. *And be it enacted*, That the affairs and concerns of the said the West Jersey Orphanage for Destitute Colored Children shall be conducted by a board of managers consisting of twenty-four ladies, and a board of trustees consisting of twenty gentlemen, and the members of said corporation shall meet on the first Tuesday of April next, at such hour and place as the said corporators shall designate, and elect by ballot a board of managers; six of whom shall be elected to serve for one year, six to serve for two years, six to serve for three years and six to serve for four years, and also a board of twenty trustees; five of whom shall be elected to serve for one year, five to serve for two years, five for three years and five for four years; and the members of said corporation shall annually thereafter on the first Tuesday of April, at such hour and place as the said board of trustees shall designate, elect six managers and five trustees to serve for four years, and also a manager or managers, trustee or trustees, to fill any vacancy or vacancies that might be occasioned by death, resignation or removal, or neglect, or refusal to act of any manager or trustee; *provided however*, that in case of such vacancy or vacancies occurring in the interim between one annual election and another, the said respective boards shall have power to fill such vacancies until the next annual election; *and provided*, that the persons mentioned as corporators in this act shall act as managers and trustees until others shall be elected; *and provided further*, that in case an election shall not be held at the time provided, the board of trustees shall give at least ten days' notice before another election shall be held; *and provided*, that notice of an election shall be given at least one week in two of the newspapers published in the city of Camden prior to the time of holding said election. Business shall be conducted by a board of managers consisting of ladies and a board of trustees consisting of gentlemen. How elected. Proviso. Proviso. Proviso. Proviso.

4. *And be it enacted*, That it shall and may be lawful for

New Jersey State Library

Corporation may take under their guardianship colored children.

the said corporation in their discretion, to take under their guardianship all colored children who may be placed under their care and management in either of the following modes: First—Colored children under twelve years of age who shall be voluntarily surrendered by their father, or, in case of his death or absence, by their mother or by their guardian, to the care of said corporation by an agreement or declaration in writing; second—colored children under twelve years of age who may be committed to the care of said corporation by any judge of the circuit court or court of common pleas of the counties of Burlington, Camden, Atlantic, Gloucester, Cumberland, Salem and Cape May, or by the mayor of the city of Camden, on account of vagrancy, or the exposure or neglect or abandonment of said children by their parents, guardians or other people having custody of said children; and in case of poor colored children under the age of twelve years, contemplated by the twelfth and twenty-fifth sections of the act of the legislature of this state, entitled "An act for the settlement and relief of the poor," approved April tenth, one thousand eight hundred and forty-six, it shall be lawful for the persons therein authorized to bind out such children, to commit the same by an agreement or declaration in writing, signed by said persons required to sign such children's indentures to the care and management of said corporation.

May bind them out.

To have guardianship of said children during their minority.

5. *And be it enacted*, That the said corporation shall have the guardianship of the said children so placed under their care and management during their minority, shall cause them to be educated and instructed in a proper manner, and may, when in their discretion it shall appear proper, bind the said children, with their consent, as apprentices during their minority to such persons and at such places, and to learn such trades and employments as in the judgment of the said corporation will be the most conducive to the benefit and advantage of said children; *provided*, that the charge and power of the said corporation over and upon the said children, shall not, in the case of females, extend beyond the age of eighteen years, or the said corporation in their discretion may return the said children to their parents or surviving parent or guardian.

Proviso.

Property exempt from taxation.

6. *And be it enacted*, That the property of the said corporation held or occupied by them for the purpose of their incorporation, shall be freed from all taxes to be levied under

the authority of this state; and no person shall lose or acquire a legal settlement by residence in the home to be provided by said incorporation.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1874.

CHAPTER XLIX.

An act to set off from the Township of Belleville, in the County of Essex, a new Township to be called the township of Franklin.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Belleville, in the county of Essex, beginning at the Passaic River in the division line between lands of William H. Conover and lands of Joseph W. Hancox; and thence running a westerly direction in a direct line to the northeasterly corner of lands belonging to the estate of Thomas Van Winkle deceased, and thence along the northerly boundary of said land to the Bloomfield township line; thence along the line of Bloomfield to the line between Essex and Passaic counties; thence easterly along the Passaic county line to Passaic river; thence southerly along Passaic river to the place of beginning, shall be and hereby is set off from the township of Belleville, in the county of Essex, and made a separate township to be known by the name of the township of Franklin. Boundaries.

2. *And be it enacted*, That the inhabitants of the township of Franklin, in the county of Essex, shall be and are hereby constituted a body politic and corporate in law by the name of "The Inhabitants of the Township of Franklin, in the County of Essex," and shall be entitled to all the rights, powers, privileges and advantages, and shall be subject to all the regulations, government and liabilities to which the inhabitants of the other townships in said county of Essex are or may be entitled or subject by the laws of this state. Corporate name.

Township election, when held.

3. *And be it enacted*, That the inhabitants of the township of Franklin shall hold their first township election at Military Hall, at Franklin, at the time and in the manner fixed by law for the annual township election in the said township of Belleville, and afterwards in each year at such place as the inhabitants of the said township of Franklin shall at their preceding annual township meeting determine at the time fixed by law for the annual township elections in the said township of Belleville.

Names of judges and clerk of first township election.

4. *And be it enacted*, That at the first said township election, Robert Jutherson, Leonard Rusly and James W. Sergeant shall act as judges of said election, and Stephen P Vreeland as clerk of said election, and the said judges an clerk shall receive two dollars per day for their services, an the said judges shall give at least eight days' notice, in five of the most public places in said township, of the place and time of holding said election.

Names of commissioners.

5. *And be it enacted*, That John Rusly Charles F. Underhill and Henry B. Duncan shall be and they are hereby appointed commissioners on the part of the township of Franklin, and Anthony Francisco, John Spear and Theodore Sandford as commissioners on the part of the township of Belleville, and that the first meeting of said commissioners shall take place at the alms house in the said township of Belleville, at two o'clock in the afternoon of the fourth Tuesday of April, one thousand eight hundred and seventy-four, and afterward, if necessary, at such times and places as the majority of those present may determine; and if any of said commissioners on the part of either of the said townships should neglect or refuse to meet as aforesaid, those assembled may constitute said commission, and the decision of those present shall be final and conclusive.

Time and place for holding first meeting.

Commissioners to meet allot and divide property, &c.

6. *And be it enacted*, That the said commissioners shall at the time and place before mentioned proceed in writing, signed by a majority of those present, to allot and divide between the said townships of Franklin and Belleville all moneys on hand or due in proportion to the taxable property and ratables as taxed by the assessor at the last assessment, and to ascertain the just proportion of debts, if any there should be, to be paid by the inhabitants of the township of Franklin, and the said township of Franklin shall pay its proportion of the existing debt of the township of Belleville, if any there should be, at the time or times when pay-

ment, either in principal or interest, shall become due and payable.

Commissioners to sell alms House and property connected therewith.

7. *And be it enacted*, That it shall be the duty of said commissioners, and they shall have power to sell at public sale after giving sixty days' notice in at least five of the most public places in each township aforesaid; the alms house and the property connected therewith to the highest bidder, after which sale they shall proceed in writing signed by a majority of those present, to allot and divide all moneys received by them from such sale between the said townships of Franklin and Belleville in proportion to the taxable property and ratables as taxed by the assessor at the last annual assessment.

May make conveyance after sale.

8. *And be it enacted*, That the said commissioners, or a majority of them present, may convey the alms house and property connected therewith after the aforesaid public sale has been made to the purchasers thereof, and that their deed of conveyance to the purchasers thereof shall be deemed good and valid in law.

To prepare duplicate of allotment division, &c.

9. *And be it enacted*, That the said commissioners shall, when they have completed the said allotment and division, and shall have ascertained the proportion of the said debts of the said township of Franklin, in writing as aforesaid, prepare forthwith a duplicate of the same, and deliver one of the said writings to the clerk of the said township of Belleville, to be by him filed and preserved, and the other to the clerk of the township of Franklin for the same purpose.

Not to interfere with officers now elected.

10. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of the justices of the peace, or of the commissioners for the taking of acknowledgments or proof of deeds, until they shall expire by their own limitations, or so as to impair the rights of said townships.

To which township poor shall hereafter be chargeable.

11. *And be it enacted*, That the persons now aided or maintained in the said township of Belleville by virtue of any laws in regard to the poor, shall hereafter be chargeable under said laws to said townships of Belleville and Franklin, accordingly as such settlement or residence of such poor persons may have been within the limits of either township respectively, at the time when said persons became chargeable as aforesaid.

Part of third assembly district.

12. *And be it enacted*, That the said township of Franklin shall form part of the third assembly district of the county of Essex as heretofore.

13. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1874.

CHAPTER L.

An act to authorize the Mayor and Council of the City of Hoboken to purchase a Steam Fire Engine and Fire Hose.

Mayor and council may raise money by taxation for the purchase of a steam fire engine, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken, are hereby authorized and empowered by ordinance, to raise the sum of five thousand dollars by taxation, for the purpose of purchasing a steam fire engine and fire hose for the use of the fire department of said city, which tax shall be assessed, levied and collected at the same time, and in the same manner that other city taxes are assessed, levied and collected.

May contract for purchase of said fire apparatus.

2. *And be it enacted*, That the said "The Mayor and Council of the City of Hoboken," are hereby authorized and empowered to contract for the purchase of said fire apparatus forthwith; *provided*, that the cost thereof shall not exceed the sum of five thousand dollars.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1874.

CHAPTER LIII.

A further supplement to an act entitled "An act to incorporate Dover," passed April first, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of Dover be and is hereby authorized to issue bonds to an amount not to exceed twelve thousand dollars in sums of not less than fifty dollars, and not more than one thousand dollars each, to be signed by the mayor and countersigned by the town clerk and sealed with the corporate seal of said town, and to have written or printed thereon the words, "Fire Bond;" one thousand dollars in amount of said bonds shall be made payable in each and every year from the date thereof so that the whole amount of said bonds shall be liquidated in twelve years from the date thereof, with interest at seven per centum per annum, payable annually; and said bonds when issued shall not be sold for less than ninety-seven per cent. of their par value; and the common council of Dover shall have power to raise the money by tax to pay the principal and interest of the said fire bonds as the same mature in addition to the tax they are now authorized to raise and in the same manner as other taxes are assessed and collected by said corporation.

Common Council may issue bonds to an amount not exceeding twelve thousand dollars.

Payment to be provided for by taxation.

2. *And be it enacted*, That the proceeds of the sale of said bonds shall be appropriated and used by said common council for the establishment and maintenance of the fire department of said town of Dover.

Proceeds how appropriated.

3. *And be it enacted*, That the said common council of Dover shall have power to purchase and hold in their corporate capacity, sufficient and suitable real estate for the purposes of said fire department.

4. *And be it enacted*, That the common council of Dover be, and is hereby authorized to issue bonds to an amount not to exceed ten thousand dollars in sums of not more than

May issue bonds to an amount not exceeding ten

thousand dollars.

one thousand, and not less than one hundred dollars each, to bear interest at the rate of seven per centum per annum, payable annually; said bonds to be signed by the mayor and countersigned by the town clerk, and sealed with the corporate seal, and to have written or printed thereon the words "municipal bond," and two thousand dollars in amount of said bonds shall be made payable in each year from the date thereof, so that the whole amount of said bonds shall be liquidated in five years from the date thereof; and said bonds when issued shall not be sold for less than ninety-seven per centum of the par value thereof, and the proceeds of the sale of said bonds shall be applied to the payment of the now existing floating debt of said corporation, and for no other purpose.

To pay principal and interest from taxes collected.

5. *And be it enacted*, That the said common council of Dover shall pay the principal and interest of said "municipal bond" as the same shall mature from the taxes collected, as is mentioned and directed to be assessed and collected in the eighteenth section of the act to which this is a further supplement.

Not to incur any indebtedness other than that specifically provided for by law.

6. *And be it enacted*, That it shall not be lawful for the said common council of Dover, to incur directly or indirectly any indebtedness, other than such as is specifically provided for by law, and said common council shall not in any one year incur any further obligations for the annual repairs of streets, or other current expenses of the town, than will be met and paid by the annual taxes by them collected and received during such year, and if any common council of Dover shall in any one year beginning and ending with the annual corporation elections, incur any greater liabilities than are met and paid by the taxes levied and collected during such year, they, the members of said common council themselves shall be individually liable therefor, and shall not be entitled to reimbursement therefor, from said corporation.

When individually liable.

7. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 18, 1874.

CHAPTER LIV.

An act to provide for the Collection of Unpaid Taxes for the year eighteen hundred and seventy-three in the Township of Westfield in the County of Union.

WHEREAS, by reason of the death of Philemon E. Coe, late collector of the township of Westfield, in the county of Union, without having made return of those delinquent in the payment of taxes in said township for the year eighteen hundred and seventy-three to a justice of the peace as required by law, doubts have arisen as to the enforcement and collection of such taxes; wherefore to enable the collection of such taxes for said year as are now unpaid in said township to be enforced, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present collector of said township shall demand payment of all taxes and sums assessed in said township for the year eighteen hundred and seventy-three on each individual in said township who has failed to pay the same, in person or by notice left at his or her place of residence, if resident or to be found in said township, which notice shall be in writing or printed, and shall set forth the number of acres assessed, the value of the real estate and of the personal estate assessed to each, and of the rate per dollar assessed and the several sums assessed on each for state, county, township, poor, school, road, poll, dog and other taxes as the same are stated in the duplicate for that year, and also the interest on such taxes at the rate required by law, from the day when by law the same were payable, and shall require payment thereof on or before the sixteenth day of February, eighteen hundred and seventy-four. Collector to demand payment of unpaid taxes for year 1873.

2. *And be it enacted*, That in case of the non-payment of said taxes and said interest at the day last aforesaid, said present township collector shall make out a list of the names of the delinquents with the sums due from them respectively thereto annexed, and deliver the same to some In case of non-payment collector to deliver list of delinquents to some jus-

tice of the peace.

justice of the peace of said county, on the second day of March, eighteen hundred and seventy-four, and said justice shall on receiving such list, administer an oath to said collector that the moneys in said list mentioned had been duly demanded as required in this act, and shall give to said collector a receipt for said list, certifying the names of the delinquents and the sums respectively assessed to each, and thereupon and thereafter such warrants, writs, process and proceedings may and shall issue, be had or taken, for the collection and enforcement of said taxes, including said interest as by law might have issued, been had or taken or might issue, be had or taken, if said Philemon E. Coe deceased, had at the time required by law made out and delivered such list of those delinquent in the payment of taxes in said year to a justice of the peace in the manner and at the time required by law.

Justice authorized to issue warrants, writs, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 18, 1874.

CHAPTER LXVI.

A further supplement to an act entitled "An act to revise and amend the Charter of the City of Newark," approved March eleventh, anno domini, one thousand eight hundred and fifty-seven.

Acts heretofore passed relating to City of Newark to be deemed and taken as public laws and not to be specially pleaded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such acts of the legislature of this state heretofore passed, with reference to the municipal corporation of the city of Newark, the government thereof, or generally affecting the said city as a corporation or the inhabitants thereof, shall be deemed and taken to be public laws of this state and need not be specially pleaded.

Ordinances and by-laws to be deemed and taken

2. *And be it enacted*, That the ordinances and by-laws of said city of Newark as contained, or hereafter to be contained, in the printed books of such ordinances and by-laws issued or to be issued by the city of Newark, or contained

or hereafter to be contained in the books of ordinances of the city of Newark, as made and kept by the clerk of said city of Newark, shall be deemed and taken to be public laws, and need not be specially pleaded. as public laws.

3. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved February 19, 1874.

CHAPTER LXXVI.

An act to prevent the sale of intoxicating liquors within one mile of Ocean Grove and Asbury Park, in Monmouth county, New Jersey.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to sell, vend, or barter spirituous liquors, wine, ale, beer, or any intoxicating liquors of any kind whatsoever, within a distance of one mile from Wesley Lake Bridge, at Ocean Grove and Asbury Park, in Monmouth county, state of New Jersey, except for medicinal purposes, at regular drug stores and under the prescriptions of regularly practicing physicians; any person or persons offending against the provisions of this act shall be deemed guilty of a misdemeanor and fined fifty dollars and costs for each offence, said fine to be paid to the overseers of the poor for the support of the poor of the county. Spirituous liquors, wine, ale, beer, &c., not to be sold within one mile of Ocean Grove or Asbury Park. Penalty.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1874.

CHAPTER LXXXV.

An act to provide for and regulate Street Improvements in the Township of Piscataway, in the County of Middlesex.

Proceedings on application of owners of lands on lines of any public street or highway for macadamizing or paving the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owners of any lands upon the lines of any public street, avenue or highway in the township of Piscataway, to present a petition in writing, to the township committee of said township, containing a request to have the whole or a certain designated section of any such street, avenue or highway improved by being graded and macadamized or paved; upon receiving such petition, it shall be the duty of the township committee to ascertain the length of the street, avenue or highway, or section thereof, designated in such petition, and also the number of lineal frontage feet upon the lines of such street, avenue and highway, or section thereof, owned by the persons subscribing such petition, and if upon investigation it shall appear that the owners of three-fifths or more of the number of lineal frontage feet upon such street, avenue or highway, or section thereof designated in said petition shall have subscribed the same, then the said township committee shall order and cause the work requested in such petition to be done; and said township committee shall establish a suitable grade and curb lines for said street, avenue or highway, and file a map of the same with the town clerk.

Township Committee to advertise for proposals.

2. *And be it enacted*, That when the said township committee shall order and cause any street, avenue or highway, or section thereof to be improved under the provisions of this act, they shall, after having advertised for two weeks in one or more newspapers published in said county of Middlesex, for proposals to do said work, proceed to make contracts for the work called for in said petition, with the lowest responsible bidder or bidders thereof, who shall before entering upon the performance of said contract or contracts, execute a bond or bonds to said township committee with one

or more sureties, being freeholders in said county, in double the amount of said contract or contracts, conditioned for the faithful performance of the same; but in all cases the estimates, proposals and contracts shall designate separately the grading and the macadamizing or paving and the price or cost of each respectively.

Expenses to be borne by owners of land on improved street, avenue or highway.

3. *And be it enacted*, That the entire cost of grading and macadamizing or paving, and the expenses of overseeing and engineering shall be borne and paid by the owners of the lands along the line of the street, avenue or highway, or section thereof improved under the provisions of this act; and whenever the cost of such grading and macadamizing or paving and overseeing and engineering shall have been ascertained, the said township committee or a majority of them shall make and sign an assessment of the entire amount of such cost and expenses, upon the lands along the lines of the street, avenue or highway, or section thereof, so improved, pro rata, according to the number of lineal frontage feet upon the lines of such street, avenue, or highway, or section thereof, in the lands of the several owners respectively, and file said assessment in the office of the town clerk of said township; and the township committee shall deliver a copy of such assessment to the township collector; and it shall be the duty of the township collector to collect the said assessments at the same time, in the same manner, and by the same means as the county and township taxes; and every such assessment made in pursuance of this act is hereby declared to be a legal, valid and binding assessment against the owners, and upon the property therein designated, and a lien upon the lands upon which said assessment is made; and such lien shall be enforced and assessment collected, if necessary, in the same manner that liens are enforced and taxes are collected by virtue of the provisions of the act entitled "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, and the various supplements thereto.

Collector empowered to collect assessments.

Lands assessed exempted from township taxes for road purposes, for five years.

4. *And be it enacted*, That all lands upon which any assessment shall be made by virtue of the provisions of this act, shall be exempted from all township taxes for road purposes, whatever, for the period of five years; in case such assessment shall be made for macadamizing or paving to a width of not less than sixteen feet of the centre of the street,

avenue or highway; said period to be computed from and after the payment of such assessment in all cases.

Contracts to be made in name of inhabitants of township of Piscataway to be executed by chairman and attested by clerk.

5. *And be it enacted*, That in the making of all contracts under the provisions of this act, the township committee shall cause them to be made in the name of the inhabitants of the township of Piscataway, in the county of Middlesex, as a party thereto, and shall by resolution cause them to be executed by their chairman and attested by the township clerk.

Township Committee to borrow money in corporate name of township and secure the same by note, or other instrument.

6. *And be it enacted*, That for the purpose of carrying into effect the provisions of this act, it shall be lawful for the township committee of said township to borrow money from time to time, in the corporate name of said township, and to secure the payment of the same, by note, or other instrument in writing, under the common seal of said township, in anticipation of the collection of the taxes and assessments, and every such note or other instrument in writing, under the common seal of said township, signed by the chairman of the township committee, in pursuance of a resolution of said committee, shall be the valid obligation of said township; and the township committee shall not negotiate or sell the same for less than the par value thereof.

Repealer.

7. *And be it enacted*, That 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 February 26, 1874.

CHAPTER LXXXVI.

An act to change the dates of the fiscal year of the Board of Chosen Freeholders of Hudson county, and to provide for the funding of the expenses of said Board from May first, one thousand eight hundred and seventy-three, to December first, one thousand eight hundred and seventy-three, and to create a Sinking Fund Commission.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commencement and termina-

ion of the fiscal year of the board of chosen freeholders of Hudson county, be changed from the first of May to the first of December in each year, and that a fiscal year commence on the first day of December, one thousand eight hundred and seventy-three, and terminate on the first day of December, one thousand eight hundred and seventy-four, and yearly thereafter between said periods.

Fiscal year of Board of Freeholders changed from May to December.

2. *And be it enacted*, That for the purpose of defraying the expense of said board from the first of May, one thousand eight hundred and seventy three, to the first of December, one thousand eight hundred and seventy-three, said board of chosen freeholders of Hudson county, are hereby authorized to issue and sell as many county bonds as may be necessary for such purpose, *provided*, the same shall not in amount exceed the sum of two hundred and fifty thousand dollars, to have twenty years to run, which bonds shall be issued and sold by the director of the board and the county collector, for not less than ninety-eight per cent of their nominal value and the accrued interest on said bonds at the time of said sale and shall be signed by them and sealed by the corporate seal of the county; and the county collector shall keep a record and registry of said bonds, and said bonds may be coupon or registered bonds, and registered bonds may at any time be exchanged for coupon bonds, or coupon bonds exchanged for registered bonds at the option of the holders thereof; *provided*, the board of chosen freeholders, by resolution, shall consent to said exchange; said bonds to bear interest at the rate of seven per centum per annum, and shall be payable semi-annually; and a sufficient sum to pay the interest on said bonds, shall be placed in the tax levy of each year as long as said bonds shall run; and after the year one thousand eight hundred and eighty-four, there shall be placed in the tax levy each year the sum of twenty-five thousand dollars for the payment of the principal of said bonds until the whole principal sum shall be raised.

May defray expenses by issuing and selling county bonds not exceeding the sum of two hundred and fifty thousand dollars.

Proviso.

3. *And be it enacted*, That for the proper management of the fund raised by tax each year, after one thousand eight hundred and eighty-four to retire the principal of said bonds, and for the purpose of taking charge of all other funds raised by tax for any sinking fund purposes, a sinking fund commission is hereby created, to consist of the director of the board of chosen freeholders of Hudson county, the

May retire principal after 1884.

Sinking fund commission created, consisting

of director of board of freeholders county collector, and one chosen freeholder elected annually.

county collector of said county, and one chosen freeholder to be annually elected by said board; and it shall be lawful for said commissioners to take charge of all sums of money raised by tax or otherwise, to retire at maturity any bonds issued by said county, and to securely invest said funds and the interest accruing thereon, so that the funds in the sinking fund shall be available to pay any bonds of the county of Hudson as they fall due, for the payment of which any sinking fund is created; and each of said commissioners shall give a bond to the board of chosen freeholders of said county in such amounts and with such sureties as said board shall fix and approve.

When bonds not sold at par, or discount of two per cent. collector to borrow on temporary loans.

4. *And be it enacted*, That if the bonds authorized to be issued under this act cannot be sold at par or at a discount of two per centum, it shall be lawful for the county collector to use any of the taxes levied for the year one thousand eight hundred and seventy-three, in paying the expenses of the county from May first, one thousand eight hundred and seventy-three, to December first, one thousand eight hundred and seventy-three, and to borrow on temporary loans as heretofore, in anticipation of the taxes to be paid in December, one thousand eight hundred and seventy-four, such sum as may be necessary to defray the expenses of the county from May first, one thousand eight hundred and seventy-four, to December first of the same year.

Expenditures of board in any one year not to exceed amount raised by tax, unless by spread of epidemic or contageous disease, a greater expenditure shall be required.

5. *And be it enacted*, That the expenditures of the board of chosen freeholders in any fiscal year shall not exceed the amount raised by tax for said year unless by the spread of an epidemic or contagious disease a greater expenditure shall be required for the protection of the public health and the board may fix the amount to be raised by tax for county purposes at any meeting of said board held prior to July (15th) fifteenth in any year.

6. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall take effect immediately.

Approved February 26, 1874.

CHAPTER LXXXVII.

A supplement to an act entitled "An act to set off from the Township of New Barbadoes, in the County of Bergen, a new Township to be called the Township of Midland,' approved March seventh, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Washington, in the county of Bergen, which lies southerly of the boundary line between lands of John D. Smith and others, on the north, and Isaac I. Mabie and Margaret Jane Ackerman, on the south side thereof, and running from the public road known as the Kinderkamack road, easterly, to the Hackensack river, shall be and the same is hereby annexed to and shall become a part of the said township of Midland. Part of township of Washington annexed to township of Midland.

2. *And be it enacted*, That this act shall take effect on the first Monday in April, one thousand eight hundred and seventy-four.

Approved February 26, 1874.

CHAPTER LXXXVIII.

An act to set off a part of the townships of Shrewsbury and Ocean, in the county of Monmouth, to the township of Eatontown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Shrewsbury lying and being south of what is known as Boundaries of part of township of Shrews-

Shrewsbury annexed to township of Eatontown.

Parker's creek, and the stream emptying into it, north of and adjoining the farm of E. O. Feidler, and running westerly to a corner at right angles with the road, from the northwest corner of John G. Vanderveer's farm to the half way house; thence southerly to the aforesaid road, being the dividing line of the said townships of Shrewsbury and Eatontown, shall be and is hereby set off and annexed to the said township of Eatontown.

Boundaries of part of township of Ocean, annexed to township of Eatontown.

2. *And be it enacted*, That all that part of the township of Ocean, lying and being east of the present dividing line of the said townships of Ocean and Eatontown, beginning at the southeast corner of John E. Pye's land, at what is known as Tallman's creek, and running down said creek and around Pumpkin Point to South Shrewsbury river; thence westerly up said river to the dividing line of the townships of Shrewsbury and Eatontown, shall be and is hereby set off and annexed to the said township of Eatontown.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1874.

CHAPTER LXXXIX.

A supplement to an act entitled "An act to authorize the construction and maintenance of a Swing or Pivot Bridge over the Morris Canal, in the City of Paterson, where Barclay Street crosses the same," approved April fourth, one thousand eight hundred and seventy-three.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement shall be amended by inserting the words "or hoisting" after the word "pivot," where the said word "pivot" occurs in said act; and that this supplementary act shall take effect immediately.

Approved February 26, 1874.

CHAPTER XC.

An act to authorize the Board of Chosen Freeholders of the county of Mercer to borrow money and issue bonds therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Board of Chosen Freeholders," of the county of Mercer, to provide for the payment of their indebtedness, and of any further indebtedness that may be incurred by said board during the current year in executing the legal purposes, objects, business and affairs of said county by issuing bonds in the corporate name and under the corporate seal of said board, to be signed by the director of said board, and attested by their clerk, for an amount not exceeding in the aggregate the sum of twenty-five thousand dollars, bearing interest at the rate of seven per centum per annum, payable on the first days of April and October, of each year, and to pledge the property and credit of the said county for the payment of the principal and interest of said bonds.

May issue bonds not exceeding twenty-five thousand dollars.

2. *And be it enacted*, That the sum of six thousand two hundred and fifty dollars of the principal of said bonds shall be payable on the first day of April, one thousand eight hundred and eighty, and the same amount of said bonds shall be payable on the first day of April in each year thereafter until the whole shall have been paid; and and the said board shall have power to sell or assign said bonds in such manner as they shall deem most advantageous to the interests of said county; *provided*, said bonds shall not be disposed of for less than their par value.

When payable.

3. *And be it enacted*, That the said board are hereby authorized and required to provide for the payment of the said bonds and the interest thereon, as the same shall from time to time become due and payable, by taxation to be made, levied, assessed and collected at the times and in the manner that other county taxes in said county are levied, assessed and collected.

May provide for payment by taxation.

Proceeds of bonds to be applied for payment and satisfaction of indebtedness.

4. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act shall be applied by said board to the payment and satisfaction of their indebtedness, and for the legal purposes, objects and affairs of said county, as the said board shall deem proper.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1874.

CHAPTER XCI.

A supplement to the act entitled "A supplement to an act entitled 'an act to establish a system of Public Instruction,'" to provide for the erection of school buildings, and the establishing of a graded school in the town of Long Branch, Monmouth county, New Jersey, approved April third, eighteen hundred and seventy-three.

Moneys accruing from sale of bonds, how placed and by whom disbursed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all moneys accruing from the negotiation of the bonds authorized by section nine of the act to which this act is a supplement, shall be placed in the hands of the collector of the township in which Long Branch is situate to be disbursed by him in the same way and manner as is provided for in section seventy-eight of the act entitled "An act to establish a system of public instruction."

Commissioners together with board of education empowered to negotiate bonds.

2. *And be it enacted*, That the commissioners, styled the Long Branch commissioners, by virtue of an act entitled "An act to establish the Long Branch police, sanitary and improvement commission," approved April seventh, eighteen hundred and sixty-seven, are hereby authorized and empowered, together with the board of education, created by the act to which this act is a supplement, to negotiate said bonds.

By whom and how recorded.

3. *And be it enacted*, That the clerk of the Long Branch commissioners, and the secretary of the board of education

of Long Branch district number eighty-five, shall each record in a book prepared and kept for the purpose, the names of all persons to whom bonds are issued, together with the number and amount of said bonds, the date of issue, and the time of maturity; one of which books shall be kept in the office of the Long Branch commissioners, the other in the office of the secretary of the board of education.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 26, 1874.

CHAPTER XCIII.

An act to establish a Board of Health in the Lower Township, in the county of Cape May.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the legal voters of the Lower Township of Cape May county at each annual election for officers of said township to elect five persons who shall be residents of said township, who shall be designated a board of health, and shall be vested with the same powers and subject to the same duties and penalties as now prescribed by ordinance of the city council of Cape May city for the government of the board of health of said city. Board of health how elected, powers, duties, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1874.

CHAPTER XCIV.

A supplement to the act entitled "An act, incorporating the inhabitants of townships, designating their powers and regulating their meetings.

Number of township committee changed from five to three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That the persons qualified to vote at the annual township meetings in the township of Washington in the county of Burlington, are hereby empowered to elect at such meeting three judicious freeholders (instead of five), residents within said township who shall be denominated "the township committee," a majority of whom shall be a quorum to transact business.

Repealer.

2. *And be it enacted,* That so much of the first section of the act to which this is a supplement, approved February twenty-fifth, one thousand eight hundred and sixty-one, be and the same is hereby repealed.

3. *And be it enacted,* That this act shall take effect immediately.

Approved February 27, 1874.

CHAPTER XCV.

An act to set off a new Township in the County of Cumberland, to be called the Township of Commercial.

Boundaries of the township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That all that part of the Township of Downe, in the county of Cumberland, lying within the boundaries following, to wit: beginning in the middle of Dividing creek at the point where said Dividing creek empties into Delaware bay, and running thence up the middle

of Dividing creek, the several courses thereof, to the point where Hansey's creek empties into the same, and running thence up the middle of Hansey's creek, the several courses thereof, to the bridge; across the same near where Frazier Glann formerly lived, thence in a northerly course to the bridge where the public road leading from the village of Dividing creek to Port Norris, known as the Indian, going over thence a northerly course to a point opposite the west end of Lore's mill-dam, in the line of David Lore's land; thence a north course to the intersection of the Ackley road, following said road to the Dividing creek road; thence following east side of said road to the line between the township of Downe and city of Millville; thence by said boundary line to the middle of Morris river; thence following the middle of said river, the several courses thereof to Delaware bay; and thence in a northwesterly course and along the bay shore to the place of beginning, shall be and hereby is set off from the said township of Downe, and made a separate township to be called by the name of Commercial.

Declared to be a body politic and corporate.

2. *And be it enacted*, That the inhabitants of the township of Commercial snall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The Inhabitants of the Township of Commercial, in the county of Cumberland," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships, in the county of Cumberland.

Time and place of holding first town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Commercial hereby created, shall hold their first annual town meeting at the public school house in the village of Mauricetown, on the day appointed by law for holding the annual town meetings in the other townships of the county of Cumberland, and annually thereafter at such place in the said township of Commercial as a majority of the legal voters of said township shall determine; that at their said town meetings they shall vote by ballot until it shall be otherwise determined according to law; and that the provisions and restrictions of an act entitled "An act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred

and sixty, and of the supplements thereto, shall apply to the inhabitants of the township of Commercial.

Names of judges and clerk to preside over first town meeting.

4. *And be it enacted*, That Allen Sheppard, Levi Lore, and George E. Compton be and they are hereby appointed judges of election, to hold and preside over the first town meeting, and Samuel Butcher is hereby appointed town clerk of said township of Commercial, to hold their respective offices until their successors are elected and qualified in their stead; and any person acting as judge of election or town clerk, shall be entitled to hold any office in said township to which they, by a majority of the legal voters of said township, may be elected; *provided*, that in case of the absence or inability to serve of any of said persons so appointed by this act, a majority of the legal voters present may fill such vacancy.

Proviso.

Extending provisions of act approved February 22d, 1871, to township of Commercial.

5. *And be it enacted*, That all the provisions and requirements of the act entitled "An act to divide Downe township, in the county of Cumberland, into four road districts, and to provide for raising money, and for the election of overseers in the same," approved February twenty-second, eighteen hundred and seventy-one, shall be and remain in full force and effect in the township of Commercial hereby created, and the division line between the two townships shall be the division line of the road districts.

Same officers to be elected, as are authorized to be chosen in other townships of county.

6. *And be it enacted*, That the inhabitants of said township of Commercial shall elect, at their first annual town meeting, such officers as are authorized to be chosen in the other townships of the county of Cumberland, and shall vote on the same ballot for the amount of money to be raised for school purposes, and for such other purposes as may be authorized by law.

Time and place of meeting of town committees of Downe and Commercial townships to divide and allot property, &c.

7. *And be it enacted*, That the town committee of the township of Commercial, together with the town committee of the township of Downe, shall meet on the second Tuesday of April next, at the inn of William Casper, in the village of Dividing Creek, in the township of Downe, at ten o'clock in the forenoon, and shall then and there proceed, by writing, signed by a majority of the members of the township committee, to allot and divide between the said townships all the paupers which are hereby chargeable to that township, within the bounds of which they shall have acquired their settlements respectively, and to allot and divide between the said townships all property and moneys on hand or due, in proportion to the taxable property and ratables,

as valued and assessed by assessors, within the respective limits of the said townships at their last assessments; and the inhabitants of the said township of Commercial shall be liable to pay their just proportion of the debts, if any there be due, and to support and maintain the paupers so allotted to them; and if any of the persons composing either of the town committee shall refuse or neglect to meet as aforesaid, those assembled may proceed to make the said allotments and division, and the decision of a majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place within said township of Downe as a majority of those assembled may think proper.

Not to interfere with officers now elected.

8. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the township of Downe set off and called the township of Commercial, nor with the commissions of justices of the peace, nor commissioners of deeds, until they shall expire by their own limitation.

Committee of Commercial township to cause boundary lines to be surveyed and marked

9. *And be it enacted*, That the committee of the said township of Commercial shall cause the boundary lines of said township to be surveyed and marked, when deemed necessary.

Part of first assembly district.

10. *And be it enacted*, That the township of Commercial shall form part of the first assembly district of the county of Cumberland.

Repealer.

11. *And be it enacted*, That all acts and parts of acts, in conflict with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 27, 1874.

CHAPTER XCVI.

An act to authorize the Chosen Freeholders of Middlesex County to Widen the Mill-dam on the main street in the Village of Cranbury in Cranbury Township.

Preamble. WHEREAS, The mill-dam in the village of Cranbury constitutes a part of the public highway; and whereas, it is necessary for the safety of the traveling public that it should extend to a safe and legal width,

Chosen freeholders may extend width of mill-dam. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chosen freeholders of the county of Middlesex are hereby empowered to extend the width of the mill-dam in the village of Cranbury, in Cranbury township, to be of equal width of the main street in said village.

2. *And be it enacted*, That this act shall be called a public act, and shall take effect immediately.

Approved February 27, 1874.

CHAPTER XCVII.

A supplement to an act entitled an act to provide for the more effectual prevention and detection of crime in the township of Hackensack, approved February twenty-fourth, one thousand eight hundred and sixty-nine.

Provisions of original act extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to which this is a supplement be and they are hereby extended

to all the members of the Bergen County Vigilance Association residing in the township of Washington in said county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1874.

CHAPTER XCVIII.

A supplement to an act entitled "An act to establish the Long Branch Police, Sanitary and Improvement Commission," approved April seventh, one thousand eight hundred and sixty-seven.

Commissioners empowered to purchase or lease certain turnpikes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners, styled by virtue of the act to which this act is a supplement, the "Long Branch Commissioners," shall have power, and are hereby authorized to negotiate with the directors of any turnpike company, whose turnpike road may terminate within the corporate limits of Long Branch, for the purchase or lease of the whole or a part of said road, upon the petition of ten or more of the taxable voters residing within said corporate limits.

Money expended to be assessed and collected in the same manner as general taxes.

2. *And be it enacted*, That the moneys expended for the purchase or lease of said road shall be assessed upon the real and personal estate in said corporate limits, and collected in the same manner as are the other general taxes assessed and collected.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1874.

CHAPTER CV.

An act to better enable the voters of the several Road Districts in the Township of Upper Alloways Creek, County of Salem, to elect their Road Overseers by ballot.

Overseer of roads how elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the annual town meeting held in the township of Upper Alloways Creek, in the county of Salem, there be on each of the ballots voted the name of one candidate, for each district only, for the office of overseer of roads, with the title of the district in which he is a candidate.

Repealer.

2. *And be it enacted*, That all acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 27, 1874.

CHAPTER CXIII.

An act to incorporate the borough of Merchantville.

Boundaries

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the village of Merchantville, in the county of Camden, shall be and the same is hereby created into a borough, which shall be called the borough of Merchantville, and shall be bounded and limited as follows, to wit:

Beginning at a stake on the northerly side of Church road, an extended line of J. H. Hollinshead's property, running thence north sixty degrees thirty-five minutes west along the northerly side of said Church road, one thousand eight

hundred and eighteen feet three inches, to the northerly side of Camden and Moorestown turnpike; thence south eighty-seven degrees thirty minutes west, along the northerly side of said Camden and Moorestown turnpike thirty feet three inches, to the easterly side of Cove road; thence north thirty-three degrees twenty minutes west, along the easterly side of said Cove road two thousand eight hundred and sixty-one feet, to the extended line between the Cattell and Horner properties; thence south sixty-two degrees five minutes west, on said line one thousand nine hundred and twenty feet seven inches, to a corner; thence south twenty-five degrees forty-five minutes east, along said line one thousand and fourteen feet four inches, to the northerly side of Camden and Burlington railroad; thence south eighty-seven degrees thirty minutes west, along northerly side of said Camden and Burlington railroad three thousand six hundred and seventy feet, to the line of Joseph Amen's property; thence south twenty-six degrees forty-five minutes east, along said Joseph Amen's property seven hundred and fifty feet, to the northerly side of the Camden and Moorestown turnpike; thence south eighty-seven degrees thirty minutes west, along the northerly side of said Camden and Moorestown turnpike six hundred and thirty-five feet six inches, to a line in Joseph Amen's property; thence south twenty degrees east, six hundred and forty-eight feet nine inches to a corner in Joseph A. Shivers' (deceased) property; thence north fifty-nine degrees east, one hundred and twenty-nine feet three inches, to a corner in Joseph A. Shivers' property; thence south seventeen degrees thirty minutes east, four hundred and eighty-five feet eight inches to a corner in said Joseph A. Shivers' (deceased) property; thence south eighty-seven degrees thirty minutes east, four thousand two hundred feet, more or less, to the southwesterly side of Whiskey or Chapel road; thence south thirty-nine degrees thirty minutes east, along southwesterly side of Chapel or Whiskey road to a line extended to Robert Morrison's property two hundred and sixty feet; thence southwest eighty-six degrees east, five hundred and thirty feet to a corner; thence south eighty-nine degrees forty-five minutes east, five hundred and fourteen feet nine inches to a corner; thence south seventy-four degrees forty-five minutes east, eight hundred and sixty-nine feet two inches to a corner; thence south thirty-three degrees fifteen east, four

hundred and forty feet two inches to a corner; thence north seventy-six degrees east, seven hundred and fifty-five feet to a corner; thence north fifty-nine degrees east, eight hundred and five feet two inches to a corner; thence north four hundred and fifty-five feet four inches to place of beginning.

Time and place of holding first election.

2. *And be it enacted*, That the first election after the passage of, and pursuant to this act, shall be held on the second Tuesday of May next, at the public hall at Merchantville, in Stockton township, Camden county, New Jersey, and all subsequent elections for officers of this borough shall be held at such place or places as may be appointed by common council of the borough aforesaid on the day or days which now are or hereafter may be designated by law for holding the general elections of the state; and at the said first election there shall be elected by ballot one citizen who shall be styled the burgess of said borough, and seven other citizens to be members of the common council, one pound keeper, one constable of said borough, whose name shall be returned to the next court of quarter sessions of the peace of said county for the like purposes as in election of township constable; the said inhabitants shall also at the same time and place elect one justice of the peace, one judge and two inspectors of elections, three commissioners of appeal and assessor agreeably to the laws of this state; the said elections shall be conducted in the same manner as is prescribed by law in the townships in this state, except that the certificates of election of burgess, common councilmen, constable and commissioners of appeal, shall be filed among the records of the corporation; *provided*, that the first election to be held under this act shall be held by a judge and two inspectors, to be chosen by the inhabitants present at the opening of said election by the constable of the township of Stockton, whose duty it shall be at least ten days before the second Tuesday of May, the day appointed for the holding of the first election, to give public notice by six or more printed or written advertisements affixed to as many of the most public places within the limits of the said borough of the time and place of holding such election; and the said constable is hereby required and directed to attend at the said public hall in Merchantville on the second Tuesday of May, at the hour of seven A. M. of said day, and open said election; the burgess as aforesaid shall be elected to

Officers elected.

Mode of conducting election.

Proviso.

Constable to open election.

serve for a period of one year; the common councilmen to serve for a period of three years each, except in the case of the first election to be held under this act, when three councilmen shall be elected to serve for three years, two councilmen to serve for two years, and two councilmen to serve for one year; every election after said first election two councilmen shall be elected to serve for three years, except every third annual election, when three councilmen shall be elected, and the said council shall meet and organize on the Monday following the second Tuesday of May, at eight P. M. in each and every year; the constable and the pound keeper shall be elected to serve for one year, the judge and inspectors of election shall also be elected to serve for one year, and the justice of the peace for a period of five years.

Terms of burgess and councilmen.

Time of meeting and organization of council.

Terms of constable, pound keeper and judge and inspectors of election.

3. *And be it enacted*, That the burgess and common council of said borough shall constitute and be called "The common council of the borough of Merchantville," and the said common council shall be summoned and their meetings held at such time and places in said borough as they may appoint; the burgess shall preside at the meetings of the common council and have a casting vote only, and if he be absent, one of the common councilmen may be chosen by the members present, chairman pro tempore, and a majority of the whole number of members shall be a quorum to transact business; and it shall be the duty of the burgess when necessary to call special meetings of said common council, and in case of his neglect or refusal so to do, upon application to him in writing by any three of said councilmen, then it shall be lawful for any three members of said common council to call any special meeting or meetings of said council at such time and place as they may designate by written or printed notices; and in all cases of special meetings, notice shall be given to all the members of said board of common council in person, or left at their places of residence.

Time and place for holding meetings of council.

Burgess may call special meetings upon application of three councilmen.

4. *And be it enacted*, That the poll of all elections shall be opened and closed in accordance with the present state election laws of the state of New Jersey, and the same qualifications shall be required to entitle a person to vote as are or may be required at the township elections in this state, and the name of each person voting at such election shall be written in a poll list by the clerk or clerks of election, and after the poll shall be closed the judges or inspectors shall count the votes given for the several candidates and certify

Who entitled to vote.

the result under their hands and seals, and deliver such certificate to the borough clerk, who shall file and preserve the same among the records and papers of the corporation, and the persons having the greatest number of votes shall be deemed to be elected to the office for which they shall be voted for respectively, who shall respectively hold their offices as herein provided for in section 2, of this act; that is to say, the burgess to serve a period of one year, the common councilmen a period of three years, and the justice of the peace for a period of five years, the constable and pound keeper for a period of one year, and until others are elected in their stead and sworn into office.

Vacancies may be filled by council until next regular election.

5. *And be it enacted*, That in case of death, resignation, inability, disqualification, neglect or refusal to act, or removal out of the borough of any of the officers thereof, it shall be lawful for the common council to apppint others in their stead or place until the next regular election, who shall during the said term perform the like services, be entitled to the same fees, and be subject to the same responsibilities as though elected at the annual election.

All persons appointed or elected to take official oath.

6. *And be it enacted*, That before any of the said officers shall take upon themselves their respective duties, they shall take and subscribe an oath or affirmation for the due execution of their respective offices before one of the justices of the peace, in and for the county of Camden, who are hereby authorized and required to administer the same, or before the burgess of said borough; and the constable, treasurer and collector of said borough so elected and appointed by the common council shall each give bond to the said borough, in such sum and with such sureties as the common council may approve, for the faithful performance of the duties of their respective offices; and no member of the common council shall be taken as security upon the bond of any officer.

Constable, treasurer and collector to give bond.

Burgess to be justice of the peace ex-officio.

7. *And be it enacted*, That the burgess of said borough shall be a justice of the peace ex-officio, and shall have all the powers and authority of a justice of the peace in the state of New Jersey; and the said burgess or any justice of the peace, resident in said borough, shall severally hold courts, which shall be courts of record, and take cognizance of all forfeitures and of all fines and imprisonments, or both, laid or to be laid by the ordinances of the common council of said borough; *provided, however*, that the said burgess shall not

Proviso.

by virtue of his office be authorized to try any civil action, except such as may arise under an ordinance for the recovery of a forfeiture, or for an assessment for taxes or damages; and it shall be lawful for said burgess, or any resident justice of the peace on conviction of any offender of any offence against any of the ordinances of said borough or against the laws of the state, punishable by fine or imprisonment, or both, to punish said offenders by fine or imprisonment, or both, as the case may require, together with the costs of conviction, and by his warrant directed to the borough constable, in case the offender be sentenced to imprisonment, to command that he, she or they be conveyed to the common jail of the county of Camden, there to be confined until the term of imprisonment shall have expired, and till the costs of conviction be paid; or if said offender shall be adjudged to pay a fine, then there to remain until said fine and costs of conviction be paid, or to issue a warrant directed to the constable, commanding said officer to levy and make such fine and costs of the goods and chattels of such offender or offenders, and, for want of sufficient goods and chattels, to take and convey any such offender to the common jail aforesaid, there to be confined until such fine and costs are paid, or if any offender be adjudged to pay a fine and be imprisoned, then to command that he, she or they, as the case may be, be conveyed to said common jail, there to be confined for the term of his, her or their sentence, and until said fine and costs be paid; *provided*, that any such offender convicted as aforesaid may appeal for the remission of any fine or costs, or fine or fines and costs, to the common council of said borough, and the said common council may remit the whole or any part thereof, upon such terms as they may deem best to prescribe and impose; and it shall be the duty of the said burgess to see that all ordinances enacted by the common council of said borough are duly published and enforced; and no shows or exhibition of any kind shall be allowed except consent in writing be first obtained of the burgess of said borough, or a written permit from the majority of the common council of the same.

May punish for any offence against ordinances of borough.

Proviso.

8. *And be it enacted*, That it shall be lawful for a majority of the whole number of the members of common council that may be assembled in council meeting convened, to pass all ordinances for establishing a public ground or grounds, and reclaiming, improving, regulating and protecting the

Majority of members of common council required to pass ordinances,

for improving public grounds and walks, repairing streets.

for removing encroachments, for planting shade trees

for removing snow and ice, and abating nuisances,

for making sewers and drains,

for lighting streets,

for sinking wells,

for erecting maintaining and regulating a public market,

for erecting public buildings,

from preventing persons from driving on sidewalks, and from immoderate driving,

for compelling the cleaning of chimneys,

for appointing watchmen and police and prescribing their duties,

for regulating butchers, hawkers, peddlers, &c.,

for the suppression of vice and immorality and preserving to peace,

public grounds and walks, and for regulating, levelling, grading, paving, flagging, gravelling, improving, cleaning and repairing the streets, avenues and sidewalks therein, for ascertaining and establishing (by appointing a borough surveyor or otherwise) the lines and boundaries of the same, and for preventing and removing all encroachments, encumbrances and nuisances upon the same, and for regulating the planting and protection of shade trees, for compelling the occupiers and owners of lots to grade, curb, and have the sidewalks opposite their lots, and to keep the same and the gutters swept and clean, and clear of snow and ice, and other impediments; for abating and removing all nuisances in said borough, or in any street or other place or places in said borough; for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets, and for the laying of gas or other pipes in or under the same; for sinking and regulating wells, cisterns and pumps in said streets; for erecting, maintaining, and regulating a public market in said borough; for erecting and maintaining such public buildings as may be necessary or convenient in said borough; for preventing persons from riding, driving or passing over or upon the sidewalks with horses, wagons, carts or carriages, or animals of any description, and for preventing the immoderate riding or driving through or in any street or avenue in said borough; for preventing or suppression of fires; for compelling the cleaning of chimneys; for appointing watchmen and police and prescribing their powers and duties; for regulating the vending of meats and vegetables; for regulating butchers, hawkers, pedlars, and petty chapmen; for the more effectual suppression of vice and immorality; for preserving peace and good order; for restraining vagrants, mendicants and street beggars; for suppressing and restraining disorderly or gaming houses or public gaming in said borough; for regulating privy wells; accepting new streets and roads when opened for public use; for preventing and restraining riots, routs, disturbances, or disorderly assemblages, and for the carrying of concealed weapons in any street, avenue, house or any other place in said borough; for preventing the running at large of cattle, horses, goats, geese dogs and swine, and for imposing a reasonable tax upon the owners or possessors of dogs; for prescribing and defining the duties of the several officers elected in said bo-

rough, and such other ordinances for promoting the peace, good order and prosperity of said borough as they may deem expedient, not repugnant to the constitution of this state or of the United States; and to enforce the observance of all such ordinances, by prescribing a forfeiture (or penalty) not exceeding fifty dollars, to be recoverable by action of debt, with costs, in any court of record in said borough, in the name of the "treasurer of the borough of Merchantville," for the use of said borough, or they may prescribe punishments therefor, by fine or imprisonment in the common jail aforesaid, or both, to be imposed by the burgess or any resident justice of the peace, the fine not to exceed fifty dollars, and the imprisonment thirty days, and until the fine and costs be paid; all said ordinances shall be caused to be published by printed or written hand-bills put up in five of the most public places in said borough by the burgess thereof, for at least ten days before said ordinances shall go into effect, and no ordinance shall be enacted or passed by said common council, unless the same shall have been introduced before said common council at a previous meeting; the common council shall have power to appoint a clerk, to be known as the borough clerk; also to appoint a borough treasurer, both officers to serve during the pleasure of said common council.

for restraining disorderly or gaming houses, for regulating privy wells, for accepting new streets open for public use, for preventing and restraining riots, routs, &c., for preventing cattle, horses and goats, &c., from running at large, for defining duties of officers elected in borough, to make other ordinances promoting peace, good order, &c.

9. *And be it enacted*, That a majority of the whole number of members of common council that may be assembled, exclusive of the burgess or presiding officer in council meeting convened, shall have the sole, only and exclusive right and power of granting licenses under the common seal of the borough, to all and every inn-keeper and retailer of spirituous liquors, residing within the said borough, subject to the same provisions, and in like manner as the same may lawfully be done by the courts of common pleas in this state, except that they may grant them such a length of time, not exceeding one year, as they may deem best; and they shall have the sole, only, and exclusive right and power of licensing such and so many keepers of oyster houses and cellars, and places for the sale of fermented liquors within said borough, upon such terms and conditions and under such regulations as they may deem most conducive to the good of said borough, and the amount assessed and paid upon granting all licenses, shall be paid to the borough treasurer for the use of said borough.

Shall prescribe penalty, for violation of ordinances not exceeding fifty dollars, or imprisonment not exceeding thirty days.
Ordinances how published.
How introduced.
What officers appointed.
Majority of whole number of members of council required to grant licenses.

Common council may raise by tax such sum of money as is necessary for defraying expenses.

10. *And be it enacted*, That it shall be lawful for the common council of said borough to raise by tax, from year to year, such sum of money as they may deem expedient for defraying the necessary and contingent expenses of said borough, to be assessed by the assessor upon the value of the real and personal property, and to be collected by the treasurer, to be subject to the order of common council; and it shall be lawful for said common council to borrow money, from time to time, for all such purposes as are authorized by this act, not exceeding one thousand dollars, and to secure the payment thereof by bond or other instrument under the common seal and the signature of the burgess, and

Proviso.

to provide by tax for the payment thereof; *provided, however*, that any portion of the lands contained in said borough, and only used as farm lands contained in said borough, and used only as farm or unimproved lands, shall only be valued as such until the same shall be divided into building lots;

Proviso.

and provided also, that nothing herein contained shall be construed to prevent the borrowing upon the best terms that can be obtained by the common council of said borough, any loan that may be ordered by any vote of the citizens at their

Proviso.

annual elections; *and provided also*, that nothing herein contained, or any loan authorized to be raised or raised by the voters at their annual election, shall be construed to prevent the common council from constructing in all, a loan or loans to the amount of one thousand dollars as aforesaid, but at no time shall the outstanding loans originally made by common council at any time exceed the said sum of one thousand dollars.

Votes of borough to direct by ballot what sums and how it shall be raised.

11. *And be it enacted*, That it shall be lawful for the voters of said borough, at the annual election, by ballot, (by specifying the amount desired, and the object or objects to which it is desired to have it appropriated, and the manner in which it is desired to have it raised, whether by tax or loan, on the same ticket or ballot on which the name of those voted for the offices in said borough are written or printed) to direct to be raised by loan or by tax, from year to year, such sum or sums of money, in addition to that hereinafter directed or authorized to be raised by the common council of said borough, as they may deem expedient for the

For repairing srreets. For improving

repairing of the streets of said borough; for improving the public grounds; for erecting and maintaining a public market house, and for all other purposes and objects author-

ized by this act; said loans so directed to be raised shall then be made on the best terms that can be obtained by the common council of said borough, and a certificate or certificates of loan, or a bond or bonds, be issued therefor, as in other cases; and any sum or sums as hereinbefore directed to be raised by tax, shall be assessed by the assessor upon the value of real and personal property, and collected in the same manner and at the same time as other taxes, and when several sums of money are voted for, that receiving the highest number of votes, whether by tax or loan, shall be raised.

public grounds and erecting and maintaining public market house, and all other purposes authorized by this act. Such sums to be assessed by assessor and collected in same manner and time as other taxes.

12. *And be it enacted*, That it shall be lawful for the common council of said borough to pay the treasurer, clerk, assessor and other officers and agents of said borough, such compensation for their services as the said common council may deem reasonable and proper; *provided, however*, that no salaries shall be paid to the burgess or common councilmen.

Compensation of officers. Proviso.

13. *And be it enacted*, That the assessor of said borough shall assess upon the persons and real and personal property of the residents, and the property of non-residents within the said borough, and that the treasurer shall collect all taxes, and shall make no deductions for any liabilities that may be against the property assessed, ordered by the common council of said borough, or by the voters thereof, at their annual election as directed or required to be assessed or collected within the said borough in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county tax within their respective townships, and hold the same subject to the common council; and the assessor shall annually, between the first day of June and the first day of July, make the assessments required of him, and return his duplicate to the treasurer, not later than the said first day of July.

Duties of assessor and Treasurer.

14. *And be it enacted*, That the treasureer shall, at least one week before the day of appeal in case of taxation, demand of all persons taxed the amount of their tax, by notice served upon them personally, or left at their residence, if living in the borough, otherwise sent to them by mail, and shall at the same time give notice of the time and place of the meeting of the commissioners of appeal, and no other notices shall be required; and in case of the non-payment

Treasurer to demand payment of taxes, by notice.

of any taxes by the twentieth day of October, in each year, (excepting when it shall happen on a Sunday, then on the following day,) the treasurer shall make out a list of the names of the delinquents, with the sums due from them respectively annexed, and deliver the same to the burgess or a resident justice of said borough.

To make out list of delinquents and deliver to burgess or resident justice.

Burgess or justice to administer oath or affirmation.

15. *And be it enacted*, That it shall be the duty of the said burgess, or justice of the peace, on receiving a list of the names of such delinquents, to administer an oath or affirmation to the said treasurer, that the moneys in said list had been duly demanded on due notice given, or left at the usual place of residence of each delinquent who can be found, or who may then reside in said borough, and thereupon to give the said treasurer a receipt for such list, certifying therein the names of the delinquents, and the sums at which they are respectively assessed and taxed; and it shall also be the duty of said burgess or justice, within five days after the receipt of the list of the names of the delinquents, to make out and deliver to the constable or constables of said borough, a warrant or warrants requiring him or them to levy the tax so in arrears, in the manner prescribed by the laws of the state of New Jersey, relative to the collection of state, county or township taxes; and the said constable or constables shall, in the levy and collection of said taxes, and in the payment thereof, be governed by the laws of the state governing the same in the several townships.

To issue warrants.

Judges, inspectors and clerk of election to take oath or affirmation.

16. *And be it enacted*, That the judge of election and the inspectors and clerk thereof, shall take the like oaths or affirmations, and conduct all elections in the same manner as township election officers are or may be required by law to do, and shall be invested with the same powers and authority, entitled to the same compensation, and perform the like duties, and be subject to the same penalties as the like officers of this state are or may be by law invested with, allowed, or subject to; and in case of absence, death, incompetency or refusal to serve of any of the said officers of election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancy or vacancies in the townships in this state; and the clerk of said borough shall procure ballot boxes for the use of said borough, in such manner and of such description as are required to be procured by the township

Clerk to procure ballot boxes.

clerks of this state, and subject to such penalties as the law prescribes, for neglecting to procure said boxes, and keep the same in repair.

Duties and fees of constables.

17. *And be it enacted*, That the constable or constables of said borough hereafter elected by virtue of this act shall have the same power and authority and be authorized to perform the same duties, in civil as well as in criminal cases, in all respects, to serve warrants and other processes in the same manner and to the same extent of jurisdiction, and be entitled to the same fees and compensation for his or their services as if he or they had been lawfully elected to the office of constable, at an annual election for township officers in this state under the laws of this state relating to township constables, and had taken the oath or affirmation, and given the security required by law; *provided, always*, that before any such constable or constables shall proceed to exercise the powers conferred upon him or them by this act, he or they shall take and subscribe an oath or affirmation for the due execution of his or their office, and enter into such bond, with sureties to be approved by the common council of said borough, as he or they would be by law required to take and enter into if he or they had been elected to the office of township constable, under the laws of this state relating to township constables, before he or they proceeded to the execution of his or their office.

Proviso.

Bond of constable to be recorded and filed by clerk in his office.

18. *And be it enacted*, That the bond to be given as aforesaid by the said constable or constables shall be recorded and filed by the clerk of said borough in his office; and the common council of said borough are hereby required and directed, if need be, to prosecute the said bond or bonds, for or in behalf of, and to the use of all and every person or persons whatsoever, who may have sustained loss by neglect or misconduct of said constable or constables in executing the duties of said office; and suits or actions to be brought or prosecuted on said bond or bonds shall and may be brought and prosecuted in the manner prescribed by the third section of the act entitled, "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six.

Constables to preserve the peace and empowered to arrest offenders.

19. *And be it enacted*, That it shall be the duty of the constable or constables so elected as aforesaid in said borough, to preserve and maintain at all times the peace and quiet of said borough, to arrest and imprison offenders against the ordinances of said borough or the laws of this

state, and to perform such other duties and under such penalties as the common council of said borough shall from time to time prescribe.

Duties of clerk.

20. *And be it enacted*, That the clerk of said borough shall keep, file, and when necessary, record all official papers belonging to the same; he shall attend all meetings of the common council of said borough and keep accurate minutes of the proceedings thereof; he shall give lawful notice of all such meetings and of annual and special elections; he shall record in a proper book to be provided for that purpose, all ordinances passed by said common council, and duly certify the same; and shall perform such other duties as the common council of said borough may from time to time prescribe.

Duties of Treasurer.

21. *And be it enacted*, That the treasurer of said borough shall (in addition to the duties of a collector hereinbefore prescribed) receive and pay out all moneys belonging to said borough under the direction and authority of the common council, and shall at least ten days previous to each annual election, make out a full and true account of all moneys raised by tax, loan or otherwise, for the use of said borough since the preceding annual election, and of the application and expenditure of the same, and deliver the said account to the clerk of the said borough, and in default thereof shall forfeit and pay fifty dollars, which said account shall be filed by said clerk in his office; and it shall be the duty of the said clerk to cause a copy of said account to be set up in three of the most public places in said borough at least five days previous to the day of each annual election, and in default thereof shall forfeit and pay fifty dollars.

Inhabitant of borough shall not be deemed incompetent witness, in any issue in which Burgess, clerk and common council are a party, or interested.

22. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation in which the burgess, clerk and common council of said borough are a party or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his or her being an inhabitant or freeholder of said borough; and if any person shall be sued or impleaded by reason of anything done by this act, it shall be lawful for such person to plead the general issue, and to give this act and the matter in evidence at the trial.

If annual election is not held, burgess and other

23. *And be it enacted*, That in case it shall so happen by any means that the annual election hereinbefore provided for, shall not be held at the time designated therefore as

aforesaid, then the burgess and other officers of the said borough of the preceding year shall continue to exercise their several offices, powers and authorities until an election shall be duly held; and it shall be the duty of the common council forthwith to appoint another day for a special election for officers of the said borough, of which time the borough clerk shall give ten days notice as aforesaid, and which shall be conducted in all respects in the manner prescribed hereinbefore for annual elections. officers shall continue in office until special election shall be held. Common Council empowered to order special election.

24. *And be it enacted*, That from and after the said second Tuesday of May next the burgess and common council duly elected and their successors, shall be one body politic and corporate, in deed, fact, name and law, by the name, style and title of "The burgess and common council of the borough of Merchantville," and as such shall have, possess and enjoy all the rights, liberties franchises and privileges of a borough incorporated in pursuance of this act. Corporate name.

25. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1874.

CHAPTER CXXI.

An act to authorize the trustees of school district number thirty-six, in the county of Bergen, to sell and convey certain real estate and appurtenances.

WHEREAS, Philip Berry did by deed dated the tenth day of March, in the year eighteen hundred and forty-five, give and convey to the Mount Pleasant New School Association, certain lands and premises situate in the township of Lodi, in the county of Bergen, and state of New Jersey, and which lands are described in said deed, as follows: beginning at a point in the middle of the Pollifly road, where the division line between the farm of said Philip Berry and the farm of John W. Berry intersects said road; thence running northwesterly along said division line one hundred feet; thence northeasterly at right angles to said Preamble.

division line fifty feet; thence southeasterly and parallel to said division line one hundred feet, be the same more or less, to the middle of said road; thence southwesterly along the middle of said road fifty feet, be the same more or less, to the place of beginning, for school purposes, on which was erected a school-house, which has been used and occupied for school purposes from about the date of said deed until some time in the month of December last; *and whereas*, the said lands and premises, and school-house building and appurtenances, are now held by the trustees of school district number thirty-six, in the county of Bergen; *and whereas*, in order to have greater accommodation for school purposes, the said trustees purchased other lands and erected thereon a new school building; *and whereas*, it is now desirable to sell and dispose of the lands conveyed by Philip Berry as aforesaid to the Mount Pleasant New School Association, and the school-house building and appurtenances; therefore,

Trustees empowered to sell and dispose of certain lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number thirty-six, in the county of Bergen, now being, or their successors, or a majority of them, be and they are hereby authorised and empowered to sell and dispose of the lands and premises mentioned and particularly described in the foregoing preamble, together with the appurtenances thereunto belonging, at public or private sale, and to convey by deed of conveyance, under their hands and seals, in fee simple absolute, to the purchaser or purchasers thereof, the said lands and premises, and appurtenances; and the said purchaser or purchasers, their heirs and assigns, shall hold the same under and by virtue of said conveyance, to and for their use, benefit and behoof forever; free and clear, and absolutely discharged from all trusts, whatsoever, upon, by or under which the same may have been held.

May make deed of conveyance under their hands and seals.

Proceeds of sale how applied.

2. *And be it enacted*, That the said trustees or their successors may apply the proceeds of the sale of said lands and premises toward the payment of debts contracted in the construction and finishing of the new school building, recently by them erected.

3. *And be it enacted*, That this act be deemed and taken to be a public act, and shall take effect immediately.

Approved March 3, 1874.

CHAPTER CXXII.

An act to improve the public roads in the township of Middletown, and county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for all legal voters who are freeholders in any road district in said township of Middletown, or a majority of them that are present at any meeting called for the said purpose, to elect by ballot three freeholders in said road district, as commissioners to hold their office for one year, or until others are elected, with full powers to grade, gravel, straighten, widen and otherwise improve any or all roads in the district for which said commissioners are elected; meetings for the election of commissioners shall be held on the next Saturday after the town meeting in said township of Middletown, in each year (except the first meeting) for which five written notices placed in conspicuous places within said district, ten days previous to said meeting, and at said meeting to appoint the place for next meeting, without further notice. Election of commissioners. Term of office. Powers and duties. Time of holding election.

2. *And be it enacted*, That each of said commissioners before proceeding to act under said appointment, shall take and subscribe an oath or affirmation before any person authorized to administer oaths and affirmations, to faithfully discharge the duties entrusted to them. Commissioners to take oath or affirmation.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have power to employ all necessary surveyors, workmen and agents to effectually carry out the powers and authority granted in the first section of this act, and shall keep a correct account of all their proceedings, and exhibit the same at the next ensuing meeting for the election of commissioners; said commissioners to receive one dollar per day for actual time engaged in their duties. May employ surveyors, workmen, agents, &c. Compensation of commissioners.

4. *And be it enacted*, That the amount of tax to be raised in any said road district, for the above purposes shall be determined by the majority of the voters present at the elec- Amount of tax to be raised for above purposes to be

determined by majority of voters present at election of commissioners.

tion of commissioners, not to exceed one-half of one per centum per annum, which shall be expended on all the roads in said district, which shall be assessed by said commissioners, upon the freehold taxable property in said district;

Proviso.

provided, that in making assessments for the purposes mentioned in this act no deductions shall be made for debts owing by the owners of the real estate assessed, or for any mortgages thereon; and a certificate of the said assessment, so determined, shall be a lien upon the lands on which it is laid, and the said commissioners shall make a copy of said certificate, which they shall place in the hands of a collector of taxes, for the time being, of the township of Middletown; and it shall be the duty of the collector to collect

Assessments how collected.

the said assessment within sixty days from the time of his receipt of the said certificate in the same manner as township taxes are collected, (the collector's ordinary securities being responsible for the same) and pay the same over to the commissioners on their order; and the said collector shall, in the collection of the said assessments, be liable to the same pains and penalties as in the collection of the annual township taxes; and it shall be the duty of the com-

Commissioners to notify land owners of the amount of assessment.

missioners, to notify each land owner who may reside in their district, the amount of said assessment; and the said land owner shall, within ten days after such notice, elect by giving the commissioners written notice that he, she or they, will, upon an order from the commissioners, work out said

Rates of labor.

tax by labor. at the following rates, viz: for a two-horse team, wagon and man, three dollars and fifty cents per day of ten hours; for a man, one dollar and fifty cents per day of ten hours; but any neglect to give notice to perform such labor, he, she or they shall pay said tax in money, in manner as aforesaid.

After election of commissioners, office of overseer of highways abolished.

5. *And be it enacted*, That when commissioners are elect in any road district, according to this act, then the officer or overseer of highways for such district shall be abolished, and road taxes assessed by the township for such district, shall be paid to the commissioners, or worked out according to this act.

When private property is taken, damages how assessed.

6. *And be it enacted*, That when private property is taken by straightening or widening any road in any road district in the said township of Middletown by commissioners under this act, the damages over and above the advantages that will accrue to any owner by reason of such widening or

straightening, (except such owner or owners that may consent to the same in writing) shall be assessed by the commissioners in their said district, which said assessment shall be paid by the inhabitants of the township of Middletown in the same manner as before this act was passed.

7. *And be it enacted*, That this act be declared a public law, and shall take effect immediately.

Approved March 3, 1874.

CHAPTER CXXX.

An act concerning roads in the township of Mansfield, in the county of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the office of overseer of the highways, in the township of Mansfield, in the county of Burlington, is hereby abolished, and that in the place thereof, the inhabitants of said township at their annual township elections hereafter to be held, shall be authorized and required by a majority of their qualified electors to elect some suitable person who shall be a resident of said township, and who shall be known and designated as "Supervisor of the Roads" in said township, and who shall, during his term of office, have full power and authority within the limits of said township, to perform all the duties now performed therein by the overseers of the highways in the same, under the direction and control of the township committee of said township, and be subject to the same penalties as said overseers are now subject to by law.

Office of overseer of highways abolished.

New office created to be known as "Supervisor of the Roads."

Same duties as overseers of the highways.

2. *And be it enacted*, That the said supervisor of roads, and his successors in office to be elected as aforesaid, shall hold his and their term of office for the term of one year from the time of said election, and shall receive and be paid an annual salary of three hundred dollars, as a full compensation for all services performed or rendered by him as such officer, and that before he shall enter upon or perform any of the duties of said office, he shall enter into bond to the inhabitants of said

Term of office.

Salary.

Shall enter into bond.

township, in such sums, and with such sureties as the township committee of said township shall direct and prescribe for the faithful performance of his duties as such officer.

To oversee and control all work directed to be done by township committee.

3. *And be it enacted*, That said supervisor of roads in said township shall supervise, oversee and control all work and labor directed and prescribed to be done by the township committee of said township in the construction and repairing of all roads within the limits of said township; he shall have power to make contracts for all such work and labor to be done and performed, and to let out the same to the lowest bidder (giving a preference in all cases to the adjacent land owners, provided they shall be the lowest bidders,) and in case there shall be no bids for the same, he shall then do such work himself at the lowest reasonable price, and shall render a particular account of the same to the township committee of said township, whose duty it shall be be to audit and approve all such contracts and bills before any payment thereof shall be made.

Empowered to make contracts.

Township Committee to audit and approve all contracts and bills.

Time of election.

4. *And be it enacted*, That the first election of said supervisor of roads shall take place under this act at the next annual election in said township after the passage of this act, and in case any vacancy in said office shall occur by reason of death, resignation, or any other disability, the township committee of said township shall have full power and authority to fill said vacancy up to the time of the occurrence of another annual election of the inhabitants of said township.

In case of vacancy to be filled by township committee.

5. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 4, 1874.

CHAPTER CXXXI.

A further supplement to a supplement to an act entitled "An act to establish a new Township in the County of Union, to be called the Township of Linden," approved April third, one thousand eight hundred and seventy-three.

Overseers of the highways to remove or cause to be removed all ice or snow on sidewalks. Expense to be paid out of money raised for road purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the overseers of the highways in road districts number one, two and three, to remove or cause to be removed all ice or snow from the board sidewalks in said districts immediately after the storm shall cease, and the expense attending the same shall be allowed and paid said overseer by the township committee out of moneys raised in said respective districts for road purposes.

Repealer.

2. *And be it enacted*, That all acts or parts of acts, inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall be deemed a public act, and to take effect immediately.

Approved March 4, 1874.

CHAPTER CXXXII.

A supplement to the act entitled "An act to revise and amend the Charter of the Town of Phillipsburg," approved March eighth, one thousand eight hundred and seventy-two.

President of Common Council to perform the duties of mayor in case of vacancy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a vacancy shall occur in the office of mayor of said town, as provided in article second, section eleven of the act to which this is a supplement, the president of the common council of said town shall be vested with the powers and perform the duties of mayor until such vacancy shall be filled in the manner provided for in said section, and in case of the inability of the president of the common council to perform the duties of the mayor, they shall devolve upon the president pro tempore of the common council.

Repealer.

2. *And be it enacted*, That so much of section twentieth of article second of the act to which this is a supplement as provides for the election of a collector, be and the same is hereby repealed.

Collector of taxes how appointed.

Duties.

Term of office.

3. *And be it enacted*, That there shall be appointed by the common council of said town in the same manner in which other town officers are appointed by the common council, a collector of taxes for said town, who shall perform the duties and be subject to the liabilities of the collector, under the act to which this is a supplement, and such other duties and liabilities as the common council may, by ordinance prescribing his duties, ordain, and who shall continue in office for the same period as do other officers appointed by the common council, and be subject to removal in the same manner and for the same causes that they are.

Pavement, curb or gutter stones to be removed in case of non-

4. *And be it enacted*, That in all cases where the committee on streets and alleys have or shall pave, curb or gutter the sidewalk in front of the owner of a lot or lots and said owner shall neglect or refuse to pay the expense of the same

within thirty days after notice in writing from said committee, then the said committee may remove the said pavement curb, or gutter stones. payment after thirty days' notice.

5. *And be it enacted*, That the common council of said town may by ordinance extend any street, road, highway or alley already established, or which may hereafter be established in said town, and may take and appropriate for such purpose any land and real estate upon making compensation to the owner or owners thereof, in the manner provided for the taking and appropriating of land and real estate for street purposes in article fifth of the act to which this is a supplement. Common Council may extend street, road or highway already established. May take and appropriate land upon making compensation.

6. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall go into effect immediately, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

Approved March 4, 1874.

CHAPTER CXXXIII.

A supplement to an act entitled "An act in regard to certain Township Officers in the Township of Union, Bergen County, and in regard to the power and duties of the Town Committee of said Township," approved March thirteenth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of said act be hereby amended so as to read as follows: Amendment.

6. *And be it enacted*, That upon the application in writing of the owners residing in said Township of a majority of the lineal or running feet between two points upon any highway or street, whether accepted as a public highway or not, specified in said written application, the said township committee shall have further additional power to enter thereon and construct sidewalks, sewers and gutters, and in such application the width, material and manner of construction of such sidewalk, sewer or gutter, shall also be Township Committee may construct sidewalks, sewers and gutters, upon application of owners of a majority of lineal feet.

specified; and it shall be the duty of said township committee to assess the cost or charge of such sidewalk, sewer or gutter upon the property adjoining on said street, or between the points named in said application, at such equitable rate per lineal foot as may be necessary to raise the entire amount of the cost thereof; such assessment shall be a lien upon the land affected thereby, and shall be filed in the office of the county clerk of Bergen county, within ten days after the same shall have been made; and the said township committee shall give notice of the filing of such assessment in said office of the clerk of the county of Bergen by printed notice, or a notice partly printed and partly written, and posted up in at least five of the most public places in the said township; that said township committee shall whenever practicable, contract for the work and labor rendered necessary by any improvement of any public highway, or by any provision of this section, and shall advertise for bids for the same, and let the same to the lowest responsible bidder, requiring if deemed advisable, security for the due performance of such contract or contracts; but said township committee may reject any or all bids, if not deemed by it for the interest of the township; and said township committee shall re-advertise for new bids for such work or material; *provided always*, that within thirty days from the approval of the aforesaid application by said township committee, it shall be lawful for any property owner or owners to proceed to lay the said sidewalk adjoining the property of said owner, under the supervision of said township committee; and that the assessment made as aforesaid shall be collected by the township collector for the time being, within sixty days from the receipt by him from the clerk of said township of written notice of the amount of such assessment, in the manner provided by law for the collection of taxes in said township, and said collector shall pay the same over to the president of said township committee; and in case any owner or owners of lands so assessed as aforesaid, shall fail to pay the assessment laid thereon within one year, such land of such owner shall be sold in the same manner that land is now authorized by law to be sold for unpaid taxes in said township, so as to raise the amount of such assessment, with interest thereon at the rate of twelve per centum per annum, together with the lawful costs and fees of col-

Township committee to assess cost.

To give notice of the filing of assessment.

May contract for work and labor.

Proviso.

Land may be sold on failure to pay assessment in one year.

lection and sale; and the said township committee shall keep in repair all sidewalks upon the public highways at the expense of the owners, with material of the same kind as that of which said sidewalks are constructed; said owner shall have the privilege within ten days from his receiving notice to repair his portion of said sidewalk at his own cost; and said committee shall erect lamp districts, and a suitable number of lamp posts and lamps, and shall contract with the lowest responsible bidder for the erection of said lamp posts and lamps and the lighting of said lamps, and shall assess the cost thereof upon the property in each district, each district to pay only for its own lamp posts and the expenses attendant on lighting the same.

Township Committee to keep in repair all sidewalks upon the public highways.

To erect lamp districts and contract for erection of lamp posts.

To assess costs upon property in each district.

2. *And be it enacted*, That the election of township officers and justices of the peace for said township of Union shall be holden upon the second Monday in April in each year, in the manner prescribed in the first section of the act to which this is a supplement.

Time for holding election for township officers and justices of the peace.

3. *And be it enacted*, That each member of the said township committee shall receive two dollars for each day's actual service hereafter performed, and the expenses for which the said township committee may become liable, and which it is authorized to raise by tax, shall include all expenses of the ordinary repair of highways and all other expenses and costs for township purposes, and shall not exceed in the aggregate in any one year one fifth of one per centum on the assessed valuation of the property of said township.

Compensation of township committee.

4. *And be it enactcd*, That section ten of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Amendment.

10. *And be it enacted*, That upon entering upon the duties of their office, the president of said township committee; and the clerk of said township shall each enter into a bond to the inhabitants of said township in the sum of five thousand dollars, with sufficient sureties, who shall be freeholders residing within the county of Bergen, said bond and sureties to be approved by the township committee of said townships, for the faithful performance of their resepective duties as such president and clerk which bond shall be delivered to the clerk of Bergen county, who is hereby directed and required to record and file the same in his office.

President and clerk of township committee to enter into bond in the sum of five thousand dollars.

To be recorded and filed in the office of the Clerk of Bergen County.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act is hereby declared to be a public act and shall take effect immediately.

Approved March 4, 1874.

CHAPTER CXXXV.

An act authorizing "The Presiding Judges of the Courts of Oyer and Terminer, Circuit Court, Court of Common Pleas, the Court of General Quarter Sessions of the Peace, and Special Sessions of Hudson County to appoint an Interpreter to their Courts.

Preamble.

WHEREAS, the population of Hudson county being composed in a great measure of foreigners, and a large proportion of the witnesses in the above named courts not being familiar with the English language, and the courts therefore being often delayed in the administration of justice by the want of a proper interpreter; therefore

Appointment of interpreter, duties and compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the presiding judges of the courts of oyer and terminer, circuit court, court of common pleas, court of general quarter sessions of the peace, and special sessions of Hudson county, be and are hereby empowered to appoint an interpreter, to attend any of the above named courts when in session, at the request of the presiding judge, and for his services to receive five dollars per day, the money to be paid by the county treasurer, on proper certificate from the clerk of the court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1874.

CHAPTER CXXXVIII.

A supplement to an act entitled "An act to set off from the township of Belleville, in the county of Essex, a new township, to be called the township of Franklin," approved February eighteenth, one thousand eight hundred and seventy-four.

Boundaries of part annexed to township of Franklin.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Belleville in the county of Essex, north of a line beginning at the Passaic river, in the division line between lands of William H. Conover and lands of Joseph W. Hancock, and thence running in a southwesterly direction, in a direct line, to the southeasterly corner of lands belonging to Abram Van Winkle and the Bloomfield township line; and thence along the dividing line of the townships of Belleville and Bloomfield until it intersects the dividing line of the townships of Belleville and Franklin, shall be and hereby is set off from the township of Belleville, in the county of Essex, and annexed to and made part of the township of Franklin.

2. *And be it enacted*, That this act take effect immediately.

Approved March 5, 1874.

CHAPTER CXXXIX.

A supplement to an act entitled "An act to reorganize the courts of law," approved February ninth, eighteen hundred and fifty-five.

Making three judges of inferior court of common pleas and general quarter sessions of the peace. Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of April, eighteen hundred and seventy-four, there shall be no more than three judges of the inferior court of common pleas and general quarter sessions of the peace in the county of Union in addition to the justice of the supreme court holding the circuit for said county; *provided*, that the judges who shall be in office on that day shall continue therein until their respective terms of office expire.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLVI.

A further supplement to an act entitled "An act to revise and amend the charter of the City of Elizabeth," approved March fourth, one thousand eight hundred and sixty-three, and the several supplements thereto.

Empowering comptroller to give certificate as to liability of real estate for unpaid taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the comptroller of said city, on the payment of the fees hereby authorized, to give to any person requiring the same, a certificate as to the liability of any real estate in said city for unpaid taxes or assessments, as shown by any records in his possession or office; and such certificate, in the hands of a

bona fide purchaser or mortgagee of such real estate, shall, unless a mistake has occurred in the name of the owner or from a misdescription of the property, relieve and discharge such real estate from any tax or assessment, except such as is therein stated to be unpaid, which certificate shall, in all cases, be signed by the comptroller, but may be made either by him or by any clerk in his office whom he may designate for that purpose; *provided*, that such comptroller, when any such certificate shall actually be made out by him, or such clerk, when any such certificate shall be made out by him, shall be responsible respectively to the city of Elizabeth for any loss occasioned by any erroneous certificate through the carelessness or negligence of such comptroller or clerk, but for no other cause. Proviso.

2. *And be it enacted*, That when the said comptroller has designated any one of his clerks, it any, for the purpose aforesaid, he shall at once inform the city council of said city that he has so done, and the city council may then, in their discretion, require such clerk to give bond to said city, in such amount and with such surety as they shall approve, for the faithful performance of his duties under this act. Clerk designated to make out certificates to give bond.

3. *And be it enacted*, That the said comptroller shall receive for such certificates at the rate of two dollars for each certificate of assessments, and one dollar for each certificate of taxes, which fees shall be paid to the officer actually making such certificate, or into the treasury of said city, as the city council shall direct, in view of the fact whether or not such officer shall receive a salary from said city; *provided*, that no person applying to said comptroller or to the treasurer of said city for the purpose of paying any assessments or taxes shall be obliged to pay any fees for any examination to ascertain the amount or any certificate or receipt therefor. Comptroller to receive two dollars for each certificate. Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLVII.

A supplement to an act entitled "An act to incorporate the Chosen Freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section forty-three of the act to which this is a supplement, and sections one and two of the supplement to said act, approved April sixth, one thousand eight hundred and sixty-five, be so far amended as not to require the publications in the newspapers, required in said sections, in the county of Hudson; but in lieu thereof said board of chosen freeholders of the county of Hudson shall, within thirty days after the close of their fiscal year, cause the annual statement, required by said sections, to be published in pamphlet form, and that at least one thousand copies of such pamphlet be published for circulation, and deposited with the clerk of the county and county collector for free distribution, and one copy shall be filed in the clerk's office of the county of Hudson; and upon the depositing of said pamphlets with the clerk of the board of freeholders as aforesaid, the said clerk shall give notice of such depositing by advertising the fact shortly in two of the newspapers of the county of Hudson, for two weeks.

Annual statement to be published in pamphlet form.

Proposals for publication to be advertised for by county collector.

2. *And be it enacted*, That said publication shall be made by the county collector advertising for proposals, and by letting the work to the lowest bidder, who will do the work satisfactory to the county collector.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, so far as the county of Hudson is concerned, inconsistent with this act are hereby repealed, and this act shall be deemed a public act and shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLVIII.

A further supplement to the act entitled "An act for the improvement of the town of Freehold, in the county of Monmouth," approved March twenty-fifth, one thousand eight hundred and sixty-nine.

Board of commissioners may purchase one or more fire engines, with hose and other apparatus.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Board of Commissioners of the town of Freehold" to purchase one or more fire engines of such make and construction as they may approve, with all suitable and proper hose and other apparatus connected with or used in the working and management of said fire engine or engines; and to build or lease such engine house or houses as may be needed for the accommodation of the same, and also to build and construct such and so many cisterns as they may deem necessary for supplying water for said engine or engines, and to provide all necessary pumps or other apparatus proper to be used with the same, and to locate said cisterns in such places in said town as they may designate.

May build and construct cisterns.

May issue bonds to provide for the payment of the same.

2. *And be it enacted*, That it shall be lawful for the said the board of commissioners of the town of Freehold, to provide for the payment of the indebtedness incurred or to be incurred by the purchases so as aforesaid authorized to be made, and by the construction of the engine house or houses and cisterns aforesaid, and providing the necessary apparatus for the same, and in carrying out the objects and purposes above mentioned, by issuing bonds in the corporate name and under the corporate seal of said board, to be signed by the commissioner and attested by the town clerk of said town, for an amount not exceeding in the aggregate the sum of six thousand dollars; and the said bonds to be for such sums and payable at such time or times as the said board shall deem proper, not exceeding seven years from the date of the approval of this act, and bearing interest at the rate of seven per centum per annum, and to pledge the property

Said bond not to exceed in the aggregate six thousand dollars.

and credit of the said town for the payment of the same; and the said the board of commissioners of the town of Freehold and their successors shall have power to sell or assign said bonds for any sum not less than the par value thereof.

May provide for payment of said bonds by taxation

3. *And be it enacted*, That the said board are hereby authorized and required to provide for the payment of the said bonds and the interest thereon as the same shall, from time to time, become due and payable, by taxation to be made, levied, assessed and collected at the times and in the manner that other taxes in said town are levied assessed and collected.

Proceeds of said bonds to be applied to the payment of said indebtedness.

4. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act shall be applied by said board to the payment and satisfaction of the indebtedness aforesaid.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLIX.

An act amendatory to an act to incorporate the Board of Education of the City of Camden, approved February ninth, one thousand eight hundred and fifty-four, and the several supplements thereto.

Treasurer of the board of education how appointed.

1. BE it ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education of the city of Camden shall at their annual meeting in each and every year appoint by a majority vote of said board one person who shall be the treasurer of the said board, who shall hold his office for one year and until his successor shall be appointed; and the said treasurer shall receive all moneys for school or educational purposes for said city, and shall disburse all such moneys held by him as treasurer in like manner as such moneys are required by law to be paid by the treasurer of said board; he shall give such security for

Term of office.

Duties.

the faithful performance of the duties of his office and receive such salary as the said board shall direct; and the city superintendent provided for by the seventh section of the act to which this is a supplement, and the secretary or clerk of said board shall be appointed by the said board at their annual meeting aforesaid, and shall hold their offices for one year and until their successors are appointed, and they shall receive such stated salary and perform such duties as the said board shall direct; *provided*, that the said treasurer, city superintendent, secretary or clerk aforementioned shall not be members of said board, and after the salary of said officers of said board is fixed it shall not be increased or diminished during the term for which they were appointed, and any change in said salary shall be made at the meeting preceding the expiration of their term of office,

City Superintendent and secretary or clerk how appointed.

Term of office.

Proviso.

2. *And be it enacted*, That the said board of education shall, before buying any lots of land, or making any contracts for the building, alterations or additions of any school house or school houses in said city, above the sum of two hundred dollars, advertise for proposals for lots of land and for the building, alteration or additions of the same, according to plans and specifications to be adopted by said board, in three newspapers, published in the city of Camden, at least two weeks, once in each week; and the said plans and specifications shall be open and remain open for the inspection of the public, in the office of the secretary of said board, for at least two weeks before the contract shall be awarded, at the end of which time the proposals shall be opened, and the lowest bidder or bidders upon giving good and sufficient security for the faithful performance of said contracts, shall be awarded the same by said board.

Board of education to advertise for proposals.

Plans and specifications to remain open for inspection of public.

3. *And be it enacted*, That all stationery to be provided, fuel purchased, books, paper, pencils, pens, school furniture, printing ordered or required for the use of the public schools of the said city, shall be by said board awarded by contract to the lowest bidder, after two weeks' notice, published in three newspapers, once in each week, printed in the city of Camden, of the intended awarding of said contracts, which said contracts, before the same shall have been awarded, shall be and remain open to public inspection, in the office of the secretary of said board, for the period of two weeks; and it shall not be lawful for the treasurer to pay any moneys upon any of the matters herein above spec-

All stationery, fuel, &c., for public schools to be awarded by contract to lowest bidder.

ified, unless the provisions of this act are fully complied with.

No member of the board of education shall be interested in any job bill or contract.

4. *And be it enacted*, That no member of the board of education of the city of Camden shall hold any office, or perform any duty, or be interested, either directly or indirectly, in any job, bill, or contract, in or for which the salary, fees or emoluments, or money consideration, shall be paid for out of the treasury of the said board; and it shall not be lawful for the treasurer to pay any salary, fees or other money, when a member of said board is interested in said salary or money, or any part thereof; and it shall not be lawful for any member of the said board of education to become security for any officer appointed by said board, or for any contractor under said board, under a penalty of five hundred dollars, to be recovered by an action of debt, before any court having competent jurisdiction, in the name of the city treasurer of said city, for the use, benefit and behoof of any person who shall prosecute for the same; and any member or members of said board who shall violate any of the provisions of this act, his or their office shall immediately become vacant, and he or they shall forever thereafter be disqualified from holding any office of profit or trust under the municipal government of said city of Camden.

No member of the board shall become security for any officer appointed by said board.

Office to be declared vacant if provisions of this act are violated

Vacancy, how filled.

5. *And be it enacted*, That when any vacancy shall occur in said board of education by death, resignation, removal or otherwise, the vacancy shall be filled by said board as soon as possible, but only until the next annual city election, and at said city election the vacancy shall be filled for the unexpired term only.

Repealer.

6. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect on the first day of April, one thousand eight hundred and seventy-four.

Approved March 5, 1874.

CHAPTER CLX.

An act to authorize the Board of Chosen Freeholders of the county of Monmouth to borrow money and issue bonds therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Board of Chosen Freeholders of the county of Monmouth" to provide for the payment of the existing indebtedness of said county, and for the indebtedness incurred or to be incurred by the said board for building a jail and jailors' house for said county, and for executing all the legal purposes, objects, business and affairs of said county, as they or a major part of them shall deem adequate and proper, by issuing bonds in the corporate name and under the corporate seal of said board, to be signed by the director of said board and attested by their clerk, for an amount not exceeding in the aggregate the sum of one hundred and forty thousand dollars; and the said bonds to be for such sums and payable at such time or times as the said board shall deem proper, not exceeding ten years from the date of the approval of this act, and bearing interest at the rate of seven per centum per annum, and to pledge the property and credit of the said county for the payment of the same; and the said board of chosen freeholders and their successors shall have power to sell or assign said bonds for any sum not less than the par value thereof. May issue bonds to provide for payment of existing indebtedness, and indebtedness incurred or to be incurred.

2. *And be it enacted*, That the said board are hereby authorized and required to provide for the payment of the said bonds and the interest thereon as the same shall from time to time become due and payable, by taxation, to be made, levied, assessed and collected at the times and in the manner that other county taxes in said county are levied, assessed and collected. Payment of bonds to be provided for by taxation.

3. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act shall be applied by said Proceeds of bonds to be applied for

the payment and satisfaction of said indebtedness.

board to the payment and satisfaction of the indebtedness aforesaid, and in executing the legal purposes, objects, and affairs of said county, as the said board or a major part of them shall deem adequate or proper.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLXI.

A supplement to the act entitled "An act to aid the Trustees of School District Number Thirty-Eight, in the County of Essex," approved March thirteenth, one thousand eight hundred and seventy-three.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act to which this is a supplement, as limits the issue of corporate bonds by the trustees of school district number thirty-eight, to the sum of fifteen thousand dollars, be and the same is hereby repealed, and the said trustees be and they are hereby authorized to issue, pursuant to the provisions of said act and subject to the conditions thereof, bonds not exceeding in the aggregate the amount of twenty-one thousand dollars.

Trustees may issue bonds not exceeding in the aggregate the sum of twenty-one thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLXII.

An act to authorize the mayor and council of the city of Hoboken to borrow money and to issue bonds for the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any judgment or judgments shall hereafter be recovered against the mayor and council of the city of Hoboken, for any indebtedness or liability existing against the said city at the time of the passage of this act, provided there is not sufficient money in the city treasury not otherwise appropriated to pay the same, it shall be lawful for the mayor and council of the city of Hoboken to issue coupon bonds, under the corporate seal of said city and the signature of the said mayor, for an amount of money sufficient to pay such judgment or judgments, in such sums and payable at such time or times, not exceeding thirty years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, and to pledge the property and credit of said city for the payment of the same, which said bonds it shall be lawful for the said mayor and council, their successors or assigns, to sell and assign, and for any vendee or assignee to purchase and hold; *provided*, that said bonds shall not be sold by said mayor and council for less than ninety-seven per centum of the par value thereof; and that said mayor and council shall give at least ten days' notice, by advertisement in at least two newspapers, to be designated by the council, of the time and place at which sealed proposals will be received for the purchase of such bonds, and that such bonds shall be sold to the highest bidder or bidders.

Mayor and council may issue bonds to satisfy judgment recovered against city when there is not sufficient money in city treasury not otherwise appropriated.

Proviso.

2. *And be it enacted*, That the net proceeds of said bonds shall be applied forthwith to the payment and satisfaction of such judgment, debt or debts.

Proceeds of bonds to be applied toward satisfaction of judgments.

3. *And be it enacted*, That the said mayor and council of the city of Hoboken shall have power by ordinance, to pro-

Payment of the same to be provided

for by taxation. vide by taxation for the payment of said bonds and the interest thereon as the same shall become due.

4. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 5, 1874.

CHAPTER CLXVII.

An act to fix the place of holding the town meeting and general election in the township of Stockton, Camden county, for the year eighteen hundred and seventy-four.

Preamble. WHEREAS, the inhabitants of the township of Stockton, county of Camden, did hold their elections and their annual town meetings, from the year eighteen hundred and sixty to the year eighteen hundred and seventy-two, at the house of Benjamin Martin, in Merchantville, and did in the year eighteen hundred and seventy-two, at their annual town meeting, resolve to hold their general elections and town meetings in Merchantville Hall, of the same place, which resolution is the one under which the inhabitants have been acting and expected to act in the year eighteen hundred and seventy-four; *and whereas*, by an act of the legislature approved the third day of March, eighteen hundred and seventy-four, said village of Merchantville has been taken out of said township of Stockton, and created into a borough called the borough of Merchantville, and there are grave doubts as to whether any legal town meeting or election can be held in said township of Stockton, without additional legislation; therefore,

Time and place for holding first town meeting and first general election. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first town meeting, and the first general election that shall take place in said township of Stockton after the passage of this act, shall be held at the Rosendale school-house, in said township, and that all subsequent town meetings and elections in said township shall be held at said school-house until the legal voters of

said township, at their annual town meeting, shall designate and fix on some other place for holding the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved, March 9, 1874.

CHAPTER CLXXIII.

A further supplement to an act entitled "An act to revise and amend the charter of the City of Trenton," approved March fifteenth, one thousand eight hundred and sixty-six.

WHEREAS, the financial condition of the city of Trenton is embarrassed, owing to the non-payment, last year, of a large part of the taxes due to the county of Mercer from the said city, and the necessary payment this year of certain improvement bonds, the payment of which was predicated upon the collection of certain assessments still in litigation; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton to borrow, on the credit of the said city, a sum not exceeding one hundred thousand dollars, for the purpose of meeting the present deficiency in the finances of the city, and to such loan the limitation in the thirty-first section of the act to which this is a supplement shall not apply. Common Council may borrow on credit of city a sum not exceeding one hundred thousand dollars.

2. *And be it enacted*, That to secure the payment of said loan, the common council are hereby authorized to issue the bonds of said city for the amount of said loan, bearing interest at the rate of seven per centum per annum, payable semi-annually, and the principal of said bonds shall be paid within thirty years from the date thereof; *provided*, that such loan shall be authorized by an ordinance of said common council, which ordinance shall provide the ways and means exclusive of loans, to pay the principal of said loan, and also the interest of such loan annually, which ordinance May issue bonds to secure payment of said loan. Proviso.

Proviso. shall be irrepealable until such debt be paid; *and provided*, that such bonds shall not be disposed of at less than their par value.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1874.

CHAPTER CLXXIV.

An act to authorize the raising of a poll tax for school purposes in the townships of Deptford, Greenwich, and West Deptford, in the county of Gloucester.

Amount of poll tax, and how raised.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be raised in each year hereafter, in the townships of Deptford, Greenwich, and West Deptford, in the county of Gloucester, in addition to the taxes now authorized by law, a poll tax of one dollar, to be applied for the purposes of public schools, which shall be assessed on every taxable inhabitant in the said townships of Deptford, Greenwich, and West Deptford, and which said poll tax shall be assessed, levied, and collected at the same time as other township taxes in said townships are assessed, levied, and collected.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1874.

CHAPTER CLXXV.

A further supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of "A supplement to the act entitled 'an act to incorporate the chosen freeholders of the several counties of this state,'" which said supplement was approved April sixth, eighteen hundred and sixty-five, shall not hereafter be operative or have effect in, or apply to the county of Gloucester; and that the publication of the account required by the forty-third section of the act to which this is a supplement, shall be sufficient in the said county. Supplement approved April 6th, 1865, declared inoperative in Gloucester county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1874.

CHAPTER CLXXVI.

A further supplement to an act entitled "An act to establish a free school at Fort Lee, in the county of Bergen," approved March sixth, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the township collector of the township of Ridgefield, in the county of Bergen, to pay over to the treasurer of the Fort Lee free school, being school district No. 2, in said township, the Township Collector to pay over to treasurer of school district No. 2 money appropriated

annually by state. money appropriated annually by the state, or derived from other sources to which the said school may be entitled.

Treasurer to give bond to trustees. 2. *And be it enacted*, That the said treasurer shall give bond to the trustees of said school, with sufficient surety to be approved by them, in double the amount of the state appropriation set apart for said school; and the said treasurer shall pay out said money in the manner provided in the general school law of the state and its supplements.

Repealer. 3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1874.

CHAPTER CLXXXV.

An act to authorize the issue and sale of seventy-five thousand dollars of Hudson County Bonds for the purpose of constructing a new iron and stone bridge over the Passaic river at Bridge street, Newark.

Board of Chosen Freeholders authorized to issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be deemed necessary by the board of chosen freeholders of Hudson county, and the board of chosen freeholders of Essex county, to construct a new iron and stone bridge over the Passaic river, at the foot of Bridge street, in the city of Newark, in the place of the present wooden bridge constructed at that point; it shall be lawful for the board of chosen freeholders of Hudson county to issue and sell, for the purposes above specified, Hudson County Bonds to an amount not exceeding seventy-five thousand dollars, and to sell the same at par, or at a discount not exceeding two per centum, and to apply the proceeds to the erection of the new bridge; *provided*, that Hudson county shall not be liable for more than one-half of the construction of the new bridge at Bridge street; *provided, further*, that nothing in this act contained shall be con-

Not to exceed in amount the sum of seventy-five hundred dollars.

Proviso.

Proviso.

strued as giving the board of chosen freeholders of the county of Hudson power or authority to issue the bonds in this act provided for until the chosen freeholders of Hudson and Essex counties shall by resolution duly passed by their said boards, have agreed to construct the bridge in this act referred to.

2. *And be it enacted*, That said bonds shall be sold by the county collector and director of the board, and said director and county collector shall sign said bonds, and the same shall be sealed with the county seal, and the county collector shall number and register the same, and said bonds may be coupon or registered bonds, and registered bonds may at any time be exchanged for coupon bonds, or coupon bonds exchanged for registered bonds, at the option of the holders thereof; *provided* the board of chosen freeholders by resolution shall consent to such exchange; said bonds to bear interest at the rate of seven per centum per annum, and shall be payable semi-annually; and said bonds shall have thirty years to run, and a sufficient sum to pay the interest on said bonds shall be placed in the tax levy of each year as long as said bonds shall run; and after the year eighteen hundred and ninety-four, there shall be placed in the tax levy each year the sum of seven thousand five hundred dollars for the payment of the principal of said bonds, until the whole principal sum shall be raised; and the sums thus raised for the payment of the bonds shall be placed in the sinking fund and invested and managed by the sinking fund commissioners of Hudson county.

How sold.

By whom signed and how sealed.

Proviso.

3. *And be it enacted*, That the money raised by the sale of the bonds authorized by this act shall not be used for any other purpose than the construction of the iron and stone bridge provided for in this act.

Money raised not to be used for any other purpose.

4. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 11, 1874.

CHAPTER CLXXXIX.

An act to repeal an act entitled "An act to authorize the trustees of Friends' School Fund at Plainfield, New Jersey, to appropriate such amount of the income of the trust funds as they may deem proper, to other educational purposes," approved March eighth, eighteen hundred and seventy.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to authorize the trustees of Friends' School Fund, at Plainfield, New Jersey, to appropriate such amount of the income of the trust funds as they may deem proper to other educational purposes," approved March eighth, eighteen hundred and seventy, be and the same is hereby repealed.

Trustees directed to return certain property to preparative meeting of Friends at Fairfield.

2. *And be it enacted*, That the trustees now having the charge of such school fund, are authorized and directed to return to the preparative meeting of Friends at Plainfield, or to such trustees as said meeting may appoint, all property under their control, belonging to, or forming a part of said school fund, and also all books and papers under their control, relating to the same; *provided, however*, that the said preparative meeting shall use and appropriate the said fund, and the interest and income of the same, according to the purpose and design of the original trust and not otherwise.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1874.

CHAPTER CXC.

A further supplement to an act entitled "An act concerning Roads," approved April sixteenth, one thousand eight hundred and forty-six.

Three legal voters empowered to call annual meeting in case of failure or neglect of overseer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any overseer of any road district in the township of Raritan, in the county of Middlesex, shall fail or neglect to give notice of the annual meeting for the election of overseer of his road district as required by law, or in case there is no overseer in such district, to give said notice, then any three legal voters of such road district may call said meeting, by giving at least five days' notice thereof, and which notice shall be signed by said persons and posted in at least two public places in said district.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1874.

CHAPTER CXCI.

A further supplement to the act entitled "An act to revise and amend the charter of the City of New Brunswick," approved March eighteenth, one thousand eight hundred and sixty-three.

Water commissioners empowered to assess and collect taxes to provide means for operation and man-

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to provide means for the construction, repair, operation and management of the water works of the said city of New Brunswick, and the proper expenses incident thereto, the water commissioners of the city of New Brunswick may assess and collect water taxes,

agement of water works. yearly and every year upon all lots of land fronting on the lines of their pipes in the said city, the owners or occupants of which may or may not be takers of water from said pipes, at such rates per lineal foot of said frontage as the said commissioners may deem expedient and needful, not to exceed, however, the rate of ten cents per lineal foot; which said assessments shall be entered in the books of the said commissioners to be designated "books of assessments of water taxes," and the said assessments when so made shall at all proper times be open for public inspection; and a transcript thereof under the hands and seals of the said commissioners or a majority of them shall be conclusive evidence of said assessments; and when the said assessments shall be so entered, the same with all interest thereon and all costs and expenses of collecting the same, shall be and remain liens upon the several lots and parcels of land upon which the said assessments shall have been laid, until the same shall be paid and satisfied; which satisfaction thereof may be endorsed across the record of said liens in the said books of assessments and a transcript of such entry of satisfaction, under the hands and seals of the said commissioners or of a majority of them, shall be sufficient evidence that such liens have been paid and satisfied.

Assessments how entered.

To become liens on lots and land upon which they may have been laid.

Satisfaction how entered.

Notice of assessment how given. 2. *And be it enacted*, That upon the completion and entry of record of said assessments, the said commissioners shall give notice to the owners or reputed owners of the several lots or parcels of land so assessed, either by personal service or through the post office, directed to the last known residence of such owners, or reputed owners, which said notice shall be in writing, and shall state the location and extent of frontage of said assessed lots of land respectively, and the rate per lineal foot of such assessment, and the gross amount assessed against each lot, and the time and place when and where payment thereof shall be made.

Not impaired by mistake in name or names. 3. *And be it enacted*, That no assessment shall be impaired by any mistake in the name or names of any owner or owners of lands assessed; and that the said assessments shall draw interest from the time that they shall become due, at the rate of eight per centum per annum for the first year, and nine per centum per annum for every succeeding year, until the same shall be paid; and the lien of the said assessments shall not be impaired by any devise, descent, alienation, mortgage, or other incumbrance of said assessed lands; and

To draw interest. Rates, &c.

it shall be lawful for the said commissioners or a majority of them, at all times to correct any error in any assessments by them made, or to assess the owners of any lands omitted, or to reduce the amount of any assessment according to the justice of the case, in order that assessments may be fairly made and collected. Commissioners may correct errors, &c.

4. *And be it enacted*, That the said commissioners may appoint a collector of their said assessments, who, before entering on the discharge of his duties, shall give bond to said commissioners in a sufficient amount, with one or more sufficient sureties to be approved by the said commissioners for the due and faithful performance of his duties as such collector, and who shall receive such reasonable compensation for his services as the said commissioners may fix. May appoint collector, who shall give bond with sufficient sureties.

5. *And be it enacted*, That when any of said assessments shall have remained unpaid for the space or one year after the time when they are made payable, the said commissioners shall cause a transcript of the same under their hands and seals, or under the hands and seals of a majority of them, to be made and delivered to their said collector, who shall thereupon proceed to collect all of the said assessments, so as aforesaid delivered to him by a public sale of all the lands and real estate upon which the said assessments may be liens; which said sales, and all proceedings concerning and following the same, shall be made upon the notice, and in all other respects in the same manner, and subject to the same restrictions, regulations and right of redemption, and shall have the same force and effect as is provided for and directed in the act entitled "An act to revise and amend the charter of the city of New Brunswick," approved March eighteenth, one thousand eight hundred and sixty-three, and the several supplements thereto, respecting the sale of lands for taxes and assessments authorized by the said act. Assessments how collected.

6. *And be it enacted*, That instead of causing the said lands and real estate to be sold in manner aforesaid, for the collection of any of the said assessments, the said commissioners in any case or cases, as they shall elect, may institute suits at law in their own corporate name, in debt or in assumpsit in any court in this state having jurisdiction of the amount claimed, against the owner or owners of such lots of land and real estate, and in cases where said suits shall be brought in courts for the trial of small causes, it Commissioners may institute suits at law in their corporate name.

shall be sufficient to demand as in actions upon book account in said courts; and in cases where the said suits shall be brought in any other court, it shall be sufficient to declare generally, by the common money counts, and annex to the declaration a copy of the entry of the said assessments contained in the said commissioners' said books of assessments and a notice of the defendant or defendants that the said action is brought to recover the amount thereof, with the interest and charges of assessing the same, and the said books shall be conclusive evidence of the fact of the making of said assessments respectively, and of the times of making the same, and of the rate per lineal foot assessed; and the said commissioners may recover in said suits for actual number of feet of frontage of said lots, not to exceed the number of feet assessed, and judgments recovered in such suits by the said commissioners may be docketed and enforced, or enforced otherwise, in all respects as it said parties were private individuals, and either party may appeal from any judgment so rendered, and may have all such other and further remedies as now are or hereafter may be provided by law, in suits between private individuals in ordinary causes of action.

Judgments recovered may be docketed and enforced.

Either party may appeal.

Mayor and Common Council empowered to issue bonds

7. *And be it enacted*, That it shall be lawful for the mayor and common council of the city of New Brunswick for the purpose of paying any indebtedness or legal liability of the New Brunswick Water company heretofore contracted or incurred, and for the purpose of paying for the property, privileges and franchises that have been sold and conveyed by the said water company to the said city, and to provide means to pay for the extension of the said water works made and to be made, and for the past, present and future operation, repair, and general management of the said water works, and all expenses incident thereto, to issue bonds of the said city, for an amount additional to the amount already authorized, not exceeding one hundred thousand dollars; which said bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually, and shall be issued and used from time to time as actually required for the purposes aforesaid, and shall not be disposed of for less than par, except by the direction of the finance committee of the said city, who are hereby empowered in their discretion to dispose thereof at a less valuation than par.

When payable.

Not to be disposed of for less than par unless by direction of finance committee.

8. *And be it enacted*, That so much of the supplement to

the act entitled "An act to revise and amend the charter of the city of New Brunswick," approved March eighteenth, one thousand eight hundred and sixty-three, which said supplement was approved April fourth, one thousand eight hundred and seventy-three, as provides that the bonds of the said city of New Brunswick by the said supplement authorized to be issued, shall not be disposed of at less than par value, be and the same is hereby repealed; and the said finance committee of the said city are hereby further empowered in their discretion to dispose of the bonds in the said supplement mentioned, at less than their par value. Repealer.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1874.

CHAPTER CXCII.

A further supplement to an act entitled "An act to revise and amend the Charter of the City of Elizabeth," approved March the fourth, one thousand eight hundred and sixty-three, and the several supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be the duty of a justice of the supreme court of this state on receiving the affidavit of the mayor and comptroller of the city of Elizabeth, Union county, this state, that certain described property in the said city of Elizabeth, had been sold for default in payment of taxes or assessments, and that the time allowed by law for the redemption of the same has expired, and where peaceable possession is refused, to issue a writ of assistance (on thirty days' written notice to the party in possession of such application) directing the sheriff of the county of Union in this state to put the purchaser of any of said property at such tax or assessment sale, or his assigns, in immediate possession thereof. Justice of supreme court authorized to issue writ of assistance.

2. *And be it enacted*, That this act shall be considered a public act and take effect immediately.

Approved March 12, 1874.

CHAPTER CXCIII.

An act regulating the Speed of Steamboats and other Vessels propelled by Steam on Salem Creek.

Steamboats or vessels propelled by steam not to travel at a greater speed than five miles per hour.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any steamboat or other vessel propelled by steam to pass up or down Salem creek, in the county of Salem, New Jersey, between the mouth of said creek and the Penns Neck bridge, at a greater speed than five miles per hour.

Penalty.

2. *And be it enacted*, That if any steamboat or other vessel propelled by steam shall violate this law and pass up or down said creek between the said points, or any part thereof, at a higher rate of speed than five miles per hour, then the person in command of said steamboat or vessel shall forfeit and pay for every such violation of this law the sum of fifty dollars, the one-half to the person who shall prosecute the same to effect, the other half to the county treasurer, the same to be recovered by an action of debt, with costs of suit, before any justice of the peace of said county; and the owners of said steamboat or vessel shall also be liable to full damages to the person whose property shall be injured by such violation of this law.

Owners of steamboat liable for damages sustained.

Approved March 12, 1874.

CHAPTER CXCIV.

A Supplement to the act entitled "An act to set off from the Township of Clinton and the Town of Orange, in the County of Essex, a new township, to be called the Township of South Orange," approved March thirteenth, one thousand eight hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all elections to be held in said township of South Orange, for township or county, or state officers, as well as for officers of the general government, shall be conducted by three judges of election, to be elected by ballot at each annual township election, instead of by the officers as now conducted, and the clerk of the township shall act as clerk of election thereat; *provided*, that no such judge or clerk shall be ineligible to be elected to any office whatever at any election, by reason of his having acted as such judge or clerk at such election. Elections to be conducted by three judges of election. Proviso.

2. *And be it enacted*, That at any election for township officers, no ballot shall be counted for judges of election which shall contain the names of more than two persons for such office; and no ballot shall be counted for commissioners of appeal in cases of taxation which shall contain the names of more than two persons for such office; and no ballot shall be counted for members of the township committee which shall contain the names of more than three persons for such office, and the three persons receiving the highest number of votes for judges of election shall be declared to be elected such judges; and the three persons receiving the highest number of votes for commissioners of appeal in cases of taxation shall be declared to be elected as such commissioners; and the five persons receiving the highest number of votes for members of the township committee shall be declared to be elected as such township committee. Ballot containing names of more than two persons for judge of election not to be counted. Ballot containing names of more than three persons for township committee not to be counted. Commissioners of appeal. Township committee

3. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 12, 1874.

CHAPTER CXCV.

A further supplement to the act for the protection of Deer and other Game.

Ruffed grouse or quail not to be killed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no person shall at any time in the county of Salem, in this state, kill or destroy any ruffed grouse, commonly called pheasant, or any quail, sometimes called Virginia partridge, under a penalty of fifteen dollars for each and every pheasant or quail so killed or destroyed; *provided*, that nothing herein contained shall prevent a person from shooting the above named game on his own lands or on the land of others, if their consent be first obtained; said penalty to be sued for by the owner or occupant of the soil upon which the offence has been committed, or the authorized agent or agents of the same, and recovered pursuant to the sixth section of the supplement of the act approved March twenty-sixth, anno domini one thousand eight hundred and twenty-six, to which this is a further supplement.

Penalty.

Proviso.

Owner or occupant of premises empowered to arrest without process.

2. *And be it enacted*, That the owner or occupant of the premises upon which the offence named in the first section of this act has been committed, or their authorized agent or agents shall have power to arrest without process, any person or persons not residing in the said county of Salem, having committed such offence, and take him or them before any justice of said county having competent jurisdiction, who shall proceed as provided in the before mentioned sixth section of the act approved March twenty-sixth, anno domini one thousand eight hundred and twenty-six, and for this purpose the said owners, occupants and agents are hereby vested with all the powers, immunities and responsibilities of the constables of said county.

If penalty not paid execution may issue against body.

3. *And be it enacted*, That if any person convicted of the offence hereinbefore described, shall neglect or refuse to pay the penalties adjudged, an execution may issue to arrest the body of said defendant, as in the case of actions

commenced by warrant before a justice of the peace; *and further*, the guns and dogs of persons offending may be seized and sold by public outcry, upon five days' notice posted in three of the most public places in the township wherein the offence shall have been committed, and the proceeds appropriated to the payment of said fines and the costs of suit, and the balance, if any, shall be repaid to the defendant.

Guns and dogs may be seized and sold upon five days' notice.

4. *And be it enacted*, That hereafter no person shall in the aforementioned county of Salem, kill or destroy any rabbit, except between the first day of November and the last day of December, inclusive, or any woodcock, except between the fourth day of July and the last day of December, or any sora, commonly called railbird, except between the first day of September and the last day of November, under the penalty of five dollars for each rabbit and bird so killed or destroyed, the said fine, upon conviction, to be collected as hereinbefore provided for the collection of fines and penalties.

Rabbits, woodcock and sora when must not be killed.

Penalty.

5. *And be it enacted*, That of the fines collected under this act, after deducting costs, one-half shall be paid to the complainant and one half to the trustees of the public schools, for the aid and support thereof, in the township where the offence may have been committed.

Fines to whom paid.

6. *And be it enacted*, That all acts and parts of acts conflicting with this act, are hereby repealed.

Repealer.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1874.

CHAPTER CCXII.

A supplement to an act entitled "An act to set off from the Townships of Union and Dover, in the County of Ocean, a new Township, to be called the Township of Lacey," approved March twenty-three, one thousand eight hundred and seventy-one.

Preamble. WHEREAS, one David S. Parker, of the aforesaid township of Lacy, did, in pursuance of the act to which this is a supplement, on the twenty-fifth day of August, anno domini one thousand eight hundred and seventy-two, open a road, not less than fifty feet wide, upon his own lands, lying in said township; *and whereas*, he did afterwards dedicate, in writing, the same to the public use as a public highway; *and whereas*, said dedication and a survey of said road was afterwards accepted by a resolution of the township committee of said township; *and whereas*, said dedication and said survey and said acceptance of said township committee was afterwards, on the thirteenth day of September, anno domini one thousand eight hundred and seventy-two, filed in the clerk's office of Ocean county; *and whereas*, said dedication, survey and acceptance was, through a mistake in law, informal, and not such as were required by aforesaid act; *and whereas*, said road was afterwards opened, laid out and graded by the proper authorities of said township, and the bond of said township was issued to the contractors for building said road, to pay for the same, and said road from thence hitherto has been used as a public road by the public; therefore,

Road opened by David S. Parker to be deemed and taken as public road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said road, as opened by said David S. Parker, and as now laid out, be deemed and taken, in all courts and places, to have been duly and legally dedicated for a public road, and to have been duly and legally accepted as a public road by the township committee of the said township of Lacey, as though the dedication, acceptance

and survey of the same had been made and done in full accordance with the provisions of the act to which this is a supplement, and to be and have been a lawful and sufficient public road or highway of said township.

Bond issued by township committee declared legally issued.

2. *And be it enacted*, That the bond issued by said township committee to the contractor or contractors for payment for opening and building said public road shall be deemed and taken, in all courts and places, to have been duly and legally issued, and to be a good and sufficient bond, and that said township is and shall be liable for the payment thereof.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1874.

CHAPTER CCXIII.

A further supplement to the act entitled, "An act to revise and amend the charter of the city of Lambertville," approved April thirteenth, one thousand eight hundred and sixty-eight.

Extension of boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the northern and southern boundaries of the city of Lambertville shall be extended westward in the same line or course respectively from low water-mark in the river Delaware to the middle of said river; and that the middle of said river or the dividing line between the state of New Jersey and the state of Pennsylvania shall be the western boundary of the city of Lambertville, and all the territory lying between low water mark in the river Delaware (the former boundary of said city) and the middle of said river between the northern and southern boundaries of said city extended as aforesaid, shall be part and parcel of and included within the territorial limits of e city of Lambertville, and subject to all the provisions the charter and supplements thereto, and the ordinances said city.

Boundaries of wards.

2. *And be it enacted*, That the wards of the city of Lambertville shall be divided as follows: The first ward shall consist of all that part of said city lying south of a line drawn from a point in the middle of the river Delaware, opposite to and in line of Ferry street, running thence along the middle of Ferry street and Lilly street, to south Franklin street, thence along said street to the intersection of Quarry street and Rocktown road, and thence along the middle of Quarry street or rock road to the eastern boundary of said city; the second ward shall consist of all that part of said city lying north of the aforesaid described line and south of a line drawn from a point in the middle of the river Delaware, opposite to and in a line of York street, running thence along the middle of York street, to the intersection of Washington street, thence along the middle of Washington street to the intersection of Hancock street, and thence along the centre of Hancock street to the eastern boundary of said city; and the third ward of said city shall consist of all that part of said city lying north of the line last aforesaid described.

Common Council to consist of three members from each ward.

3. *And be it enacted*, That the common council of said city shall hereafter consist of three members in and for each of the said wards of said city, who shall be residents of, and elected annually from each of said wards as constituted by this act, and that no person shall hold said office of common council, except such persons as may be elected under this act; *provided*, that the present members of the common council shall hold their office until the third Monday of April next; vacancies caused by death, resignation or removal from the wards from which they were elected by members of the common council shall be filled as is now or may hereafter be provided by law or ordinance.

Proviso.

Commissioners of appeal how elected.

4. *And be it enacted*, That the commissioners of appeal in cases of taxation, shall consist of three members, one of whom shall be elected from each of the said wards of said city, at the annual city election, to hold the said office for the term of one year, and are hereby required to meet on the first Monday of August annually, and at such other time or times as they may adjourn to, for the purpose of discharging the duties of their office under the act concerning taxes.

Assessments when and how made.

5. *And be it enacted*, That the assessments as required by law to be made in the city of Lambertville, shall be made

annually between the first day of May and the twentieth day of June, and the notice or copy of the assessment as now required to be delivered to every taxable inhabitant, or left at his place of residence in said city shall be so delivered or left before the tenth day of July.

Common Council may order assessed, levied and collected, certain taxes for state and county purposes.

6. *And be it enacted*, That in all cases where the quota of the state and county taxes, to be collected in said city in any year, shall not be ascertained and fixed as prescribed by law before completing the assessments for taxes in said city for that year, it shall be the duty of the common council, in fixing the rate of taxation, to order assessed, levied and collected for state and county purposes, the amount of taxes fixed as the quota of the said city for the last preceding year; and in case of any deficiency in the amount of taxes so assessed it shall be the duty of the common council to direct the amount of such deficiency to be added to the amount required to be assessed and levied for the next year; *provided*, that nothing herein contained shall be construed to relieve the said city from the obligation imposed by law to pay the amount of state and county taxes required to be levied and collected in the said city in each year; *and provided also*, that the city treasurer shall pay over to the county collector of the county of Hunterdon the proportion of state and county taxes directed to be assessed and levied in said city, at the time prescribed by law, or at any time previous thereto as the common council may direct, and under the penalties that are or may be prescribed by law in regard to the collectors of the several townships.

Proviso.

Proviso.

Taxes, when due and payable

7. *And be it enacted*, That all taxes assessed in the city of Lambertville, shall be due and payable before the twentieth day of September, in each year; and that in case of the nonpayment of taxes before the twentieth day of September, in each year, the names of all delinquents, with the amounts due respectively, shall, on that day, unless the said twentieth day of September shall fall on Sunday, then upon the day following, be returned by the receiver of taxes to some justice of the peace, of the city of Lambertville, who shall, within ten days thereafter, issue his warrant for the collection thereof, directed to the receiver of taxes, to be collected with interest and costs, as heretofore or may hereafter be provided, according to law.

Delinquent taxes how and by

8. *And be it enacted*, That if the full amount of any tax assessed upon or against any lot, or subdivision of a lot,

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whom collected.

within the limits of said city, with the interest and costs, shall not be paid and satisfied before the first day of January in each and every year, it shall be the duty of the receiver of taxes within one week thereafter, to prepare a transcript of such unpaid taxes, including in such transcript the names of owners, if any be given, of such lands and real estate, the description thereof, and the amount of taxes thereon, respectively, and enter the same in a book to be kept for that purpose; and the said receiver of taxes, may, in such transcript, correct any errors of description in such returns and statements, by comparing the same with the original assessment of taxes, made by the city assessors; and immediately after completing such transcript, he shall cause a notice to be published in the two newspapers printed and published in said city, or in but one, if there is but one published at the time, stating that said transcript of unpaid taxes has been made, and that unless said taxes shall be paid at his office within twenty days after the first publication of said notice, the same will be collected by public sale, according to law.

Notice of intention to collector, by whom and how given.

9. *And be it enacted*, That after the expiration of the said twenty days, the receiver of taxes shall give public notice of his intention to collect the taxes mentioned in said transcript, then remaining unpaid, by public sale, at auction, of the land and real estate whereon said taxes were imposed, which notice shall embrace the names of the owners, if any be given, of such land and real estate, the description or designation thereof, the amount of taxes unpaid, with interest and costs due thereon respectively, and shall designate the time and place of sale, and be signed by said receiver of taxes, and be printed in two newspapers published and circulating in said city, (or in but one, if there is but one published at the time) once in each week, for four weeks before the time appointed for such sale; and if any tax remains unpaid on the day specified in such notice, the said receiver shall proceed to sell by public auction, at the time and place appointed therein, the lots and real estate on which said tax shall have been imposed, or may be a lien, for the lowest term of years; but in no case exceeding fifty years, for which any person will take the same, and pay the amount of such tax with the interest thereon, and all costs, fees, charges and expenses; such payment shall be made before the conclusion of the sale, and if not so made, the

Payment of tax and costs, fees, &c., to be made by purchaser before con-

receiver may resell the property; the sale may be adjourned from time to time, until the lots and real estate are disposed of, and such as are not bid for, when offered for sale or for resale as aforesaid, shall be struck off to the city, for the term of fifty years; *provided*, that the advertisement of any adjourned sale shall be in general terms, and need not embrace the detailed description, required in the original advertisement of such sale; a certificate of the sale of each lot, sold as aforesaid, shall be made within ten days thereafter by the receiver of taxes, and delivered to the purchaser; such certificate shall contain a description or designation of the property, and the term for which it was sold, the amount of the tax with interest and expenses for which the sale was made, and the time, when the right to redeem will expire, and the terms upon which the same may be redeemed, and the receiver of taxes shall enter and record in his office his proceedings upon such sale, and all sales made and certificates granted by him, and all redemptions of property sold by him.

Conclusion of sale.

Proviso.

10. *And be it enacted*, That every certificate of sale shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the city clerk in proper books kept for that purpose, and constitute a lien upon the lots and premises therein described after the same shall have been so recorded, and no assignment of any certificate given on the sale of lands and real estate for any taxes, shall have any effect until the same shall be recorded as aforesaid, in the office of the city clerk; a declaration of sale shall not be executed and delivered until the certificate has been canceled and filed with the city clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the common council.

Certificate of sale to be recorded in office of city clerk.

Declaration of sale not to be given until certificate is cancelled and filed.

11. *And be it enacted*, That if the city becomes the purchaser of any lot upon any sale, the certificate of sale shall be assignable, and all the provisions of this act in relation to such sale shall apply to the city as to any other purchaser.

If city becomes purchaser, certificate of sale may be assigned.

12. *And be it enacted*, That the owner, mortgagee, occupant or any person or persons, having a legal or equitable interest in any land or real estate sold for taxes as aforesaid, may redeem the same at any time within two years from the time of such sale, by paying to the city treasurer for the use of the purchaser, his heirs or assigns, the said

Owner may redeem in two years.

purchase money, together with any other tax or assessments chargeable thereon, and which the said purchaser may have paid, and any sum of money expended in any improvement made by order of the common council; *provided*, a notice of such payment has been filed in the office of the city treasurer, with interest on such purchase money at the rate of fourteen per centum per annum from the time of such sale and expenditure, and on such payment or payments, from the time of filing such notice as aforesaid; and the certificate of such treasurer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption; upon the receipt of such moneys by the city treasurer, he shall cause the same to be refunded to the purchaser, his heirs or assigns, and all proceedings in relation to said sale shall cease and determine, and if the person so redeeming be a judgment creditor or mortgagee of the premises, he shall have a lien on the lot and real estate redeemed by him by virtue of this act, for the amount paid by him to the city treasurer to effect such redemption with the legal interest which may thereafter accrue thereon, in like manner as if the same had been included in his mortgage or judgment, and may enforce the same in the same manner.

Proviso.

If not redeemed, city may execute declaration of sale.

13. *And be it enacted*, That if any lot so sold shall not be redeemed as by this act provided, the common council shall execute to the purchaser, his legal representative or assigns, at his or their expense, a declaration of sale under the common seal, signed by the mayor and attested by the city clerk, containing a description of the premises so as to designate the same, the fact of the assessment, advertisement and sale, the date of the sale and the period for which the premises were sold and acknowledged according to law, and recorded in the office of the county clerk, and until the same shall have been so recorded, such lots and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale; such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act, and such purchaser or purchasers and his and their legal representatives, shall by virtue thereof, lawfully hold and enjoy such lots and real estate, with the rents, issues, and profits thereof, for his and their own proper use, against

To be recorded in office of city clerk.

the owner or owners thereof, and all persons claiming under him or them until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same, and at the expiration of said term shall be at liberty to remove all the buildings or materials which he or they shall erect or place thereon, and shall peaceably and quietly yield up such lots and real estate to the lawful owner or owners thereof, in as good order and condition as they were at the beginning thereof, natural wear and tear and damages by the elements excepted, and shall pay all taxes to be paid which shall be legally assessed thereon during said term.

City Clerk to record all certificates of sale and assignments.

14. *And be it enacted*, That it shall be the duty of the city clerk to record in proper books kept for that purpose all certificates of sale and assignments thereof, to give certificates of search in relation thereto to any person or persons applying for the same, and to cancel such certificates of sale and assignments thereof so recorded, when the lots and real estate for which they were given shall be redeemed, on certificates of the treasurer of such redemption, and to file such certificates in his office; it shall be the duty of the treasurer to make out two receipts for all property redeemed, one for the person redeeming and one to be filed in the office of the city clerk.

Treasurer to make out receipts for property redeemed.

All penalties, forfeitures and fines to belong to city and to be paid to Treasurer.

15. *And be it enacted*, That all penalties, fines, and forfeitures, provided by any ordinance of said city, to be levied, made, and collected, shall belong to the city of Lambertville, and when collected, shall be paid to the treasurer of said city.

Oath or affirmation required to issue warrant for violation of ordinances.

16. *And be it enacted*, That the oath or affirmation, required in the thirty-sixth section of the act, to which this is a supplement, to authorize the issuing of a warrant for a violation of any of the ordinances of said city, shall be lawful and sufficient for that purpose, if the person making the same, swear or affirm that he or she hath just cause to suspect, and doth suspect, that the person whom he or she in said oath or affirmation may charge therewith, hath been guilty of a violation of an ordinance of said city, stating specifically what ordinance has been violated, the time when, and in what manner the same has been violated; and the jury provided for in said section shall be a jury of twelve men, and the manner of trial by jury under said section, shall as nearly as may be, be regulated by the provisions of,

Jury to consist of twelve men.

and conducted in the manner prescribed in and by the act entitled "An act constituting courts for the trial of small causes" and the several supplements thereto.

Trial how regulated. Justices of the peace and trustees of public school to remain in office. Proviso.

17. *And be it enacted*, That the present justices of the peace of the city of Lambertville, and the trustees of public schools of said city, shall continue in office until the expiration of the term of their respective offices, for which they were elected; *provided*, that each ward, as constituted by this act, shall be entitled to as many justices of the peace and trustees of public schools, as heretofore provided by law.

Judge and inspectors of first election how elected

18. *And be it enacted*, That at the first election held after the passage of this act, the legal voters of the respective wards present at the hour of opening the polls, shall elect, viva voce, a judge and inspectors of election for said wards, respectively, who shall be residents thereof; and each election board shall have the power to appoint the ward clerk for such election, and all the officers of each election board shall take the oath of office, and perform the duties as now provided by law, and the city clerk shall give notices of every election, city and state, as heretofore required by law.

Repealer.

19. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved March 16, 1874.

CHAPTER CCXV.

An act to provide for the construction and erection of a school-house in district number fifty-nine, in the township of High Bridge, in the county of Hunterdon, and to make all necessary provision for the same.

Trustees empowered to erect school-house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present trustees of school district number fifty-nine, in the township of High Bridge,

known as Rocky Run district, shall have the power to erect and build a school-house upon such property as they may acquire in said district, designating the place upon which the same may be built, and for that purpose may adopt such building or lot of land as has been or may hereafter be designated for such educational purposes, and to buy, sell and make, or receive conveyances for the same, with full power and authority as shall give the proper facilities for the full use of a public school, which it is the design and purpose of this act to accomplish.

Amount to be assessed and collected.

2. *And be it enacted*, That the assessor of the township of High Bridge shall assess and the collector of said township shall collect such sum of money as shall be determined by said trustees, upon their certificate in writing, not exceeding eight hundred dollars, for such purpose; *provided, however*, that said sum shall be assessed and collected in the same manner as other taxes are now assessed and collected in the said township upon the taxable property thereof, and that four hundred dollars, or one-half of the cost of said school-house shall be assessed and collected upon the taxable property aforesaid in said district in the year eighteen hundred and seventy-four, and the other one-half thereof shall be assessed and collected in the year eighteen hundred and seventy-five in the same manner as other taxes are assessed and collected by law.

Proviso.

Names of trustees.

3. *And be it enacted*, That the present trustees, Eleazar Smith, William Woodruff, and Thomas Banghart, shall have full power and authority in the premises, and their action shall be final and binding.

4. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Passed March 17, 1874.

CHAPTER CCXXXVII.

A supplement to "An act for the preservation of Clams and Oysters," approved April fourteenth, eighteen hundred and forty-six.

Extending time for raking and taking oysters in Union county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the period limited for the raking or taking of clams and oysters in any bed or banks within this state, contained in the first section of the act to which this is a supplement, shall, so far as relates to the county of Union, be extended from the first day of May to the first day of July, in each and every year.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1874.

CHAPTER CCXXXVIII.

An act to define and perpetuate the line between the counties of Hudson and Bergen.

Board of Chosen Freeholders to appoint surveyors. Duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the boards of chosen freeholders of the counties of Hudson and Bergen, to each appoint a suitable surveyor, one from each county, whose duty it shall be to survey the line between said counties, and mark suitable points, where permanent monuments shall be erected to perpetuate said line, and to make a map of said line as surveyed, and when completed to furnish each of said boards with a copy of said survey and map which shall be placed on file in the clerk's office of the respective boards, and open to inspection for thirty days after

Copy of survey and map to be

the same shall have been received, and notice given of the filing by publishing the same in the minutes of said boards, and in thirty days after the publication in said minutes, either of said boards may take action in relation to the confirmation of the county line, as surveyed and run, and if both of said boards shall by resolution confirm said line, as run and mapped, said maps and surveys shall be filed and recorded in the clerk's offices of Hudson and Bergen counties, and the line so fixed shall hereafter be the line between said counties, until changed by the legislature.

filed in clerk's office of respective boards.

If confirmed by both boards, map and survey to be filed and recorded in county clerk's office.

2. *And be it enacted*, That in making said map and survey, the lines between the townships of Hackensack and Union, in the county of Bergen, and the townships of Kearney and North Bergen, in the county of Hudson, shall be the line as near as the same can be ascertained from the present monuments.

Certain lines to remain the same.

3. *And be it enacted*, That if the line as run shall be established by the boards of freeholders of said counties, said boards shall erect granite monuments or other marks at suitable distances on and along the line, as run, to perpetuate the same.

Board of freeholders to erect granite monuments.

4. *And be it enacted*, That said surveys shall be made, and the monuments erected under the supervision and direction of a joint committee of said boards, and the expense of said survey, and the erection of said monuments and other marks shall be ascertained by said joint committee and reported by said joint committee to their respective boards, and when approved by said boards shall be paid by said counties, each county paying one-half.

Surveys to be made and monuments erected under supervision of joint committee.

5. *And be it enacted*, That if either county shall reject said map and survey, it shall be the duty of the county rejecting the same to send the map and survey to the secretary of state, to be filed in his office, to await further legislative action.

Map and survey to be filed with Secretary of State if rejected by either county.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1874.

CHAPTER CCXXXIX.

An act to regulate the salary of the clerk of the county of Camden.

Salary of county clerk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the county of Camden shall receive a salary of four thousand dollars per annum, for his services as clerk of the criminal and civil courts of said county, which sum is to be paid to him in quarterly payments, by the collector of said county, and is to be in lieu of all fees, costs, and compensation, now allowed him in said courts, and all fees, costs and compensation that said clerk is now entitled by law to receive, shall be taxed in all bills of costs the same as are now taxed, and shall be collected by the sheriff of said county of Camden, and be by him paid over to the collector of the said county, for the use of the said county.

Not to take effect until expiration of term of present clerk.

2. *Be it enacted*, That this act shall take effect at the expiration of the term of office of the present clerk.

Approved March 17, 1874.

CHAPTER CCXL.

A further supplement to "An act for the preservation of deer and other game, and to prevent trespassing with dogs or guns," approved April sixteenth, eighteen hundred and forty-six.

Doe, buck, fawn or any sort of deer, when not to be killed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That it shall not be lawful for any person or persons, to kill, destroy, hunt or take any doe, buck, fawn or any sort of deer whatsoever, within the counties of

Burlington and Ocean, for five years after the passage of this act.

2. *And be it enacted*, That if any person or persons offending against any of the provisions of the first section of this act, he, she or they so offending, shall forfeit and pay for every doe, buck, fawn, or any sort of deer, the sum of fifty dollars for each and every offence, to be sued for and recovered in an action of debt, with costs of suit, by any person who shall sue for the same; and any person, into whose hands or custody, any buck, doe, fawn or other kind of deer, shall be found, that shall have been killed contrary to the provisions of this act, shall be deemed, taken and adjudged to be the killer and destroyer of said game, and liable to the penalties of the same. Penalty. How recovered. Who liable.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1874.

CHAPTER CCXLI.

An act to facilitate the collection of taxes in the township of Weymouth, in the county of Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Weymouth, in the county of Atlantic, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township during the year of our Lord one thousand eight hundred and seventy-three, and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said taxes and the cost thereon, at public vendue, to the person or persons who will take the least quantity of said land, to be laid out in one body, and to commence at some designated corner of the premises, on which said delinquent taxes are claimed to be due; and in cases where the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at such sale, and bid Township Committee empowered to enforce collection of delinquent taxes.

on such lands as are offered for sale as aforesaid, in the name of the township; the land so sold to him, if any, to be the property of said township.

Land not to be sold until collector shall have made return.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid, and have by him been returned as delinquent, and shall verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit on or before the annual township meeting for the election of officers, shall be liable to the township for all of said unpaid and delinquent taxes not so returned.

Return of collector to be recorded in township clerk's office.

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of said township was held, the same to be certified to and signed by the clerk of the township.

Delinquents may appear and pay taxes and costs.

4. *And be it enacted*, That if any of said delinquents at any time before the expiration of twenty days after the first posting of said notices, shall appear before said clerk and pay said delinquent taxes and the costs, together with the additional sum of fifty cents as registry fee for said clerk, then in such case the clerk shall receive the same in the name of the township committee; and give receipt therefor; but in case such delinquents do not appear and make the said payment within the said twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county at least six weeks, specifying the time and place when the same will be sold at public vendue as aforesaid for the collection of said returned and delinquent taxes.

Sale by whom and how conducted.

5. *And be it enacted*, That on the day mentioned in said notice, or on some adjourned day thereof, the chairman of the said committee shall at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in order so returned at public vendue as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount

of said delinquent taxes, with the cost of advertising and sale.

Township Committee may execute and deliver certificate of sale.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons who may become the purchasers of said lands a certificate of such sale, describing the piece or several pieces so sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of said land or lands do not, within one year from the date of said certificates, appear before the said committee and deposit with them, for the purchase of said land, the amount so paid by him, together with fifteen per cent. interest, in which case the said certificate shall be deemed to be cancelled, and the amount so received shall, on demand, be paid to the party holding and owning said certificate.

Proviso.

Property to be redeemed in one year.

7. *And be it enacted*, That if, at the expiration of one year from the time of said sale, the owner or owners of any lands so sold does not appear to redeem said lands as aforesaid, then the said township committee shall execute to the holder and owners of said certificate a deed of the premises described therein, in their corporate name, the party receiving said deed to be at the expense of the acknowledging of the same, and on the delivery of said deed the sale shall be final, and the title to such lands pass irrevocably to the holder thereof.

Majority of committee to constitute quorum.

8. *And be it enacted*, That a majority of said committee shall constitute a quorum for purposes of this act, and may adjourn from time to time as they shall judge proper.

When township committee become owners, empowered to lease and sell.

9. *And be it enacted*, That in all cases where the township committee may hereafter become the owner of any lands or tenements by virtue of this act, they shall have full power, and are hereby authorized to lease, sell and dispose of the same to any person or persons, either at public or private sale, for such price and upon such terms as to them shall seem proper; and said township committee shall have full power to convey the same unto the purchaser or purchasers thereof, by good and sufficient deed in fee simple or otherwise; the said deed therefor shall be made in the corporate name of the "Inhabitants of the township of Weymouth," and signed by at least a majority of said township committee; the funds arising from the sale of said lands to be paid over to the township collector, and by him kept and

To make deed in corporate name.

Funds arising from sale to be

paid to Township Collector. paid out as other funds belonging to said township are kept and paid out.

10. *And be it enacted*, That this act shall be deemed to be a public act, and take effect immediately.

Approved March 17, 1874.

CHAPTER CCXLII.

An act to set off from the Township of Stafford, in the County of Ocean, a new township to be called the Township of Eagleswood.

Boundaries of new township. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Stafford, in the county of Ocean, contained within the following boundaries, that is to say, beginning at a stone in the main highway leading from West Creek to Mannahawkin in a northeasterly direction one hundred and ninety-five chains and forty links, from the middle of West Creek mill stream; thence, first, north forty-five degrees west by a straight line to Burlington and Ocean county line; thence, second, bounded by and following said line between Ocean and Burlington counties in a southeasterly direction to the Atlantic ocean; thence, third, bounded by said ocean, and running in a northeasterly direction to a point southeast from the place of beginning, be hereby set off into a new township, to be called the township of Eagleswood.

Corporate name. 2. *And be it enacted*, That the inhabitants of the township of Eagleswood are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of the "Inhabitants of the township of Eagleswood, in the county of Ocean," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, governments and liabilities as the inhabitants of the other townships in the said county of Ocean are or may be entitled or subject to by existing laws of this state.

Time and place for holding 3. *And be it enacted*, That the inhabitants of the said township of Eagleswood, shall hold their first township meeting

at the house of George Gaskill, at West Creek in the said township of Eagleswood, on the second Tuesday of April next, and afterwards in each year at such place as the inhabitants of said township shall determine, and that Barton P. Seaman, Joseph W. Cranmer and Charles R. Cox, shall be the judges of such election and Jeseph B. Cox, Jr., shall be clerk of such election and the said first election shall be held upon like notice, and conducted in the same manner, as similar elections are held in other townships of the county of Ocean. first town meeting.

4. *And be it enacted*, That the township committees of Eagleswood and Stafford shall meet on the second Tuesday of May next, at the house of Priscilla Wilkins in Mannahawkin, in the township of Stafford, at ten o'clock in the forenoon, and may adjourn from time to time, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships, all properties and moneys on hand due or to become due in proportion to the taxable property and ratables, as taxed by the assessors within their respective limits at the last assessment; and to assume their proportion of all debts now owing by the township of Stafford and if any of the persons comprising either of the township committees should refuse or neglect to meet as aforesaid, those assembled may proceed to make the said division, and a decision of a majority of those present shall be final and conclusive. Names of judges and clerk to act at first election.

5. *And be it enacted*, That nothing in this act shall be construed to impair or in any wise affect, the rights of the said township of Eagleswood to its just and legal proportion of the surplus revenue of the general government and the interest due or becoming due thereon. Certain rights of township of Eagleswood not to be impaired by this act.

6. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 17, 1874.

CHAPTER CCXLIII.

A further supplement to an act entitled "An act to widen, grade and improve Ridge Road, in the township of Union, in the county of Bergen," approved March sixth, one thousand eight hundred and seventy-two.

Commissioners empowered to lay, relay, open and widen Orient way.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed by and under the act to which this act is a further supplement shall lay, relay, open and widen, to a width of one hundred feet, grade and improve the avenue or street known as Orient way, from the Erie railway to a point at or near the street known as Highland cross, and assess the costs and expenses thereof on the lands fronting on said Orient way, between the Erie railway and the said Highland cross.

Between Erie railway and Highland cross.

Between Highland cross to Court avenue.

2. *And be it enacted*, That said commissioners shall also have power to lay, relay, open and widen, to a width of one hundred feet, grade and improve said Orient way, between a point at or near said Highland cross to the avenue known as Court avenue.

Between Court avenue and New Jersey avenue.

3. *And be it enacted*, That said commissioners shall lay, relay, open and widen, to a width of eighty feet, grade and improve said Orient way, between said Court avenue and New Jersey avenue.

Written consent from owners required.

4. *And be it enacted*, That said commissioners shall have power to lay, relay, and widen said Orient way, between Court avenue and New Jersey avenue, to a width of one hundred feet, on receiving a written consent from all the owners of lands lying on both sides of said Orient way, that they, the said owners, will give ten feet additional on each side of said avenue, from the frontage of their respective lands, without compensation.

Empowered if necessity requires to lay, relay, open, &c., Orient way

5. *And be it enacted*, That said commissioners are hereby empowered, if public necessity in their judgment shall require it, to lay, relay, open, grade, improve, and in any manner alter and extend said Orient way, from New Jersey

avenue to the Neck road, otherwise known as Newark avenue. between New Jersey avenue and Newark avenue.

6. *And be it enacted*, That said commissioners, in carrying out the improvement on said Orient way, may expend a sum not exceeding seventy-five hundred dollars. To expend sum not exceeding seventy-five hundred dollars.

7. *And be it enacted*, That said commissioners, in carrying out the improvement of Rutherford avenue, under the supplemental act, approved April third, one thousand eight hundred and seventy-three, shall make the width of said avenue, between Park avenue and the river road, no greater than at present; *provided*, the owners of a majority of the lineal feet fronting on said Rutherford avenue shall first give their consent thereto in writing. Width of Rutherford avenue. Proviso.

8. *And be it enacted*, That on obtaining the consent provided for by the seventh section of this act, the owners of lands fronting on said Rutherford avenue, between said Park avenue and the said river road, are hereby authorized to work, grade and improve said avenue, according to the grade established by said commissioners, and under the supervision of their engineer, on receiving a notice specifying a reasonable time in which said work shall be completed; and if said owners shall not complete said work within the specified time, then said commissioners shall do and perform said work so neglected, and assess the cost, charges and expenses thereof on said lands of owners so neglecting. Owners of lands on Rutherford avenue empowered to work, grade and improve said avenue.

9. *And be it enacted*, That the said commissioners may expend in making the improvements on Rutherford avenue a sum not to exceed twelve thousand dollars. Commissioners to expend sum on Rutherford avenue not to exceed twelve thousand dollars.

10. *And be it enacted*, That in case any owner or owners of lands shall fail to pay the assessments laid thereon within sixty days from the time of laying the same, the said assessments shall, from the date the same become due and payable, have interest added thereto at the rate of ten per centum per annum, until the same be paid. If assessment not paid interest at rate of ten per centum to be added.

11. *And be it enacted*, That all acts and parts of acts, so far as the same are inconsistent with the provisions of this act, be and are hereby repealed, and this act shall be a public act and shall take effect immediately. Repealer.

Passed March 17, 1874.

CHAPTER CCXLIV.

A supplement to an act to incorporate Atlantic City, approved March third, one thousand eight hundred and fifty-four.

Atlantic City passenger railway company authorized to construct railroad, turnouts, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council of the city of Atlantic City, by ordinance, to authorize the Atlantic City passenger railway company to construct, and for said last named corporation to construct, maintain, and operate their railroad with all necessary turnouts, switches and sidings, from the junction of Atlantic and Massachusetts avenue along Atlantic avenue, and in, upon and along, and over such other streets or avenues of said Atlantic City, as said city council may prescribe.

Repealer.

2. *And be it enacted*, That 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 17, 1874.

CHAPTER CCLIV.

An act to authorize the board of chosen freeholders of Hudson county to condemn and take for public use, all that portion of Snake Hill not now owned by said county, and authorizing the sale of the salt meadows and low lands attached to the county farm.

Board of chosen freeholders empowered

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of Hudson county to take by condemna-

tion for public use, all that portion of Snake Hill not now owned by the said county of Hudson, situate north of Montclair Railroad, in the township of North Bergen, for the purpose of adding the same to the county farm, to be used for the purposes of an alms house, jail and work house, lunatic asylum, and such other public buildings as may be required; and also to furnish stone quarries to be worked by the prison and pauper labor of said county.

to take by condemnation, certain portion of Snake Hill, and erect thereon certain public buildings.

2. *And be it enacted*, That it shall be lawful for said board of chosen freeholders to cause a survey of all that portion of said Snake Hill situate north of the Montclair Railroad, not now owned by said county, and to ascertain the owners of the land, if the same can be ascertained, and after such survey has been completed and a map made of the same, said map and survey shall be filed in the clerk's office of Hudson county, and it shall be lawful for said board of chosen freeholders, on or before the first day of June in the year eighteen hundred and seventy-five, to apply to the justice of the supreme court, holding the Hudson county circuit court, for the appointment of three commissioners to condemn and appraise said lands, and said application to the justice of the supreme court may be made by said board of chosen freeholders passing a resolution to that effect, which resolution certified by the clerk of the board, may be presented to such justice, and when so presented said justice shall make an order fixing a time and place when said commissioners will be appointed, which shall not be less than fifteen days from the making of such application, and said justice shall direct a notice to be served on all the owners of said lands, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, of the particular time and place for the appointment of said commissioners, at which time, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal three disinterested impartial, and judicious freeholders, residents of the state of New Jersey, commissioners to examine and appraise the said lands, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days, and it shall be the duty of said

To cause survey to be made.

Survey to be filed with county clerk.

Commissioners by whom and how appointed.

Notice to be served on owners.

Commissioners to take oath.

To meet, view and examine lands.

To appraise value and assess damages.

To make report.

Report to be filed in clerk's office.

Board of chosen freeholders empowered to enter and take possession of tender, &c.

Report considered as evidence of right of entry.

Proviso.

commissioners (having first taken and subscribed an oath or affirmation before the clerk of Hudson county, faithfully and impartially to examine the lands in question and to make a true appraisement and report according to the best of their skill and understanding, which oaths shall be filed with said county clerk) to meet at the time and place appointed and proceed to view and examine the said lands, and hear the statements of parties interested and adjourn the same if necessary, and to make a just and equitable estimate or appraisement of the value of the same, and an assessment of damages to be paid by said board of chosen freeholders for such lands and damages aforesaid, and the lands of different owners shall be appraised at the same time by said commissioners, and separate appraisements made for each separate tract, which separate appraisements shall be reported by a report made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment aforesaid, in the clerk's office of the county of Hudson, to remain of record therein, and thereupon and on payment or tender of payment of the amount awarded as hereinafter provided, the said board of chosen freeholders is hereby empowered to enter upon and take possession of the said lands for the use of the inhabitants of the county of Hudson; and the said report or a copy thereof certified by the clerk of said county, and proof of payment or tender of the amount awarded, shall at all times be considered as plenary evidence of the right of said board of chosen freeholders of Hudson county to have, hold, use, occupy, possess and enjoy the said lands; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the county collector upon the certificate of such justice; *provided always*, that should said board of chosen freeholders of Hudson county, or the owner or owners of any of the land, feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the circuit court of the county of Hudson at any time within

sixty days after the filing of the said report by the said commissioners.

3. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of the said circuit court of said county of Hudson; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had; and the said issue to be tried at such time as said court shall order, upon the like notice and in the same manner as others issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against said board of chosen freeholders and execution awarded therefor; but if the said jury shall be applied for by the owner or owners and shall find a less sum than the said commissioners shall have awarded, then said costs shall be paid by said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the said board of chosen freeholders from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said board of chosen freeholders enter upon or take possession of any land of any person or persons, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such land, in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount, which shall be found by jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, and in case of appeal, the amount found by the jury shall refuse, upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as

Appeals from decisions of commissioners, how made.

When and how tried.

Costs by whom paid.

Proviso.

aforesaid, into the circuit court of the county of Hudson, shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his or their appeal from the report of the commissioners; and on such tender or payment of the money into court, in case it be refused as aforesaid, the said board of chosen freeholders of Hudson county, shall take possession of said lands; *and provided further*, that in case any money paid into court shall belong to any infant, insane person, or idiot, said money shall be paid over by said court to any guardian appointed to take charge of such infant's, insane person's or idiot's estate, when it shall appear to the court that such guardian has filed a good and sufficient bond to cover said amount, with the court or surrogate appointing said guardian, or the money may, by said court, be ordered to be invested by the clerk of the court for the benefit of such infant, insane person or idiot.

Proviso.

Proviso.

In case of mortgage how paid.

4. *And be it enacted*, That if any person shall have a mortgage, lease, life estate, or any other estate less than a fee, in any lands taken, said estate shall be appraised by the commissioners or in case of appeal by the jury, and deducted and paid out of the amount assessed or awarded for the whole fee.

Board of chosen freeholders empowered to borrow money and issue bonds

When payable.

5. *And be it enacted*, That in order to pay the award of the commissioners, or assessment of damages by a jury in case of an appeal for the lands taken under this act, it shall be lawful for said board of chosen freeholders of Hudson county to borrow any sum of money equal to the amount required to pay for said lands so taken, and to cause bonds to be prepared in sums of one thousand dollars each, payable in from one to twenty years after date, at the discretion of the board, with interest not exceeding seven per centum per annum, payable half yearly, which bonds shall be given in the name of the board of chosen freeholders of the county of Hudson, for and in behalf of the inhabitants of the said county, and they shall be signed by their director of the board, with the seal of said board affixed, and countersigned by the county collector; said bonds shall be numbered and registered by the county collector, and together with the coupons attached, may be made payable at such place as the director and county collector shall determine and designate therein, and the same may be made payable to order or to

By whom signed.

Bonds to be numbered and registered.

bearer, and by resolution of the board, registered bonds may be exchanged for coupons, or coupon bonds exchanged for registered, at the option of the holder.

Payment of bonds and interest to be provided for by taxation.

6. *And be it enacted*, That in order to provide for the payment of the interest and principal moneys of said bonds when they become due and payable, there shall be raised by tax at the same time and in the same manner as the county taxes are raised, such sum as the board of chosen freeholders shall elect each year for the payment of the semi-annual interest, and upon account of the principal, to be paid into the Hudson county sinking fund, to be used and applied by the sinking fund commissioners to the payment of said bonds when they become due; and said bonds may be sold by the directors of the board and county collector at par, or at a discount not less than two per centum from their par value.

7. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 18, 1874.

CHAPTER CCLV.

An act to repeal an act entitled "An act to provide for the assessment and collection of taxes in the township of Acquackanonk, in the county of Passaic," approved March sixth, eighteen hundred and forty-six.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to provide for the assessment and collection of taxes in the township of Acquackanonk, in the county of Pasaic," approved March sixth, eighteen hundred and forty-six, be and the same hereby is repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1874

CHAPTER CCLVI.

A supplement to an act entitled "An act to set off from the Townships of Union and Dover, in the County of Ocean, a new township, to be called the Township of Lacy," passed March twenty-third, anno domini one thousand eight hundred and seventy-one.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections seven, nine, ten, eleven, twelve, thirteen and fourteen of an act entitled "An act to set off from the townships of Union and Dover, in the county of Ocean, a new township, to be called the township of Lacey," passed March twenty-third, one thousand eight hundred and seventy-one, be and the same are hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1874.

CHAPTER CCLVII.

A further supplement to an act entitled "An act revising the act to incorporate the city of Bayonne, in the county of Hudson, and state of New Jersey," approved March tenth, eighteen hundred and sixty-nine; approved March twenty-second, eighteen hundred and seventy-two.

Mayor and council empowered to open avenue W.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Bayonne be and they are hereby authorized and empowered to open avenue W in the said city of Bayonne, from

Fifth street to the Kill Von Kull in said city, as the same is laid down upon the present map and plan of said city, heretofore duly adopted and filed by the map and grade commission in pursuance of "An act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal in Hudson county," passed March sixteenth, one thousand eight hundred and fifty-seven, and certain supplements thereto.

Empowered to construct and build sewers.

2. *And be it enacted*, That the said mayor and council be and they are hereby authorized and empowered to construct and build a sewer from the sewer in Cottage street, in said city of Bayonne, at its junction with said Avenue W and Fifth street, through said Avenue W to the Kill Von Kull, with all necessary drains and receiving basins, in accordance with the present sewerage plans of said city.

Awards for damages, and assessments for benefits how made.

3. *And be it enacted*, That the said improvements respectively, and the awards for lands taken and damages and the assessments for benefits, thereupon arising, respectively, be made in accordance with, and by a pursuit of the provisions of the act to which this is a supplement, in all respects except as mentioned in the next section hereof.

Provisions of original act, relating to application and remonstrance of no force or effect in opening avenue W.

4. *And be it enacted*, That the provisions of the said act to which this is a supplement, so far as the same requires application for such improvement to be made to the council, and enables owners to restrain improvements by remonstrance, shall have no force, effect, or application to the opening of said Avenue W, and the building of a sewer or sewers, a drain or drains and receiving basins therein; but the said mayor and council are hereby authorized and empowered to proceed with and perfect the improvements mentioned in the first and second sections of this act, and thereupon make assessments and awards as mentioned in the third section of this act, without application for such improvements, and notwithstanding any remonstrance against the same.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 18, 1874.

CHAPTER CCLVIII.

A supplement to an act entitled "An act to facilitate judicial proceedings in the county of Pasaic," approved March twenty-eighth, one thousand eight hundred and seventy-one.

After April 1st, 1874, there shall be but two judges of inferior court of common pleas of the county of Passaic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first day of April, in the year one thousand eight hundred and seventy-four, there shall be but two judges of the inferior court of common pleas of the county of Passaic, in addition to the justices of the supreme court holding the circuit for said county, and the president or law judge of the said inferior court of common pleas of said county, provided for in the act to which this is a supplement.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be, and the same are hereby repealed, in so far as they are inconsistent herewith.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1874.

CHAPTER CCLIX.

An act in relation to streets in a portion of the township of Union, Union county.

Application for opening certain streets or avenues by whom and how made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever two-thirds in lineal feet of the owners of any lands in that portion of the township of Union, formerly known as the South Easterly Road Dis-

trict, of the township of Union, in the county of Union, lying on both sides of the following streets or avenues heretofore laid out on maps, made and filed by the commissioners of the said district, namely, Chilton avenue, Connecticut avenue, Wyoming avenue, Wabash avenue, Michigan avenue, shall think any of said streets or avenues necessary, it shall be lawful for the said persons to make application, in writing, to the judge of the circuit court of the county of Union, having given previous notice for at least ten days of such intended application, and also the day on which such application is intended to be made, by advertisements set up at three of the most public places in what was formerly the said district, and also by publishing the same for such length of time, at least once in each week, in one or more of the newspapers published in the city of Elizabeth; and the said judge, when applied to as aforesaid, on due proof being made that the application is made by the said proportion of owners, and that the advertisements have been set up and made according to law, on which the judgment of the said judge shall be final and conclusive, and on being satisfied by the examination of parties and witnesses, under oath, if any are produced for that purpose, that it is for the interest of the public, or of the property owners, that the said street or avenue should be opened; is hereby authorized and empowered to appoint three disinterested citizens of the county of Union, commissioners to open the said street or avenue, and to make an estimate of the value of the lands to be taken by said improvement, and the damages sustained therefrom by the owners of land and real estate, and also an assessment of the costs, damages and expenses of the said improvement on the lands and real estate benefited thereby; *provided*, that Chilton avenue, and Connecticut avenue, shall commmence at the line of the city of Elizabeth, and end at the road known as the road leading from Morris avenue to the Magie road.

Judge may examine parties and witnesses under oath.

May appoint commissioners.

Proviso.

2. *And be it enacted*, That the said commissioners, before entering on the discharge of their duties, shall severally take and subscribe an oath or affirmation, to justly, impartially, honestly, and to the best of their skill and understanding, discharge all the duties imposed on them by virtue of their said appointment; and the said commissioners are authorized to employ a surveyor, and such assistants as may be necessary for properly discharging their duties un-

Commissioners to take and subscribe an oath.

der this act; the said commissioners shall each receive for their services the sum of five dollars per day of ten hours actually employed in said duties, and the said surveyors and assistants shall each receive such compensation as shall be allowed by said commissioners, all to be included in the whole amount of the cost and expenses of said improvement; and each commissioner and employee shall make an oath or affirmation in writing, to be filed with their proceedings, of the time he has been actually employed in said work.

Compensation.

To ascertain and determine what lands benefited, what damaged.

3. *And be it enacted*, That after taking the said oath the said commissioners shall forthwith proceed in the discharge of their duties in reference to such improvement, and shall ascertain and determine what lands and real estate are benefited or damaged thereby, in order to define the assessment district of said improvement; they shall also estimate the said benefits and damages to each tract within said district, having regard to the superficial feet of each tract as well as to the lineal feet thereof along the line of the improvement; they shall cause a map to be made by the surveyor of all lands so benefited or damaged, designating the different tracts thereof, and shall also ascertain and declare what proportion of the whole amount of the costs, damages and expenses of the said improvement ought to be assessed against each tract within said district benefited thereby, said proportion being determined as nearly as may be by the advantage each shall be deemed to acquire; the said commissioners shall also appraise the value of the lands and real estate of each owner actually taken by the said improvement as well as the value of the buildings and other improvements taken or damaged thereby, reference being had in the valuation to the practicability of removing said buildings or improvements to other or adjacent land of the owner; and all buildings damaged or taken in part by the line of improvement may be taken in whole to be sold or removed as may be for the public interest, and said commissioners shall ascertain and report all cases where the owner or owners of lands have dedicated the same for said improvement; *provided*, that no assessments for benefits shall be made upon any lands not bounded by such street, except such as are within two hundred and forty feet of the same on each side, and such assessment shall in all cases be made upon the lands on each side of such street

To cause map to be made by surveyor.

To appraise value of land taken.

Proviso.

extending back from the same to the middle of the block on each side.

4. *And be it enacted*, That the commissioners shall deposit the said map, estimate, valuation, appraisement and declaration of proportionate assessment, amount of benefits, as well as damages to each owner or owners of land, in the office of the county clerk for inspection, and thereafter the said map and accompanying papers shall be known as the commissioners' report and estimate of the improvement; after depositing the said report and estimate as aforesaid, the said commissioners shall cause notice to be given to the owner or owners of the tracts of land designated on said map, by notice deposited in the post office, directed to the post office address of said owners, if known to the said commissioners, and also by at least one advertisement of a week's time, in one or more newspapers of the city of Elizabeth; requiring all objections thereto to be made to the commissioners at a time and place therein to be specified, *provided*, that said report and estimate shall remain in the office of the said clerk for inspection for one week previously to the hearing of objections; at the time so specified or at an adjourned meeting thereafter, the commissioners shall hear all parties interested, who desire to be heard, and consider all objections to said report and estimate, and may revise, confirm, correct or add to the same; *provided*, that no addition shall be made to said assessment district without reasonable notice as aforesaid, to the owner or owners of lands proposed to be added, and an opportunity given to every such owner or owners to be heard by said commissioners as in reference thereto.

To file map, estimate, valuation, &c., in county clerk's office.

To cause notice to be given to owners of land.

Proviso.

Proviso.

5. *And be it enacted*, That the commissioners shall, after the notice, publication and hearing as aforesaid, make such corrections or alterations, as they may deem necessary, and shall then approve, ratify and confirm the same, and whenever they shall approve the map so made and determined upon, the district of lands designated thereon as benefited or damaged, shall be deemed the assessment district of the said improvement, and all assessments for the same shall be made solely upon lands lying within the said district, and said estimate, valuation, appraisement and declaration of proportionate assessment amount shall be conclusive upon the owner or owners of said lands as to the value thereof, and as to the relative benefit and damage to each tract unless

May make corrections.

Assessments how made.

the said owner shall, within thirty days after said approval, appeal to the courts as hereinafter provided.

Appeal by whom and how made.

6. *And be it enacted*, That if any person or persons conceives himself, herself or themselves, aggrieved by the said determination of the said commissioners, he, she, or they, may appeal therefrom, to the supreme court or the circuit court of Union county, within thirty days from the time of making the final determination, and not thereafter, which appeal shall be by petition, and notice thereof served as said court shall direct; which petition and notice shall vest said court with full power to hear and determine said appeal, according to the practice of the court, and the court, if required, shall order a jury to try said appeal, under the direction of the court, and also shall have power to order a struck jury or a jury of view, or both; and said court, or the judge who shall try said appeal, may order any jury empanelled to try such appeal, to view the premises in question during the trial; the said appeal shall be entitled in the name of the person appealing as appellant, and the said commissioners as respondents; and on the trial of the said appeal the proceedings or determination, or both of the said commissioners may be given in evidence in the first instance, as the amount which said appellant ought to receive; but the said respondents shall not be concluded thereby; the jury shall be governed in their determination by the same principles as are herein prescribed for the guidance of the said commissioners, and shall render their determination in form in the nature of a special verdict, and upon the final determination of said appeal the court shall render judgment in favor of the one party and against the other, as the right and justice of the case may require, and shall award to the party substantially succeeding, the costs of such party against the other party, and shall have power to enforce the judgment so rendered by execution, as other judgments are enforced, or by mandamus, and by summary proceedings and attachment, as the case may require.

How tried.

Jury to render their determination in form in nature of a special verdict.

Judgment to be enforced by execution or mandamus.

Commissioners to make an estimate of costs, damages, &c.

7. *And be it enacted*, That said commissioners shall, after the proceedings aforesaid, make an estimate of the whole amount of the costs, damages and expenses of the said improvement, including therein the compensation of the said commissioners and their employees, and the costs and expenses of the trial of the said appeal.

8. *And be it enacted*, That whenever the assessment dis-

trict, and the whole amount of the costs, damages and expenses of any improvement shall have been determined, the said commissioners shall forthwith proceed, and shall within thirty days thereafter make a just and equitable assessment thereof, upon the lands benefited thereby within the assessment district, in the proportion ascertained by them, or in case of an appeal therefrom, then in the proportion ascertained by the determination of said appeal; and all assessments finally made under the terms of this section, shall be and remain a lien upon the land and real estate so assessed, for the amount of said assessment, with interest thereon, at the rate of eight per centum per annum, from the time of the making thereof, until the same shall be paid.

Commissioners to make assessment.

Assessment to be and remain lien on lands assessed.

9. *And be it enacted*, That, on completing the final assessment as aforesaid, the said commissioners shall file all papers relating to the said improvement in the office of the clerk of the county, who shall record in the book of records of roads the said final assessment, for which he shall receive the fees now prescribed by law for recording returns in said book.

All papers relating to improvement to be filed with clerk of county.

10. *And be it enacted*, That the township committee of the township of Union shall thereupon cause the said assessments to be collected within six months after such assessments shall have been finally confirmed, in the same manner that taxes are collected; *provided*, that when damages have been awarded in favor of the same person against whom benefits have been assessed, only the balance over and above said benefits shall be paid; and *provided further*, if any person has been awarded damages for taking any building, the said building shall be sold, and the proceeds thereof credited to the costs, damages and expenses of said improvement.

Assessments to be collected in six months in same manner that taxes are collected.

Proviso.

Proviso.

11. *And be it enacted*, That on the expiration of the six months, the overseer of the roads in the district wherein the said street or avenue may run shall forthwith open the same to public use, as the same is laid out on said maps, and remove all obstructions therefrom; and in case of the failure or neglect of said overseer of the roads to perform said duty, it may be lawful for a majority in lineal feet of the owners of lands on both sides of said street or avenue to select and appoint some suitable person to open the same and remove the said obstructions, and the said street or avenue shall thereupon become and be a public road and highway, and

After expiration of six months overseer of roads to open street or avenue laid out.

In case of neglect or failure, some suitable person to be appointed.

the same shall thenceforth be regulated and kept in repair as other public roads and highways in said township.

Validity of act approved March 29, 1871, not recognized.

12. *And be it enacted*, That nothing in this act contained shall be in any way construed to recognize the validity or legality of an act entitled "An act in relation to streets in Union Township Union County," approved March twenty-ninth, one thousand eight hundred and seventy-one, or of any of the provisions of the same or of any improvements made or contracts entered into by virtue of the same or in any way to invalidate or annul the act repealing the same approved April first, one thousand eight hundred and seventy-two.

Repealer.

13. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts making other provisions for the opening of streets and avenues within said district embraced in the lines of the streets and avenues mentioned in the first section hereof, be and the same are hereby repealed.

Approved March 18, 1874.

CHAPTER CCLXVII.

Supplement to an act to amend the charter of the City of Plainfield, approved April fourth, one thousand eight hundred and seventy-two.

Mayor with advice and consent of council to appoint all officers except city clerk and janitor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor shall nominate and, by and with the advice and consent of the common council, appoint all officers of the city not required to be elected, except city clerk and janitor of the council chamber, and that no evidence of indebtedness against the city shall be valid unless signed by him.

No evidence of indebtedness valid unless signed by mayor.

Common Council

2. *And be it enacted*, That the common council shall have full power to pass ordinances to prevent and punish injuries to public lamps, to abate or remove nuisances of every kind, and to compel the owner or occupants of any lot, house, build-

ing, shed or place, wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing which is or may be detrimental to the health of the inhabitants, to cleanse, remove or abate the same, from time to time, as often as they may deem necessary, at the expense of the owner or occupants thereof, to offer and pay rewards for the apprehension and conviction of persons engaged in the commission of crime, or in violation of any of the city ordinances, every conviction had before the city judge, either with or without a jury trial, shall be reviewed by writ of certiorari and not otherwise; such writ to be allowed, heard and determined by the presiding judge of the circuit court of Union county.

Empowered to pass ordinances.
To prevent injuries to public lamps.
To abate and remove nuisances.
To offer and pay rewards for apprehension and conviction of crime or violation of city ordinances.
Conviction had before city judge to be reviewed by writ of certiorari.

3. *And be it enacted*, That the common council may prescribe by ordinance what shall be the extreme penalty for each violation of any of its ordinances; such penalty shall not exceed one hundred dollars fine, or sixty days' imprisonment, or both, and the court having jurisdiction of suits brought for the enforcement of said ordinances may, in its discretion, impose the same or any less penalty than that prescribed by said common council; and if the fine imposed be not paid, the party convicted of any such violation may be committed by the judge of said court, in his discretion, to the city or county jail, or such other place as the common council may provide, for any period not exceeding twenty days; no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defence upon the merits.

Common Council to prescribe by ordinance what shall be extreme penalty.
Penalty not to exceed $100 fine or sixty days' imprisonment or both.
Party convicted may be committed to city or county jail.
Judgment not to be reversed for defect or lack of form.

4. *And be it enacted*, That it shall and may be lawful for the common council of said city to order and cause to be assessed and collected by tax in any one year, for the current expenses of said city and all other objects and purposes authorized by the act to which this is a supplement not otherwise and specially provided for, such sum of money as a per centage of forty cents on each hundred dollars of assessed valuation upon all persons and property within the said city will produce, which sum of money shall be in lieu of all other taxation authorized or contemplated by the act to which this is a supplement, and shall be assessed upon the same basis of valuation and collected in the same manner as the assessors and collectors of townships are or may

Empowered to order assessed and collected taxes for current expenses of city.
Percentage

be by law required to assess and collect the state and county taxes, and which money, when collected, shall be paid into the the hands of the treasurer of said city, and be held by him subject to the order of said common council, and in no event shall the per centage of taxation herein named be increased, but the same may be reduced at the pleasure of the said common council.

Percentage of taxation not to be increased.

Mayor and City Treasurer under authority of common council empowered to borrow money.

5. *And be it enacted*, That it shall be lawful for the common council of said city to authorize and direct the mayor and city treasurer to borrow on the credit and in the name of said city, in anticipation of the collection of taxes in any one year the sum of seven thousand five hundred dollars, and every such temporary loan or loans shall be fully paid and redeemed out of the moneys first received from the year's tax collection so anticipated.

Repealer.

6. *And be it enacted*, That sections seventeen, twenty-six and twenty-seven of the act to which this is a supplement be and the same are hereby repealed; *provided*, sections four and five of this act are ratified by a popular vote, and all other parts of said act and supplements thereto inconsistent with the provisions of this act, be and the same are hereby repealed.

Proviso.

Name of court in which cases shall be heard.

Powers of city judge.

7. *And be it enacted*, That the name of the court in which the city judge shall hear causes, shall be called the city court of Plainfield; in proceedings for the enforcement of city ordinances, he shall have the same powers as in the trial of civil actions; the impression of a seal, the device of which shall be prescribed by the common council upon any process or paper signed by him shall be sufficient for all purposes, at the time specified in any process returnable before him, or to which any matter was adjourned he may proceed to hear and dispose thereof, whenever it shall be necessary to give evidence of a judgment or other proceedings before him, the entry of such judgment or other proceeding on his docket or a transcript thereof certified by him under his hand and seal shall be sufficient evidence thereof.

Amendment.

8. *And be it enacted*, That wherever, in sections fourteen, fifty-four, fifty-five, fifty-seven, sixty and sixty-two, of the act to which this is a supplement, the words "paving or macadamizing," or the words "paved or macadamized" are used the same shall read "paving, graveling or macadamizing," or "paved, graveled, or macadamized," as the case may be,

Amendment.

9. *And be it enacted*, That where the words "six months"

occur in the last paragraph of section forty-four of the act to which this is a supplement, the same shall be altered so as to read "sixty days."

Amended.

10. *And be it enacted*, That the last paragraph of section forty-three of the act entitled "An act to amend the charter of the city of Plainfield," approved April fourth, one thousand eight hundred and seventy-two, is hereby amended by substituting the words "forty-one" for the words "forty-two."

Commissioners to assess damages, to also ascertain necessary expenses incident thereto.

11. *And be it enacted*, That hereafter the commissioners appointed to estimate and assess the damages that any owner or owners of lands or real estate with the appurtenances will sustain, by opening or laying out, altering or widening any street, road, highway or alley in the city of Plainfield, shall also ascertain all other necessary expenses incident to such laying out, opening, altering or widening, and shall also discharge and perform all the other duties now required to be performed by the commissioners provided for by section forty-three of the act to which this is a supplement.

So much of act as relates to raising of money by taxation not to take effect until ratified by majority of ballots cast at special election called and held by direction of common council.

12. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately, except so much thereof as relates to the raising of money by taxation and loans, which portion shall become of effect when ratified by a majority of the ballots cast by the legally qualified voters of said city, at an election to be regularly called and held by direction of said common council.

Repealer.

13. *And be it enacted*, That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 18, 1874.

CHAPTER CCLXVIII.

An act to extend the provisions of an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and in the township of Rahway, in the county of Union," to the village of Pointville and vicinity, in the county of Burlington.

Provisions of act approved March 4th, 1858, extended to village of Pointville.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, one thousand eight hundred and fifty eight, be and the same are hereby extended to the village of Pointville, in the county of Burlington, and to an area of one square mile on each side of said village, so far as the provisions of said act extend to the running at large of swine within the boundaries aforesaid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved, March 18, 1874.

CHAPTER CCLXIX.

An act to prevent Horses, Mules, Cattle, Sheep and Swine from running at large in the County of Hunterdon.

In case of entry or trespass of any horse, mule, cattle, &c., owner of

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any horses, mules, cattle, sheep or swine, running at large in the public highways, or elsewhere, of the county of Hunterdon, shall enter and tres-

pass on any field, enclosure, ground or grounds of any person or persons, and damage or destroy any grain, grass, fruit, fruit trees, ornamental trees, shrubbery or other property of any kind whatever, the owner or owners of said property may have the damage appraised by any three disinterested freeholders, or a majority of them, and sue for and recover the full amount of such damages from the owner or owners of such horses, mules, cattle sheep or swine, together with costs of suit and of appraisement, in an action of debt, before any justice of the peace of said county.

land may sue for and recover full damages.

2. *And be it enacted*, That it shall be lawful for any person who may reside within the limits of said county of Hunterdon to drive or convey to any public pound which may be kept in the township any horses, mules, cattle, sheep or swine found running at large in the public highways or elsewhere within the bounds aforesaid, and impound the same; and the keeper or keepers of any public pound in said township is and are hereby authorized and required to receive such horses, mules, cattle, sheep or swine; and the party (or the poundkeeper, if the duty be performed by him,) shall have fifty cents per head for driving or conveying to the pound each horse, mule, head of cattle or swine, and twenty cents for every sheep; and the poundkeeper shall have the same fees per head on horses, mules, cattle, sheep and swine, for letting in the pound, and also the same fees per head for letting out of the pound; and for feeding and attending, fifty cents per head for horses, mules and cattle, and fifteen cents per head for sheep and swine, for every twenty-four hours, or fractional part thereof, they shall continue in the pound; and if the owner or owners of said horses, mules, cattle, sheep or swine so impounded shall not pay the charges of conveying to the pound, keeping and impounding, within four days after such beasts shall be impounded, and take the same away, it shall be the duty of the poundkeeper to set up advertisements in five of the most public places in the township in which his pound is kept, describing such horses, mules, cattle, sheep or swine and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such horses, mules, cattle, sheep or swine do not appear and redeem the said beasts before the time so notified, the said poundkeeper shall sell the same, accordingly, to the highest bidder, and out of the money arising from such sale shall pay the

Horses, mules, cattle, sheep, &c., found running at large to be driven to public pound.

To be received by keeper of pound.

Compensation for driving to pound.

Fees of pound keeper for letting in and out of pound.

Fees for attending.

Expenses to be borne by owner.

If not paid in four days, pound keeper to advertise and sell.

charges arising from conveying to the pound, and retain his fees for impounding, keeping and feeding and letting out of the pound said horses, mules, cattle, sheep or swine, and twenty-five cents for advertising sale and collecting the money for each horse, mule, head of cattle, sheep or swine, and return the overplus to the owner or owners of the said beast, if he or they shall appear or claim the same; and if no owner or owners shall appear and claim such overplus within six months after such sale, the same shall be paid to the collector of taxes of said township, by him to be held and accounted for as a part of the funds of said township.

To return overplus to owner if claimed.

Penalty for interfering with or hindering driven to pound.

3. *And be it enacted*, That any person who shall wilfully interfere with, hinder or stop any horses, mules, cattle, sheep or swine, while being driven to the public pound of any township in the county of Hunterdon, so that the animals being so driven shall escape from the person driving them, shall forfeit and pay the sum of ten dollars, to be sued for and recovered in an action of debt, with costs of suit, before any justice of the peace of said township, by any person who shall sue for the same.

Inhabitants of townships at their town meetings to authorize erection of pounds.

4. *And be it enacted*, That it shall be lawful for the inhabitants of each of the several townships of the county of Hunterdon, at their annual town meeting, to elect annually any number of poundkeepers, not exceeding five, and authorize the erection of an equal number of pounds, to be situated at such places as shall be most convenient for purposes of impounding in said township.

Repealer.

5. *And be it enacted*, That all acts inconsistent with this act be and the same are hereby repealed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1874.

CHAPTER CCLXX.

A further supplement to an act entitled "An act to incorporate Gloucester City, Camden County, New Jersey."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of Gloucester City to issue bonds in the name of the mayor and common council of Gloucester City, under the common seal of the city and the signature of the mayor and city recorder, for an amount of money not exceeding five thousand dollars in such sums, and payable at such times, as the said mayor and common council shall deem proper, bearing interest at the rate of seven per centum per annum, payable semi-annually, and to pledge the property and credit of the city for the payment of the same; *provided*, that not more than five hundred dollars of the principal of said bonds shall be made redeemable in any one year; *provided further*, that the bonds so issued shall be redeemable at a period of time not exceeding ten years from the issuing thereof.

Mayor and common council empowered to issue bonds

Proviso.

Proviso.

2. *And be it enacted*, That the said mayor and common council of Gloucester City shall yearly and every year until the bonds to be issued by authority hereof, be redeemed and paid off, order to be assessed and collected by tax at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay the interest on said bonds as the same shall become due and to pay and discharge the principal at the several times it shall become due and payable, and all such money so raised by virtue of this act shall be applied by the city treasurer to pay the principal and interest of said bonds as the same shall become due and payable.

Payment of bonds and interest to be provided for by taxation.

3. *And be it enacted*, That it shall be the duty of the said mayor and common council to apply the net proceeds of the bonds that may be issued by virtue of this act exclusively to the building of culverts and common sewers, together with the necessary openings, inlets and approaches thereto, &c.

Proceeds of bonds to be applied exclusively to building of culverts, &c.

and to such street purposes as the common council may deem necessary and order for the general good of said city.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1874.

CHAPTER CCLXXI.

An act to authorize and require the City of Elizabeth to furnish an armory for the third Regiment, National Guard State of New Jersey.

City to purchase a suitable building for an armory and drill room and to keep the same in repair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Elizabeth is hereby authorized and required to procure for the Third Regiment of the National Guard of the State of New Jersey, either by erection and construction or by purchase, a suitable building for the purpose of an armory and drill room; which building, when so built or purchased, and the lot upon which the same shall stand, shall be the property of said city, but shall be exclusively, for the purposes aforesaid, under the control of the officers of said regiment for the time being; and which building the said city of Elizabeth shall keep in suitable repair at all times.

Common Council empowered to appropriate the sum of twenty-five thousand dollars.

2. *And be it enacted*, That after the passage of this act the city council of said city may appropriate the sum of twenty-five thousand dollars for the purposes aforesaid; and the mayor and city council aforesaid are hereby authorized and empowered to issue bonds of the said city to raise the amount aforesaid, which bonds shall be coupon bonds, bearing interest at the rate of seven per centum per annum, payable in not less than five nor more than twenty years from their date and shall be called armory bonds of the city of Elizabeth.

Mayor and council may issue bonds payable in not less than five nor more than twenty years.

3. *And be it enacted*, That this act shall be taken to be a public act and shall take effect immediately.

Approved March 18, 1874.

CHAPTER CCLXXII.

A further supplement to an act entitled "An act to revise and amend the charter of the town of Orange," approved March third, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the said city of Orange shall have power to borrow from time to time, any further sum or sums of money, not exceeding in the aggregate the sum of thirty thousand dollars, to be used in the purchase of real estate, and in the erection thereon of a school-house or school-houses, which shall be under the control and direction of the board of education of the said city, and that said common council may secure the re-payment of the said sum or sums so borrowed, together with legal interest thereon, in such manner and upon such terms as to the said common council may seem proper, by the issuing of bonds, to be signed by the mayor, and countersigned by the city clerk, and sealed with the common seal of said city; and that the principal and interest moneys shall be paid and extinguished in the same manner as any other indebtedness of said city is or may be authorized to be extinguished; *provided, however*, that this section shall not take effect until it shall have been submitted to the legal voters of said city at any election to be held in said city at the same time with the next election for members of the General Assembly; that at such election each voter may cast one ballot on which shall be the words "in favor of bonding the city," or the words "opposed to bonding the city," and if there be more ballots cast on which shall be the words "in favor of bonding the city" than there shall be on which are the words "opposed to bonding the city" then this section shall take effect immediately, and if not, then this section shall be void.

Common Council empowered to borrow money, to be used in purchasing real estate and erecting thereon school-house.

May issue bonds.

Proviso.

2. *And be it enacted*, That the said common council shall also have power to borrow a further sum of money not exceeding twenty thousand dollars, to cover a deficiency now

May borrow further sum not exceeding twenty

thousand dollars to cover existing deficiency.

existing, and to secure the re-payment of such sum of money in like manner as is prescribed in the preceding section; the bonds mentioned in the two preceding sections may be sold by the common council at no greater discount or loss to the city than five per centum.

Not to be sold at a greater loss or discount than five per centum

Street commissioner to have same power as granted to or conferred upon overseer of the highways.

3. *And be it enacted*, That the street commissioner of said city shall and may have, possess and exercise, all the powers granted to and conferred upon the overseer of the highways, in and by the twenty-eighth section of an act entitled "An act concerning roads," approved April sixteenth, one thousand eight hundred and forty six; and if the owner or owners of any lands mentioned in said section, or other person or persons by his, her, or their order, shall fill up, stop, or obstruct any gutter, drain or ditch, mentioned in said section, and which may be or may have been cut, made, or scoured out, cleaned or opened by said street commissioner, or other person by his order, in pursuance of said section, such owner or owners, or other person or persons acting by his, her, or their order, shall forfeit and pay a fine of twenty dollars for each offence, to be recovered by the said city in an action of debt, to be brought before the police justice of the said city, in the same manner as actions for penalties for the violations of ordinances of said city; and that such actions shall be prosecuted, and that execution may issue upon any judgment to be recovered therein, in like manner.

Penalty for filling up or obstructing gutters.

Repealer.

4. *And be it enacted*, That the words "for the lighting of streets, and" in the proviso of section twenty of said act, and all of the words of section fifty-three in said act, which immediately follow the words "otherwise ordered" in said section, and also the fourth section of a supplement to said act, which supplement was approved March twenty-seventh, one thousand eight hundred and seventy-one, be and the same are each and all hereby repealed.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 18, 1874.

CHAPTER CCLXXIII.

A further supplement to the act entitled "An act to transfer the charge and keeping of the jails and custody of the prisoners, in the counties of Essex and Hudson, from the Sheriffs to the Boards of Chosen Freeholders, and for the employment of the prisoners, and to regulate their term of service therein," approved February twenty-seven, one thousand eight hundred and fifty-seven.

Board of chosen freeholders to have control and charge of penitentiary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the custody, control, and charge of the penitentiary, known as the Essex county penitentiary, now in course of erection in the township of Caldwell, in the county of Essex, by the board of chosen freeholders of said county, and of the prisoners that may be confined therein, when constructed, shall be in the board of chosen freeholders of that county, and in such warden as they may appoint for that purpose; and the said board of chosen freeholders and such warden, shall, in the reception, custody, maintenance, treatment and discharge of prisoners be subject to all laws and regulations to which sheriffs and their jailors are subject.

May appoint warden.

2. *And be it enacted*, That the said warden shall be appointed as provided by the fourth section of the act to which this is a supplement, and all the provisions of said section are hereby made applicable to the warden so appointed.

Penitentiary and workhouse to be deemed a part of common jail.

3. *And be it enacted*, That the said penitentiary and the workhouse which may be established in connection therewith, or as a part thereof, or so much thereof as shall be so declared by said board of chosen freeholders, shall be deemed to be a part of the common jail of said county of Essex, and the said warden shall be the master of the said workhouse, and subject to the regulations prescribed by said board, shall have the charge and custody of all persons committed to,

Warden to have

charge of all persons confined in penitentiary.

and confined in said penitentiary at hard labor, or transferred thereto as hereinafter provided; and the sixth section of the act to which this is a further supplement is hereby extended and made applicable thereto.

Warden to keep persons employed.

4. *And be it enacted*, That said warden shall keep at such work and labor as they are able to perform, in said penitentiary or workhouse, or in the vicinity thereof, subject to the regulations prescribed by said board, during their continuance in custody, all persons sentenced by any court or tribunal of said county, for crime or misdemeanor; all persons convicted and committed under or by virtue of the act entitled "An act to describe, apprehend and punish disorderly persons," or the act entitled "An act for suppressing vice and immorality," or of any supplement to either of said acts, and all persons convicted and sentenced to jail imprisonment for the violation of any municipal ordinances and such other persons as are or may be directed to be employed at work in the workhouses in the several counties of this state.

Court may adjudge that person convicted be confined at hard labor.

5. *And be it enacted*, It shall be lawful for the court of oyer and terminer and general jail delivery, and the court of general or special quarter sessions of the peace, in and for the county of Essex, in all cases where any person shall be convicted in either of said courts, of any offence punishable by imprisonment in the state prison, if in the discretion of said court, it shall be deemed advisable, to adjudge that such person be confined at hard labor in the said penitentiary for any length of time not exceeding eighteen months, for which such person might, for such offence, have been sentenced to the state prison; and such person so sentenced shall be transported by the sheriff of said county, or by his lawful deputy, to the said penitentiary, at the expense of the county at rates to be adjusted and regulated by said board from time to time and to be paid, on the certificate and order of said warden; which person so transported to said penitentiary, shall there be delivered into the custody of said warden, together with a copy of the sentence of the court ordering such punishment, and of the taxed bill of costs of prosecution against such person, certified under the hand and official seal of the clerk of such court; and said person so delivered to said warden, shall be safely kept in said penitentiary until the time of his or her confinement shall have expired, and the fine or fines and costs of prosecution and transportation shall

Person sentenced to be transported by sheriff to said penitentiary at expense of county.

To be delivered into custody of warden.

have been paid or worked out, as hereinafter provided, or until discharged by due course of law.

Who may examine and be examined relative to breach of duty.

6. *And be it enacted*, That the director of said board, or the chairman of the jail committee thereof, shall have power to examine, under oath or affirmation any person or persons, relative to any abuse or breach of duty, on the part of any officer or employee of said penitentiary, or to any matter or thing pertaining to said penitentiary.

Offender may work out his fine or costs of prosecution.

7. *And be it enacted*, That the said board may allow any offender committed to said penitentiary to work out any fine or fines and costs of prosecution and transportation after he shall have served his or her full term of confinement; and in computing fines and costs of prosecution and transportation in such cases, there may be credited to each offender such sum per day for each and every day he or she shall actually be engaged in work assigned to him or her, after serving his or her term of imprisonment, as said board may prescribe.

Board may make provisions for moral and mental improvement of inmates.

8. *And be it enacted*, That the said board may make such provision for the reformation and the moral and mental instruction and improvement of the inmates of said penitentiary as they may deem expedient.

Sentences how construed.

9. *And be it enacted*, That all sentences to hard labor and imprisonment in the common jail or workhouse of said county shall be construed to apply either to the county jail or workhouse in the city of Newark, or to the said penitentiary or workhouse in the said township of Caldwell, and any person sentenced to or confined in either one may be committed or transferred to the other, whenever the said board may deem it expedient.

Board may raise money by tax.

10. *And be it enacted*, That the said board may raise by tax and expend from time to time such sum or sums of money as shall be necessary to carry into effect the purposes of this act.

Extending provisions of certain acts.

11. *And be it enacted*, That the provisions of the act entitled "An act for the establishment of workhouses in the several counties in this state" and all supplements thereto, as well as the provisions of the act to which this is a further supplement, shall extend and apply to the said penitentiary, so far as they may be consistent with the provisions of this act, which shall be deemed a public act and take effect immediately.

Approved March 18, 1874.

CHAPTER CCLXXXVI.

An act for the preservation of health and to preserve the purity of the water in the Township of Landis, county of Cumberland.

Cesspool or privy vault not to be dug unless the same shall be eight feet above water level.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful to dig or maintain a cesspool or privy vault in the ground, unless the same shall be at least eight feet above the water level of the water at high water mark in the wells of said township.

Complaint before whom and how made.

2. *And be it enacted*, That it shall be lawful for any person to make complaint, under an oath or affirmation before a justice of the peace in this state against any one offending against the provisions of this act, and said justice shall proceed to try the same.

Penalty.

3. *And be it enacted*, That any person convicted of offending against the provisions of this act, shall be fined in any sum not less than twenty dollars nor more than forty dollars for each offence, with the costs of said suit, one half of which sum shall be paid to said complainant. and the other half to be paid to ~~the~~ collector of said township for the use of the poor of said township.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

5. *And be it enacted*, That this act shall be considered a public act, and shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCLXXXVII

A supplement to an act entitled "An act to establish a system of Public Instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

Vote to be taken by ballot in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the trustees of any school district in Cumberland county shall be directed or authorized to purchase land for school purposes, to build, enlarge, or repair, or improve school buildings, or borrow, or raise money therefor, or to pay debts of the district, incurred for such purposes, or for the current expenses of the school, the vote of the inhabitants, so directing or authorizing the trustees, shall be taken by ballot.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCLXXXVIII.

A further supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson," passed February twenty-eighth, one thousand eight hundred and sixty-one.

Nothing in Act passed February 28, 1861, shall prohibit allowance of writ or writs of certiorari, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing contained in the act to which this is a supplement shall prohibit the allowance or granting of a writ or writs of certiorari touching an assessment for any improvement named in said act, *provided*, the

same be applied for or allowed within three months from the date of confirmation of the assessment for any improvement done, under and by virtue of said act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCLXXXIX.

A supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eight, one thousand eight hundred and fifty five.

Preamble. WHEREAS, in the year one thousand eight hundred and seventy-one, the sum of twenty-five thousand and eighty-one dollars and eighty-one cents was raised by taxation in the city of Hoboken for state and county purposes, over and above the amount lawfully required to be raised in said city for said purposes; *and whereas*, the said sum of money, excepting ten thousand dollars appropriated to the fire department of said city by an act approved February eighteenth, one thousand eight hundred and seventy-three, remains in the treasury of said city of Hoboken unappropriated,

Mayor and council empowered to appropriate and use certain money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken be, and they are hereby authorized to appropriate and use so much of said money as may be required to pay for the erection and completion of the wings erected and built to school-house number three in said city.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCXC.

An act to authorize the erection of a House of Detention, in the township of Landis, in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the said township of Landis, in the county of Cumberland, be and they are hereby empowered to erect, provide, and maintain, in such place in said township as to them seems advisable, a suitable building or room to be used as a house of detention, into which may be committed after complaint made upon sufficient affidavit by the proper authorities of said township, and safely kept, any and all persons arrested for offending within the limits of said township against the laws of this state, until the offence can be heard and duly investigated by a magistrate, and such offender be further dealt with as the law directs.

Township Committee empowered to erect, provide and maintain a suitable room to be used as a house of detention.

2. *And be it enacted*, That the amount of money necessary for the erection of such house of detention shall be raised by assessment upon the inhabitants and taxable property of said township, at such time and in such manner, as other moneys are raised for township purposes.

Amount of money necessary for said erection, to be raised by assessment

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCXCI.

A supplement to the act entitled "An act to divide Downe township, in the county of Cumberland, into four road districts, and to provide for raising money, and for the election of overseers in the same," approved February twenty-second, one thousand eight hundred and seventy-one.

Commissioners for construction and repair of roads by whom and how elected

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the several road districts of the township of Commercial, formerly a part of the township of Downe, and subject to the aforesaid act, be and they hereby are required at their annual meetings for the purpose of raising moneys for said road districts and electing overseers for the same, to elect three commissioners in each of said road districts, who shall consult with the overseer of the highways in their respective districts, relating to the construction and repair of roads, and determine when and where such construction or repairs shall be made; and it shall not be lawful for the overseer of any of said districts to proceed with any work without authority from the commissioners of his district.

Overseer not to proceed without authority of commissioners.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, in conflict with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCXCII.

A further supplement to an act entitled "An act to incorporate the town of Boonton," approved March eighteenth, one thousand eight hundred and sixty-seven.

1. BE it ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the actions provided for in the thirty-fourth section of the act entitled, "A supplement to an act entitled 'An act to incorporate the town of Boonton,'" approved March eighteenth, one thousand eight hundred and sixty-seven, which said supplement was approved March twenty-sixth, one thousand eight hundred and seventy-two, shall be actions of trespass. What actions shall be actions of trespass.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately. Repealer.

Approved March 19, 1874.

CHAPTER CCXCIII.

A further supplement to an act entitled "An act to set off from the township of Bloomfield, in the county of Essex, a new township, to be called the township of Montclair," approved April fifteenth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers and duties already belonging to the township committee of Montclair, the said committee shall have power and it shall be Township Committee may employ detectives.

their duty to employ and compensate detectives or constables, and use such efficient means for maintaining the peace, preventing crime, and detecting criminals in the township as they may deem necessary, and for this purpose they may appoint special officers, who shall have all the powers conferred upon constables by any laws of this state; they shall also provide for the protection and maintenance of the health of the township, and may employ and compensate a township physician, and exercise such powers as a board of health, as may be necessary or advisable for the public good; they are also hereby authorized by a majority vote of their whole number, to pass and adopt all necessary ordinances to abate and remove nuisances from the streets and public places of the said township, including the removal of snow and ice from the sidewalks, and to declare and define what are nuisances, and to provide for the enforcement of all such ordinances by prescribing and enforcing a penalty or penalties for their violation; and the said penalties may be collected with costs, in an action of debt, to be brought by the said committee in the corporate name of the township, and for the use of the inhabitants thereof, before any justice of the peace of the county of Essex.

To provide for protection of health.

May employ and compensate township physician.

May abate and remove nuisances.

Penalties how collected.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCXCIV.

A supplement to an act entitled "An act for the Settlement and Relief of the Poor," approved April tenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all applications for relief under the act to which this is a supplement, made by any person a resident of Hudson county for admission into the county almshouse of said county, shall apply to the overseer of the poor in the city, town or township where such person re-

Applicants for relief, to whom shall apply.

sides, and it shall be the duty of such overseer of the poor to hear and examine said application, and if said overseer shall find that the person or persons is entitled to relief, and chargeable to the city, town or township where said application is made, or chargeable to the county of Hudson, he shall make an order for the removal of said person to the county almshouse at Snake Hill. Duties of overseer.

2. *And be it enacted*, That it shall be the duty of the overseer of the poor to whom said application is made, to enter the name of the applicant on his register, and the names of all witnesses examined in the case, and to examine the applicant under oath if practicable, and such other person as may be produced, and inquire into the estate and condition of the applicant, and also whether said applicant is chargeable to the city, town or township where said application is made, or whether chargeable to any other city, town or township in the county of Hudson, and if so chargeable, to make an order of removal of said applicant to the county almshouse if chargeable to the county of Hudson, and to remove said applicant to the county almshouse, and if chargeable to any city, town or township outside of the county of Hudson, to make an order of removal and to remove said applicant to said city, town and township, as now required by law. To enter name on register. May examine applicant under oath and ascertain to what city, town or township chargeable. May remove applicant to Alms House

3. *And be it enacted*, That it shall be lawful for the warden of the Hudson county almshouse, or for any member of the board of chosen freeholders, dissatisfied with the order of removal of any overseer of the poor in any city, town or township of said county, to appeal, and it is hereby made the duty of the said warden, or any chosen freeholder, to make said appeal, if he shall believe that said applicant is not properly chargeable to any city, town or township of the said county of Hudson, or not entitled to the benefit of the poor laws of this state; and said appeal shall be made to any judge of the court of common pleas of the county of Hudson, whose duty it shall be to immediately hear and determine said appeal and give judgment according to the right, and if said judge shall decide that said applicant is not entitled to relief he shall make his order accordingly, and such person shall be discharged from the almshouse, or if it shall be found that such person is chargeable to any other city, town or township of this state, then the judge shall make an order of removal to such city, town Appeal by whom and how made.

or township, and the warden of the county almshouse shall make such removal; and upon such hearing it shall be lawful for the judge to subpœna and compel the attendance of witnesses, and the expense of the appeal and removal shall be paid by the county collector of Hudson county, upon the certificate of the judge hearing said appeal, which shall embrace the fees of the subpœnaing and attendance of witnesses, and a reasonable sum for the expense of the removal, and two dollars to the judge for hearing and deciding said appeal.

Judge may subpœna and compel attendance of witnesses.

4. *And be it enacted*, That hereafter the hearing and order of two justices of the peace for the removal and settlement of poor persons in the county of Hudson, shall be abolished and the order of the overseer of the poor or warden of the almshouse, shall be the lawful orders for the removal of poor persons in said county of Hudson.

Hearing and order of two justices of the peace, abolished.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, so far as relates to the county of Hudson; and this act shall be a public act and take effect immediately.

Repealer.

Approved March 19, 1874.

CHAPTER CCXCV.

An act to create the office of Register of Deeds and Mortgages in the County of Hudson, and to provide for the Election of a Register.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be a register of deeds and mortgages in and for the county of Hudson, who shall be elected by the people of the county and shall hold his office for five years; he shall be commissioned by the governor of this state, and his commission shall be issued and bear even date with the commission issued to the county clerk of said county.

Creating the office of Register of deeds. To be elected by people and hold office for five years. Commissioned by Governor.

2. *And be it enacted*, That the first election for such register of deeds and mortgages shall be held at the next an-

First election for

nual election for members of the general assembly, and the same notice of such election shall be given as is by law required to be given of the election of the clerk of the county, and from time to time thereafter shall be elected in the same manner as the clerk of said county is by law now elected. register to be held at next annual election for members of general assembly.

3. *And be it enacted*, That it shall be the duty of the said register of deeds and mortgages to record all deeds, mortgages, assignments of mortgages, letters of attorney to convey lands, and all instruments of writing relating to the title to real estate which now are or may hereafter by law be required to be recorded, and to do and perform all the duties now by law required of the clerk of the court of common pleas of the county pertaining to the recording, registering and indexing of all such deeds, mortgages, assignments of mortgages, letters of attorney to convey lands, and instruments of writing relating to the title to real estate in and for the county of Hudson. Duties of said register.

4. *And be it enacted*, That the said register of deeds and mortgages shall take and subscribe the same oaths, give the same bonds, enjoy the same rights and privileges, receive the same fees, and be subject to the same penalties as now are provided by law in the case of the clerk of the court of common pleas of the county with reference to the discharge of the duties herein devolved upon the said register of deeds and mortgages. To take oath and give bond.

5. *And be it enacted*, That all the laws of this state now in force in the case of the clerk of the common pleas of the county of Hudson shall apply to the said register of deeds and mortgages, so far forth as the same may be applicable to the business and duties of his said office of register of deeds and mortgages, and the record and transcripts therefrom shall have the same force and effect as they now have when made by the clerk of the court of common pleas of the county. Certain laws to apply to the office of register.

6. *And be it enacted*, That all the records of deeds, mortgages, assignments of mortgages, letters of attorney to convey lands, and other instruments of writing relating to the title to real estate, books, papers, indexes, and other things pertaining to the business and duties herein devolved upon the said register of deeds and mortgages which may be in the custody of the clerk of the court of common pleas of the county of Hudson at the close of his present term of office, Certain papers to be placed in custody of register, who shall give receipt for the same.

shall be by him at that time placed in the custody of the said register of deeds and mortgages who shall sign a receipt therefor according to law.

Board of chosen freeholders to provide office, &c.

7. *And be it enacted*, That it shall be the duty of the board of chosen freeholders of the county of Hudson, without unnecessary delay to provide a fit and suitable fire-proof place separate and distinct from the office of the clerk of the court of common pleas of the county in which the said register of deeds and mortgages may keep the records and papers of his office, and to furnish the same with proper book cases and furniture.

County to furnish necessary books and stationery.

8. *And be it enacted*, That all the necessary books and stationery for the business of said office shall be furnished by the county, and shall be the property of the county, and be public records to which all persons shall have access at all reasonable hours.

Vacancy how filled.

9. *And be it enacted*, That in case a vacancy shall occur in said office it shall be filled in the same manner as is now provided for by law in the case of the clerk of the county.

Approved March 19, 1874.

CHAPTER CCXCVI.

An act relating to Union School District No. 1, of Burlington county.

Certain proceedings declared to be null and void.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings of a meeting of the inhabitants of Union School District No. 1, of Burlington county, held in the city of Burlington, on the ninth day of August, Anno Domini eighteen hundred and seventy-three, by virtue of which meeting an extra assessment of five thousand dollars has been levied and made in said school district, be and the same are hereby set aside forever, and shall be deemed and taken to be null, void and of no effect whatever.

Township collector not to col-

2. *And be it enacted*, That it shall not be lawful for the township collector of the township of Burlington to demand

or receive from any person, persons or corporation, any tax which may have been assessed by virtue of the meeting named in the first section of this act. lect certain taxes.

3. *And be it enacted*, That this act shall be considered, adjudged and taken to be a special public act, to be cited and proven in any court and all the courts within this state, and shall be literally and liberally expounded and construed to advance the ends thereof, and shall go into effect as soon as the same shall be accepted by a majority of the legal votes cast at the next annual meeting of the inhabitants thereof, to be held in said school district, upon the question of the reception or rejection of this act; and the school trustees, through and by the medium of their servant, the district clerk, in and for said school district, are hereby required to make all due proper publication (as is by law required to be done for the said annual meeting) of the provisions of this act, and of the intended voting upon the question of the acceptance of this act as aforesaid, and shall provide ballots (to be printed or written, or partly printed and partly written), upon which shall be the words "For five thousand dollars extra taxes for new school-house east of Assiscunk creek," or else the words "Against five thousand dollars extra taxes for new school-house east of the Assiscunk creek," and if a majority of votes upon said question cast be "for" said tax, then it shall be lawful for said township collector to make collection thereof, but if a majority of said votes so cast shall be "against" said tax, then the two first sections of this act shall in themselves take effect immediately. Act declared to be a special public act and not to go into effect until accepted by majority of legal votes cast. School trustees to make publication of this act. Ballots how prepared.

Approved March 19, 1874.

CHAPTER CCXCVII.

An act to prevent animals from running at large in the townships of Willingborough and Westhampton, in the county of Burlington.

What animals not to run at large in public highway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any cattle, horses, mules, (asses,) sheep, goats or swine, to run at large in any public highway in the townships of Willingborough and Westhampton, in the county of Burlington and state of New Jersey.

By whom may be taken to public pound.

2. *And be it enacted*, That it shall be lawful for any person to take or seize, or cause to be taken to the public pound, any animal running at large in any public highway, and opposite the land owned or occupied by him, or trespassing upon the premises owned or occupied by him.

Person taking animal to pound to notify justice, overseer or surveyor of highways.

3. *And be it enacted*, That whenever any such person shall seize and take, or cause to be taken to the public pound, any animals under the authority of preceding section, it shall be the duty of such person to give immediate notice thereof to a justice of the peace or an overseer or surveyor of the highways of the township wherein such animal is impounded, and such justice of the peace, overseer or surveyor of the highways shall thereupon give notice to the owner, if known, if not known by affixing the same in three public and conspicuous places, that such animal or animals will be sold at public auction, not less than five nor more than ten days from the time of affixing such notice, to be specified in such notice; the same justice of the peace, overseer, or surveyor of the highways, shall proceed to sell the said animal or animals for cash, and out of the proceeds thereof shall in the first place retain the following fees and charges for his services in giving said notice and making said sale, viz: for every horse, mule, cow, calf, or other cattle one dollar; for every sheep, goat or swine fifty cents; and shall then pay to the person who shall have seized, or caused to

Duties of justice, overseer or surveyor.

May sell after having given five days' notice.

Fees for services.

be seized the said animal or animals, the sums following, that is to say, for every horse, mule, cow, calf, or other cattle so seized or sold, one dollar; for every sheep, goat or swine fifty cents, together with the reasonable allowances to the poundkeeper, to be estimated by such justice of the peace, overseer or suryeyor of the highways for the care and keeping of such animal or animals from the time of seizure; if there shall be any surplus money arising from such sale, the said justice, overseer or surveyor shall pay the same to the owner or owners of said animals upon satisfactory proof of such ownership; and if the owner or owners shall not appear or demand such surplus moneys within sixty days after such sale has been made, he or they shall be forever precluded from recovering any part of such moneys, and the same shall be paid to the treasurer of the township where such sale has been made for the use of such township, and his receipts therefor shall be a legal discharge to such justice, overseer or surveyor.

Surplus money to be returned to owner.

If not demanded in sixty days, owner precluded and the same to be paid to township treasurer.

4. *And be it enacted*, That any owner of any animals which shall have been seized under and pursuant to the foregoing provisions, may at any time before the sale thereof demand and recover possession of such animals upon the payment of the several sums hereinbefore required to be paid to said justice, overseer, surveyor and poundkeeper.

Owner may recover possession before sale upon payment of fees.

5. *And be it enacted*, That this act shall not apply to animals in droves passing through the highways of either of said townships to their places of destination and accompanied by herdsmen.

This act not to apply to droves.

6. *And be it enacted*, That if there be no public pound designated, or a poundkeeper appointed by the township, it shall be lawful for the person who has seized the animal or animals running at large to detain the same on his premises or other convenient place, and the justice, overseer or surveyor after receiving due notice shall use the said premises as if they were the public pound.

If there is no pound, person seizing animals may dedicate portion of his premises as pound.

7. *And be it enacted*, That it shall be the duty of the clerks of the townships of Willingborough and Westhampton to promulgate this act immediately after its passage in at least ten conspicuous places.

Clerks to promulgate act in ten conspicuous places.

8. *And be it enacted*, That this act shall take effect in thirty days after its passage.

To take effect in thirty days.

9. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed.

Repealer.

Approved March 19, 1874.

CHAPTER CCXCVIII.

An act for the relief of the city of Plainfield.

When proceedings have been set aside by reason of informality, may be reinstituted by common council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever by reason of any informality or illegality in any proceedings of the common council of the city of Plainfield, or of the commissioners of assessments, surveyor, or other agent of the common council or officers of the city, in laying out, opening, altering, widening, or closing streets, avenues, or public squares, or in grading, altering the grade, paving, curbing, guttering, and flagging the sidewalks of any street or avenue, or constructing any sewer or drain, any assessment shall be set aside by judicial authority, it shall be lawful for the common council to reinstitute the proceedings set aside upon the same basis upon which the original proceedings were based, or otherwise if they shall see fit so to do and lawfully proceed therein, the same as though the former proceedings had not been had, or the said common council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed, and whenever the common council shall discover that any such proceedings are liable to be set aside by judicial authority, they may reinstitute said proceedings from the point where such informality or illegality commences, and no assessment shall be deemed invalid in consequence thereof, but no writ of certiorari shall be allowed or issue to remove any assessment made upon the owner or owners of land and real estate for any work or improvement made or to be made, unless the same be applied for within six months after the confirmation of such assessment by the common council of said city, and this section shall apply as well to all proceedings heretofore set aside by judicial authority by reason of any informality or illegality as to those which may hereafter be so set aside.

When proceedings are liable to be set aside by judicial authority, may be reinstituted from point where illegality commences

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCC.

An act to provide for the more efficient government of the City of Trenton.

TITLE I.

OF THE CORPORATION AND THE CIVIL DIVISIONS OF THE CITY.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that district of country in the county of Mercer, contained within the boundary lines of the city of Trenton, as now established by law, and hereby established, shall be a city, by the name of "The City of Trenton;" and all the inhabitants of this state within the limits aforesaid, and their successors forever, shall be a body politic and corporate, in law and in fact, by the name of "The Inhabitants of the City of Trenton," and that by that name they and their successors forever shall have perpetual succession, and shall be persons in law, capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and that they and their successors may have a common seal, and alter the same at their pleasure; and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation; and that the said "The Inhabitants of the City of Trenton," and their successors, shall by this act become, and they are hereby declared to be absolutely and completely vested with, and possess and enjoy all the lands, tenements, hereditaments, liberties, franchises and jurisdiction, property, rights, causes of action and estate whatsoever, both in law and in equity, in possession, reversion and remainder, which at the time of the passing of this act are vested in or belong to the city of Trenton, as now incorporated, by the name of "The Inhabitants of the City of Trenton," in the same manner, and to the same extent, as they are vested

Style of incorporation

Powers.

Rights of former corporation vested in present.

Liability for debts.

in or belong to the said "The Inhabitants of the City of Trenton, as now incorporated, and shall be liable to pay all just debts incurred or owing by said corporation.

2. *And be it enacted*, That the city of Trenton shall be divided into seven wards, the boundaries of which shall be as follows:

DESCRIPTION OF BOUNDARIES OF THE WARDS IN THE CITY OF TRENTON.

Boundaries of First Ward.

First Ward—All that part of the said city bounded as follows: beginning at a point in the middle of the Assanpink creek, at the intersection of the centre line of Warren street; thence northerly along the centre of Warren street, until it intersects the center of Hanover street; thence easterly along the centre of Hanover street to the centre of the Delaware and Raritan canal; thence northerly along the middle of said canal to the centre of Perry street; thence easterly through the middle of Perry street to the middle of Clinton street; thence northeast along the middle of Clinton street to the centre of bridge over the Belvidere Delaware railroad; thence easterly along centre line of said railroad to the centre of the Assanpink creek; thence down the middle of the Assanpink creek to the place of beginning, shall constitute the first ward of said city.

Second Ward.

Second ward—All that part of the city bounded as follows: beginning at the intersection of Assanpink creek and centre of Warren street; thence down the centre of Assanpink creek to the middle of channel of the Delaware river; thence up the centre of channel of the Delaware river to a point opposite the corner of lands of Thomas Cadwallader, junior, and A. J. C. Atterbury; thence to said corner; thence northerly by the line between their lands to the centre of the feeder of the Delaware and Raritan canal; thence down the centre of said feeder to the middle of Warren street; thence southerly along the middle of Warren street to the place of beginning, shall constitute the second ward of said city.

Third Ward

Third Ward—All that part of the city bounded as follows: beginning at a point in the centre of the Assanpink creek and centre of Warren street; thence up the centre of said creek to the middle of the Delaware and Raritan canal; thence southerly, following the middle of said canal, until it

intersects the centre line of Cass street; thence westerly along the centre of Cass street to the centre of Lamberton street; thence northerly along the centre of Lamberton street to the place of beginning, shall constitute the third ward of said city.

Fourth Ward. Fourth Ward—All that part of the city bounded as follows: beginning at a point in the centre of the Assanpink creek, at the intersection of the centre of Warren street, and runs southerly along the centre of Warren street to Lamberton street; thence following the centre of Lamberton street to the centre of Cass street; thence westerly along the centre of Cass street to the east bank of the Delaware river; thence continuing the same course to the middle of the channel of the Delaware river; thence up the middle of said channel to a point directly west from the centre of Assanpink creek, at crossing of water power; thence easterly up the centre of Assanpink creek to the place of beginning, shall constitute the fourth ward of said city.

Fifth Ward. Fifth Ward—All that part of the city bounded as follows: beginning at the intersection of the centre of the feeder of the Delaware and Raritan canal and Warren street; thence in a northeast direction, following the centre line of said feeder to the boundary line of Lawrence township; thence in a southeast direction, along the line of Lawrence township, and through the centre of a street called Centre street, to the middle of the Assanpink creek; thence down the creek to the centre line of the Belvidere Delaware railroad; thence in a northwest direction, following the centre line of said railroad to the centre of Clinton street; thence following the centre of Clinton street to the centre of Perry street; thence following the centre of Perry street to the Delaware and Raritan canal; thence south, following the centre of said canal till it intersects the centre line of Hanover street produced; thence westerly through the centre of Hanover street to the centre of Warren street; thence northerly through the centre of Warren street to the place of beginning, shall constitute the fifth ward of said city.

Sixth Ward. Sixth Ward—All that part of the city bounded as follows; beginning in the centre of the Delaware and Raritan canal, at its intersection with the centre line of Cass street, and runs first south, along the centre of said canal to a point in line with the southerly boundary of Riverview cemetery; thence westerly along the south line of said cemetery to the

centre of channel of the Delaware river; thence up the centre of said channel to a point opposite the centre of Cass street; thence easterly through the centre of Cass street to the place of beginning, shall constitute the sixth ward of said city.

Seventh Ward.

Seventh Ward—All that part of the city bounded as follows: beginning in the centre of the feeder of the Delaware and Raritan canal, at a point where it intersects the line between lands of Thomas Cadwallader and E. J. C. Atterbury, and runs first north twenty-one and a half degrees, east along the line between the lands of said Cadwallader and Atterbury to the line of Ewing township; thence in a southeast direction, following said township line, to the centre of Delaware and Raritan canal; thence following the centre of said canal and feeder to the place of beginning, shall constitute the seventh ward of the said city.

Election districts may be made and election officers for each district appointed.

Whenever any ward shall poll over eight hundred votes at any election, the common council may, by ordinance, divide the same into two election districts, making the said districts as nearly equal in respect to voters as possible; and a judge and inspectors of election, and a ward clerk may be thereafter elected within and for each of said districts; whenever any such division shall be made, it shall be the duty of the council at the time of making the same, to appoint an additional judge of election, two inspectors of election, and one ward clerk for said ward, who shall serve until their successors are elected; the officers so appointed shall perform their duties within the election district within which they shall severally reside; and in making such appointment, council shall have reference not only to the residence of the officers so appointed, but to the residence of the like officers already elected for said ward; the said inspectors so appointed shall not both belong to the same political party.

Not to be of same political party

TITLE II.

OF ELECTIONS AND THE SELECTIONS, DUTIES AND OBLIGATIONS OF CITY AND WARD OFFICERS.

Mayor.

3. *And be it enacted*, That the mayor shall be the chief executive officer of the city, and shall possess the powers and privileges and perform the duties which are hereinafter

specified; he shall be elected for the term of one year; the first election, which shall be by ballot, shall be held on the same day as for the election of other city officers as herein provided, and his term of office shall commence on the third Monday of April next ensuing said election; he shall receive an annual salary of eight hundred dollars, and he shall receive no fees or other compensation whatever. Term one year. When to commence. Salary.

4. *And be it enacted*, That the common council of said city shall consist of three members in and for each of the wards of said city, who shall be divided in three classes as heretofore, and each of the wards of the said city shall at the annual city election, elect one person as a member of the common council for said ward, who shall hold such office for the term of three years. Council, what to consist of and how elected.

5. *And be it enacted*, That the board of trustees of public schools of said city, shall consist of two trustees in and for each of the wards of said city, who shall be divided into classes as heretofore; and each of the wards of the city shall at the annual city election elect one person as a trustee of public schools, who shall hold such office for the term of two years. School trustees how many, and term.

6. *And be it enacted*, That an election by ballot shall be held annually on the second Monday in April in each of the wards and election districts in said city, between the hours of seven o'clock in the morning and seven o'clock in the afternoon, at such places as the common council shall appoint, of which places the city clerk shall give notice at least one week before the day of election, in two daily newspapers published in said city; at which election there shall be elected in and for said city, one school superintendent, who shall hold his office for one year and until his successor shall be elected and qualified; and in each and for each of the wards of said city one member of the common council, who shall hold his office for three years; one trustee of public schools, who shall hold his office for two years; two constables, and one commissioner of appeals in cases of taxation, who shall hold their offices respectively for one year; and there shall also be elected in and for said city, at the city election in every second year, one person to be receiver of taxes of said city, who shall hold his office for the term of two years; and in and for each ward and election district there shall be chosen at such annual election one judge and two inspectors of election and one ward or dis- Election where to be held and what officers to be elected.

trict clerk, who shall hold their offices one year; but should any ballot contain the names of more than one person for inspector of election, such ballot shall not be counted with respect to such office; justices of the peace shall be elected in the several wards of said city as prescribed by law for their election in the townships of this state; at the first municipal election held in said city after the passage of this act, there shall be elected, in the same manner as other city officers voted for by the people are elected, two persons to serve as members of the board of city assessors; no elector shall vote for more than one such assessor at such municipal election; but in case any ballot shall contain the names of more than one person for such office, such ballot shall not be wholly rejected, but only so much thereof as relates to such assessors; and the two persons receiving the highest number of votes shall be declared elected members of the board of city assessors; who shall hold their offices for three years from the third Monday in April next succeeding their election, and until their successors are chosen; their successors shall be chosen at the municipal election held in every third year thereafter, but no elector shall vote for more than one assessor, and no ballot containing the name of more than one person for assessor shall be counted as to that office, and the two persons receiving the highest number of votes for such office, shall be declared elected; one chosen freeholder shall be elected in and for each of the wards of the said city, and they shall hold their offices for the terms prescribed by the act entitled "An act fixing the salary of the county collector and the term of office of the chosen freeholders of the county of Mercer, approved April fourth, one thousand eight hundred and seventy-three."

Assessors how many and how to be voted for

Term of office.

No person to vote for more than one assessor.

Chosen freeholders term of office.

Elections how and by whom conducted.

7. *And be it enacted*, That the aforesaid annual city election in each ward and election district shall be held and conducted by the judge, inspectors of election and clerk of election, in the same manner and under the same regulations, in all things, as prescribed by law for the state election for members of the legislature, except as hereinafter provided.

Who may vote.

8. *And be it enacted*, That every person who would be entitled to vote by the existing laws of this state, at an election for members of the legislature, if held on that day, and who is at the time an actual resident of the ward or election district in which he offers his vote, shall be entitled

to vote therein, but not elsewhere, for all or any of the officers to be chosen at such election.

Votes how canvassed.

9. *And be it enacted*, That immediately after closing the polls at every city election, the board of election in each ward shall count the votes given for the several candidates and make a certificate thereof under their hands, and on the second day after said election the judges of election in each ward shall deliver the same to the city clerk; the said judges shall constitute a board of canvassers of said election, and shall meet at the city clerk's office at two o'clock in the afternoon of said day, and a major part of said judges being present shall proceed to make a statement of the result of said election as shown by said certificates, which shall be signed by said board and attested by the city clerk, who shall be the clerk of said board, and the persons having the greatest number of votes shall be declared elected to the offices for which they shall have been voted for respectively; and the city clerk shall file the original certificates from the wards in his office and lay the statement made by the board of canvassers before the common council at their first meeting thereafter, and the same shall be by them filed in said clerk's office; and the said clerk shall immediately send a notice of his election to each of the persons so elected, and if at any election for officers, authorized by this act, any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, such office shall be deemed to be vacant, and shall be filled as hereinafter directed.

Statement to be made who to be declared elected.

Clerk to notify person elected.

In case of a tie office deemed vacant.

Who eligible to office.

10. *And be it enacted*, That no person shall be eligible to any office at any such election unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward unless he shall then be an elector and resident of said ward; and when any officer elected at any such election shall cease to reside in said city, or, if elected for any ward, shall cease to reside in such ward, his office shall thereby become vacant.

Vacancy occasioned by removal from city or ward.

When terms of office to commence.

11. *And be it enacted*, That the term of office of the chosen freeholders and justices of the peace of the several wards of said city shall commence at the time or times provided by law, and the term of office of all other officers elected at the annual city election as herein provided, shall commence on the third Monday in April of each year.

Vacancies in office of Mayor or council, how filled.

12. *And be it enacted*, That whenever a vacancy shall occur in the office of mayor, or member of the common council, by refusal or neglect of such officer to take the oath of office within the time required by law, by his death, resignation, ceasing to be an inhabitant of the city or ward for which he shall have been elected, or by any other cause, the common council of said city may appoint a special election, to be held in the several wards of said city, or in the ward in which such vacancy shall have occurred, to supply such vacancy, of which special election the same notice shall be given as is required by this act to be given of the annual city election of said city, and such special election shall be conducted and the result be determined and certified in the manner prescribed in this act of conducting and determining the result of the annual election in the said city for the same office.

Certain vacancies to be filled at annual election.

13. *And be it enacted*, That if at any annual city election in said city, there shall be one or more vacancies to be supplied in any office at the same time any person is to be elected for the full term of said office, the term for which each person voted for for said office is intended, shall be designated on the ballot; and if any person who shall be elected to any office at the annual city election shall not qualify according to law for the space of twenty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices, shall not qualify according to law, for the space of twenty days after such election or appointment, his office shall be deemed vacant.

All officers to qualify in twenty days.

Council may fill all vacancies for unexpired term except Mayor, Council or Justice.

14. *And be it enacted*, That in case of death, resignation, inability, disqualification, removal from office, neglect or refusal to act, or removal out of the city or ward of any of the officers thereof, or any vacancy in any office (except mayor, councilman or justices of the peace) it shall be lawful for the common council to appoint others in their stead until the next city election, or in the case of appointed officers, until the regular period for appointment, who shall during the said time perform the like services, be entitled to the same fees, and be subject to the same responsibilities, as though elected at the annual election, or appointed at the regular time; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter.

Resignations to be sent to Mayor.

15. *And be it enacted*, That all elections hereafter to be held in the said city for officers of the county of Mercer, and for members of congress and electors of president and vice president of the United States, or for any officer or officers of the state or general governments, shall be held in the several wards and election districts in said city, at the places therein appointed by the common council for holding the city elections on the day or days which now or hereafter may be designated for holding such elections; the polls shall be opened and closed at the hours prescribed by the laws of this state; and the judges and inspectors in the several wards and election districts shall preside at and conduct all such elections; and the clerks of the said wards and election districts shall be clerks of such elections in their respective wards and election districts; every person in said city entitled to vote at such election, shall vote in the ward or election district wherein he actually resides at the time of such election, and not elsewhere; and such elections shall be conducted according to the laws of this state regulating elections. State and U. S. elections how conducted.

16. *And be it enacted*, That the said judges and inspectors of election shall take the same oaths, and conduct such elections, and make returns thereof, except as hereinbefore provided, in reference to the annual city election, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of elections at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerks of the said wards and election districts respectively, shall procure election boxes for the use of their wards and election districts, in such manner and of such description as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and keeping them in repair. Election officers to take oath. Their powers and pay. Vacancies how filled. Clerk to procure ballot boxes.

17. *And be it enacted*, That the common council at the

Officers to be elected by council third Monday in April.

regular meeting on the third Monday in April, or as soon thereafter as circumstances will permit, shall by the votes of a majority of all its members, appoint a city clerk, one member of the board of city assessors, a city treasurer, a city solicitor, a city marshall, a city surveyor, an overseer of the poor, a street commissioner, a sealer of weights and measures, keepers of the public pounds, two police justices, and shall at the same time elect by ballot two persons to act as city physicians; should any ballot contain the name of more than one person for city physician, such ballot shall not be counted; the two persons receiving the highest number of votes shall be declared elected; and shall from time to time appoint such other subordinate officers as the common council deem necessary for the ordering and governing of the city and the execution of the powers and duties conferred and imposed upon the corporation by this act; the officers above named shall hold their several offices for one year, unless sooner removed, and until their successors shall be appointed and qualified; the police justices shall be elected by ballot; should any ballot contain the name of more than one person for police justice, such ballot shall not be counted; the two persons receiving the highest number of votes shall be declared elected.

No ballot to contain the name of more than one physician.

To hold office one year.

Police justices how appointed.

All officers to be sworn or affirmed.

18. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, shall before he enters 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 affirmations shall be filed by the city clerk in his office; the city treasurer, superintendent of schools, receiver of taxes, constables, and such other officers as the common council may require, shall also before entering upon their duties, each give bond to the city, in its corporate name, in such sum and with such sureties as the common council may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices; and if at any time the common council shall deem the sureties of any other officer insufficient hey shall require him to give additional security.

What officers to give bond.

Additional security may be required.

City and ward officers how may be removed.

19. *And be it enacted*, That any city or ward officers, except members of the board of city assessors, may be removed from office by resolution of the common council for malfeasance, non-feasance, disability, or other good cause shown upon complaint in writing to the common council setting forth such cause, and supported by one or more affidavits of the truth of the facts therein alleged; *provided*, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members of the common council shall vote for such removal; *and provided further*, that police officers may be removed in such manner as shall be prescribed by ordinance of common council; any members of said board of assessors may be removed from office for good cause shown, on the recommendation of the finance committee of the common council, and by a two-thirds vote of all the members of the council; vacancies occurring in such office shall be filled for the unexpired term by the common council.

May be heard in their defense.

Two-thirds vote required.

Police how removed.

City assessors how removed and vacancy filled.

TITLE III.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Council to elect President, appoint meetings, &c.

20. *And be it enacted*, That the common council shall annually elect a president from its own body, and in his absence a president pro tempore, choose officers, appoint its times and places of meeting, determine the rules of its own proceedings, be the sole judge of the election returns and qualifications of its own members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct, or a violation of its rules; but no expulsion shall take place except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceedings, and an opportunity to be heard in his defence; and the first meeting of the common council after the annual election shall be held on the third Monday in April of every year.

Keep a journal.

Expel members.

First meeting.

City Clerk, duties, &c.

21. *And be it enacted*, That the city clerk shall be the clerk of common council; he shall keep accurate minutes of the proceedings of the common council, and shall perform such other duties as may be prescribed for him.

Majority constitute

22. *And be it enacted*, That a majority of the whole num-

quorum. ber of members of the common council shall constitute a quorum for the transaction of business; but a smaller number may adjourn from time to time, and compel the attendance of absent members; the president of the common council shall be authorized to call special meetings of the common council when the public good shall, in his opinion, render it necessary; and on the request of three members of the common council, in writing, addressed to the president, it shall be his duty, or, in his absence, it shall be the duty of the city clerk to call a special meeting.

Special meeting how called.

Ordinances how passed and repealed.

23. *And be it enacted*, That no ordinance shall be passed or repealed by the common council, except with the concurrence of a majority of all the members of the common 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, and no ordinance shall be finally passed until a subsequent meeting to that at which it may be introduced, but each and every ordinance so passed as aforesaid, shall be published for five days in two or more of the daily newspapers printed and published in said city, before the same shall take effect; *and provided*, that whenever the common council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinances in a newspaper; every ordinance passed by the common council, and every resolution ordering the payment of money, shall, before it takes effect, be presented, duly certified by the city clerk, to the mayor, who, if he approves the same, shall sign it, and if he do not approve it, shall return it with his objections to the clerk within five days after the presenting thereof, and if he do not return it, with such objections within the time above specified, it shall take effect as if approved by him; whenever any ordinance shall have been returned with objections as aforesaid to the common council, the said council shall at its first meeting thereafter order the objections to be entered at large on its journal, and shall proceed to reconsider the same, and if, on reconsideration, it shall pass the council by a vote of all the members required to pass it originally, it shall take effect; in all such cases the votes shall be taken by ayes and nays, and entered in full on the journal of said council; the publication of all ordinances as herein required shall in all cases be presumed to have been made

To be published before taking effect.

Revised ordinances, not to be published.

Mayor's approval required.

Veto when to be sent in.

To be entered on journal.

May be passed over objections.

Publication to be presumed.

until the contrary shall be proved; the publication of private ordinances shall in all cases be procured to be done and the expense thereof borne by the person benefitted thereby or applying therefor. Private ordinances by whom published.

24. *And be it enacted*, That the enacting clause of all ordinances shall be "The Inhabitants of the City of Trenton do Ordain." Enacting clause.

25. *And be it enacted*, That the common council shall have power within the said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes: What may be done by ordinance rule, &c.

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 for any current year, not exceeding in amount fifty thousand dollars, and for payment for any public improvement, not exceeding the amount of the specific assessment for such improvement. To regulate finances and borrow money.

II. To prevent vice, drunkenness and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages. To prevent vice, and preserve good order.

III. To restrain and suppress disorderly and gaming houses and houses of ill-fame, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices. Gaming and disorderly houses.

IV. To license and regulate restaurants, victualling houses or cellars, ale and lager beer saloons, or gardens, billiard tables and bowling alleys, and to prohibit the keeping the same, except by persons duly licensed. License and regulate restaurants, beer saloons, &c.

V. To prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money, and fix the sums to be paid for such licenses to the city treasurer. Exhibitions

VI. To ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said city, and prevent and remove all encroachments upon said streets, avenues, highways, lanes and alleys. Encroachments on streets.

VII. To regulate, clean, and keep in repair, the streets, highways, avenues, lanes and alleys, bridges, wharves and docks in said city, and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, watercourses, wharves or docks, in any manner whatever, to pre- To regulate and repair streets.

And the use by corporations in laying pipes.

scribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, or alley in said city, or in digging up any street, avenue, highway or alley for the purpose of laying down pipes or any other purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate, to direct and regulate the planting, rearing, trimming, and preserving of ornamental shade trees in the streets, avenues, parks and grounds of the city, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice, or dirt from the sidewalks and gutters, by the owners or occupants of the premises fronting thereon.

Preserve shade trees,

and enforce removal of snow and ice.

To improve streets and sidewalks by paving, &c.

To lay sewers or drains, and to assess expenses and how collected.

VIII. To open streets, to widen, level, grade, flag or reflag, curb or recurb, gutter or regutter, pave or repave, or gravel the sidewalks and gutters, to lay drains or construct sewers in any street, avenue, highway or section thereof, to prescribe the manner in which any such work shall be performed, and the mode in which the expense thereof shall be ascertained, and to cause such expense, or any portion thereof, to be assessed in just and equitable proportion on the property, whether improved or unimproved, receiving benefit from such improvement, and to determine the time and manner in which such assessments shall be collected.

To excavate or fill up dangerous ground, or to effectuate improvements expenses how assessed and collected.

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 the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected.

Regulate steps, bay windows, &c.

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 or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises.

To remove those already erected.

Fast driving.

XI. To prevent and punish horse racing and immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of im-

moderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through said city, and designate the crossings at which any railroad company shall be required, by the common council, to station flagmen or signals to warn travelers of the approach of locomotive engines or railroad cars. Locomotives. Flagmen.

XII. To prohibit the driving any drove or droves of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times. Driving cattle on Sunday.

XIII. To regulate, protect and improve the parks, public burial grounds and other public grounds in said city. Burial grounds.

XIV. To provide lamps and gas fixtures, and to light the streets, parks and public places of every description in said city. Lights.

XV. To make and regulate wells, pumps, acqeducts and cisterns in the public streets. Pumps.

XVI. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding and sale. Pounds.

XVII. To regulatate 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 and tax thereon

XVIII. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without license. Markets and licenses butchers and fish and fruit dealers.

XIX. To prescribe and regulate the places of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles. Hay and wood.

XX. To regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said city. Practices to frighten animals.

XXI. To restrain and punish drunkards, vagrants, mendicants and street beggars. Drunkards and mendicants.

XXII. To establish a board of health, define its powers and duties and provide for the protection and maintenance of the health of the city. Board of Health.

XXIII. To prescribe the manner in which all contracts Contracts.

for performing work or furnishing materials for the city shall be made and executed.

To abate nuisances.

XXIV. 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 or 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.

Burial of the dead.

Bills of mortality.

XXV. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, 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 said city as the health, quiet and good order of the city may, in their opinion, require.

To license cartmen, peddlers, and scavengers.

XXVI. To license and regulate cartmen, porters, hack, cab, omnibus, milk wagon, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandize, goods or articles of any kind, auctioneers, common criers, hawkers, pedlers, pawn-brokers, junk shopkeepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities.

Crying of goods in streets.

XXVII. 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.

Bathing in public waters.

XXVIII. To regulate or prohibit swimming or bathing in the waters of or bounding the city.

Weights and measures.

City Sealer.

XXIX. 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.

To regulate police.

XXX. To establish, regulate, and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation.

Fire department and apparatus.

XXXI. 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 their 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.

XXXII. To regulate and control the manner of building dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, stable or other building of wood or other combustible material, to regulate the construction of chimneys and compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such a 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 authorize any city officer or person or persons whom they may designate for that purpose to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so, to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires, to regulate or prohibit the manufacture, sale or use of fire-works and the use of fire-arms in said city, to regulate or prohibit the keeping or conveying gunpowder, camphene, spirit-gas, petroleum and other dangerous material, 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 cause may become dangerous to human life or health or tend to extend a conflagration, to require all such further or other acts to be done, and to regulate and prohibit the doing all such further or other acts as they may deem proper to prevent their occurrence and provide for the extinguishment of fires in said city.

To regulate buildings, prohibit wooden structures.

Chimneys and sweeping.

Furnaces and ashes.

To regulate dangerous manufacturers; fire works, guns, gunpowder, petroleum.

Candles or lights in stables.

To demolish dangerous buildings.

To prevent fires and provide for their extinguishment.

XXXIII. To adopt all legal and requsite measures for levying and collecting all taxes, fines, penalties and all assessments for public improvements.

To collect taxes and assessment

XXXIV. To prescribe and define the duties of city and ward officers when not otherwise prescribed by law, and their compensation and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge

To define duties of officer.

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of their duties, and the time for executing the same in cases not otherwise provided by law.

To fix compensation of officers.

XXXV. To fix and determine a reasonable compensation to be paid to any officer of said city or other person employed by them for any service required of him by this act or by any ordinance or resolution passed by them for which no specific fee or compensation is provided to be paid by the person or persons for whom such service shall be performed.

To authorize water mains to be laid and cost how collected.

XXXVI. To regulate the laying of the water mains by the water commissioners through the streets of the city, and to direct their extension throughout the entire city, and to authorize the water commissioners to tax all lots on the streets where such pipes are laid in an equitable and just ratio for the expense of laying such mains in front of such lots whenever a majority of the owners of lots fronting on any street petition for the laying of such pipe in such street, but in no case shall the tax herein authorized to be laid by said water commissioners exceed the cost of providing and laying a four inch main; and to prescribe by ordinance the manner in which water bills shall be credited to the persons paying such tax, until the whole amount of tax so paid shall be refunded by such credit.

General powers.

26. *And be it enacted*, That the common council shall have power to make and establish such other ordinances, rules, regulations and 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 and 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 said city and its inhabitants, and the same to alter, amend and repeal.

Council may prescribe penalties for violations of ordinances.

27. *And be it enacted*, That in all cases where by the provisions of this act the common council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof either by imprisonment in the county jail not exceeding ten days, or by a fine not exceeding one hundred dollars; the book of record of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded

therein; *and further*, the volume of ordinances and by-laws printed and published by authority of the common council, shall in like manner be taken and received as evidence of the ordinances and by-laws of the said common council, and the publication of the said ordinances and by-laws in the public newspapers, according to law, shall in all cases be presumed to have been made, until the contrary be proved. Book of ordinances made evidence. Publication of ordinances presumed.

28. *And be it enacted*, That the common council shall have power to build and maintain a city hall, and such other buildings as they may deem necessary for the accommodation of the city officers, and the day and night police of the said city. Authority to erect public buildings.

29. *And be it enacted*, That the common council shall have power to build, establish, keep and maintain one or more workhouse or workhouses, and one or more almshouse or almshouses for the relief of the poor; and the said common council shall have power, by their ordinance, to regulate the said house or houses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; and the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said city, shall be under the government, management and direction of the said common council and of the overseer of the poor, and such other officers as they shall for that purpose constitute and appoint; and the overseer of the poor shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act. Work and Alms Houses. Money for poor. Powers of overseers.

30. *And be it enacted*, That the sole and exclusive power to grant licenses to persons to keep inns and taverns within said city, shall be vested in the common council, on such terms and under such limitations, regulations and restrictions as the said common council shall by their ordinance impose. Council has exclusive power to grant licenses for taverns.

31. *And be it enacted*, That the common council shall have power to borrow money from time to time for all purposes for which they are authorized to raise money by tax by this act, and to secure the payment thereof by bond or other instrument, under the common seal of the city, and the signature of the mayor and treasurer, to provide, by tax, for the payment thereof; *provided*, that all such loans shall be authorized by an ordinance of said common council, which Council may borrow money. Issue bonds when and how to be paid. Proviso.

ordinance shall distinctly specify and provide the object or objects for which said loan is authorized, the ways and the means, exclusive of loans, to pay the principal of such loans within ten years from the time of the contracting of the debt, and also the interest of such loan annually, which ordinance shall be irrepealable until such debt be paid; and said bonds or other instruments shall not be disposed of at less than their par value; *and provided further*, that the total of said bonds or other instruments outstanding and unpaid at any one time, shall not exceed the sum of fifty thousand dollars; and that nothing herein contained shall be considered as affecting the power of the common council to borrow money for the purposes of the Trenton water works, as now authorized by law, or for the purposes set forth in sub-division one of section twenty-five of this act.

Proviso.

TITLE IV.

OF THE POWERS AND DUTIES OF CITY OFFICERS AND THE ENFORCEMENT OF THE ORDINANCES.

Mayor to recommend certain measures.

32. *And be it enacted*, That the mayor shall have the power, and it shall be his duty to recommend to the common council 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 the city, to cause the laws and ordinances to be duly 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 common council, and generally to perform all such duties as may be required of him by law or the ordinances of said city; he may, under the direction of the common council, offer rewards for the detection or apprehension of the perpetrator of any offences against the city ordinances, or of any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal.

To keep the seal, enforce the laws and supervise officers.

When to offer rewards.

Mayor to have powers of police justice.

33. *And be it enacted*, That the mayor is hereby invested with all the powers and duties which any police justice of the city is now or may hereafter be invested with, and for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, shall have control of the marshals,

constables, watchmen and other police force of said city, and the power to call upon the citizens for aid in all such cases, and when he shall deem it proper to call out the militia of said city, and employ the same in quelling any insurrection, riot or disturbances of the peace, and on parades and 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 common council shall provide for their compensation.

When to call out citizens and militia.

May appoint special policemen.

34. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented, by absence from the city, sickness, or other cause, from attending to the duties of his office, the president of the common council, or if he be absent or disabled, the president to be elected pro tempore, shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office caused by the absence or disability of the mayor.

President of council when to act as mayor.

35. *And be it enacted*, That the chosen freeholders, commissioners of appeal in cases of taxation, school superintendent, overseer of the poor, constables and city clerk, elected or appointed 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 that the receiver of taxes shall possess the powers 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; the judge and inspectors of elections of each of the wards and election districts of said city; shall respectively possess the powers and perform the duties of the like officers of any township of this state, to the same extent, and in the same manner in all respects, as if each of the wards and election districts of said city was constituted a separate township of the county of Mercer, so far as such powers and duties shall be consistent with the provisions of this act.

Powers of certain officers.

Receiver of taxes.

Election officers.

36. *And be it enacted*, That the receiver of taxes shall have the power to appoint, with the consent of the common council, one or more deputies, who shall have power to do all and every act or acts which it may be lawful for the said receiver of taxes to do, and every warrant directed to him

Receiver of taxes may appoint a deputy.

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 receiver of taxes; the said deputy or deputies to give such security for the faithful performance of their respective offices as the common council shall direct.

Who shall give security.

Duties of Receiver of taxes, and place of office.

37. *And be it enacted*, That the office of the said receiver of taxes shall be kept in the city hall in said city, and he, or such deputy as he shall appoint, shall sit at such times and places in said city, for the receipt of taxes, as the common council shall direct; and it shall be the special duty of the said receiver of taxes to receive all taxes which may be paid, and preserve in his office the duplicate assessment books, which shall from time to time be delivered to him by the board of city assessors as prescribed by this act.

Receiver to keep books.

38. *And be it enacted*, That the said receiver of taxes shall enter in suitable books to be kept for that purpose, the sums received by him for taxes respectively, and the ward for which received, with the names of the persons on whose account the same shall be paid on each day, and shall at least twice in each week, furnish to the treasurer a detailed statement of such sums, designating the amounts received, and from which ward, and shall also at the same time pay over to the said treasurer the amount so received, and shall also pay over to the treasurer once in each week the sums collected on any warrant to him directed; he shall thereupon receive from the said treasurer a voucher for the payment of such sum or sums, which he shall file in the office of the city clerk, to be presented to the common council.

When to report to treasurer.

Treasurer to give receipts.

Duties of treasurer.

39. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct, and shall perform such other duties appertaining to his office, as may be required of him by law, or by any ordinance or resolution of the common council; the said 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 shall lay the same before the common council at their next meeting; and if upon examination it shall be found correct, it shall be filed in the office of the city clerk; and it shall be the duty of the said

To make annual statement and how to publish the same.

treasurer to cause a statement of the moneys received by tax, loan or otherwise, and of the expenditure of the same, to be published in one or more newspapers printed and published in said city, at least ten days before the annual city election; the fiscal year shall commence on the first day of March, in each and every year. Fiscal year.

40. *And be it enacted*, That, the city clerk shall keep all the records, books, papers and documents of the city, countersign all licenses signed by the mayor, and keep the record of the proceedings of the common council, he shall engross all the ordinances of the common 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 such ordinances shall be signed in said book by the president or president pro tempore of the common council, and said clerk; 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 common 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; he shall also receive and pay over to the treasurer all money which by any law, ordinance or usage, are paid to the city clerk. Duties of City Clerk. Ordinances how recorded. Copies of all papers to be evidence. To pay over fees.

41. *And be it enacted*, That the street commissioner, city surveyor, city solicitor, city marshal, city sealer of weights and measures, and all other officers appointed by the common council, shall possess the powers, and be subject to the obligations conferred and imposed on them by law, or by the ordinances, by-laws, rules and regulations of the common council, and on application for that purpose the secretary of state of this state shall allow and assist the said sealer of weights and measures to compare and adjust the standard of weights and measures for said city, and shall certify and seal the same in the manner required by "An act to establish a uniform standard of weights and measures in this state," approved March twenty-fifth, anno domini one thousand eight hundred and seventy-two. Powers of street commissioner and other officers. Sealer of weights and measures.

42. *And be it enacted*, That the city surveyor and the street commissioner shall have the same power, and perform the same duties, and receive the like fees, as members of the township committees of the townships of this state under "An Act to regulate fences," passed January twenty-third, Who to regulate line fences.

one thousand seven hundred and ninety-nine, and the supplements thereto, or such other compensation as the common council may prescribe.

Powers of police trustees.

43. *And be it enacted*, That every police justice shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in the city of Trenton, as the justices of the peace in and for the several counties of this state are or may be by law entitled to use and exercise, and that two of said police justices shall be authorized and empowered to hear, try and determine all such matters and complaints of a criminal nature, as any two justices of the peace are or may be by law authorized and empowered to hear, try and determine.

Proceedings to conform to small cause act.

44. *And be it enacted*, That, unless when otherwise directed, all actions or proceedings before any police justice under the provisions of this act, shall as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by an act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto, and that the court held by every police justice in and for the said city of Trenton shall be a court of record, and vested for the purposes mentioned in this act, with all such powers as is usual in courts of record of this state; such court shall be held by one police justice one month and by the other police justice the succeeding month, and thus alternately throughout the year; the mayor shall designate by order under his hand, filed with the city clerk, the particular months during which each of said justices shall hold said court.

Mayor to designate when police justice to act.

Police justice to issue process for violation of ordinances.

45. *And be it enacted*, That every police justice shall be empowered on oath or affirmation made according to law and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue a process either in the nature of a warrant or a summons against the person or persons so charged, 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 five or more than fifteen days; that such process shall state what ordinance the defendants named therein has or have violated, the time when and in what manner the same has been violated, and that on return of such process or at the time to which the justice shall have adjourned the same, the justice shall proceed

May adjourn causes.

to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and that the justice shall, if the defendant or defendants be adjudged before him to be guilty of such violation, forthwith issue execution against the goods and chattels and person of the defendant or defendants for the amount of fine imposed with costs, or shall commit said defendant or defendants to the county jail if judgment of imprisonment shall have been pronounced and given by said justice for such violation.

No pleadings needed

Issue execution or commitment.

46. *And be it enacted*, That it shall be the duty of the keeper of the jail of the county of Mercer to receive and safely keep every person who shall have been committed by the mayor or police justices of said city to said county jail under the authority of the last preceding section and of any ordinance of said city.

County jail keeper to receive prisoners.

47. *And be it enacted*, That the city marshal and policemen shall in addition to the authority conferred upon them by the ordinances, by-laws, rules and regulations of common council possess and have all the powers of constables within the city limits for the purpose of preserving the peace and enforcing the ordinances of the city, and it shall be the duty of the said marshal and policemen on witnessing any breach of the peace, or violation of any of the city ordinances, to forthwith arrest such offender without warrant or process, and take such offender or offenders immediately before one of the police justices for a hearing.

Powers of marshal and policemen.

TITLE V.

OF THE PUBLIC SCHOOLS OF THE CITY.

48. *And be it enacted*, That the superintendent and trustees of public schools of the city of Trenton as now incorporated by law, shall prepare and transmit to the common council of the city of Trenton, on or before the first day of May in each year, an estimate of the amount of moneys necessary for the support of public schools in said city during the year, which estimate shall specify particularly under the several heads of repairs of school houses, salaries of teachers, school books, school furniture, and school libraries, stoves and fuel, and incidental expenses, as nearly as may be the several sums required for each branch of ex-

School trustees to submit an annual estimate of money needed.

penditure, and the said common council shall determine by resolution the amount of money to be appropriated to public schools for such purposes during the year, including therein the quota of the city of Trenton of the annual appropriation made by the state for the support of public schools; and the said common council are hereby empowered to raise by tax, such sum or sums of money for the support of public schools, as required by the law of the state, or such sums in addition thereto as said council may deem expedient or necessary, and all money so raised and appropriated shall be expended by the said corporation for the support of public schools in the city of Trenton, according to the provisions of their act of incorporation and the state law in relation to public schools, and whenever the said superintendent and trustees shall with their annual estimate aforesaid, represent to common council that it is expedient to purchase land and erect a school house thereon, with the estimated cost thereof, common council shall have the power to raise the whole or any part of the money required for such purpose, either by tax, to be included in the next general assessment for city purposes, or by loan on the credit of the said city, and when collected or borrowed it shall be paid over to the superintendent of public schools to be applied for the object aforesaid.

Council to determine amount to be appropriated.

Money to be raised by tax.

Money for school houses to be raised by tax or loan.

49. *And be it enacted*, That the said superintendent and trustees shall at the close of the fiscal year prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in each school, and a full and true account of the expenditures of the board during the year, under the respective heads of repairs of school houses, salaries of teachers, school books, school furniture, school libraries, stoves and fuel, and incidental expenses, and shall transmit the said annual report to the common council, and a copy thereof to the state superintendent of common schools.

What annual report of trustees must contain.

50. *And be it enacted*, That the city treasurer shall in each year pay over to said school superintendent such sum of money as may have been ordered to be raised by tax for the support of public schools in said city, not required by the laws of this state to be paid to the county collector.

City Treasurer to pay money to superintendent.

51. *And be it enacted*, That it shall be the duty of the board of city assessors of the city of Trenton, and they are

Assessors to report list of children.

hereby authorized and required to make out a list of the children capable of attending, between the ages of five and eighteen years, within each of the wards of said city, respectively, specifying the age of each child in years, together with the names of the parents or guardians of such children, and to transmit the same, under proper certificate, on or before the first day of October, annually, to the superintendent of public schools of the city of Trenton, and the number of children in said lists shall be duly certified by the superintendent and trustees of public schools, to the board of chosen freeholders of the county of Mercer. at their annual meeting next succeeding the return of said lists, as aforesaid, and the quota of the city of Trenton in the apportionment of the moneys appropriated by law to the public schools in this state shall be determined by the said board, in the ratio of the number of children contained in said lists, in like manner as if the same had been duly ascertained and transmitted to the said board according to the provisions of an act entitled "An act to establish public schools," and the supplements thereto; and the sum of two dollars for every one hundred names of children contained in said lists respectively, shall be allowed to the assessors duly making and transmitting the same, to be paid by the said superintendent and trustees of public schools of the city of Trenton. Pay for the same.

TITLE VI.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

52. *And be it enacted*, That the common council shall have power to raise by tax, in each year, such sum or sums of money as they shall deem expedient, for the following purposes: For what purposes taxes raised.

I. For lighting the streets of the city. Lights.

II. For the maintenance and support of the poor. Poor.

III. For regulating, cleaning and keeping in repair the streets and highways and the construction of crosswalks. Streets.

IV. For regulating, improving and protecting the public grounds and parks. Parks.

V. For the support of public schools, and for erecting and maintaining public school houses. Schools.

VI. For the support of the police department. Police.

Fire. VII. For the support of the fire department.

Water. VIII. For supplying the city with water for the extinguishment of fires and other purposes.

City debt. 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.

Lands. X. For purchasing necessary real estate.

Contingencies. XI. For the contingent expenses of the city, and for all other objects and purposes authorized by this act, to be assessed and collected in such manner as the common council shall by ordinance direct; *provided, always*, that it shall not be lawful for the common 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 the valuation of the real and personal estate of the citizens.

Proviso.

Amount of taxes how fixed. 53. *And be it enacted*, That in all cases when the state and county taxes to be collected in said city in any year, shall be directed by the common council to be assessed and collected before the quota of the said taxes to be levied and collected in the said city for such year shall be fixed as prescribed by law, it shall be the duty of the board of city assessors of said city, in making their assessments, to assess the amount of taxes fixed as the quota of the said city for the last preceding year; and in case of any deficiency in the amount of taxes so assessed, it shall be the duty of the common council to direct the amount of such deficiency to be added to the amount required to be assessed and levied for the next year; *provided*, that nothing herein contained shall be construed to relieve the said city from the obligation imposed by law to pay the amount of state and county taxes required to be levied and collected in the said city in each year; *and provided also*, that the city treasurer shall pay over to the county collector of the county of Mercer, the proportion of state and county taxes directed to be assessed and levied in said city at the time prescribed by law, or at any time previous thereto as the common council shall direct, and under the penalties that are or may be prescribed by law in regard to the collectors of the several townships of this state.

Deficiencies to be added.

State and county taxes when to be paid.

When board of assessors to meet. 54. *And be it enacted*, That the board of city assessors shall meet on the first Monday in May after the passage of this act, and on the first Monday in May every year there-

after, and at such meeting they shall select one of their number as chairman, who shall hold his office one year or during the pleasure of said board of assessors; a majority of said assessors shall constitute a quorum for the transaction of business, and they shall have power to adjourn from time to time, and make such rules and regulations for their own proceedings, as are not inconsistent with this act or the ordinances and resolutions of common council.

To make valuation of real and personal property.

55. *And be it enacted*, That the said board of city assessors shall possess the powers of the like officers of any township of this state, and having duly organized, immediately after the regular meeting in May in each year, shall proceed to make a full and fair valuation, enumeration and assessment of all the taxable real and personal property in said city according to law; and all statements, returns and affidavits shall be as of the first Monday in May in each year, the day on which the assessment is to commence; the assessors shall tabulate and arrange such valuation, enumerations and assessments, in lists, which shall also exhibit, in alphabetical order, the names of all persons, firms, companies, or corporations liable to be assessed to pay any tax, designating the lands, tenements, and real estate by the numbers of the streets and avenues, as far as practicable, as laid down on the maps prepared or to be prepared for that purpose, or on the city atlas, and to affix to each lot, and each subdivision thereof, as the same stands recorded on said atlas, distinguishing the same by their marks or numbers, the fair value of each lot or subdivision, together with the value, enumeration and assessment of the objects liable to taxation, for which such person, firm, company or corporation is liable at the time of making these valuations, enumerations and assessments; the assessors shall also make out lists, showing the name and residence of each male inhabitant of said city of the age of twenty-one years and upwards, upon whom they shall assess such poll tax as required by law, or by any ordinance of the common council passed in conformity with any statute in force at the date of the passage of this act, *provided*, that the valuation of such lots or subdivisions of lots made in the year one thousand eight hundred and seventy-four shall remain until the next annual assessment and valuation.

When affidavits to be dated.

Lists how to be made.

Poll tax to be assessed

Appraisement of 1874 to remain.

Assessors to meet county board.

56. *And be it enacted*, That the said board of assessors, or such of their number as they may designate for that pur-

pose, shall attend all the meetings of the county board of assessors of Mercer county, which shall be convened according to law; and in the proceedings of said county board of assessors, shall been entitled to as many votes as there are wards in the city of Trenton, which votes shall be cast as said city assessors, or a majority of them, shall direct.

Atlas to be renewed.

57. *And be it enacted*, That it shall be the duty of the common council to have renewed from time to time the city atlas as now provided and regulated by law, and the alterations wnich have been made therein shall be incorporated into such renewals thereof whenever the common council shall deem it expedient; the said city atlas and all renewals thereof shall be deemed public records of the said city.

Made a public record.

Surveyor to have altas and register.

58. *And be it enacted*, That the city surveyor shall have the custody of the city atlas, and he shall also keep a book in which he shall register the names of the several lot owners, and specify the lots owned by them respectively, as far as he can ascertain the same; and whenever thereafter the owner of any lot shall sell the same or any part thereof, the purchaser shall, within thirty days thereafter, under such penalty for neglect or refusal as common council may by ordinance prescribe, present the deed of conveyance thereof to the city surveyor,who shall record in said register the date thereof and the name of the persons by and to whom the said conveyance was made; and when a part of a lot plotted on said atlas shall have been conveyed, it shall be the duty of the city surveyor to mark on said map, in different colored ink, the part so conveyed, and to enter into his register the name of the grantee of each part; if the seller of any real estate shall, within thirty days after such sale, file in the office of the city surveyor a statement of the date of sale, name of purchaser, number and page of lot on city atlas, and a particular description of the land sold, the said land shall thereafter be assessed to such purchaser; it shall be the duty of the common council to fix by ordinance the fees which the city surveyor shall be entitled to receive from the persons applying to him for his services under this section; and all real estate in said city shall be assessed for municipal purposes without any deductions for any indebtedness whatever.

Penalty for neglect to have deed entered on register.

How part of a lot to be plotted.

Fees of surveyor how fixed.

No exemption on real estate.

Finance committee to examine lists.

59. *And be it enacted*, That it shall be the duty of the board of assessors to prepare full lists of taxes, and have them ready for examination before the finance committee

of the common council, on or before the last Monday in May in each year, and the finance committee shall, after examination, when satisfied that the taxes have been justly and legally assessed, direct duplicates to be made in the shortest possible time, and placed in the hands of the receiver of taxes, whose duty it shall be to make out bills, and serve said bills upon the taxpayers, that they may be notified of the amount of taxes assessed against them; said bills shall contain a printed notice, when and where the commissioners of appeals will meet for the purpose of hearing any appeals from parties considering themselves aggrieved.

Receiver to make out bills and what to contain.

60. *And be it enacted*, That the assessors of the said city shall so arrange their duplicates as to specify therein, by their letters and numbers in the city atlas, the several lots or sub-divisions of lots assessed, with the valuation thereof, the amount assessed thereon, and the name of the owner thereof, as shown by the register kept by the city surveyor, to the end that each lot and sub-division, as they appear at the time upon the city atlas, and each lot and sub-division shall be liable for the whole tax assessed thereon, but if any shall have been sold, and such transfer not entered on said atlas and register 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.

What the duplicates to contain.

Tax may be recovered.

61. *And be it enacted*, That all taxes which may be hereafter assessed upon any lands, tenements and real estate in said city, shall be and remain a lien thereon for the amount of such tax, with interest thereon, and all costs and fees, for the space of two years from the date of the tax warrant, notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or incumbrance thereon, and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the owner or owners of such lands, tenements or real estate, and any assessment of taxes in which such mistake or omission occurs, shall be valid and effectual in law.

Tax to be a lien on real estate for two years.

Misnomers not to invalidate.

62. *And be it enacted*, That all taxes hereafter assessed in said city, shall be charged with interest at the rate of twelve per centum per annum, from and after the day on which they shall be returned by the receiver of taxes as delinquents.

Twelve per cent. interest on delinquent taxes.

State, county and city taxes to be assessed in one duplicate.

63. *And be it enacted*, That the assessors of said city shall assess in the respective divisions and wards of said city, in one and the same duplicate, all the state, county and city taxes to be levied in said city in each year; and the assessors shall assess the said taxes, and the receiver of taxes shall demand payment, at such times as the common council may from time to time direct, of the tax or sums assessed on each individual named in the assessment books, who reside in the city of Trenton, in person, or by notice left at his or her place of residence, and also give notice of the time and place of the meeting of the commissioners of appeal; and the said assessors and receiver of taxes shall for performing the duties required of them by law and the city ordinances, be entitled to receive such compensation as the common council may by ordinance direct.

Receiver to demand all tax and notify of meeting of commissioners of appeals.

Pay of assessors and receiver.

Delinquents when to be returned to justice.

64. *And be it enacted*, That in case of non-payment of taxes at the time appointed for the payment thereof, it shall be the duty of the receiver of taxes, at such time as the common council may by ordinance direct, to return the names of all delinquents in the several wards, with the sums due from them respectively, and a statement of all the lots or sub-divisions of lots against which taxes may have been assessed and remain uncollected by him in the several wards, identifying such lots or sub-divisions by their marks or numbers on the city atlas, with the name of the reputed owner thereof and the amount assessed thereon, to such justice of the peace in said city as the common council may from time to time appoint; and that it shall be the duty of any justice of the peace to whom any list of delinquents shall be returned as aforesaid, immediately upon the receipt thereof, to administer to the receiver of taxes returning the same, the oath prescribed by the thirteenth section of the act entitled, "An act concerning taxes," and to issue his warrant directed to the receiver of taxes of the city of Trenton, as required by law, and thereby command the said receiver of taxes to cause the said several sums of money, with interest thereon, as aforesaid, and all lawful costs and fees to be levied and made, as provided by the eighteenth section of the "Act concerning taxes," aforesaid; *provided*, that if any person shall tender to the receiver of taxes the full proportionate amount of tax, due on any portion of a lot plotted on the city atlas, and shall at the same time present a correct written discription satisfactory to the receiver of

Oath of Receiver.

Proviso.

taxes, of the part of lot on which he or she tenders the payment of tax, the amount so tendered shall be received by the receiver of taxes, and the part of lot on which the payment of tax shall thus been made, shall not be sold under the provisions of this act, authorizing the sale of land for non-payment of taxes.

When receiver to pay over money collected on warrant.

65. *And be it enacted*, That it shall be the duty of the said receiver of taxes to execute, according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid, to pay over, from time to time and at least once in each week, without delay, all moneys received by him, to the treasurer of said city, and within sixty days from the date of any warrant directed and delivered to him, to make a full return and statement in writing to the common council of the said city of his proceedings on the same, setting forth particularly the amount of money received by him, the several sums remaining unpaid, and the names of the several persons then in arrears, and the sums due from each respectively; *provided*, that it shall be lawful for the justice who issued such warrant, or in case of his death, removal from office, or other disability, for any other justice of the peace residing in said city, to be appointed by the common council, upon return of any warrant, to issue another for the collection of the sum or sums remaining unpaid, with interest, cost and fees, in the like form, and to be proceeded upon in the same manner as hereinfore mentioned, and so on until the whole is collected.

To report to council.

Proviso.

Duty of Receiver if tax not paid in certain time.

66. *And be it enacted*, That if the full amount of any tax assessed upon or against any lot or sub-division of a lot, within the limits of said city, with the interest and cost shall not be paid and satisfied before the first day of January, in each and every year, it shall be the duty of the receiver of taxes, within one week thereafter, to prepare a transcript of such unpaid taxes, including in such transcript the names of the owners, if any be given, of such lands and real estate, the description thereof, and the amount of taxes thereon respectively and enter the same in a book to be kept for that purpose, and the said receiver of taxes may in such transcript correct any errors of description in such returns and statements, by comparing the same with the original assessment of taxes made by the board of city assessors, and immediately after completing such transcript he shall cause a notice to be published in two newspapers, printed and pub-

To give notice that taxes must be paid.

lished in said city and designated for that purpose by the common council stating that said transcript of unpaid taxes has been made and that unless said taxes shall be paid at his office within twenty days after the first publication of said notice, the same will be collected by public sale, according to law; if any person shall, before such sale, tender to the receiver of taxes the full proportionate amount of tax and costs, due on any portion of a lot platted on the city atlas, and shall present at the same time a correct written description, satisfactory to the receiver of taxes, of the part of lot on which he or she tenders the payment of tax, the amount so tendered shall be received by the receiver of taxes, and the part of lot on which payment of tax shall have thus been made, shall not be sold under the provisions of this act authorizing the sale of land for non-payment of taxes.

When certain amount to be received

67. *And be it enacted*, That after the expiration of the said twenty days, the receiver of taxes shall give public notice of his intention to collect the taxes mentioned in said transcript, then remaining unpaid, by public sale at auction, of the land and real estate whereon said taxes were imposed, which notice shall embrace the names of the owners, if any be given of such land and real estate, the description thereof, by its mark or number on the city atlas, the amount of taxes unpaid with interest and costs due thereon respectively, and shall designate the time and place of sale, and be signed by said receiver of taxes, and be printed in a newspaper or newspapers published and circulated in said city, once in each week, for four weeks before the time appointed for such sale; and if any tax remains unpaid on the day specified in such notice, the said receiver shall proceed to sell by public auction, at the time and place appointed therein, the lots and real estate on which said tax shall have been imposed, or may be a lien, for the lowest term of years, but in no case exceeding fifty years, for which any person will take the same, and pay the amount of such tax with the interest thereon, and all costs, fees, charges and expenses; such payment shall be made before the conclusion of the sale, and if not so made, the receiver may resell the property; the sale may be adjourned from time to time until the lots and real estate are disposed of, and such as are not bid for when offered for sale or for resale, as aforesaid, shall be struck off to the city for the term of fifty years; *provided*, that the advertisement of any adjourned sale shall be in gen-

Four weeks' notice required.

After which how to be sold.

Term not to exceed fifty years.

Payment to be immediate.

Sale may be adjourned.

City when to be purchaser.

eral terms, and shall not embrace the detailed description required in the original advertisement of such sale; a certificate of the sale of each lot or sub-division of a lot sold as aforesaid, shall be made within ten days thereafter by the receiver of taxes and delivered to the purchaser; such certificate shall contain a description of the property by its number or mark on the city atlas, and the term for which it was sold, and state the particular tax, the amount thereof, with interest and expenses, for which the sale was made, and the time when the right to redeem will expire, and the terms upon which the same may be redeemed, and the receiver of taxes shall enter and record in his office his proceedings upon such sales, and all sales made, and certificates granted by him, and all redemptions of property sold by him.

Certificate when to be given.

Receiver's proceedings to be recorded.

68. *And be it enacted*, That within two months after receiving such certificate of sale, it shall be the duty of the person or persons receiving the same to serve upon the owner or owners of such property so by him or them bought, a notice or notices, informing the said owner or owners of the time when, by whom, and for what term the said property has been bought, and when, and at what expense the same may be redeemed, as provided in the next following section, which notice or notices may be served personally on said owner or owners, if resident within said city, or by leaving the same at the place of abode of such owner or owners, or if not resident within said city, then by mailing the same, postage prepaid, to the post office address of such owner or owners, if the same upon due inquiry can be ascertained; if the owner or owners be unknown, or his, her, or their address cannot be ascertained, then such notice or notices shall be served upon the principal occupant of such property if the same be occupied; and the person or persons receiving any such certificate of sale shall file in the office of such receiver of taxes and assessments, an affidavit of said service as herein required, or why the same could not be made, which affidavit shall be so filed before the holder of any such certificate shall receive a deed for the property for which the certificate of sale was issued.

Purchaser to notify owner.

Affidavit of service when and where to be filed.

69. *And be it enacted*, That every certificate of sale shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the city clerk, in proper books kept for that purpose, and constitute a lien upon the lots or sub divisions of lots and premises therein described,

Certificate of sale to be presumptive evidence.

after the same shall have been so recorded, and no assignment of any certificate given on the sale of lands and real estate for any taxes, shall have any effect until the same shall be recorded as aforesaid, in the office of the city clerk; a declaration of sale shall not be executed and delivered until the certificate has been cancelled and filed by the city clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the common council.

City to have same rights

70. *And be it enacted*, That if the city becomes the purchaser of any lot or sub-division of a lot upon any such sale, the certificate of sale shall be assignable, and all the provisions of this act in relation to such sale shall apply to the city as to any other purchaser.

When mortgagee not divested of his rights.

71. *And be it enacted*, That no mortgagee, whose mortgage shall have been duly recorded before sale for any tax, shall be divested of his rights in such property, unless six months' notice, in writing, of such sale shall have been given him by the purchaser, or by any person or persons claiming, under him, personally, if a resident of the city of Trenton, and if not such a resident, then upon the owner of the premises, if he be a resident of the city of Trenton, and by depositing such notice in the post office of said city, directed to the said mortgagee, at his place of residence, as stated in the mortgage or assignment thereof; but nothing herein contained shall be so construed as to impair the lien created by such sale within a month after the service of such notice, it shall be the duty of the persons serving, or causing the same to be served, to file in the office of the city clerk a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom such affidavit shall be taken to be a credible person, proving the due service of said notice.

Proof of service of notice to be filed.

Lots when and by whom redeemed.

72. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons, having a legal or equitable interest in any land or real estate sold for taxes as aforesaid, may redeem the same, at any time within two years from the time of such sale, by paying to the city treasurer, for the use of the purchaser, his heirs or assigns, the said purchase money, together with any other tax or assessment chargeable thereon, and which the said purchaser may have paid, and any sum of money expended in any improvement made by order of the common council; *provided*, a notice of such payment has been filed in the office of the city treasurer,

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with interest on such purchase money, at the rate of fifteen per centum per annum, from the time of such sale and expenditure, and on such payment or payments, from the time of filing such notice as aforesaid; and the certificate of such treasurer, stating the payment, and showing what property such payment is intended to redeem, shall be evidence of such redemption; upon the receipt of such moneys by the city treasurer, he shall cause the same to be refunded to the purchaser, his heirs or assigns, and all proceedings in relation to said sale shall cease, and determine if the person so redeeming be a judgment creditor or mortgagee of the premises, he shall have a lien on the lot and real estate redeemed by him, by virtue of this act, for the amount paid by him to the city treasurer to effect such redemption, with the legal interest which may thereafter accrue thereon, in like manner as if the same had been included in his mortgage or judgment, and may enforce the same in the same manner.

Interest fifteen per cent.

Treasurer when to refund money paid

73. *And be it enacted*, That if any lot, or sub-division of a lot, so sold shall not be redeemed as by this act provided, the common council shall execute to the purchaser, his legal representative, or assigns, at his or their expense, a declaration of sale, under the common seal, signed by the mayor, and attested by the city clerk, containing a description of the premises by its mark or number on the city atlas, the fact of the assessment, advertisement and sale, the date of the sale, and the period for which the premises were sold, which declaration shall be recorded in the office of the county clerk, and until the same shall have been so recorded, such lots and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale; such declaration of sale shall be presumptive evidence, in all courts and places, that such sale and proceedings were regularly made and had, according to the provisions of this act, and such purchaser or purchasers, and his and their legal representatives, shall by virtue thereof, lawfully hold and enjoy such lots and real estate, with the rents, issues and profits thereof, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same, and at the expiration of said term, shall be at liberty to remove all the

Declaration of sale how executed.

To be recorded.

May be redeemed if not recorded.

Purchaser to hold the same.

When term expires to remove im-

provements and yield possession. buildings or materials which he or they shall erect or place thereon, and shall peaceably and quietly yield up such lots and real estate to the lawful owner or owners thereof, in as good order and condition as they were at the beginning thereof, natural wear and tear and damages by the elements excepted, and shall pay all taxes to be paid which shall be legally assessed thereon during said term; *provided*, that whenever satisfactory evidence shall be produced to the common council that any lot so sold belongs to an idiot, lunatic or infant, for whose estate no guardian shall have been appointed, they shall direct the mayor and city clerk to postpone the execution of a declaration of sale of such lot until at least four months after they shall have evidence that such disability has been removed, or guardian or trustee of their estate appointed, and until the expiration of said four months, such guardian or trustee, or person whose disability has been removed, may redeem such real estate as hereinbefore provided.

To pay taxes.

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City Clerk to record certificates. 74. *And be it enacted*, That it shall be the duty of the city clerk to record in proper books kept for that purpose all certificates of sale and assignments thereof, to give certificates of search in relation thereto to any person or persons applying for the same, and to cancel such certificates of sale and assignments thereof so recorded, when the lots and real estate for which they were given shall be redeemed, on certificates of the treasurer of such redemption, and to file such certificates in his office; it shall be the duty of the treasurer to make out two receipts for all property redeemed, one for the person redeeming, and one to be filed in the office of the city clerk.

Treasurer to give two receipts for redeemed property

Commissioners of appeals to meet when council directs. 75. *And be it enacted*, That the commissioners of appeal in cases of taxation of the several wards of said city shall meet at such time and place, and upon such notice as the common council shall direct and appoint, and when so met shall have power and authority to hear and determine all complaints of unjust taxation, whether the same be assessed for state, county or city purposes, in the same manner as the like officers of the townships of this state are authorized and required to do; *provided*, that the said commissioners of appeal shall not have power to increase or diminish the valuation which may have been set upon any lot or sub-division of lot within the limits of said city by the appraisers appointed for that purpose, as hereinbefore provided; the said

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commissioners shall organize as a board by choosing a chairman from among their own number, and a secretary, and all their transactions shall be faithfully entered in a book of minutes, to be kept by the secretary, and immediately after the adjournment of said commissioners, they shall cause the said record of their proceedings, signed by the chairman and secretary to be deposited with the receiver of taxes.

TITLE VII.

OF STREETS, HIGHWAYS, SEWERS, SIDEWALKS, AND ASSESSMENTS THEREFOR.

76. *And be it enacted*, That it shall be lawful for the common council of the city of Trenton, whenever in their opinion the public good requires it, by ordinance:

Council to have exclusive power to open or accept streets

I. To lay out, accept and open any street, road, highway or alley, public park or square within said city, to order and cause any street, road, highway or alley already laid out or which shall hereafter be laid out, to be vacated, straightened, altered or widened, and to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided, and such power shall belong exclusively to the said common council; and they may at their discretion, by ordinance, accept such lands as may be dedicated by the owners thereof as public streets or alleys, and thereupon shall be bound to keep up, repair and maintain the same to the same extent that they may be bound to keep up, repair and maintain streets or alleys laid out by other legal proceedings.

To construct sewers, &c.

II. To order and cause sewers or drains to be constructed in any part of said city, and to assess the cost of the same or any part thereof upon the property benefited thereby, and if necessary to take and appropriate for the purpose of constructing such drains or sewers any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided; it shall not be lawful for any person or body corporate, to deposit in any sewer, drain or stream, in this city, the contents of any water closet, privy or any kind of filth which may become detrimental to the public health of the city.

Water closets not to be emptied into sewers, &c.

To have streets paved or improved.

III. 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 they may deem advisable at the expense of the owner of lands and real estate on the line of said street or section of a street.

Ordinance for street improvements not to be paved without notice.

77. *And be it enacted*, That no ordinance shall be adopted by the common council for making any improvement or performing any work under and by virtue of the provisions of the last preceding section of this act or either of the sub-divisions thereof, or under and by virtue of sub-divisions eight and nine of section twenty-five of this act, until public notice shall be given of the intention of the common council to cause such improvement to be made or such work to be done and performed, and to that end it shall be the duty of the city clerk, by direction of the common council, to give notice in two or more daily newspapers published and circulated in the city of Trenton, for at least fifteen days, of the intention of the common council to cause such improvement to be made or such work to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto, to present their objections in writing at the office of the city clerk, on or before a day to be specified in said notice, not less than twenty days from the time of such direction, and at any time thereafter the common council may proceed to consider such ordinance as aforesaid.

Fifteen days' notice to be given.

Twenty days allowed for objections to be filed.

After ordinance for improvements passed, further proceedings may be by resolution.

78. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvement or performing any work under and by virtue of the provisions of the seventy-ninth section of this act, or either of the sub-divisions thereof, all further acts and proceedings which it may be necessary for the said common council to take to carry out said improvement or work to completion, and all orders relating thereto may be by resolution and not by ordinance.

Council may purchase land to open or widen streets.

79. *And be it enacted*, That whenever the common council shall determine by ordinance, to lay out and open any street, road, highway or alley, public park or square within said city, or to alter, widen or straighten any street, road, highway or alley, or any part of a street, road, highway or alley or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands or real estate, they are hereby authorized to treat with the owner

or owners thereof for the same, and for the purposes expressed in such ordinance, they may purchase such lands and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the city, and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions contained in this act.

Proceedings when council can not agree with owners.

80. *And be it enacted*, That when the said common council cannot agree with the owner or owners of such required lands or other real estate for the same, or when by reason of the legal incapacity or absence of any such owner or owners, no such agreement can be made, it shall be lawful for the "board of city assessors," and they are hereby required upon application in writing of the said common council, signed by their presiding officer, which application shall specify the street, road, highway or alley proposed to be laid out, widened or altered, with the alterations proposed to be made, or the sewer or drain to be made, and the land or other real estate, with the appurtenances intended to be taken for such purpose, to make an estimate and assessment of the damages that any such owner or owners will sustain by laying out, altering or widening any such street, road, highway or alley, or making such drain or sewer; and in estimating and assessing such damages the said board of assessors shall have due regard as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof by laying out, altering or widening any such street, road, highway or alley, or making such sewer or drain, and it shall be the duty of the said board of assessors, after estimating said damages, to assess the amount thereof, together with the sums which may have been agreed upon as the price of any of the lands or other real estate to be taken for such purpose aforesaid, between the common council and any of the owners of such lands or other real estate, fairly and justly upon such lots or sub-divisions of lots, as in their opinion will be benefited by said improvement, specifying in such assessment such lots or sub-divisions of lots, by the letters and numbers by which they are distinguished on the city atlas, together with the name of the respective owner or owners thereof, and the amount assessed upon each lot, which said assessment shall be embraced in the report of the

How damages to be assessed for opening streets, &c.

said board of assessors hereinafter directed to be made; and in cases where the common council shall agree with the owner or owners of such lands as to the compensation therefor, the board of city assessors shall make their estimate for damages in accordance therewith.

When council agree, amount to be part of damages.

How notice of meeting of assessors to be given.

81. *And be it enacted*, That the common council shall designate a time and place for the meeting of the said "board of assessors" not less than twenty days from the date of said application, of which time and place the city clerk shall give notice by advertisement, in not less than two of the daily newspapers published and circulated in said city, at least ten days before the time of meeting; and it shall be the duty of the said board of assessors, having first taken and subscribed an oath or affirmation before the mayor or city clerk, fairly and impartially to execute the duties imposed upon them by this act, to meet at the time and place appointed and proceed to view the said lands or other real estate, with the appurtenances, and to make a just and true estimate and assessment as aforesaid, and for this purpose the said board of assessors shall have power to swear and examine witnesses and to adjourn from time to time, and shall report their proceedings to the said common council, with the assessment and appraisement aforesaid, which report shall be made in writing, under the hands and seals of said members of said board of assessors, or any two of them, and filed within thirty days after their first meeting as aforesaid, together with the said application and appointment, and oaths or affirmations of the said assessors, with the clerk of said city, there to remain of record; and the clerk of said city shall lay a report before the common council at their next meeting thereafter, which report or copy thereof certified by the said city clerk, shall at all times be considered as plenary evidence of the power of common council to enter upon, take and use the said land or other real estate, with the appurtenances, the city tresaurer first tendering to the owner or owners thereof, if resident in this state, the amount so awarded them; but if any such owner is not a resident of the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor when tendered, then the said treasurer shall make affidavit of such facts, and file the same with the city

Oath to be made.

Shall have power to examine witnesses.

When report to be filed, &c.

Treasurer to tender amount of damages.

clerk, and the common council shall, after inquiry into the facts of the case, cause the amount to be kept in the city treasury or invested in good security, for the use of the person for whom it may be due, and the said moneys shall be paid by the city to the person or persons entitled thereto, on demand, with the interest collected on the same.

Costs of officers to be fixed by council.

82. *And be it enacted*, That the common council of the said city shall tax and allow such costs to the assessors, clerk and other persons performing any service required in laying out, altering or widening any public street, road, highway or alley, or making any sewer or drain in said city, as they think reasonable and just, which shall be paid in the first instance by the common council, but which shall be added by the clerk of the city to the amount assessed by the assessors against the several land owners benefited by said improvement, in proportion to the amount so assessed.

How notice of assessment served or published.

83. *And be it enacted*, That it shall be the duty of the common council of said city, within one month after the presentation of the said report, to cause a notice of the proportion of said assessment and costs to be served upon every person, his or her guardian or legal representative against whom the same is made, and whose residence is in said city, and also to cause a like notice directed to such of said persons as do not reside in said city, to be inserted in one or more of the newspapers of said city, for the space of one month; and unless within two months from the presentation of said report, two-thirds of said persons, their guardians or legal representatives, shall file with the city clerk their refusal, in writing, to agree to such assessments and costs; then the same shall be binding and conclusive on all parties, and shall from thence until paid, be due from said several persons with interest, to said city, and be a lien on the several lots and sub-divisions of lots against which the same is assessed for the satisfaction of any judgment to be obtained therefor, and the said "Inhabitants of the city of Trenton" may sue for and recover of each person so assessed his or her proportion of said assessment with interest and costs, by an action of debt, in any court of competent jurisdiction in the name of the "Inhabitants of the city of Trenton" against the person or persons so assessed, for so much money laid out and expended by them for the use of such person or persons so assessed, and declare generally and give the special matter in evidence, and if any of said per-

Refusal to agree to assessment, by whom and when filed.

Amount of assessment may be sued for.

sons reside out of this state, a writ of attachment may be resorted to as in other cases of non-resident debtors, and the said proceedings of the said commissioners and common council shall be conclusive evidence against the defendants; or having first advertised in two of the newspapers published in said city for the space of two months, once at least in each week, giving notice of the time and place of sale, together with a description of the lot by the letter and number by which it is designated on the city atlas, and specifying the amount of money so laid out and expended on the same, may at such time and place, sell at public sale, the said lot for the lowest term of years at which any person will agree to take the same, not exceeding fifty years, and pay said assessment, with interest thereon from the filing of the certificate thereof as aforesaid, and such other expenses as may be incurred by said advertisement and sale, and thereupon the mayor of said city, at the request of the common council, shall execute and deliver, under his hand and the common seal of said city, a declaration of sale to the purchaser thereof, and such purchaser, his executors, administrators or assigns, by virtue thereof and this act, shall lawfully hold and enjoy the same for his and their proper use, until said term be fully completed and ended, and shall be at liberty to remove all the buildings or materials which he or they shall erect or place thereon, but he or they shall leave said premises at the expiration of the term, in as good order and condition as they were at the beginning thereof, natural wear thereof and damages by the elements excepted, and shall pay all taxes which shall be legally assessed thereon during said term; and if the owner or any incumbrancer of said lot shall, within six months after such sale, pay to the purchaser, his executors, administrator or assigns, the amount of money so by him paid to the said city, with the amount paid for any fences erected or made thereon, with all taxes paid thereon by such purhaser, or his assigns, and twelve per centum upon the amount of such payments so made by said purchaser or his assigns, then the said owner or incumbrancer, as the case may be, shall be entitled to reenter and repossess the said lot, in the same manner to all intents as if such sale had not been made; but if, within two months from the presentation of such report two-thirds of said persons, their guardians or legal representatives shall file with the city clerk such refusal, then no further pro-

Lots may be sold, how advertised.

Declaration of sale to be made.

Buildings may be removed.

Purchaser to pay taxes.

Terms and by whom premises may be redeemed.

Rate of interest allowed.

ceedings to enforce the collection of said assessment shall be had, and the provisions of this section shall apply to the collection of all assessments remaining due and unpaid at the time of the passage of this act.

Council may abandon in four months after report

84. *And be it enacted*, That the said common council may at any time within four months from the presentation to them of said report, determine to abandon such proposed improvement; and upon their so determining their right to take said land, and the right of the owners thereof, to recover the valuation and damages assessed, shall cease and determine; but after such abandonment it shall not be lawful to proceed again for the accomplishment of said improvement for the period of one year, unless by the unanimous consent of those land owners whose lands may be needed.

Streets dedicated to be graded at expense of city.

85. *And be it enacted*, That all public streets and alleys heretofore laid out, or dedicated and accepted by the common council, shall be graded by the common council, at the expense of the city, but it shall be lawful for the common council to direct by ordinance, any public street or alley, hereafter to be laid out or dedicated and accepted by said common council to be graded, and any private street, court, or alley, to be graded, curbed, paved, and crosswalks laid across the same at proper places, under the supervision of such person or persons as they may designate, and to cause the expense thereof to be paid for by the city.

Council to establish grades.

86. *And be it enacted*, That it shall be the duty of the common council, as soon as convenient, to establish by ordinance the grades of the several streets and alleys which now are or may hereafter be opened in said city, and it shall not be lawful after the same shall have been so established, to alter the grade of any street or alley except by ordinance, nor shall any such ordinance be passed until the common council shall have caused a notice of such contemplated alteration to be served upon the owners of lots fronting or bordering upon that part of said street or alley, the grade of which is proposed to be altered, or to be published for two weeks in two of the daily papers of said city, which notice shall state the time when the common council will proceed to consider said matter, which time shall not be less than two weeks from the time of serving or the first publication of said notice; at the time said matter shall come up for the consideration of the common council, all persons interested may appear and be heard by themselves or their counsel for or against the al-

Objections may be heard.

teration proposed; all changes which such alteration of grade may render necessary in gutters, sidewalks, front fences or other property of any land owner shall be made by the common council at the time of altering such grade, and said common council shall have a right to recover of any land owner who was an applicant for such alteration, the expense of making such change in his or her gutter, sidewalk, front fences or other property, together with costs of suit by an action of debt in any court of competent jurisdiction in the name of "The Inhabitants of the City of Trenton," against such land owner for so much money laid out and expended by them for the use of such owner, and declared generally and give the special matter in evidence.

Expenses of alteration may be recovered.

When council to authorize streets to be paved—who and how many to petition.

87. *And be it enacted*, That it shall be lawful for the common council, on the application of the owners of one-half, in running feet, of lots fronting or bordering upon any public street or alley or section of a public street or alley, or upon the application of a majority of the owners of lots fronting or bordering upon any public street or alley or section of a public street or alley, by ordinance to direct the said street or alley or section of a street or alley and the gutters thereof to be paved, macadamized or flagged, either in whole or in part, in such manner as they may deem most advisable, under the supervision of such person or persons as they shall designate for that purpose, not being a contractor or contractors for the work so done, and to cause the expense of such work or any portion of such expense to be assessed by the board of city assessors upon the lots fronting or bordering on said street or alley or section thereof in such proportions as shall seem just to said board of city assessors, and the expense of such work certified and sworn or affirmed to by the person or persons under whose supervision the same shall have been done, and filed with the city clerk; shall fix and determine the amount thereof and the assessment of the proportion of the expense to which each lot is liable, made, certified and sworn or affirmed to be just by said board of city assessors or a majority thereof and filed with the city clerk; shall fix the proportion of the whole expense for which each lot shall be liable, and the amount so assessed against each lot shall be and remain a lien thereon until the same shall have been paid, but after any street or alley or section of a street or alley shall once have been paved or

No contractor to superintend work.

Expense how ascertained and assessd.

To remain lien on lots.

After work done, city

flagged, then the city shall take charge of and keep the same in repair at the general expense. to take charge of the same.

88. *And be it enacted*, That if at any time the common council shall determine that any public street or alley of said city or section of such public street or alley should be paved, macadamized or flagged, and no such application therefor shall be presented as is provided in the next preceding section, the council may by resolution passed by a majority vote of the members thereof, direct the city clerk to give notice by advertisement in not less than two of the daily newspapers published and circulated in said city, for at least fifteen days, of the intention of council to order the said improvement to be made, and unless on or before a day to be specified in said notice, not less than twenty days from the passage of the said resolution, the owners of one-half in running feet of lots fronting or bordering upon said street or alley, or such section of street or alley, shall file in the office of the city clerk their remonstrance against said proposed improvement, then it shall be lawful for said council to order the said improvement made, as fully in all respects as is provided for in the next preceding section, upon the application of the owners of one-half in running feet of said lots. Council may initiate proceedings for paving, &c.

89. *And be it enacted*, That the common council are hereby authorized and empowered to pass and adopt such ordinances, rules and regulations as to said council may seem proper, for regulating, controlling, and prescribing the manner in which any sewer or drain 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 costs thereof; but no charge shall be made by said council for permission to the owner or occupant of any premises to connect the same with any such sewer or drain; all sewers and drains constructed under the provisions of this act, shall be constructed in accordance with the maps and surveys made, or hereafter to be made for that purpose. Sewers and drains may be ordered by council.

90. *And be it enacted*, That if at any time the common council shall determine to construct a drain or sewer in any part of the city, the council may, by resolution passed by a majority vote of the members thereof, direct the city clerk to give notice by advertisement in not less than two of the Clerk to give notice, &c.

daily newspapers published and circulated in said city, for at least fifteen days, of the intention of council to order the said improvement to be made, and, unless on or before a day to be specified in said notice, not less than twenty days from the passage of the said resolution, the majority of the owners of lots fronting or bordering upon the line of the proposed sewer or drain shall file, in the office of the city clerk, their remonstrance against said proposed drain or sewer, then it shall be lawful for said council to order the said drain or sewer to be constructed; and when any ordinance shall have been passed to construct any drain or sewer, the common council shall direct the board of assessors, and it shall be their duty, in a just and equitable manner, to assess all the expense thereof, or such portion thereof as common council by ordinance may direct, upon all property, including property belonging to "The inhabitants of the City of Trenton," that will receive any benefit from such improvement, and to apportion all damage, if any, to any property as to them may appear just and equitable, and when such assessment and apportionment shall be completed, to give public notice of a day or days on which, and the place where the said board of assessors will meet to hear the complaints of any parties to such assessment who may feel aggrieved or unjustly assessed, and, after hearing such complaints and aggrievances, they may revise and amend their assessments if it shall appear the parties have any just cause of complaint; but when the said assessment or apportionment shall have been thus revised, the decision of the said board of assessors shall be binding and conclusive on all concerned, and the assessment, which shall embrace all costs of advertising and assessment fees, with all legal costs and charges, shall be a lien upon the property assessed, until the same shall have been paid.

If remonstrance is not made council may proceed with work.

Expenses how assessed.

Person claiming to be aggrieved may be heard.

After hearing decision to be final.

91. *And be it enacted*, That whenever the assessments for paving streets, as provided in the eighty-ninth and ninetieth sections of this act, and of constructing any drains or sewers as provided by the ninety-second section of this act, with all costs, interest and charges thereon to the date of the final assessment shall have been made, the owners of lots or parcels of land so assessed may pay the said amount in ten equal yearly payments, with interest thereon from said date at the rate of seven per centum per annum, payable semi-annually; upon failure to make such annual pay-

Assessments may be paid by installments.

ment, or such interest when due to the treasurer of said city, the whole of such assessment shall become immediately due and payable, and the treasurer of said city shall proceed to collect such assessments, with interest, costs, and charges in the manner prescribed for the collection of assessments for paving sidewalks, and the common council shall annually direct an assessment of the proportion of said expenses so assessed upon the property of the city with interest, payable semi-annually, which shall be paid by the treasurer of said city as the same becomes due.

Upon failure to make payment of principal or interest, whole to become due

92. *And be it enacted*, That for the purpose of paying the costs and expenses of paving streets under the eighty-ninth and ninetieth sections, and of constructing sewers under the ninety-second section of this act, and all other expenses incident thereto, and of providing for the interest of the bonds to be issued, the common council of said city are hereby authorized to issue bonds in their corporate name, and pledging for the redemption thereof, the faith of said city, under the seal of said city, and attested by the city clerk, of such denominations as to them may seem fit, bearing interest at the rate of seven per centum per annum, payable semi-annually and redeemable in ten years from date, and to dispose of the same from time to time as may be necessary; *provided*, that the amount so to be issued shall be in accordance with the provisions of sub-division one of section twenty-five of this act; *and provided further*, that the same shall not be sold for less than their par value.

Council empowered to issue bonds, &c.

Proviso.

Proviso.

93. *And be it enacted*, That to provide a fund for the redemption of the principal and interest of said bonds as they become due, the treasurer of said city shall, on the first Monday in each month, pay over to the commissioner of the sinking fund, all funds received by him for principal and interest from persons assessed for paving and sewering streets, who shall invest the same as now authorized to invest moneys of said fund, and apply the same for the redemption of said bonds.

Certain moneys to be paid by Treasurer to sinking fund commissioner.

94. *And be it enacted*, That whenever any bonds shall be authorized to be issued by the common council, it shall be the duty of the mayor and city clerk to number the same, and each to keep a separate account of said bonds, with the numbers, dates, amounts, when redeemable, and the interest, when payable, with the title of the ordinance authorizing the same, and the name of the person to whom issued; and

Description of bonds to be kept by mayor and clerk.

Treasurer's receipts to be spread on minutes.

they shall take a receipt for the same from the treasurer of said city when delivered to him, which receipt shall be entered at large upon the book of minutes of the common council.

Who to pave sidewalks on neglect of owner.

95. *And be it enacted*, That if the owner or owners of any lot, alley or passage-way, in front whereof the sidewalks or gutters shall be, by any ordinance of the city, directed to be graded, curbed, paved, regraded, recurbed, repaved, flagged or graveled, shall neglect to comply with such ordinance for the space of one month from the time of its taking effect, it shall be the duty of the common council to cause the same to be done, under the superintendence of such person or persons as they may designate for that purpose, and the expense thereof, certified and sworn or affirmed to by said person or persons, and filed with the city clerk, shall be and remain a lien upon said lot, until the same shall have been paid, and shall have priority over any recognizance, mortgage, judgment, debt, obligation, or responsibility, which the said lot may become liable to, from and after the passage of this act; and to enforce the payment of the said expenses, the common council may, at their option, either bring an action of debt in any court of competent jurisdiction, in the corporate name of the city, against the owner or owners of such lot, for so much money laid out and expended by them for the use of such owner or owners, and declare generally and give the special matter in evidence, and recover said expenses and costs, with costs and interest from the time of filing the certificate with the city clerk, and if any such person resides out of the state, an attachment may be issued, as in other cases of non-resident debtors, or having first advertised in two of the newspapers published in said city for the space of four weeks on every alternate day, giving notice of the time and place of sale, together with a description of the lot, by the letter and number by which it is designated on the city atlas, and specifying the amount of money so laid out and expended on the same, may at such time and place sell at public sale the said lot for the lowest term of years at which any person will agree to take the same, not exceeding fifty years, and pay said expenses, with interest thereon from the filing of the certificate thereof as aforesaid, and such other expenses as may be incurred by said advertisement and sale, and thereupon the mayor of said city, at the request of the common council, shall execute and deliver,

Expenses to be lien, &c.

under his hand and that of the city clerk and the common seal of said city, a declaration of sale to the purchaser thereof, and such purchaser, his executors, administrators or assigns, by virtue thereof and this act, shall lawfully hold and enjoy the same for his and their proper use, until said term be fully completed and ended, and shall be at liberty to remove all the buildings or materials which he or they shall erect or place thereon, but he or they shall leave said premises, at the expiration of the term, in as good order and condition as they were at the beginning thereof, natural wear thereof and damages by the elements excepted, and shall pay all taxes which shall be legally assessed thereon during said term; and if the owner or any incumbrancer of said lot shall, within six months after such sale, pay to the purchaser, his executors, administrators or assigns, the amount of money so by him paid to the said city, with the amount paid for any fences erected or made thereon, with all taxes paid thereon, by such purchaser, or his assigns, and twelve per centum upon the amount of such payments so made by said purchaser or his assigns, then the said owner or incumbrancer, as the case may be, shall be entitled to re-enter and re-possess the said lot, in the same manner to all intents as if such sale had not been made.

Declaration of sale to be given.

Purchaser may remove buildings he erects.

Must pay taxes.

Twelve per cent. interest allowed

96. *And be it enacted*, That in all cases where by the provisions of this act, any person or persons is or are required to file with the city clerk an affidavit and certificate of the expense of any work done under the authority of this act, or to make, certify, swear or affirm to and file with the city clerk any assessment for work done under the authority of this act, it shall be the duty of such person or persons to file with the city clerk such affidavit and certificate of expense, and to make, certitfy swear or affirm to and file with the city clerk such assessment within one month after the completion of said work, under such penalty as the common council shall prescribe for the neglect thereof.

Affidavits when and where to be filed.

97. *And be it enacted*, That all open passage ways in said city of two rods wide and upward which have not been or shall not be made streets according to law, shall be deemed and taken to be private streets, and all open passage ways less than two rods in width which have not been open to the use of the whole public for twenty years prior to the

What shall be considered private streets or alleys.

passage of this act, shall be deemed and taken to be private alleys.

Assessments to be made, &c.

98. *And be it enacted*, That all assessments upon lot owners in said city, which may be made for any purpose authorized by this act, or to be authorized by law, shall be made upon the lots, or sub-divisions of lots as they stand recorded on the city atlas; and in advertising the same for such assessments, or for taxes, or in entering liens thereon, it shall be sufficient to describe said lots or sub-divisions of lots by the letters and numbers, and streets by which they are distinguished on the city atlas, together with the name or names of the owner or owners thereof, as the same appears in the register by the city surveyor, excepting where descriptions of sale of lots or parts of lots has been filed by the seller, as provided in the sixty-seventh and sixty-ninth sections of this act.

If assessment set aside, council may order a new one.

99. *And be it enacted*, That whenever by the judgment of any court wherein any certiorari has been, is or may be brought, any assessment made by commissioners or by the board of city assessors, under the provisions of this act, has been or is set aside, or reversed for irregularity or informality in such assessment; it shall be lawful for the common council of said city to cause a new assessment to be made of so much of the amount of the original assessment as may be so set aside, or of the amount thereof still remaining unpaid, said assessment to be made and to become a lien, and to be proceeded on in all respects in conformity with the law and the charter of said city.

Returns to writs of certiorari by whom made.

100. *And be it enacted*, That in all cases in which persons bring writs of certiorari directed to the mayor and common council, or any officer of the city of Trenton; it shall be lawful for the officer required to make a return thereto, to demand and receive compensation from the parties bringing such certiorari, at the rate of ten cents per folio for the necessary returns thereto, to be paid before such returns are made, and if the person or persons so bringing such writ of certiorari shall successfully prosecute the same to final judgment, the sum so paid shall be included in his, her or their taxed bill of costs.

Proceedings by reason of informality

101. *And be it enacted*, That whenever by reason of any informality or illegality in any proceedings of the said common council or of the board of city assessors, surveyor, or other agent of the common council or official of the city, in

laying out, opening, altering, widening, or closing streets, avenues or public squares or in grading, altering the grade, paving, curbing, guttering and flagging the sidewalks of any street or avenue, or constructing any sewer or drain, any assessment shall be set aside by judicial authority, it shall be lawful for the common council to re-institute the proceedings set aside upon the same basis upon which the original proceedings were based, or otherwise if they see fit so to do, and lawfully proceed therein, the same as though the former proceedings had not been had, or the said common council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed, and whenever the common council shall discover that any such proceedings are liable to be set aside by judicial authority, they may re-institute said proceedings from the point where such informality or illegality commences, and no assessment shall be deemed invalid in consequence thereof, but no writ of certiorari shall be allowed or issue to remove any assessments made upon the owner or owners of lands and real estate for any work or improvement made or to be made, unless the same be applied for within sixty days after the confirmation of such assessments by the common council of said city.

Certiorari on street improvements not allowed after sixty days.

102. *And be it enacted*, That the common council are hereby authorized and empowered to issue "street improvement scrip" for the payment of the grading, curbing, guttering, paving or flagging of any sidewalk, or part thereof in said city, which may be done by the corporation at the expense of the owners or occupants of the lands fronting on such street, avenue, road, alley or sidewalk so improved, until the cost thereof can be collected from such owner or occupant of property liable therefor, which scrip shall be paid to the contractor or other person having executed such improvement, or to any other person or persons entitled to the payment thereof; the said scrip shall bear interest at the rate of seven per centum per annum, and be payable within eighteen months from the date of the issue thereof; and whenever any such sidewalk shall be flagged, paved, curbed and guttered in front of any property belonging to said city, the same shall be paid by the common council by orders upon the city treasury.

Scrip may be issued for paving sidewalks.

Rate of interest and when scrip payable.

City to pay for sidewalks in front of its property.

103. *And be it enacted*, That whenever any public improvement shall be made, or ordered to be made, and the

If assessor interested in improve-

ment who may be appointed to make assessment.

expense thereof ordered to be assessed by the board of city assessors, and any member of the board of city assessors shall be interested in said improvement, either as an owner of property to be taken, or to be assessed, or in any other way, except merely as a tax payer in said city, such assessor shall not be deemed competent to assist in making the assessment connected with such improvement; but the common council shall, by a majority vote of all its members, elect some disinterested resident in said city to act with the remaining members of the board of assessors in making said assessments, such person before entering upon his said duties, shall take and subscribe an oath or affirmation before the city clerk, to be filed by him, faithfully and honestly to perform said duties; no report of assessment shall be considered illegal in consequence of the incompetency of any of the persons making such report, it a majority of the persons making such assessments were competent and disinterested.

Who shall take oath.

When assessment not to be invalidated.

TITLE VIII.

MISCELLANEOUS PROVISIONS.

No inhabitant to be incompetent for judge witness, &c.

104. *And be it enacted*, That upon the trial of any issue, or the judicial investigation of any fact to which "The Inhabitants of the City of Trenton" is a party, or in which the city of Trenton is interested, no person shall be deemed to be incompetent as a judge, witness or juror, by reason of his being an inhabitant or freeholder of said city; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and special matter in evidence at the trial.

Ordinances to remain in force until altered or repealed.

105. *And be it enacted*, That all ordinances of the said city passed by the common council under and by virtue of the provisions of the act entitled "An act to incorporate the city of Trenton," passed March seventh, one thousand eight hundred and thirty-seven, and the several supplements thereto, and the act entitled "An act to revise and amend the charter of the city of Trenton," approved March fifteenth, one thousand eight hundred and sixty-six, and the several supplements thereto, not inconsistent with this act, shall continue in force until altered or repealed by the common council.

106. *And be it enacted*, That all the duties and liabilities heretofore imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act, shall appertain to, and be sustained and performed by "The Inhabitants of the City of Trenton," and that all the rights, privileges, emoluments and advantages heretofore conferred by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act, shall appertain to and be held and enjoyed by the inhabitants of the city of Trenton, in like manner as they were or might have been sustained and performed, and held and enjoyed by the inhabitants of the township of Trenton, had this act never passed. Duties and liabilities to subsist as if this act had not been passed.

107. *And be it enacted*, That all contracts for doing work, furnishing materials for any improvement provided under this act, extending in amount to two hundred dollars, shall be advertised for ten days in one or more daily newspapers printed and published in said city, and shall at all times be given to the lowest bidder or bidders, who shall give satisfactory proof of his or their ability to furnish the requisite materials and perform the work properly, and offer sufficient security for the faithful performance of the contract in regard to time, quality of material, and work to be done. Contracts over $200 to be advertised, &c.

108. *And be it enacted*, That no member of the common council shall be appointed to or competent to hold any office, the salary or emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, the expense of which is to be paid from the city treasury, or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit in the name of "The Inhabitants of the city of Trenton," and the said penalties, when recovered, shall be paid into the city treasury. Members of council not to be interested or security for contractors. Penalty.

109. *And be it enacted*, That from and after the passage of this act all acts and parts of acts inconsistent with or repugnant to this act be and the same are hereby repealed, but nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act shall and may be carried out and Repealer. Acquired or inchoate rights not impaired.

completed, and all prosecutions for any offence committed or penalty or forfeiture incurred shall be carried out in all respects in the same manner and with the same effect as though this act had not passed; and the provisions of this act shall not be construed to apply to or in anywise affect any person who has heretofore been elected to any office at any annual city election or appointed to any office by the city council so far as relates to said office.

Persons now in office not to be affected.

Council and school trustees to serve out their terms.

110. *And be it enacted*, That the present members of the common council and trustees of public schools in the city of Trenton shall remain in office in the same manner and for the same terms as if this act had not been passed.

111. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCCIV.

An act for the preservation of crabs in the waters of Manasquan river.

When, where and how crabs shall not be taken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of June until the first day of October, yearly and every year, it shall not be lawful for any person, under any pretence whatsoever, to use any seine, net, jack, or any other device except only the ordinary hand bow-net for the purpose of taking crabs from the waters of Manasquan river, in the counties of Monmouth and Ocean, between the mouth thereof on the Atlantic coast and the second bridge crossing the same, and commonly known as "Old Squan Bridge."

Penalty.

2. *And be it enacted*, That if any person or persons shall violate the provisions of this act, he, she, or they so offending shall for the first offence forfeit and pay fifteen dollars; and for each subsequent offence thirty dollars, together with the net, seine, jack, or device so employed, the said sums to be recovered, with costs, by action of debt, by any person who shall prosecute for the same in any court of record in

To be recovered by action of debt.

this state having cognizance of that sum; one moiety thereof to the use of the person prosecuting, and the other moiety to the overseer of the poor of the township in which the offence was committed, for the support of the poor of said township.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 19, 1874.

CHAPTER CCCX.

An act to prevent horses, cattle, mules, sheep or swine from running at large in the township of Wantage, in the county of Sussex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to allow any horses, cattle, mules, sheep or swine to run at large, within the area of one-half mile from the post office in the village of Deckertown, in the township of Wantage, in the county of Sussex; and that whenever any such horses, cattle, mules, sheep or swine are found at large as aforesaid, it shall be lawful for any person to drive or convey any such beast to the keeper of the public pound of said township, who is hereby authorized and required to receive, safely keep, and properly feed and care for every such animal.

Animals not to run at large.

If found at large to be taken to pound.

2. *And be it enacted*, That any person driving or delivering to said pound-keeper any such horses, cattle, mules, sheep or swine, shall be entitled to demand and receive from him twenty-five cents per head therefor; and the said pound-keeper shall be entitled to charge twenty-five cents per head for receiving into, and a like sum for discharging from his custody any such animal, and, in addition thereto, compensation as follows, for feeding and caring for such stock for every twenty-four hours it remains in his custody, viz: for every horse, mule or head of cattle, twenty-five cents; for every head of swine or sheep, fifteen cents.

Fees of persons delivering animals to pound keeper.

If charges not paid by owner in four days, pound keeper to advertise and sell.

3. *And be it enacted*, That if the owner or owners of any such animals so impounded shall not pay all charges for impounding and keeping the same, and take the same away within four days, it shall then be the duty of the pound-keeper to set up advertisements in five of the most public places in said township, describing such horses, cattle, mules, sheep or swine, and giving at least five days' notice of an intended day and place of sale; and if the owner or owners of such animals do not appear and redeem the same before the time so announced, the said pound-keeper shall sell the same accordingly, by public vendue, to the highest bidder, for cash; and out of the money arising from such sale shall retain and pay all charges for impounding and keeping said stock; and shall be entitled to retain, as his compensation for advertising and selling each animal, one dollar, the balance remaining in his hands, after paying all charges as aforesaid, he shall pay over to the owner or owners of the beasts so sold, if they shall appear and claim the same; and if no owner or owners shall appear and claim such surplus, within three months after such sale, the same shall be paid to the township committee of said township, for the use thereof.

To pay owner balance remaining if demanded.

4. *And be it enacted*, That this act shall take effect immediately.

Approved, March 20, 1874.

CHAPTER CCCXI.

A further supplement to the act entitled "An act to encourage the establishment of 'Mutual Loan and Building Associations,'" approved February twenty-eighth, one thousand eight hundred and forty-nine.

Capital stock considered personal property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of all associations within the county of Monmouth, organized under and by virtue of the above mentioned act, and the several sup-

plements thereto, and which may be hereafter organized within said county, shall be considered personal property, and that the par value of the shares thereof shall be taxed, in the name of the parties holding the same, upon the books of said associations, in the same way and manner as other personal property, in lieu of the taxes now assessed by law upon the capital stock of said associations. To be taxed in name of parties holding same.

2. *And be it enacted*, That it shall be the duty of the Secretary of all such associations within said county, when requested so to do, to furnish to the township assessors a full and complete list of the members of the same, and the number of shares standing in their names or the books thereof, for the purposes of taxation under this act. Secretary to furnish assessor list of members and number of shares by them held.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 20, 1874.

CHAPTER CCCXVIII.

A further supplement to the act entitled "An act constituting a Public Road Board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex, approved March thirty-first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much and such parts of any and all acts supplementary to the act to which this is a further supplement, as relates to or authorizes the laying out and construction of the avenues known and designated as "Essex avenue," "Midland avenue," and "Lincoln avenue," be and the same are hereby repealed. Repealer.

2. *And be it enacted*, That no contract for the construction or macadamising of any avenue, or of any section thereof, shall be made by the Essex Public Road Board, unless a certified copy of the resolution of said board, providing for such construction or macadamizing, shall be submitted to, Contract shall not be made, until certified copy has been approved by board of freeholders

and such resolution shall be approved by the board of chosen freeholders of the county of Essex.

When assessment upon lands benefited shall have been made, and in course of reconstruction or improvement an alteration of grade, and subsequent appraisement of damages takes place, board shall assess, &c.

3. *And be it enacted*, That whenever in the widening or straightening of any road, or avenue, or section thereof, the damages awarded by appraisers for property taken or injured, pursuant to the act, to which this is a supplement, or to any supplement thereto, shall have been assessed by assessors upon lands, deemed to be benefited, agreeably to said act, or any of its supplements, and in the course of the reconstruction or improvement thereof, there shall be an alteration of grade and a subsequent appraisement of damages therefor, or by reason thereof, pursuant to the eleventh section of the act to which this is a further supplement, the said board shall thereupon, without the intervention of assessors, apportion or assess the last mentioned damages ratably upon the same lands, so assessed by said assessors, and on the basis of their assessment; and the same shall be and remain a lien on said lands, and be enforced and collected in the same manner as the said original assessment, and in case any of said assessments shall remain unpaid in whole or in part, shall be added to the unpaid portion thereof, and be payable and collectable therewith.

To become lien on lands.

Certiorari to be allowed and issued in sixty days after assessment approved by board.

4. *And be it enacted*, That any writ of certiorari to review any assessment for benefits or any order or proceedings preliminary thereto under the act to which this is a supplement, or any supplement thereto, unless such writ shall be allowed and issued within sixty days after the said assessment shall have been approved by said board.

5. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXIX.

A supplement to an act entitled "An act to incorporate the Borough of Merchantville," approved March third, one thousand eight hundred and seventy-four.

Township Committee, together with committee of five elected by council to meet and allot and divide property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of Stockton township in the county of Camden, and not more than five persons to be selected by the common council of the borough of Merchantville, shall meet, on the third Tuesday in May next, at the store of Albert Fish in said township, at ten o'clock in the forenoon of said day, and may adjourn from time to time as a majority may direct, and then and there, or at such adjourned day, proceed by writing signed by a majority of those present, to allot and divide between the said township and "the burgess and common council of the borough of Merchantville," all properties and moneys on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessors within their respective limits at the last assessment; and "the burgess and common council of the borough of Merchantville" shall be liable to pay their just proportion of the debts of the inhabitants of the township of Stockton, in the county of Camden, if any such there be.

Upon refusal to meet, majority of those present may make division.

2. *And be it enacted*, That if any of the persons mentioned in the preceding section shall neglect or refuse to meet at time and place aforesaid, those assembled may proceed to make said division, and the decision of a majority of those present shall be final and conclusive; and that this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXX.

An act to authorize the Freeholders of Middlesex County to construct a draw or swing bridge over Cheesquake Creek.

Chosen freeholders empowered to build bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Middlesex to build and maintain a good and sufficient bridge over Cheesquake creek, with a suitable draw or swing therein of not less than thirty feet in width, which bridge shall be located at or near the mouth of said creek.

Repealer.

2. *And be it enacted*, That the act entitled "An act to incorporate the South Amboy and Cheesquake Bridge Company," approved February eighteenth, one thousand eight hundred and fifty-eight, be and the same is hereby repealed.

3. *And be it enacted*, That this shall be considered a public act and take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXXI.

An act to facilitate the collection of taxes in the township of Pittsgrove, in the county of Salem.

Township Committee empowered to collect delinquent taxes assessed on real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Pittsgrove, in the county of Salem, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township, during the year

of our Lord one thousand eight hundred and seventy-three, and thereafter, by exposing the same for sale, or so much thereof, as may be sufficient to pay said taxes and the cost thereon, at public vendue, to the person or persons who will take the least quantity of said land, to be laid out in one body, and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due; and in cases where the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at such sale, and bid on such lands as are offered for sale as aforesaid, in the name of the township; the land to be sold to him, if any, to be the property of said township.

May expose the same for sale.

Treasurer may appear at sale and bid in name of township

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee, that the taxes assessed on said lands are unpaid, and have by him been returned as delinquent, and shall verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit, on or before the annual township meeting for the election of officers, shall be liable to the township for all of said unpaid and delinquent taxes not so returned.

Land not to be sold until collector shall have made return to township committee.

Penalty for neglecting to make return.

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, a copy thereof to be posted in at least three public places in said township, two of said places to be at the places where the elections of said township are held, the same to be certified to and signed by the clerk of said township.

Copy of return to be recorded in clerk's office.

4. *And be it enacted*, That if any of said delinquents at any time before the expiration of twenty days after the first posting of said notices, shall appear before said clerk and pay said delinquent taxes and the costs, together with the additional sum of fifty cents as registry fee for said clerk, then in such case, the clerk shall receive the same in the name of the township committee, and give receipt therefor; but in case such delinquents do not appear and make the said payment within the said twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county, at least six weeks,

Delinquents may appear and pay taxes, costs and registry fee.

In case of neglect to appear, township committee to cause return and affidavit to be published.

specifying the time and place when the same will be sold at public vendue as aforesaid, for the collection of said returned and delinquent taxes.

Lands by whom and how sold.

5. *And be it enacted*, That on the day mentioned in said notice, or on same adjourned day thereof, the chairman of the said committee shall, at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in order so returned at vendue as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes, with the cost of advertising and sale.

Township Committee to execute and deliver certificate of sale.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons who may become the purchasers of said lands a certificate of such sale, describing the piece or several pieces so sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of said land or lands do not, within one year from the date of said certificates, appear before the said committee and deposit with them, for the purchase of said land, the amount so paid by him, together with fifteen per centum interest, in which case the said certificate shall be deemed to be cancelled, and the amount so received shall on demand be paid to the party holding and owning said certificate.

Proviso.

If not redeemed in one year township committee to execute deed.

7. *And be it enacted*, That if, at the expiration of one year from the time of said sale, the owner or owners of any lands so sold does not appear to redeem said lands as aforesaid, then the said township committee shall execute to the holder and owners of said certificate, a deed of the premises described therein, in their corporate name, the party receiving said deed to be at the expense of the acknowledging of the same, and on the delivery of said deed, the sale shall be final, and the title to such lands pass irrevocably to the holder thereof.

Majority of committee constitute quorum.

8. *And be it enacted*, That a majority of said committee shall constitute a quorum for purposes of this act, and may adjourn from time to time as they shall judge proper.

If township committee become owners, may lease, sell, &c.

9. *And be it enacted*, That in all cases where the township committee may hereafter become the owner of any lands or tenements by virtue of this act, they shall have full power and are hereby authorized to lease, sell and dispose of the same to any person or persons, either at public or private sale, for such price and upon such terms as to them

shall seem proper; and said township committee shall have full power to convey the same unto the purchaser or purchasers thereof by good and sufficient deed in fee simple or otherwise; the said deed therefor shall be made in the corporate name of the "Inhabitants of the Township of Pittsgrove," and signed by at least a majority of said township committee; the funds arising from the sale of said lands to be paid over to the township collector, and by him kept and paid out as other funds belonging to said township are kept and paid out.

May execute deed in corporate name.

Funds arising from sale to be paid to township collector.

10. *And be it enacted*, That this act shall be deemed to be a public act, and take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXXII.

A further supplement to an act to authorize the inhabitants of Delanco, in the Township of Beverly, in the County of Burlington, to improve and regulate their roads, crossings and sidewalks," approved April third, one thousand eight hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the assessor and collector of the township in which said Delanco is situated, to assess and collect the tax provided by section three, act April third, one thousand eight hundred and sixty-six, to include the year one thousand eight hundred and seventy-three.

Assessor and collector empowered to assess and collect certain taxes.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXXIII.

An act to authorize the Inhabitants of the Township of Walpack, in the county of Sussex, to vote by ballot at their town meetings.

Voters at town meeting may elect certain officers

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Walpack, in the county of Sussex, who are or shall be entitled to vote at town meetings, shall, at their town meetings to be hereafter held, elect all such officers as they are or may be by law authorized to elect (except overseers of the highways, who shall be elected as heretofore), and to determine the sums of money to be raised for such several purposes as are or may be authorized by law, and also the place of holding their town meetings, and election for state and county officers by ballot, and not otherwise.

May determine amount of money to be raised.

Who shall constitute board of election.

To determine who are entitled to vote.

2. *And be it enacted*, That the judge of election, assessor and collector of the next preceding year, shall constitute the board of election at such town meeting; and said board shall be empowered to determine who are by law, entitled to vote at such town meetings, and shall be invested with the same powers, be liable to the same penalties, and be governed by the same rules in conducting the election at such town meeting, as at the annual election for state and county officers.

In case of inability or neglect to serve, vacancy how filled.

In case of vacancy may choose clerk.

3. *And be it enacted*, That in case of the absence, inability, or neglect to serve, of any member of the board of election, the lawful voters present at the opening of the poll, shall elect, viva voce, a person being a lawful voter in such township, to fill such vacancy during said election; and in case of his absence, inability, or neglect to serve, the board of election shall choose a person to serve as clerk during such election; and that such clerk of election shall take an oath or affirmation, to be administered by one of the board of election, faithfully and impartially to perform his duties therein.

Oath or affirmation to be administered by clerk.

4. *And be it enacted*, That previously to the opening of the poll, the clerk shall administer to each member of the board of election, the following oath or affirmation: "You do swear, (or affirm), that you will faithfully and impartially perform the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not lawfully entitled to vote at this election; and that if any person shall offer his vote, whom you shall suspect or believe not to be entitled to vote at this election, you will challenge and refuse to receive the same, until you shall be fully satisfied that he is legally entitled to vote therein."

Time of opening and closing polls. Result of election how and by whom determined. Record by whom signed.

5. *And be it enacted*, That the poll shall be opened at ten o'clock in the forenoon, and close at four o'clock in the afternoon, at the place appointed for holding the annual town meeting; and that immediately upon the closing of the poll, the board of election and clerk, shall, without adjournment or delay, proceed in an open and public manner to determine the result of such election; which result shall be recorded by the clerk in the minutes of said town meeting, and the record signed by the said board of election, or the majority of them, and by the said clerk; that the board of election may adjourn such election at any proper time between the opening and closing of the polls for a space of time not exceeding one hour.

Plurality of votes sufficient to elect.

6. *And be it enacted*, That a plurality of votes cast shall be sufficient to elect any and all officers voted for, and to determine all matters which are herein directed to be decided by ballot.

In case of a tie vote township committee to decide.

7. *And be it enacted*, That in case of a tie between two candidates for the same office, or between any two sums of money voted for, or in any other matter, the township committee, or a majority of them, shall decide; which decision shall be by resolution, and shall be recorded in the book of minutes of said township.

Compensation of board of election and clerk.

8. *And be it enacted*, That the officers of the board of election, and the clerk, shall be allowed for their services in attending every such election, the sum of two dollars each, to be paid by the township committee out of the funds of the said township; and no officer shall be incompetent to act by reason of his being a candidate for any office to be voted for at such election.

Township Committee

9. *And be it enacted*, That it shall be the duty of the town-

to meet and prepare report.

ship committee to meet at least twelve days before the day of any town meeting, and prepare their report, as now directed by law; and it shall be the duty of the clerk to attend such meeting of the township committee, and to cause copies of said report to be put up at least six days prior to the then next town meeting, in three or more such public places as the said committee shall direct, and receive such compensation as the committee shall allow.

Clerk to cause report to be posted in three public places.

10. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXXIV.

A supplement to an act entitled "An act to prevent persons and private corporations from discharging the refuse of petroleum or rock oil, or the body of any dead animal into the river Passaic within the boundaries of the counties of Essex and Hudson."

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, be amended by a repeal of the law, except that portion thereof which provides for punishment, and in place of the repealed portion inserting the following:

"That it shall not be lawful for any person or private corporation to discharge into the river Passaic, within the boundaries of the counties of Essex and Hudson, any petroleum or rock oil, or coal tar."

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXXV.

An act to authorize the Board of Chosen Freeholders of the county of Passaic, to purchase and vacate certain turnpikes in said county.

Preamble. WHEREAS, In consequence of the increasing population of Passaic county, it is desirable to have free communication between the various townships of said county and the city of Paterson, the county town of said county, and to extinguish, by purchase, all exclusive privileges in building and maintaining turnpikes, plank, or macadamized roads, enjoyed by the proprietors of the Paterson and Little Falls Turnpike Company, the Godwinville and Paterson Macadamized Road Company, and the Paterson and New York Plank Road Company; therefore, to enable the same object to be carried out and accomplished:

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Buckley, Rev. John H. Robinson, George Griffith, William Crossett, Martin John Ryerson, Nathaniel Townsend, James Hewson, John R. Daggers, Henry McDanolds and Robert Adams, or a majority of them, be hereby appointed commissioners, with full powers and authority, by contract with the proprietors of the Paterson and Little Falls Turnpike, the Godwinville and Paterson Macadamized Road, and the Paterson and New York Plank Road, situated in Passaic county, to purchase and acquire for the public use of said county, such portions of said roads as shall lie in said county, together with the exclusive franchises possessed by said companies, for the lowest price for which the same can be obtained, to the end that no obstruction may hereafter exist, to the erection of such free roads as may at any time be built in said county.

Empowered to purchase and acquire certain turnpikes.

If no agreement can be made for purchases, commissioners to estimate 2. *And be it enacted*, That in case no agreement for such purchases can be made with such corporations, the said commissioners shall thereupon proceed to estimate and determine the fair and just value of said roads and franchises, having

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and determine value upon giving twenty days' notice in writing.

first given at least twenty days' notice, in writing, of the time and place, when and where the said commissioners will meet to hear any representations in behalf of the said corporations, or of the board of chosen freeholders of said county, in relation to the matter, which notice shall be served upon the presidents of said corporations, and also upon the director of the board of freeholders of said county of Passaic; and shall be published in two daily newspapers, in the county of Passaic, for the space of ten days prior to said meeting; and said meeting may be adjourned from time to time, at the discretion of said commissioners; and so soon as they shall have determined upon said valuation, they shall prepare and sign a certificate thereof, and file the same in the office of the clerk of the county of Passaic; and immediately upon the payment to the said Paterson and Little Falls Turnpike Company, the Godwinville and Paterson Macadamized Road Company, and the Paterson and New York Plank Road Company, or either of them the amount of said valuation, or in case they will not receive the same, upon the deposit of the same in such trust company or savings institution as any justice of the supreme court shall direct; the title to and right of possession of the said roads shall become vested in the board of chosen freeholders of said county, for public use, in the same manner as if the same had been erected by said board in pursuance of laws; and said roads shall thereafter revert to the townships and cities in said county through which they shall pass, and be forever free to the public use.

Notice how served.

When valuation determined, commissioners to prepare and file certificate in county clerk's office.

Title to and right of possession how vested.

Roads revert to townships and cities through which they pass.

Appeal by whom and how made.

3. *And be it enacted*, That in case the said coporations or the board of chosen freeholders of the county of Passaic or either of them, shall conceive themselves aggrieved by the action of said commissioners, they may appeal therefrom to the supreme court of this state, at any time within sixty days after the filing of the said certificates as aforesaid; and the said court shall order a jury to assess the value of the said roads and franchises, the trial whereof shall be conducted as in other cases of trial by jury, and the final judgment of said court shall be conclusive, as to the said valuation; and the amount already paid or deposited, as said valuation shall be increased or diminished accordingly; *provided*, that in case of appeal by said board, and also by said corporations, but one issue shall be framed, and one jury ordered for the trial thereof; and that the place of trial of such appeal

Proviso.

whether taken by the said board of chosen freeholders, or by the said corporations, shall be in the county of Passaic.

Amount agreed upon to be paid by board of chosen freeholders

4. *And be it enacted*, That the amount agreed upon or finally awarded, as aforesaid, for the purchase of said roads and franchises, with the expenses thereto, shall be paid by the board of chosen freeholders of the said county of Passaic; and the said board of chosen freeholders are hereby authorized, empowered, and required to borrow, from time to time, in the name of said board, by issue of bonds, signed by their director, and countersigned by the collector of said county, and payable at any time, not exceeding ten years, and bearing interest at the rate of seven per centum per annum, all such sums of money as shall be necessary to pay the valuation and expenses aforesaid; which sums of money shall be paid over to said commissioners, to be applied by them to the purposes provided for in this act; and the moneys necessary for the redemption of the said bonds, with the interest to accrue thereon, shall be raised by county taxes, from time to time, in the same manner as other taxes are raised in said county.

Who may borrow money and issue bonds

Moneys necessary for redemption to be raised by county taxes.

Commissioners to take and subscribe an oath.

5. *And be it enacted*, That before entering upon the duties hereinbefore specified, the said commissioners shall take and subscribe an oath before some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them by this act; and the said commissioners shall be entitled to receive five dollars per day for the time necessarily employed by them in the duties imposed by this act.

Compensation of commissioners.

6. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXXVI.

A further supplement to an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Boundaries of portion annexed to city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the territory of the township of Weehawken, in the county of Hudson, situate, lying and being southerly of a certain line described as follows: that is to say, beginning at a point in the middle of the Hudson river, due east from the mouth of Loss or Sluice creek; thence running due west to the centre of said creek at its mouth; thence along the centre of said creek, the several courses thereof, to the great bend of the same, and being the same territory designated and included in the corporate limits of the city of Hoboken by the act to which this is a supplement, be and the same is hereby set apart from the said township of Weehawken, and re-annexed to the said city of Hoboken, and that the same shall be included within the corporate limits of said city.

Certain offices not to expire.

2. *And be it enacted*, That all justices of the peace, commissioners of deeds and other officers, residing within the limits of the territory hereby annexed to the city of Hoboken, shall hold their respective offices until the same shall expire by their own limitation.

Portion set off subject to proportionate share of debt.

3. *And be it enacted*, That such portion of the lands and property described in the first portion of this act, as separated and set off from the township of Weehawken, shall be subject to a proportionate share of any debt or obligation incurred by the inhabitants of the said township of Weehawken; and the mayor and council of the city of Hoboken shall be made liable to the debts and obligations aforesaid, to be enforced at law or in equity upon the lands and property aforesaid, and in the proportion and upon the principles aforesaid. The portion of the territory of the township of Weehawken set apart from said township and annexed to

Portion annexed liable to taxation

the city of Hoboken by the first section of this act shall be liable to taxation the same as other property in the city of Hoboken unless within thirty days from the passage of this act the owners of a majority in value or area of the territory so set apart and annexed shall file their assent to this act with and pay the sum of five hundred dollars, to the treasurer of the city of Hoboken and the payment of said sum shall be in lieu and satisfaction of all tax or imposition that may hereafter be levied to pay the principal or interest of any indebtedness heretofore incurred by the city of Hoboken, for any purpose whatsoever, except as hereinafter mentioned and upon the territory so set apart and annexed no tax shall hereafter be levied to pay all or any part of the indebtedness heretofore incurred by the city of Hoboken or any interest thereon excepting that indebtedness of the said city of Hoboken represented by the so called Water Bonds and so called Park Improvement Bonds of the said city of Hoboken together with the interest thereon, and the city authorities of the city of Hoboken shall hereafter so apportion the taxes of said city, that no tax for any portion of the indebtedness heretofore incurred by said city before the passage of this act excepting as aforesaid shall ever be levied upon or collected from the territory so set apart and annexed to said city by this act.

Boundaries of second and third wards.

4. *And be it enacted*, That all that portion of the territory annexed to the city of Hoboken by the first section of this act, lying east of the centre line of Bloomfield street, shall be a part of and belong to the second ward of the city of Hoboken, and all that portion of said territory annexed to said city as aforesaid, lying west of the centre line of Bloomfield street, shall be a part of and belong to the third ward of the city of Hoboken.

Seventh assembly district.

5. *And be it enacted*, That all of the territory, by the first section of this act annexed to the city of Hoboken, shall belong to and be included in the seventh assembly district of the county of Hudson.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

7 *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXXVII.

An act to prevent Horses, Cattle, Sheep and Swine from running at large in the Township of Haddon, in the County of Camden.

Who may drive animals to public pound.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside within the limits of the township of Haddon, in the county of Camden, except any person or persons under the age of sixteen years, for whom it shall not be lawful, unless authorized by a written order from their parents or guardians, to drive or convey to any public pound which may be in the township aforesaid, any horses, cattle, sheep, or swine, found running at large in the public highways, or otherwise, within the bounds aforesaid, and impound the same, and the keeper or keepers of any public pound in said township is, and are hereby required and authorized to receive such horses, cattle, sheep and swine, and the party (or the poundkeeper, if the duty be performed by him), shall have twelve cents per head for impounding each horse or head of cattle, five cents per head for each sheep, and twenty-five cents per head for each swine; and the keeper shall have twelve cents per head for every horse or head of cattle, five cents for every sheep, and twenty-five cents for every swine for letting in the pound, and shall also have twelve cents per head for every horse or head of cattle, five cents for every sheep, and twenty-five cents for every swine for letting out of the pound; and for feeding and attending, ten cents per head for horses and cattle, five cents per head for sheep, and ten cents per head for sheep, and ten cents per head for swine, for every twenty-four hours they shall continue in said pound; and if the owner or owners of said horses, cattle, sheep or swine so impounded, shall not pay the charges of impounding and keeping within four days after such beasts shall be impounded and take the same away, it shall then be the duty of the poundkeeper to set up

Compensation.

If charges and costs not paid by owner pound keeper to advertise for sale.

advertisements in five of the most public places in said township, describing such horses, cattle, sheep or swine, do not appear and redeem the said beasts before the time so notified, the poundkeeper shall sell the same accordingly, and out of the money arising from such sale shall pay the charges of conveying to the pound, and retain in his hands his fees for impounding, keeping and feeding said horses, cattle, sheep or swine, and fifty cents for advertising sale and collecting the money for each horse, cattle or swine, and ten cents for each sheep, and return the overplus to the owner or owners of the beasts, if they shall appear to claim the same; and if no owner or owners shall appear and claim such surplus within six months after such sale, the same shall be paid to the overseer or overseers of the poor of the township aforesaid, to be expended for and towards the support of the poor thereot.

After sale overplus to be returned

2. *And be it enacted*, That any owner or owners of any horses, cattle, sheep or swine who shall knowingly and wilfully permit such horses, cattle, sheep or swine to go or be at large within the bounds aforesaid, shall forfeit and pay the sum of three dollars for each horse, cattle, sheep or swine so found at large, to be recovered by an action of debt with costs of suit in any court of competent jurisdiction by any person who shall sue for the same, one-half thereof to be paid to the overseer of the poor of the township aforesaid to be expended for and towards the support of the poor thereof.

Fine for allowing certain animals to run at large.

3. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent with the provisions of this act be, and the same are, hereby repealed.

Repealer.

Approved March 21, 1874.

CHAPTER CCCXXXV.

A further supplement to the act entitled "An act to incorporate the Crosswicks and Trenton Turnpike Company," approved March seventeenth, eighteen hundred and fifty-four.

Preamble. WHEREAS, The westerly end of the turnpike road of said company is within the limits of the borough of Chambersburg, and the corporate authorities of said borough are desirous of having control of all the streets and roads in said borough, in order to grade and regulate the same —therefore,

Turnpike certain portion when and to whom surrendered.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said Crosswicks and Trenton Turnpike Company to surrender that portion of their turnpike road which lies within the bounds of the borough of Chambersburg, extending from the easterly line of said borough to the Delaware and Raritan Canal, and if the common council of said borough, on receiving a notice of such surrender, shall by resolution approve of the same, then that portion of said turnpike road above mentioned, shall be vacated as a turnpike, and shall be regulated and controlled by said borough as the other streets and roads within its limits.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXLVI.

A supplement to an act entitled "An act to facilitate judicial proceedings in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of section one of an act entitled "An act to facilitate judicial proceedings in the county of Camden," approved March ninth, eighteen hundred and sixty-nine, as provides "that no person charged with larceny in said county shall be tried otherwise than before said court, or on regular indictment according to the usual course of proceedings at law" be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXLVII.

An act to facilitate judicial proceedings in the county of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the presiding judge of the courts of the county of Burlington shall be authorized to direct the attendance of as many constables at the sessions of the courts of said county, after the sitting of the grand jury as in his judgment shall be necessary; and only the constables notified by or through him to be present, shall attend at said sessions, or be entitled to compensation therefor. Attendance of constables of whom authorized.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXLVIII.

An act to create the office of Harbor Master for the town of Keyport, Monmouth County.

Harbor Master when and by whom appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of commissioners of the town of Keyport whenever application shall be made to them by any director or directors of any incorporated company or companies owning and running a boat or boats to and from said town, or near said town, to appoint some suitable person as harbor master at said town.

Duties, &c.

2. *And be it enacted*, That the duties of said harbor master shall be the same as those of harbor masters at any of the cities of this state, and particularly said harbor master shall remove or cause to be removed any vessel or vessels which shall anchor in the channel in the bay near said town or in the usual track of the steam vessels running to and from said town.

Penalty for resisting, &c.

3. *And be it enacted*, That if any person shall resist said harbor master in the discharge of his duties, such person so resisting shall be guilty of a misdemeanor and shall be fined not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding three months or both.

Compensation.

4. *And be it enacted*, That the compensation of said harbor master shall not exceed two hundred dollars per annum, which sum shall be paid by the company or companies making application as aforesaid.

Public act.

5. *And be it enacted*, That this act shall be deemed a public act.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCXLIX.

An act to facilitate the collection of taxes in the township of Ocean, in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Ocean, in the county of Monmouth, shall have power to enforce the collection of all delinquent taxes heretofore assessed or which may hereafter be assessed on any real estate in said township, whether owned by residents or non-residents of this state, by exposing the same for sale at auction for the shortest time for which any person will take the same and pay all the taxes and the costs thereon, and in case where the said committee may deem it for the interest of the township they may authorize the collector of the said township to appear at such sale and bid on such lands as are offered for sale as aforesaid in the name of the township; the land so sold to him, if any, to be the property of said township. Township Committee empowered to enforce collection of delinquent taxes

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid and have been returned as delinquent, and shall verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit on or betore the annual township meeting for the election of officers shall be liable to the township for all of said unpaid delinquent taxes not so returned. Land when not to be sold.

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's book of said township, and a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of Return to be recorded

said township was held, the same to be certified to and signed by the clerk of the township.

Delinquent taxes when and to whom to be paid.

4. *And be it enacted*, That if any of said delinquents at any time before the expiration of twenty days after the first posting of said notices shall appear before said collector and pay said delinquent taxes and costs, together with the additional sum of fifty cents as registry fee for said clerk, then in such case the collector shall receive the same in the name of the township committee and give his receipt therefor, but in case such delinquent do not appear and make the said payment within the said twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in said county for at least six weeks, specifying the time and place where the same will be sold at public vendue as aforesaid, for the collection of said returned and delinquent taxes.

Sale when and by whom conducted.

5. *And be it enacted*, That on the day mentioned in said notice as the day for said sale, or on some subsequent day to which said sale may be adjourned, the chairman of the said committee shall at the hour named in said notice proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned at public vendue as aforesaid, to the person or persons who will take said premises so offered for the shortest time, and pay the amount of said delinquent taxes with the costs of advertising and sale.

Township Committee to execute and deliver certificate of sale.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons who may become the purchasers of said land a certificate of such sale, describing the piece or several pieces so sold as the case may be, together with the amount paid for the same, entitling the holder thereof to a lease of the premises so sold; *provided*, that the owner or owners of said land or lands do not, within one year from date of said certificate, appear before the said committee and deposit with them for the purchaser of said lease the amount so paid by him, together with interest at fifteen per centum per annum, in which case the said certificate shall be deemed to be cancelled, and the amount so received shall, on demand, be paid to the party holding and owning such certificate.

Proviso.

If not redeemed to execute lease.

7. *And be it enacted*, That if at the expiration of one year from the time of said sale, the owner or owners of any land so sold do not appear to redeem said land as aforesaid, then

the said township committee shall execute to the holders and owners of said certificate a lease of the premises described therein, in the corporate name of said township, the party receiving said lease to be at the expense of the recording the same, and on the delivery of said lease the sale shall be final and the leasehold to such lands pass irrevocably to the holders thereof until the said lease expires.

Majority to constitute quorum.

8. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purposes of this act, and may adjourn from time to time, as they shall deem proper.

Repealer.

9. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately, and that all acts and parts of acts inconsistent with the provisions of this act, so far as the same relate to the township of Ocean in Monmouth county, are hereby repealed.

Personal property not exempt from taxation.

10. *And be it enacted*, That no personal property of any taxable inhabitant of said township of Ocean shall be exempt from sale for the payment of poll tax and costs.

Approved March 21, 1874.

CHAPTER CCCL.

An act to fix the salary of the Prosecutor of the Pleas in the County of Burlington.

Salary of Prosecutor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the prosecutor of the pleas for the county of Burlington, shall be one thousand two hundred dollars per annum, which sum shall be paid to him in quarterly installments, by the collector of said county, and shall be in lieu of all fees, costs, and compensation, now received by him, and all fees, costs, and compensation that said prosecutor is now entitled by law to receive, shall be taxed in all bills of costs the same as are now taxed, and shall be collected by the sheriff of said county of Burlington, and be by him paid over to the collector of said county for the use of said county.

Repealer. 2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCLI.

A supplement to an act to revise the charter of the Borough of Princeton.

Amount of poll tax to be assessed 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every taxable inhabitant of the said borough shall be assessed the sum of fifty cents as poll tax.

Boundaries 2. *And be it enacted*, That the westerly line of the said borough shall be as follows, to wit: beginning at a point in the easterly line of the road running from the turnpike at Job G. Olden's toward the Delaware and Raritan Canal, at a point opposite the southeasterly corner of a lot formerly of Thomas Olden; and thence northerly along said road across the Trenton and Princeton branch turnpike along the line of the road between Charles S. Olden and Susan D. Brown, and in a straight line with it across the old stage road and lands of Samuel W. Stockton, upon lands of Richard S. Conover, two thousand yards.

Repealer. 3. *And be it enacted*, That all acts inconsistent with this act are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCLII.

A further supplement to the act entitled "An act to facilitate judicial proceedings in the County of Hudson," approved March seventeenth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the additional judge provided for by the act to which this is a supplement, shall be from and after the passage of this act, four thousand five hundred dollars per annum. Salary.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCLIII.

A further supplement to an act entitled "An act to set off a new township from the Townships of Newark, Orange, Elizabeth and Union, in the County of Essex, to be called the Township of Clinton," passed February nineteenth, one thousand eight hundred and thirty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no commissioner who has heretofore been or who may hereafter be appointed under the act entitled "A supplement to an act to set off a new township from the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, to be called the township of Clinton," passed February nineteenth, one thousand eight hundred and thirty-four, which supplement was ap- When commissioners not to be disqualified

proved March thirty-first, one thousand eight hundred and sixty-nine, or under the supplement to said act which was approved March seventeenth, one thousand eight hundred and seventy, shall be disqualified from performing any of the duties prescribed for the commissioners under said acts because such commissioner is an inhabitant of the township of Clinton, or liable to be taxed within the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCLIV.

A further supplement to an act entitled "An act to authorize the appointment of Commissioners to lay out streets, avenues and public squares in the township of Clinton, in the county of Essex, and for other purposes," approved February nineteenth, one thousand eight hundred and seventy-two.

Present commissioners to cease to act

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the several persons called in said act commissioners of streets and avenues in the township of Clinton, and their successors, or the successors of any of them, shall cease to act as such commissioners, and that the township committee of said township of Clinton, for the time being, shall hereafter be such commissioners, to all intents and purposes, the same as though they had been constituted such commissioners by the said act, and shall be vested with all the powers and shall perform all the duties belonging to and imposed upon said commissioners by said act or any act supplemental thereto; and any and all consents or petitions contemplated by the said act to which this is a supplement, shall be made to said township committee instead of to said commissioners.

Township committee to act as such.

May make temporary loans.

2. *And be it enacted*, That for the purpose of meeting any of the expenses arising under said act, or the supplement

thereto, or this act, the said township committee shall hav full power to make temporary loans and pay interest thereon at any rate legal in this state, and as evidences of such loans to give the promissory note or notes of the said township of Clinton, payable at such time or times, and for such amount or amounts as said township committee may deem advisable, which note or notes shall be signed by such person or persons as said committee shall appoint for that purpose, and shall be binding upon said township, and in case of non-payment, may be sued upon in any court of competent jurisdiction, and judgment recovered and execution issued on such judgment against said township and its property.

Proceedings, when township committee are interested in lands.

3. *And be it enacted*, That in any case where the owners of land apply in accordance with the provisions of this act, or the act to which this is a supplement, for the opening, widening altering or straightening of any street or streets, any one or more of the said township committee shall be interested in the lands proposed to be taken for the opening, widening, altering or straightening of any such street or streets, then, and in such case, the said township committee shall appoint three persons, entirely disinterested in any such land and premises, who shall perform the duties, and possess the powers and privileges devolving upon and belonging to the said township committee, or to the said commissioners of streets and avenues, under the act to which this is a supplement, or any other supplement thereto, with reference to any such street or streets in which said township committee, or any one or more of them, shall be interested as aforesaid, and the said township committee shall have full power and authority to make such agreement or agreements with said commissioners, for the payment to them of such compensation as they may deem advisable and proper; and the necessary expenses and compensation of said commissioners shall be added to the amount of the said assessments, and collected with said assessments as hereinafter provided for.

Township Committee to receive no fees, &c.

4. *And be it enacted*, That the said township committee shall receive no fees or compensation for the performance of any duties imposed upon them by this act, or the act to which this is a supplement, or any other supplement to said original act, except such fees as they are now entitled to by law as members of said township committee.

Township Committee to ascertain damages and expenses.

5. *And be it enacted*, That the said township committee shall, immediately after any such street or streets shall be opened, widened, altered or straightened, ascertain the whole amount of the damages and expenses connected therewith, and shall thereupon make an assessment of such damages and expenses, according to the best of their skill and judgment, in a fair, just and impartial manner, and as equitably as may be, upon the land or lands upon the line of such street or streets and the owner or owners thereof, which may be benefited by such improvement, and forthwith make a report thereof, which report shall specify the names of the owners of any such land whereon damages shall be awarded, and the amount of such damages, the amount of any expenses, the character of such expenses, and the name or names of the owner or owners of any land and premises upon which such assessments shall be made as aforesaid, and deposit the said report in the office of the clerk of the said township, where the same shall remain open to the inspection of all parties interested for the space of thirty days; and at the expiration of said thirty days, the said township committee shall meet, at a time and place to be appointed by them by notices put up five days prior to said meeting at five of the most public places in said township, and at such meeting the said township committee shall hear all objections from parties interested, and after hearing such objections the said township committee shall review such awards and assessments, and shall thereupon deposit a revised report of such award and assessments in the office of the clerk of said township, who shall give notice thereof by advertisements set up at five of the most public places in said township; and at the expiration of thirty days from the time of giving the last notice in this section mentioned, the said assessments shall be due and payable, and may be collected in the manner hereinafter mentioned; in case the said committee shall not be able upon diligent inquiry to ascertain the name or names of the owner or owners of such land and premises, then they may report the name as "owner unknown," and that designation shall be used in all further proceedings under this act, unless the name or names of such owner or owners shall thereafter be discovered, and such description shall not invalidate any of such proceedings, but the same shall be binding and conclusive upon all parties, to all intents and purposes the same as though the

To make report.

To file report with township clerk.

true name or names of such owner or owners had been inserted in said report and in such proceedings.

When street treated and used as a public street.

6. *And be it enacted*, That upon payment or tender to any land owner or owners of the amount of damages so awarded to him, her or them respectively, less the amount of benefits, if any, which may have been found properly chargeable to such land owner or owners, any such street shall be deemed to be opened and may be occupied, treated and used as a public street.

Assessments to be liens on lands, &c.

7. *And be it enacted*, That any and all assessments which may be made under and by virtue of this act, shall be and remain liens upon the lands and real estate benefited as aforesaid, from and after the time or times when the said assessments were made payable, according to the terms of the fifth section of this act, until the same shall be fully paid or collected; and every assessment made as aforesaid, shall be payable with interest from the time they became due, as aforesaid; and if any such assessment or part thereof shall remain unpaid, in whole or in part, for six months after the same shall become due and payable, the whole or any balance of such assessment, notwithstanding anything hereinbefore contained, shall thereupon become due and collectable, and may be sued for and collected by said township committee in the corporate name of said township, in an action on the case against the owner or owners of such lands and real estate respectively, in any court having cognizance of the amount sued for, or the said township committee may proceed to advertise said land and real estate upon which said assessment may be a lien, to be sold by public auction, at some public place in said township, on some day not less than two months from the time said assessments fall due, as aforesaid, between two and five o'clock in the afternoon; notice of such sale shall be published for two months, next preceding the time of such sale, by advertisements signed by the clerk of the said township, and put up at five of the most public places in said township, and in two newspapers of said county, at least once in a week for four weeks successively, prior to said sale; said advertisements shall contain the names of the land owners in default, if they can be ascertained, if not, the designation "owner unknown," may be used, together with the amounts due by them, respectively;

Township Committee may advertise, how made.

and a short description of the land and real estate so assessed, as aforesaid, and the time and place appointed for said sale; at the time of said sale the several parcels of said land and real estate shall be openly sold to the person or persons who will take the same for the shortest period of time, not exceeding fifty years from the day of sale, and will pay to the said township committee, before the close of the sale, the full amount due upon said unpaid assessment, with interest thereon from the time the same became payable, at the rate of seven per centum per annum, and also such sum as the said township committee shall determine to be a fair proportion of the expenses of advertising and conducting the sale; in the event of any purchaser neglecting to make such payment as aforesaid, he shall forfeit all claim to said land and real estate, and the same shall be resold by the said township committee, at their convenience, upon such advertisement as aforesaid; the said township committee may adjourn the sale from time to time, by making public proclamation thereof at the time of such adjournment; as soon as practicable, after the close of the sale, the said township committee shall make and deliver to any purchaser or purchasers at such sale, who shall have made such payment, as aforesaid, a certificate of sale, under their hands and seals, and duly acknowledged according to law, setting forth, as concisely as may be, the facts of said assessment, advertisement and sale, together with a description of the lands and real estate so sold, the amount actually paid therefor by said purchaser, and the length of time for which he shall have so purchased the same; said certificate shall, before its delivery, be recorded in one of the books to be kept by the said township committee for such purpose; said certificate may be assigned, by deed of assignment, under seal duly acknowledged, as aforesaid; and such assignment may be recorded in the book of said township committee upon payment of a fee of one dollar therefor; if at the end of three years from the day of sale, said land and real estate shall not have been redeemed by said owner or owners, his, her, or their legal representatives, or any mortgagee or mortgagees thereof, or any judgment, creditor or creditors, or any other person or persons having a legal or equitable interest therein, by the payment to the said township committee for the benefit of said purchaser, his heirs or assigns, of the amount originally paid by said purchaser, and any other

May sell.

May adjourn from time to time.

Certificate of sale may be assigned

Must be redeemed in three years.

tax or assessment which he may have paid, and of which he may have given written notice to said township committee, together with interest on such payment, at the rate of fifteen per centum per annum; the said township committee shall, upon the surrender of said certificate, execute and deliver to said purchaser, his legal representatives or assigns, a declaration of sale, under their hands and seals, and duly acknowledged, as aforesaid, briefly stating the facts of said assessment, advertisement and sale, together with a description of said land and real estate, and a statement of the time for which the same had been so sold; said declaration of sale shall be recorded in the office of the town clerk of said township, and also in the records of deeds, in the office of the register of said county, upon the payment of a fee of one dollar in each case; until the recording of such declaration the time for redeeming said land and real estate, as aforesaid, shall remain open, notwithstanding the said term of three years may have expired; such declaration shall be presumptive evidence in all courts and elsewhere, that such sale and proceedings were regularly made and had, according to the provisions of this act, and such purchaser or purchasers, and his, her, or their legal representatives shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her, or their own proper use, against the owner or owners thereof, and all persons claiming under him, her or them, until the term shall be completed and ended for which the purchaser or purchasers shall have agreed to take the same, as aforesaid, and no longer; the said purchaser or purchasers, or any person or persons occupying under him, her, or them, being liable for any injury or waste done or committed in the same manner as a tenant for a term of years; no mortgagee or assignee of any mortgage which shall have been recorded or registered before any such sale, shall be divested of his rights in and to said land and real estate, unless six months' notice of such sale shall be given to him, in writing, by such purchaser, or any person or persons claiming under him, which notice shall be served personally, if said mortgagee or assignee be a resident of the said county, and if not, shall be addressed to his place of residence, as stated in said mortgage or assignment thereof; if any such land and real estate shall be so redeemed by any judgment creditor or mortgagee, he shall have a

Declaration to be recorded.

Purchaser liable for waste.

lien on said land and real estate for the amount actually paid by him, as aforesaid, with legal interest thereon, to be collected and recovered in the same manner and at the same time as if included in the mortgage or judgment; and no assessment or sale shall be set aside or declared invalid because of any error in the name of any land owner, or because of the omission to name him or her, when unknown to the said township committee, or because of any slight error or inaccuracy in the description of said land and real estate in any of the proceedings; *provided*, the same be so described as to be easily identified.

Proviso.

Repealer. 8. *And be it enacted*, That the eighth section of the act to which this is a supplement, and all parts of said act and of the supplements thereto inconsistent with this act be and the same are hereby repealed.

9. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 21, 1874.

CHAPTER CCCLX.

An act to amend an act entitled "An act to incorporate the City of Passaic," approved April second, one thousand eight hundred and seventy-three.

Amendment. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the said act be amended so that it will read as follows:

"That an election shall be held in said city on the second Monday of April in each year, between the hours of eight o'clock in the forenoon, and seven o'clock in the afternoon, at such places as the city council shall appoint, of which elections at least seven days' previous notice shall be given by the city council, by publication in two newspapers printed and published or circulating in said city, and by a notice put up in a conspicuous place in each of said wards; *provided*, that the first election held after the passage of this act shall be held, notice thereof given, and the returns thereof

Proviso.

be made and the result ascertained and declared, in the same manner and under the same regulations as provided for by the present charter of "The Village of Passaic," and that the officers of said first election shall be the persons elected under the provisions of said present charter of said village; and at the first election, and at the elections once in every two years thereafter, there shall be elected in and for the said city one mayor, who shall hold his office for the term of two years; and in each year there shall be elected in and for the said city one overseer of the poor, one clerk of elections, two surveyors of the highways, three commissioners of appeal in cases of taxation, and one collector, all of whom shall hold their offices respectively for the term of one year, and as many justices of the peace as are provided for by law; and by the legal voters of each of said wards respectively, there shall be elected in each year three councilmen, one judge of elections, one constable for the county, one assessor and three trustees of public schools, who shall hold their offices respectively for the term of one year, and one chosen freeholder, who shall hold his office for the term provided for by law for chosen freeholders of the county of Passaic; *provided*, that until the expiration of the term of office of the present chosen freeholder of "The Village of Passaic" no chosen freeholder shall be elected from the ward in which he resides, and if vacancies happen the persons elected to supply such vacancies shall be elected for the unexpired term only; said elections shall be by ballot, and each ballot shall specify the number of the ward by endorsement on the back thereof, from which said councilman, judge of elections, chosen freeholder, constable, assessor and trustees of public schools are voted for, and in case any ballot shall fail so to designate the number of the ward, the names in relation to which such omission shall occur shall not be counted by the judges of election in determining the result; the city clerk shall provide the judges of said elections, with three ballot boxes, one for each ward, in which they shall deposit the ballots of the voters from the corresponding wards, and the said clerk shall be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes and keep the same in repair; and the said elections shall be held and conducted in the same manner and under the same regulations as to qualification of voters and otherwise as provided by law for the election of

members of the legislature; and the said judges and clerk of elections may hold any such election, notwithstanding they or either of them may be candidates for re-election.

Amendment.

2. *And be it enacted*, That section four of said act be amended so that it will read as follows:

That the judges of election and clerk of elections shall constitute a board of election, and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the law of this state in such cases; the name of each voter at such election shall be written in a poll book by the clerk of elections, and after the poll shall be closed, the said judge of election shall immediately count the votes given for the several candidates, and certify the result under their hands, and deliver such certificate to the city clerk, who shall file and preserve the same in his office, and shall also, within five days thereafter, file a true copy of such certificate in the office of the clerk of the county of Passaic; the person receiving the greatest number of votes given for any office in said city, shall be deemed to be elected to that office; and the city clerk shall, within five days after such election, give written notice of his election to each of the persons elected.

Amendment.

3. *And be it enacted*, That section nine of said act be amended by striking out the words "who shall be clerk of election."

Amendment.

4. *And be it enacted*, That section thirteen of said act be amended by inserting after "judges of election" near the end of the section, the words "and clerk of elections," and by striking out the words "and the clerk aforesaid shall be the clerk of such elections.".

Amendment.

5. *And be it enacted*, That section fourteen of said act be amended by striking out the words "entitled to the same compensation."

Amendment.

6. *And be it enacted*, That section seventeen of said act be amended so that it will read as follows:

That the councilmen of said city, duly elected, shall constitute and be called "The City Council of the City of Passaic."

Amendment.

7. *And be it enacted*, That section eighteen of said act be amended so that it will read as follows:

That the city council shall annually elect a president from its own body, and, in his absence, a president pro tempore; appoint its times and places of meeting, and make and

adopt such rules, regulations and by-laws, for its own government and dispatch of business as it shall think proper.

8. *And be it enacted*, That section nineteen of said act be amended so that it will read as follows: Amendment.

That the city council shall be the sole judge of the qualifications of its own members, and shall have power to issue writs of subpœna ad testificandum for, and administer oaths and affirmations to witnesses, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct, or a violation of its rules; but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceedings, and an opportunity to be heard in his defence.

9. *And be it enacted*, That section twenty-one be amended by inserting in the middle of the section, between the words "mayor" and "shall," the words "and the president of the city council;" and after the said word "shall," insert "respectively." Amendment.

10. *And be it enacted*, That section twenty-three of said act be amended so that it will read as follows: Amendment.

That every ordinance passed by the city council shall, before it takes effect, be presented by the clerk to the mayor, duly signed by the president of the city council and the city clerk; if he approve he shall sign it; if not, he shall return it with his objections, and file the same with the clerk, within ten days after he receives it; and the said city council shall, at its first regular meeting thereafter, order the objections to be entered at large in its journal, and shall proceed to reconsider the same; and if two-thirds of all the councilmen shall agree to pass the same it shall take effect; but in every such case the final vote upon the passage of such ordinance shall be taken by ayes and noes, and be entered in the journal; and if any such ordinance be not so returned by the mayor within ten days as aforesaid, it shall take effect as though he signed it.

11. *And be it enacted*, That section twenty four be amended by prefixing to sub-division XX the words: Amendment.

To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places, times and manner of selling meats, fish, fruits and vegetables, and prohibit persons from selling without license;

By prefixing to subdivision XXIII the words :

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 or other building of wood or other combustible material, to regulate the construction of chimneys and to compel the cleaning thereof;

By inserting in subdivision XXVII in the last line after "them," the words ;

For which no specific fee or compensation is provided by this act to be paid by the person or persons for whom such service shall be performed :

By adding a new subdivision as follows :

XXVIII. To prescribe the character and stability of all buildings to be hereafter erected within the bounds of the said city, to direct the depth of foundation, thickness, and materials used in the construction of the walls thereof, and regulate all such other matters as shall be deemed necessary to be observed in the construction of buildings, to protect and insure the health and safety of the citizens, to provide for the punishment by fine or imprisonment of the builders, contractors and owners or any of them, of any building or buildings erected contrary to the provisions of such ordinances as shall be adopted in pursuance of this act in reference to the construction of buildings in the city, and to compel the alteration or removal of any building or buildings which shall be constructed contrary to the provisions of such ordinance at the expense of the owners thereof; and to inspect any buildings now erected or in process of erection, or which shall be hereafter erected in said city, to ascertain whether the same are in a safe condition, and if not to compel the same to be made so or to be taken down and removed at the expense of the owners thereof.

Amendment.

12. *And be it enacted*, That section twenty-seven of said act be amended so as to read as follows:

That it shall be the duty of the mayor to communicate to the city council, at their first meeting in January in each year, and at other times when he shall deem it expedient, a general statement of the situation and condition of the city in relation to its government, finances and improvements, with such recommendations as he may think proper; to be vigilant and active in causing the laws and ordinances

of the city to be duly executed and enforced, and to exercise a constant supervision over the conduct and acts of all subordinate officers, and to examine into all complaints preferred against them for a violation or neglect of duty, and generally to perform all such duties as may be required of him by law, and he and every councilman shall have the power and it shall be their duty, without warrant, to arrest or cause to be arrested any person engaged in their presence in disturbing the public peace or violating any law of this state, or any ordinance of the city for the preservation of good order and morality, and to bring or cause such person to be brought before a justice of the peace of the county to be dealt with according to law, and that for the purpose of quelling any disturbance or disorderly assemblage the said mayor shall have control of the constables and other police force of said city and the power to call upon the citizens for aid; and the municipal jurisdiction of said city shall extend to the opposite shore of the Passaic river.

13. *And be it enacted*, That section twenty-eighth of said act be amended so as to read as follows: Amendment.

That whenever a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city sickness or other cause, from attending to the duties of his office, the president of the city council, or if the said president shall be absent or disabled, the president to be elected pro tempore, shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office caused by the absence or disability of the mayor or president of city council.

14. *And be it enacted*, That section twenty-nine of said act be amended by inserting, in place of "overseer of roads" "overseer of the poor," and by adding to the said section the words: "and the superintendent of streets shall perform such duties as the city council shall by ordinance or otherwise prescribe. Amendment.

15. *And be it enacted*, That section thirty-two of said act be amended by inserting the words "president of city council" in the last line, between "mayor" and "and." Amendment.

16. *And be it enacted*, That section thirty-four of said act be amended by striking out the words "the sum of five hundred dollars per year in addition to the other fees hereinafter mentioned," and inserting in place of them the words "fixed by the city council," provided the sum so fixed shall Amendment.

not exceed fifteen hundred dollars, and by adding to the section the words "the judges and clerk of election shall receive, for each election at which they act, twelve dollars each, the mayor and councilmen shall receive no compensation."

Amendment.

17. *And be it enacted*, That section thirty-five of said act be amended so that subdivision VI will read "for the support of public schools, for erecting and maintaining school houses," and by adding to subdivision XI, "and it shall be the duty of the city council, during the month of June in each year, to make the annual appropriations for the several objects for which taxes are raised, and no appropriation shall be exceeded unless by a vote of three-fourths of all the members of the city council; and it shall be the duty of the treasurer, once in each month to furnish the city council with a statement of the balances of said appropriations."

Amendment.

18. *And be it enacted*, That section thirty-six of said act be amended by adding thereto the words "and the mayor and treasurer of said city, the president of the city council and the chairman of the finance committee for the time being, shall constitute and be denominated 'The commissioners of the sinking fund of the city of Passaic,' whose duties shall be prescribed by the city council, and the city council shall have power to raise by tax in each year such per centage of the debt of the city, and the interest accruing thereon as they may deem expedient; and the tax so raised, shall constitute a sinking fund; and the said commissioners shall from time to time invest the moneys of the said fund on unencumbered real estate of the county of Passaic, or in the bonds of the United States or of the state of New Jersey, or the bonds of any of the counties or incorporated cities or towns of the state, and make provision for the payment of the bonds and interest of the said city, as they may become due."

Amendment.

19. *And be it enacted*, That section thirty-seven of said act be amended by making the word "assessor" in the first line, "assessors," and by striking out "the said city" in line two, and inserting in place thereof "their respective wards."

Amendment.

20. *And be it enacted*, That section thirty-eight of said act be amended so as to read as follows: "That the assessors of the said city in making their assessments are hereby directed and required to assess all lands and real estate in the

names of the persons who were the owners of the same on the twentieth day of May in the year in which the assessments shall be made, and to assess each lot or tract of land separately, and to designate the same by the street where situate, and by the number thereof, and if not numbered by a short description; and that the assessors shall, when maps are for that purpose provided by the city council, make their assessments as nearly as may be according to such maps; *provided*, that no taxes for any purpose shall be levied or assessed upon any property within said city which shall be owned by the said city in its corporate capacity, or which shall belong to any fire department of said city, nor upon church edifices or public school buildings, or the lots or curtilages whereon the same are erected; but this proviso shall not exempt any such property from liability for street assessments under this act."

Amendment.

21. *And be it enacted*, That section thirty-nine of said act be amended by adding thereto "at which time the assessors shall be present, and shall note in their several duplicates the corrections made by said commissioners of appeal; and the said commissioners of appeal shall notify the collector of all such corrections."

Amendment.

22. *And be it enacted*, That section forty of said act be amended, by making "assessor" "assessors," in line second and by adding to the section the words "and if the full amount of any tax assessed by the said assessors shall not be paid by the twentieth day of December in the year in which the said assessment shall be made, a penalty of two per centum shall be added to the amount of the tax, and if such tax shall not be paid by the twentieth day of January following, an additional penalty of two per centum shall be added thereto."

Amendment.

23. *And be it enacted*, That section forty-one of said act be amended so that it will read as follows:

"That any assessment of taxes assessed in the city of Passaic, upon any lot or tract of land or real estate, shall be and remain a lien thereon, with lawful interest thereon accruing, and all penalties, costs and fees in relation to said assessment and collection thereof, from the twentieth day of May in the year in which said assessment shall be made until the same shall be paid or satisfied, notwithstanding any devise, descent, alienation, mortgage, or other incumbrance thereon, and notwithstanding any mistake in the name or names of

the owner or owners, or omission to name the owner or owners of such lands and real estate; and any assessment of taxes in which such mistake or omission occurs shall be valid and effectual in law, and if unpaid shall be returned in the list of delinquent taxes, and such lands and real estate may be proceeded against and sold in the manner provided by this act; and it shall be lawful for the said assessors or collector of the city of Passaic, to make such corrections in the descriptions of any lands and real estate assessed for taxes as shall be necessary to better ascertain the location and extent thereof, and the taxes assessed upon such lands and real estate shall be and remain a lien upon such lands and real estate according to said corrected description of the same; *provided*, that all such corrections be made before the public notice is given of the sale of lands and real estate for unpaid taxes as hereinafter provided."

Amendment.

24. *And be it enacted*, That section forty-five of said act be amended, so that it will read as follows:

"That the collector, immediately upon making the return and statement mentioned in the forty-third section of this act, shall prepare a transcript of the unpaid taxes which are liens upon lands and real estate, including in such transcript the names of the owners, if any be given, of such lands and real estate, the description thereof and the amount of taxes thereon respectively, and deliver the same to the city clerk, who shall enter the same in a book to be kept for that purpose; and immediately after completing such transcript, the collector shall cause notice to be published in two newspapers printed and published or circulating in said city, stating that the said transcript has been made, and that unless said taxes shall be paid within twenty days after the first publication of said notice, the same will be collected by public sale according to law."

Amendment.

25. *And be it enacted*, That section fifty-five of the said act be amended by changing "assessor" to assessors," and "city clerk" to "collector," in line seven.

Amendment.

26. *And be it enacted*, That section fifty-seven of said act be amended by inserting after the word "macadamized," the words, "planted with shade trees."

Amendment.

27. *And be it enacted*, That section sixty of said act be and the same is hereby repealed, and no assessment heretofore made shall be deemed invalid by reason of a failure to comply with the requirements of that section.

28. *And be it enacted*, That section sixty-one of said act be amended so as to read as follows: Amendment.

"That whenever the city council shall determine by ordinance to lay out and open any street, road, highway or alley, public park or square within said city, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands and real estate, they shall appoint three disinterested freeholders of said city, residing as near as may be in different wards, commissioners to make an assessment of the damages that any such owner or owners will sustain by taking and appropriating in the manner aforesaid such lands and real estate, and in estimating and assessing such damages, the said commissioners shall have due regard both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof, by making such improvement as aforesaid: and if, in any case, the commissioners shall estimate the benefits to any such owner or owners to be greater than the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate which are necessary to be taken and appropriated for such improvement; and after such award shall be made, the remaining lands and real estate of any such owner or owners shall be liable to assessment for the payment of the costs, damages and expenses of such improvement, under and in pursuance of the provisions of the sixty-sixth section of this act; and the same shall be and remain a lien upon said lands and real estate."

29. *And be it enacted*, That section seventy-nine of said act be amended by adding thereto the words "and the grade of any street, road, avenue or alley, when established in accordance with this act, or which may have been heretofore legally established, shall not be changed or altered without the consent in writing of the owners of two-thirds in value of the lands fronting on the line of such street, road, avenue or alley, said value to be determined by the last taxable valuation, nor without paying to the owners of any buildings or lands damaged by the alteration of said grade the amount of damages sustained, which shall be ascertained and estimated by three commissioners to be appointed as provided by section sixty-one; and that the costs and expenses of changing any grade shall be assessed upon lands Amendment.

benefited as prescribed in section sixty-six, and shall be and remain a lien thereon, and shall be collected in the same manner as other assessments for improvements are directed to be collected by this act."

Amendment.

30. *And be it enacted*, That said act be further amended by inserting in said act, after section eighty-four, the following:

TITLE VIII.

85. *And be it enacted*, That the trustees of public schools of the several wards of said city shall constitute and be called "The Board of Education of the city of Passaic," and by that name shall be vested with all the powers and privileges appertaining to corporate bodies so far as the same are or may be necessary to carry into effect the provisions of this act, and until the expiration of the terms of office of the present trustees of school district number five expire, such trustees shall be members of the said board of education.

86. *And be it enacted*, That the said board of education shall possess the same powers and perform the same duties at the same time and in the same manner as the trustees of the school districts of this state are required by law so far as the same shall be consistent with this act, and except as is herein otherwise provided.

87. *And be it enacted*, That the said board shall prepare and transmit to the city council of the city of Passaic, on or before the first day of June in each year, an estimate of the amount of moneys necessary for the support of public schools in said city during the year; which estimate shall specify, particularly, under the several heads of the repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, as nearly as may be the several sums required for each branch of expenditure; and the city council shall determine, by resolution, the amount of moneys to be appropriated to public schools during the year, including therein the quota of the city of Passaic of the annual appropriation made by the state for the support of public schools; and the said city council are hereby empowered to raise, by tax, such sum or sums of money for the support of public schools as they may deem expedient and necessary; and all

moneys so raised and appropriated shall be expended by the said board for the support of public schools in the city of Passaic, according to the provisions of this act, and the treasurer of said city shall pay out the same in the same manner as township collectors are now required by law to pay out school moneys in their hands.

88. *And be it enacted*, That said board shall, on the close of the fiscal year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in each school, and a full and true account of the expenditures of said board during the year, under the respective heads of: repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel and incidental expenses, and shall transmit the said annual report to the city council, and a copy thereof to the state superintendent of common schools.

89. *And be it enacted*, That the city of Passaic shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools to be ascertained according to law, which shall from time to time be paid to the treasurer of said city, to be expended for the support of public schools in said city according to the provisions of this act.

31. *And be it enacted*, That title VIII of said act be changed to title IX, and that sections eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four and ninety-five of said act be numbered respectively ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, and one hundred.

New commissioners to be appointed, when assessment set aside.

32. *And be it enacted*, That in any case where any assessment or estimate of value or damages made by commissioners in the village or city of Passaic has been or shall be set aside upon certiorari, it shall be the duty of the court setting aside such assessment or estimate to appoint new commissioners to examine and report anew as to the part set aside, which said new commissioners shall proceed in all respects in the same manner as the original commissioners were required by law.

This act not to effect lien for

33. *And be it enacted*, That nothing in this act contained shall be construed to affect any lien for any taxes heretofore

taxes already assessed.

assessed in the city of Passaic, or any remedy now existing for the collection of the same.

Amendment.

34. *And be it enacted*, That section seven of said act be amended by inserting between the words "councilman" and "unless" the words "or trustee of public schools."

Amendment.

35. *And be it enacted*, That section fifty-seven of said act be amended by inserting between the words "it" and "by" near the beginning of the section the words "upon application in writing signed by the owners of at least one third of the lineal feet of land fronting on the proposed improvement."

Amendment.

36. *And be it enacted*, That section sixty-six of said act be amended by adding the words "and the said city council may ascertain such costs, damages, and expenses of any improvement and cause the same to be assessed as herein provided notwithstanding any appeal taken pursuant to section sixty-three of this act may not have been determined and if by the judgment of the court upon any such appeal damages should be awarded or any award of damages previously made shall be increased, such damages or the excess of damages as the case may be with the costs of the city of Passaic upon such appeal shall be also ascertained by said city council and assessed in the manner in this section provided.

Amendment.

37. *And be it enacted*, That section seventy-three of said act be amended by striking out the words "from the time of such assessment at seven per cent. per annum," and adding to the section the words "and all assessments for improvements shall be on interest at the rate of seven per cent. per annum from the time when the said city council shall have ascertained and declared the amount of the cost, damages, and expenses of such improvement until the real estate upon which said assessment are a lien shall be sold according to law.

Amendment.

38. *And be it enacted*, That section seventy-four of said act be amended by striking out "if" in the first line and by inserting in the second line between the words "shall" and "not" the words "be and remain a lien thereon notwithstanding any mistake in the name or names of the owner or owners or omission to name the owner or owners thereof and if such assessment shall."

Amendment.

39. *And be it enacted*, That section ninety-two of said act be amended by adding thereto the words "and all taxes and assessments made or levied and penalties incurred under said

acts shall be collected in the manner in such acts provided."

Boundaries of portion of city to be taken out of city of Passaic and added to township of Acquackanonk.

40. *And be it enacted*, That all that part of the city of Passaic situate lying and being within the following boundaries: beginning at low water mark on the westerly side of the Passaic river at a point where the southerly line of Franklin avenue extended on the same course easterly will intersect the said river, thence running westerly along the southerly line of Franklin avenue and the same line extended westerly and the southerly line of lands of Mrs. Jane Aycrigg to the easterly line of Passaic avenue, thence southerly along the easterly line of Passaic avenue to the southerly line of the road leading to the Great Notch, thence westerly along the southerly line of the road leading to the Great Notch to the easterly line of Bloomfield avenue, thence southerly along the easterly line of Bloomfield avenue to the present line of the city of Passaic, thence along the said present line its several courses to low water mark on the Passaic river, and thence up stream, the several courses thereof, to the place of beginning, be taken out of the city of Passaic and put in the township of Acquackanock, *provided*, a majority of the legal voters voting for or against this section shall ratify the same at the next ensuing election after the approval of this supplement.

41. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXIX.

A further supplement to an act entitled "An act relative to juries and verdicts," approved April seventeenth, one thousand eight hundred and forty-six.

Petit jurors by whom and how drawn.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of jurors, in drawing and impanneling petit jurors in the county of Hudson, in pursuance of the powers conferred on them by the

third and fourth sections of a supplement to an act entitled "An act relative to juries and verdicts," approved April seventeenth, one thousand eight hundred and forty-six, which supplement was passed April fourth, eighteen hundred and seventy-three; shall divide the general panel of petit jurors, for each term, into three distinct classes; the first class to be summoned to serve for the first two weeks of the term, and until discharged by the court; the second class to be summoned to serve for the third and fourth weeks of the term and until discharged by the court, and the third class to be summoned to serve for the fifth week, and during the balance of the term, and until discharged by the court; and the commissioners shall embrace in each class as many petit jurors as in their judgment the courts shall require for the proper dispatch of the civil and criminal business of each term.

First class.

Second class

Third class.

Commissioners may appoint clerk.

2. *And be it enacted*, That the commissioners of jurors are hereby authorized to appoint a clerk to hold his office at their pleasure at a salary to be fixed and paid by the board of chosen freeholders, and said person so appointed shall perform all the clerical duty required by said commissioners, and shall be sworn to faithfully perform his duty as such clerk, and his oath of office shall be filed with the county clerk.

To be sworn.

3. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXX.

An act to authorize School District Number Eighteen, Atlantic County, to raise one thousand dollars by a poll tax in said district, to help liquidate the debt on School House.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for school district number eighteen, in Atlantic county, to raise by a poll tax in said district the sum of one thousand dollars, for the purpose of defraying a part of the expenses on a school house in said district. Poll tax, amount to be raised, and for what to be used.

2. *And be it enacted*, That it shall be the duty of the assessor to assess and the collector to collect, at the same time other taxes are assessed and collected, a poll tax yearly and each year, until the sum of one thousand dollars is raised in said district on poll; the collector to pay the same out on an order signed by the trustees of said district; *provided*, that the poll tax shall not at any one year exceed the sum of five dollars. By whom assessed and how collected. Proviso.

3. *And be it enacted*, That this act shall be taken and held as a public act, and shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXXI.

An act to authorize the construction of works for supplying the City of Plainfield with pure and wholesome water.

Mayor and common council to provide water from Cedar or Green brook.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of the city of Plainfield be and are hereby authorized, in the manner hereinafter provided, to take and convey into and through said city such quantity of water from Cedar brook or Green brook, or such other source or sources as may be attainable, as may be required to furnish the inhabitants residing within the corporate limits of said city, with a sufficient quantity of pure and wholesome water, for domestic and other purposes.

By whom to be accomplished

2. *And be it enacted*, That all authority granted or given by this act, shall be exercised exclusively by and through a board of commissioners, to be appointed as hereinafter directed; and in pursuance of this authority, the said commissioners may employ all proper engineers, surveyors, clerks, and other agents and assistants, necessary or convenient for accomplishing the purpose contemplated by this act, and may enter upon any land or water, for the purpose of making surveys and examinations for the same.

Commissioners in name of mayor and common council to take certain lands.

3. *And be it enacted*, That the said commissioners shall, for and in the name of the mayor and common council of the city of Plainfield, take and hold any lands, or other real estate, necessary for the construction of any canals, aqueducts, reservoirs, basins, or other works, for raising, conveying, or containing water, or for the erection of any buildings, or machinery, or for laying any pipes or conduits for conveying the water into or through the said places, or to secure and maintain any portion of the works, and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act, and may distribute the water throughout the corporate limits of the city of Plainfield.

4. *And be it enacted*, That in case of any disagreement between the commissioners and the owner of any land or water rights, which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or insane, or shall be absent from the state, the circuit court in and for the county of Union shall, on the application of either party, nominate and appoint three disinterested persons to examine said property and estimate the value thereof, or damages sustained thereby; and who shall, after reasonable notice to the parties, of the time and place where they will be heard in relation to the matter, proceed without delay to make their report thereon, and deliver the same to the court at the next session thereof, which shall be held in the said county. In case of disagreement between commissioners and owner, what to be done.

5. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the commissioners shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage so sustained, as the case may be; and thereupon the mayor and common council of the city of Plainfield shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damage suffered. When report confirmed, when and by whom money to be paid.

6. *And be it enacted*, That the commissioners, in behalf of the mayor and common council of the city of Plainfield, and all persons acting under their authority, shall have the right to use the ground or soil under any avenue, road, railroad, highway, street, lane or alley within this state, for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface of such avenue, road, railroad, highway, street, lane or alley, to be restored to its original state, and all damages done thereto to be repaired, and all damages to any company, by any interruption of travel while the work is constructing, to be paid unto them. Rights of commissioners.

7. *And be it enacted*, That all the contracts for materials for the construction of the work or any part of said work involving an expenditure of the sum of five hundred dol- Contracts to be in writing.

lars or over shall be made in writing, and of each contract three copies shall be taken which shall be numbered with the same number and endorsed with the name of the contractor, and a summary of the work to be done or materials furnished; one of such copies shall be deposited with the treasurer of the city of Plainfield, and one shall be retained by the commissioners.

Proposals to be publicly opened.

8. *And be it enacted*, That all proposals for entering into contracts shall be publicly opened in the presence of those who choose to attend; not more than one proposition shall be received from any one person for the same contract directly or indirectly, and all propositions of any person offering more than one shall be rejected, and every person or persons proposing shall furnish with his proposal satisfactory evidence of his ability to carry out his proposition.

Contractor to give security.

9. *And be it enacted*, That every person who shall enter into any contract with the commissioners for the supply of materials or the performance of any work or labor, shall give satisfactory security for the faithful performance of his contract according to its terms; and no commissioner or officer employed by said board or member of the common council of said city shall be interested directly or indirectly in any contract relating to said work.

What exempt from execution.

10. *And be it enacted*, That all materials procured or partially procured, under contract with said commissioners, shall be exempt from execution; but it shall be the duty of the commissioners to pay the moneys due to such contractor, for such materials, to the judgment creditor of the contractor, under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held as valid payment on the contract.

Commissioners empowered to issue bonds for defraying expenses, &c.

11. *And be it enacted*, That for the purpose of defraying all the expenses, and the cost of such lands, buildings, or water privileges, as shall be taken or purchased for the purposes of this act, and for the purchase of materials, and constructing all works necessary to the full accomplishment thereof, and all expenses incidental thereto; the said board of commissioners shall have authority to issue in the name of the said mayor and common council of the city of Plainfield, bonds, to be denominated on their face as "Plainfield City Water Bonds," to an amount in the whole not exceeding one hundred and fifty thousand dollars, bearing interest

Not to exceed $150,000.

at the rate of seven per centum per annum; and the said interest shall be payable semi-annually; and the principal of said debt shall be payable at periods not less than ten nor more than fifty years from date; and the commissioners may sell the said bonds to parties offering to take the same on the most favorable terms, but not less than ninety-five per cent. of their par value, after giving not less than twenty days' notice of such sale, in one or more newspapers published in the cities of New York, Newark, and Plainfield; and in case the revenue received by the said commissioners shall not in any year be sufficient to pay the interest and all necessary expenses of said work, an amount equal to such deficiency shall be provided for and paid by the mayor and common council of the city of Plainfield, who are hereby authorized and required to raise and assess for that purpose, by tax, such amount as may be necessary above the other taxes authorized by law; *provided*, that the commissioners may require bidders proposing to furnish materials or construct said works, to designate the rates at which they will furnish such materials or construct such works, or any portion thereof, payable in bonds; and all bonds issued by said commissioners, shall be signed by a majority of the board, and countersigned by the mayor of the city of Plainfield; and a record of all bonds issued or disposed of shall be kept by said commissioners, and copies of such record shall be made and delivered to the treasurer of the city of Plainfield; all moneys received by the commissioners shall be deposited in any bank or banks, to be designated by a majority of the said commissioners, and be made payable to the joint order of the president and at least two other members of the board only. Proviso.

12. *And be it enacted*, That the commissioners shall keep regular books of accounts and books for recording the whole of their official proceedings; and the said commissioners and the clerks employed in their service shall be sworn to the faithful performance of their duties; and all such books shall be open to the examination of any person or persons appointed for that purpose by the mayor and common council of the city of Plainfield; the commissioners shall also, on the first Monday in January and the first Monday in July of every year, make a report to the said mayor and common council of the condition of the works un- Commissioners to keep a record of all proceedings.

der their charge, accompanied by a statement of their receipts and expenditures on account of the same.

To regulate distribution of water.

13. *And be it enacted*, That the board of commissioners for the time being, shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and they may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion; *provided*, that all hydrants, conduits or other appliances required and furnished for the extinguishment of fires shall be placed as the common council of the city of Plainfield shall direct, and shall be under their exclusive control and direction.

Proviso.

Water rent to be lien on premises.

14. *And be it enacted*, That the owner and occupier of any house, tenement or lot shall each be liable for the payment of the price or rent fixed by the commissioners for the use of the water by such occupier; and such price or rent so fixed shall be a lien upon said house, tenement or lot, in the same way and manner as other taxes assessed on real estate in the city of Plainfield are liens, and shall be collected in like manner if not previously paid to the commissioners; and the said board shall have authority to require payment in advance for the use or rent of water furnished by them in or upon any building, place or premises, and in case prompt payment for the same shall not be made they may shut off the water from such building, place or premises, and shall not be compelled again to supply said building, place or premises with water, until said arrears with interest thereon shall be fully paid.

Contract for using water not to run longer than three years.

15. *And be it enacted*, That the said commissioners shall make no contract for the price of using the water for a longer term than three years, and at the expiration of any term or lease the price for the use thereof shall be adjusted according to the regulation then established.

Commissioners to fix prices.

16. *And be it enacted*, That it shall be the duty of the said water commissioners, from time to time, to fix the prices which shall be charged for the use of the water where the same is taken and used, and the owner and occupier of any house, lot or tenement shall each be liable for the price so fixed; and the said commissioners shall also, from time to time, fix a sum to be assessed annually upon all vacant lots, and lots with buildings thereon in which the water is not taken, if

the same are situated upon any road, avenue, street, lane or alley in the city of Plainfield, through or in which pipes for distributing the water are laid, which prices and sums so fixed and assessed, shall be denominated water rents; and the said water commissioners shall, from time to time, determine and give public notice of the time and places at which the said water rents shall be due and payable, and the penalties to be charged for delaying the payments beyond the time so fixed; and the said water rents and penalties shall, until paid, be liens upon the property charged therewith; and a certified account of all such water rents and penalties for delinquency as remain unpaid at that date shall, on the twentieth day of December, in each year, be delivered by the water commissioners to the mayor and common council, to be collected under their direction, in the same manner that arrears of taxes are collected, and interest shall be charged and collected thereon at the same rate; and all laws of the state of New Jersey and ordinances of the mayor and common council of the city of Plainfield, relating to the collection of arrears of taxes, shall be good and valid for the collection of arrears of water rents and penalties legally assessed or imposed by the water commissioners of the city of Plainfield, and the amount of such arrears and interest, when collected, shall be paid to said commissioners.

To give notice when water rents are due.

17. *And be it enacted*, That the water commissioners of the city of Plainfield shall fix the aforesaid water rents or prices for water, and assessments upon property situated where distributing pipes are laid, with reference to paying from the proceeds thereof the interest and principal of the Plainfield city water bonds, as they respectively fall due, and such portions of the moneys received by the said commissioners as may remain after paying all expenses for constructing and maintaining the works and raising and distributing the water, and salaries, wages and incidental charges shall be applied; first to the payment of interest upon the debt created for the construction of the works, and next to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by the said water commissioners and allowed to remain as a sinking fund to be applied to the payment of the bonds at maturity.

To fix water rents money remaining how expended.

18. *And be it enacted*, That the water commissioners shall

To make estimate, &c.

on or before the first Monday of April in each year, make a careful estimate of the interest on the water debt, and cost of managing and keeping in repair and operation of water 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 report the same in writing to the said common council; and said deficiency said city shall raise by tax as other city taxes are levied and collected, and said water commissioners shall, in case of any estimated deficiency, furnish a copy of said reports to the assessors of taxes in said city.

To add three per centum to cover losses.

19. *And be it enacted*, That it shall be the duty of the assessor of said city to add to the sum so reported three per centum to cover losses and contingencies, and to assess such sums so increased upon all taxable property in said city in the same manner as other taxes are assessed; and said taxes shall be collected by the tax receiver and other officers of said city and if not paid at the time required by law for other city taxes, shall be collected by warrant and by sale in the same manner as other city taxes are collected in said city, and shall be a lien upon the property whereon the same are assessed in like manner.

Majority of commissioners shall constitute quorum.

20. *And be it enacted*, That a majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of their commission; and all contracts and engagements, acts and doings of the said commissioners within the scope of their duty or authority shall be obligatory upon and be in law considered as done by the mayor and common council of the city of Plainfield, and the said mayor and common council, and all real estate within said city, and all goods and chattels within said city belonging to residents thereof, shall be liable for the principal and interest that may become due on the bonds to be issued by virtue of this act.

Empowered to make rules and regulations

21. *And be it enacted*, That the said commissioners shall have power to make rules and regulations respecting the introduction of water into or upon any premises, and from time to time regulate the use thereof in such manner as shall seem to them necessary and proper; and the members of said board and all engineers, superintendents or inspectors in their service are hereby authorized and empowered to enter at all reasonable hours any dwelling or other place

where said water is taken or used and where unnecessary waste thereof is known or suspected, and examine into and inquire the cause thereof; they shall have full power to examine all service pipes, stop cocks, and other apparatus, connected with said works for the purpose of ascertaining whether the same are of the character and dimensions and fixed in the manner directed in the permits issued therefor; and if any person or persons shall refuse to permit such examination or oppose or obstruct such officer in the performance of such duty, he she or they so offending shall be liable to such penalty not exceeding ten dollars for each offense as the said board may impose; and the supply of water may also be shut off until the required examination is made and such alterations and repairs are completed as may be necessary.

May prosecute and defend actions, and in what name.

22. *And be it enacted*, That the said commissioners may prosecute or defend any action or process, at law or in equity, by the name of "The Water Commissioners of the City of Plainfield," against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or the management of the works or the distribution of the water, or of any promise or contract made to or with them; and also for any injury or trespass or nuisance done or suffered to the water, watercourses, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; and any vacancy, or filling any vacancy in the board of commissioners, either before or after any cause of action arises, or suit is commenced, shall not change the right of said commissioners as a body, to commence or maintain such action or process at law or in equity, but in all such cases they shall be considered, from the time of the organization of the board, as a corporation.

Penalty for injuring pipe, diverting waters, &c.

23. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water, or any portion thereof, from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property used or required for procuring or distributing the water, such person or persons, and their aiders and abettors, shall forfeit to the said commissioners, to be recovered in an action of trespass, triple the amount of damages which shall appear on trial to have been sustained; and all such acts are hereby declared to be

How recovered.

misdemeanors, and the parties found guilty thereof may be further punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

Who shall constitute first board of commissioners.

24. *And be it enacted*, That Job Male, Charles Potter Jr., John W. Murray and Edward M. Brown, and the mayor of the city for the time being, shall constitute the first board of water commissioners; the said commissioners shall elect, annually, one of their number to be president of the board, and shall determine, by lot or otherwise, the terms during which the four of their number, other than the mayor of the city, shall hold their offices, and these shall be classified as follows: one to hold office until the first Monday in January, one thousand eight hundred and seventy-six; one to hold office until the first Monday in January, one thousand eight hundred and seventy-seven; one to hold office until the first Monday of January, one thousand eight hundred and seventy-eight; and one to hold office until the first Monday of January, one thousand eight hundred and seventy-nine, all to be computed from the first Monday in January one thousand eight hundred and seventy-five, and the mayor of the city for the time being shall, ex-officio, be one of the board.

Term of office.

Time of election.

25. *And be it enacted*, That at the charter election to be held in said city on the first Tuesday of December, one thousand eight hundred and seventy-five, and annually thereafter, there shall be elected one commissioner, who shall hold his office for four years next ensuing such election; and any vacancies that shall occur in said commission by death, resignation or otherwise, shall be filled by the common council of the city of Plainfield; but the person or persons so appointed to fill such vacancy shall hold his or their offices only for the residue of the term for which they may be appointed; and each of said commissioners, except the mayor of the city of Plainfield, who are appointed by this act, or who shall be elected or appointed under the provisions of this act, before entering upon the duties of his office, shall give a bond of ten thousand dollars, with two good and sufficient sureties, to the mayor and common council of the city of Plainfield, and to be approved by said mayor and common council, for the faithful performance of their duties as such commissioners.

Vacancies how filled.

26. *And be it enacted*, That the said commissioners shall

be entitled to take and receive out of any moneys raised and appropriated for the construction of the Plainfield water works, such sum as the mayor and common council of the city of Plainfield shall annually fix in full for their services, and shall also be repaid all reasonable traveling expenses incurred while employed upon the works; and they shall, at their first meeting after the organization of the board, fix and determine the proportions in which the said sum shall be paid to the several members thereof, and may at their discretion annually change said appointment. Pay, &c.

27. *And be it enacted*, That the mayor and common council of the city of Plainfield, shall at any time remove any commissioner; *provided*, it shall satisfactorily appear after reasonable notice to the parties; and hearing the causes of complaint and answers thereto, if any shall be offered, that the commissioner whose removal is sought, has been guilty of such maladministration, or such neglect of the duties of his office, that his removal will be right and proper; and two-thirds of all the members elected to the said common council shall concur in such removal. Mayor may remove commissioners. Proviso.

28. *And be it enacted*, That this act shall take effect immediately; but its provisions shall remain inoperative until assented to by a majority of the electors voting at an election to be held in said city on the first Tuesday of December, one thousand eight hundred and seventy-four, of which election the same notice shall be given as is required to be given for the annual charter election. This act to be submitted to vote.

Approved March 24, 1874.

CHAPTER CCCLXXII.

An act to authorize School District Number Twenty-two in Egg Harbor Township, Atlantic County, New Jersey, to raise by a poll tax one thousand dollars, to help liquidate a debt on the school house in said district.

Poll tax, amount and by whom collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the assessor of the township of Egg Harbor, to assess, at the same time other taxes are assessed, on the legal male voters of school district number twenty-two in the township of Egg Harbor, Atlantic county, a poll tax, sufficient to pay the one-fifth part of one thousand dollars and the interest on the same, and to continue to assess from year to year the sum of two hundred dollars and interest on the balance until the sum of one thousand dollars and interest on the same is raised, and then said poll tax to cease; *providing*, said poll tax shall not at any one year exceed the sum of four dollars and fifty cents per poll.

Proviso.

By whom collected.

2. *And be it further enacted*, That it shall be the duty of the collector of the township aforesaid, to collect, at the same time and in the same manner other taxes are collected, the poll tax that has been assessed in said school district number twenty-two, and to pay the same out only on an order signed by the district clerk and trustees of said district.

3. *And be it enacted*, That this act shall take effect immediately, and be taken and held as a public act.

Approved March 24, 1874.

CHAPTER CCCLXXIII.

An act to authorize the Township of Clinton, in the county of Essex, to appoint a Receiver of Taxes, and for other purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Clinton, in the county of Essex, shall annually so soon after their election and due qualification for their office as said committee deem proper, appoint an officer to be called the receiver of arrears of taxes, who shall hold office for one year from his appointment, and who, before he enters upon the duties of his office shall take and subscribe an oath or affirmation before some person authorized by the laws of the state of New Jersey to administer oaths and affirmations, faithfully and impartially to execute the duties of his office and who shall also enter into bond to the said township in its corporate name with such sureties and in such amount as the said township committee shall direct for the due and faithful performance of the duties of his office.

Receiver of taxes by whom and when appointed.

To take oath and give bonds.

2. *And be it enacted*, That it shall be the duty of the township collector on or before the first Monday in April of each and every year, to return to said township committee a list of all taxes upon real estate remaining unpaid in his hands with a description of the lands upon which such taxes were assessed as made by the assessor of said township, and thereupon the said township committee shall issue a warrant under their hands and seals or the hands and seals of a majority of them, to be directed to said receiver of taxes commanding him to make said taxes, with the interest, and costs and fees thereon, hereinafter specified, of the lands, tenements, hereditaments or real estate on account whereof the same were assessed as aforesaid, and of which the assessor's description shall be therein set forth, unless corrected as hereinafter provided, by selling the same, or any part there-

To return list of delinquents.

Township Committee may issue warrant.

Empowered to sell.

of, as will be sufficient for that purpose, for the shortest term for which any person or persons will agree to take the same, and pay such taxes, with the interest thereon, and all costs, fees, charges and expenses; and further directing the said receiver to pay the money or moneys raised by such sale to the said township committee, and to make return of said warrant and his proceedings thereunder to said township committee, to be filed by the clerk of said township among the other papers in his office.

Warrant to be recorded

3. *And be it enacted*, That the warrant, specified in the last preceding section, shall, before the execution thereof, be recorded by the clerk of said township in a book, to be provided for that purpose, which said record thereof shall be received as evidence in the several courts of this state.

Receiver to give notice of time and place of sale.

4. *And be it enacted*, That it shall be the duty of the said receiver, before he sells by virtue of said warrant, to give notice of the time and place of the sale, of any lands or real estate under this act, by advertisement, signed by said receiver and inserted in a newspaper printed and published in said township, or in the county where [the] sale is to take place, for at least sixty days, once in each week, before the time appointed for such sale; and also set up for the same period, in five of the most public places in said township, one of which shall be at or near the lands, tenements, hereditaments or real estate, to be sold; *provided, however*, such sale may be adjourned from time to time, not exceeding ninety days in the whole.

Proviso.

May sell lands, &c.

5. *And be it enacted*, That it shall and may be lawful for the said receiver, to whom such warrant shall be directed, at the time and place specified in the above required notice, or at the time and place to which he shall adjourn, as provided for in the last preceding section, to sell and strike off such lands and real estate as may be set forth in said warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term, and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses; and thereupon to execute and deliver to any such person or persons a deed for the same under his hand and seal, and such person or persons, and his, her, or their legal representatives, shall by virtue thereof, lawfully hold and enjoy the said lands and real estate, during the term for which he, she or they, shall have purchased the same, for

May execute and deliver deed.

his, her, or their own proper use and benefit, against the owner and owners thereof, and all and every person or persons claiming under him, her, or them, until said term shall be fully completed and ended; and such purchaser or purchasers shall be at liberty, at or before the expiration of said term, to remove any building, or buildings and materials, erected or placed by him, her or them, thereon, and at the expiration of said term shall peaceably and quietly yield up the same to the lawful owner or owners thereof, in as good order and condition, as the same were when possession thereof was taken under said sale, damage resulting from ordinary use and the elements excepted.

Purchaser may remove buildings, &c.

6. *And be it enacted*, That it shall and may be lawful for the owner or owners of any such real estate sold as aforesaid, his, her or their legal representatives, or any mortgagee or assignee thereof, or any judgment creditor or creditors, or any other person or persons having a legal or equitable interest therein, to redeem the said land or real estate by the payment, within three years from the day of such sale, to the said township committee for the benefit of said purchaser, his heirs or assigns, of the amount originally paid by him and any other tax or assessment which he may have paid and of which he may have given written notice to the said township committee, together with interest on such payments from the time they were made, at the rate of fifteen per centum per annum, and upon such money being deposited with said township committee and notice thereof being given to the said purchaser or purchasers, his, her, or their legal representatives, possession of such real estate shall be immediately surrendered, and said township committee, upon demand shall pay to the said purchaser or purchasers, his, her or their legal representatives, the amount of money so deposited with them as aforesaid.

Owner to redeem in three years.

Possession to be surrendered upon notice

7. *And be it enacted*, That no mortgagee or assignee of any mortgage recorded or registered according to law, prior to any such sale shall be divested of any right of, in and to any real estate sold as aforesaid, unless six months' notice of such sale shall be given to such mortgagee or assignee in writing by such purchaser or purchasers, or some person or persons claiming under him, her or them, which notice shall be served personally, if said mortgagee or assignee be a resident of said county, and if not such notice shall be ad-

Mortgagee or assignee not to be divested of right.

dressed to the place of residence of such mortgagee or assignee, as stated in said mortgage or the assignment thereof, and if any such land and real estate shall be so redeemed by any mortgagee or assignee, or by any judgment creditor, the amount actually paid for such redemption shall be a lien on such land and real estate, with the legal interest thereon from the time of payment, and shall be collected and recovered in the same manner, and at the same time, as if included in said mortgage or judgment.

Taxes to be lien on lands.

8. *And be it enacted*, That all taxes which may be assessed upon real estate in the said township of Clinton shall be and remain a lien thereon, from and after the twentieth day of October, in the year during which such taxes were assessed, and until the same are paid; and said taxes shall be and remain such lien, notwithstanding any mistake in, or omission of the name or names of the owner or owners of such real estate, or mistake in the description thereof; and, in case of any such mistake or omission, such assessment, and all proceedings under and by virtue of this act, shall be valid and effectual, and binding upon all parties; and in case of a mistake in the description of the said real estate in the assessment, or in the name or names of the owner or owners thereof, made by the assessor of said township, it shall and may be lawful for the said committee to correct such mistake, and to describe said land and premises, and the name or names of the owner or owners thereof correctly, in the said warrant to be issued by them as aforesaid, so that the said real estate may be identified, and said receiver shall proceed to make sales under said warrant, in the manner herein prescribed, of said real estate, according to such corrected description; and such sale so made by him shall, in all respects, be valid and effectual, and binding upon all parties to all intents and purposes, the same as though there had been no mistake or omission in the name or names of the owner or owners, or error in the description of said real estate.

Committee empowered to correct mistakes, &c.

Time when sales shall be made.

9. *And be it enacted*, That all sales of such real estate, under and by virtue of said warrant, shall be made by said receiver on or before the first day of November next succeeding the time when said warrant shall be delivered to him as aforesaid; but in case it shall so happen that said receiver shall be obliged to adjourn the sale of any real estate, under and by virtue of said warrant, to a day after

said first day of November, it shall and may be lawful for said receiver to sell any land, the sale of which may be so adjourned as aforesaid, and such sale shall be as valid and effectual, and binding upon all parties, the same as though made before the said first day of November.

Receiver to report proceedings, &c.

10. *And be it enacted*, That the said receiver shall, immediately after receiving said warrant, report on or before the first day of each month thereafter to the said committee, his proceedings, under and by virtue of said warrant, and to pay over to the said committee any money collected by him on account of said unpaid taxes; and it shall also be the duty of said receiver, immediately after any sale made by him, and under and by virtue of said warrant, to report to said committee his proceedings under said sale, and to pay over to said committee all money in his hands, received by him on account of said unpaid taxes, less his legal fees and costs; and in case of any failure on his part to make said report within ten days after the time above specified, or to pay over any money received by him on account of said unpaid taxes, within ten days after receiving such money, he shall forfeit and pay the sum of fifty dollars, to be recovered from him in an action of debt, instituted in any court having competent jurisdiction thereof, in the corporate name of said township.

Fees of Receiver.

11. *And be it enacted*, That the receiver to whom such warrant as aforesaid shall be directed shall be entitled to receive the sum of one dollar for executing the same, and, in addition thereto, two cents on each dollar by him collected and paid over to the said township committee; and for advertising such sale the same fees which sheriffs in the counties of New Jersey are entitled to for like services; and for each deed actually delivered, the sum of two dollars; and the township committee shall be entitled to receive for said warrant the sum of one dollar, and the clerk of said township, for recording and filing the same, the sum of fifty cents.

12. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXXIV.

An act to amend an act entitled "An act to provide for the more efficient government of the city of Paterson," approved March twenty-fifth, one thousand eight hundred and seventy-one.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act to which this is an amendment, be and the same is hereby amended, to read as follows:

3. *And be it enacted*, That an election by ballot shall be held annually on the second Monday in April, in each of the wards and election districts in said city, between the hours of seven o'clock in the morning and seven o'clock in the afternoon, at such places as the board of aldermen shall appoint, of which places the city clerk shall give notice at least one week before the day of election, in two daily newspapers published in said city; at the election under this act in the year one thousand eight hundred and seventy-five, and every second year thereafter, there shall be elected one person to be mayor of said city, who shall hold his office for the term of two years; and at the first election under this act in the year one thousand eight hundred and seventy-four, and in each and every year thereafter, there shall be chosen two commissioners of assessment of taxes for said city, and in and for each of the wards of said city, one alderman, and one commissioner of public instruction, who shall hold their offices respectively for the term of two years; and one constable, who shall hold his office one year; and chosen freeholders in said city shall be elected and hold their respective offices pursuant to the provisions of an act entitled "An act in relation to chosen freeholders in the County of Passaic, in this State," approved April fourth, one thousand eight hundred and seventy-two; and in and for each ward and election district, there shall be chosen three judges of election, and one ward or district clerk but

should any ballot contain the names of more than two persons for judges of election, such ballot shall not be counted with respect to such office; justices of the peace shall be elected in the several wards of said city as prescribed by law for their election in the townships of this state."

2. *And be it enacted*, That the twelfth section of said act be and the same is hereby amended to read as follows: Amendment.

"12. *And be it enacted*, That the board of aldermen, at the first regular meeeting in May in each year, or within three months thereafter, shall, by the vote of a majority of all its members, appoint a city clerk, a clerk of the board of aldermen, a comptroller, a city treasurer, a superintendent of streets and sewers, a city surveyor, a superintendent of out-door relief, a superintendent of in-door relief, a city physician, and a city counsel, who shall be a counsellor at law, and shall, from time to time, appoint such other subordinate officers as it shall deem necessary for the ordering and government of the city, and the execution of the powers and duties conferred and imposed upon the corporation by this act; the officers above named shall hold their several offices for one year, unless sooner removed, and until their successors shall be appointed and qualified."

3. *And be it enacted*, That the twenty-fourth section of said act be, and the same is hereby amended to read as follows: Amendment.

"24. *And be it enacted*, That every legislative act of the board of aldermen shall be by ordinance passed by a vote of the majority of all its members, and in case any ordinance involves the expenditure of money, the votes of two-thirds of all the members of said board shall be necessary to its passage, and no money shall be expended for any celebration, procession or entertainment of any kind, unless by the votes of four-fifths of all the members of said board; no additional allowance, beyond the legal claim which exists under any contract with the corporation, or for any services on its account or in its employment, shall ever be passed by the board of aldermen except by a unanimous vote thereof; every ordinance shall be read three times before its final passage, and not more than twice at one meeting of the board."

4. *And be it enacted*, That the twenty-seventh section of said act be, and the same is hereby amended to read as follows: Amendment.

New Jersey State Library

"27. *And be it enacted*, That on or before the second Monday in June in each year, the board of aldermen shall by ordinance declare the amount of money necessary for defraying the expenses of said city for the current year, and for all other objects and purposes authorized by this act, and for the payment of all legal debts and liabilities of said city, which sum shall be assessed and collected as hereinafter prescribed; and in the said sum shall be included the cost of assessing and collecting the same, and a reasonable allowance for losses by delinquents, but the whole sum so declared to be necessary to be raised by tax shall not exceed two and one-half per centum of the gross valuation of taxable property in said city, as reported by the commissioners of assessment of taxes in that year; the said board shall establish from time to time, as it shall see fit, boundary lines in said city, for the purpose of exempting certain portions of the city from taxation for supplying the city with light and water; it shall be lawful for the said board to make temporary loans in anticipation of city taxes and assessments levied under the direction of the department of streets and sewers, as hereinafter mentioned, such loans to be, with any renewals thereof, for a period not exceeding one year, and not to exceed the amount of such anticipated taxes and assessments for such current year."

Amendment.

5. *And be it enacted*, That the thirty-first section of said act be, and the same is hereby amended, to read as follows;

"31. *And be it enacted*, That the co-ordinate executive departments shall be as follows: the department of finance, the department of public instruction, the department of streets and sewers, the department of charities and correction, the department of health, and the fire department; all of which, except that of public instruction, shall be composed of, and with their respective bureaus, be managed and controlled by the members of the appropriate standing committees of the board of aldermen, and governed and regulated by the ordinances from time to time adopted by said board."

Amendment.

6. *And be it enacted*, That the thirty-fourth section of said act be, and the same is hereby amended, to read as follows:

"34. *And be it enacted*, That the fiscal affairs of the corporation shall be under the management and control of the department of finance; the said department shall prescribe the forms of keeping and rendering all city accounts, the

manner in which all salaries shall be drawn, and the mode in which all creditors, officers, and employees of the corporation shall be paid, and shall settle and adjust all claims in favor of or against the corporation; and all accounts in which the corporation is concerned as debtor or creditor; and no bill incurred by any other department or officer under the direction and control of the board of aldermen shall be paid without the approval of the said department of finance, except by a four-fifths vote of the board of aldermen; all bonds of said corporation issued under any provision of this act, shall be issued and sold under the direction and supervision of said department of finance, at public or private sale, upon the concurrence of a majority of the members of said department; if sold for less than par, such sale shall be made upon bids solicited by advertisements, published in two daily newspapers of said city ten days; and shall require the unanimous consent of said department and the mayor; *provided, however*, that the net price realized for such bonds so sold, shall be not less than ninety per centum of the par value thereof."

Amendment.

7. *And be it enacted*, That the thirty-fifth section of said act be and the same is hereby amended to read as follows:

"35. *And be it enacted*, That there shall be the following bureaus in the said department of finance, viz:

I. A bureau of assessment of taxes;

II. A bureau of appeals and revision of taxes;

III. A bureau of collections;

IV. A bureau of licenses;

V. A bureau of auditing and accounts;

VI. A bureau of disbursements."

Amendment.

8. *And be it enacted*, That the thirty-sixth section of said act be and the same is hereby amended to read as follows;

"36. *And be it enacted*, That the bureau of assessment and revision of taxes shall hereafter be named the bureau of assessment of taxes, and shall consist of five members, denominated commissioners of assessment of taxes, who shall hold their respective offices for the term of two years, and until others shall be elected and legally qualified in their stead respectively."

Amendment.

9. *And be it enacted*, That the thirty-seventh section of said act be and the same is hereby amended to read as follows:

"37. *And be it enacted*, That at the first municipal elec-

tion held in said city after the passage of this act and every year thereafter, there shall be elected in the same manner as other city officers voted for by the people are elected, two persons to serve as such commissioners of assessment of taxes, but no elector shall vote for more than one commissioner, and no ballot containing the name of more than one person for such commissioner shall be counted as to that office, but in case any ballot shall contain the names of more than one person for such office, such ballot shall not be wholly rejected, but only so much thereof as relates to such commissioners, and the two persons receiving the highest number of votes for such office shall be declared elected, and shall hold their offices for two years from the second Monday in May next succeeding their election. At the first meeting of the Board of Aldermen in May, one thousand eight hundred and seventy-five, and in May of every second year thereafter, the said board, on the nomination of the mayor, shall appoint a fifth commissioner of assessment of taxes, who shall hold his position for two years from the second Monday in May of the year of his appointment."

Amendment.

10. *And be it enacted*, That the thirty-ninth section of said act be and the same is hereby amended to read as follows:

"39. *And be it enacted*, That the said commissioners of assessment of taxes shall meet on the second Monday in May next, at three o'clock in the afternoon, and on the second Monday in May in each year thereafter; and at such meeting they shall elect one of their number to be president, who shall hold said office for one year, or during the pleasure of said board of commissioners; a majority of said commissioners shall be a quorum for the transaction of business, and they shall have power to adjourn from time to time, and to make such general rules and regulations for their own proceedings as are not inconsistent with the provisions of this act, or the ordinances of the board of aldermen passed in accordance herewith; they may provide their own books and stationery, and employ such clerks and other subordinates as the department of finance may authorize; *provided*, that the expense for the same shall not exceed the amount appropriated therefor, and may remove the said appointees at pleasure; all such clerks and other subordinates shall make oath before the recorder faithfully and impartially to discharge the duties of their several offices before entering

thereon, and they shall perform such duties in the way of procuring information, data and statistics, and such other clerical duties as may be required of them by the said board of commissioners; the said board shall file in the office of the city clerk a certificate of the appointment of any subordinate or subordinates, endorsed by the department of finance, also a certificate of the removal of such subordinate or subordinates, with the date thereof."

Amendment.

11. *And be it enacted*, That the fortieth section of said act be and the same is hereby amended to read as follows:

"40. *And be it enacted*, That the said commissioners of assessment of taxes, having duly organized, immediately after the second Monday in May in each year shall divide the city into five or more assessment districts, and proceed to make a full and fair valuation, enumeration and assessment of all taxable property, real and personal, in said city, but mortgages on such property in said city shall not be taxed in the hands of any person in this state. In making such valuation the commissioners shall rate property at what, in their judgment, it would be rated at by any creditor of a solvent debtor, willing to take the same in payment of a fair and just debt. The commissioners shall tabulate and arrange such valuations, enumerations and assessments in lists, which shall exhibit the names of all persons, firms, companies, or corporations liable to be assessed to pay any tax, designating the lands, tenements and real estate by the numbers of the streets or avenues as far as practiacble, as laid down on the maps prepared or to be prepared for that purpose, together with the value, enumeration and assessment of the objects liable to taxation, for which such person, firm, company or corporation is liable. At the time of making these valuations, enumerations and assessments, the commissioners shall also make out lists showing the name and residence of each male inhabitant of said city, of the age of twenty-one years and upwards, upon whom they shall assess such poll tax as may be required by law or by any ordinance of the board of aldermen passed in conformity with any statute in force at the date of the passage of this act."

Amendment.

12. *And be it enacted*, That the forty-second section of said act be and the same is hereby amended to read as follows:

"42. *And be it enacted*, That the said commissioners shall complete said lists on or before the first Monday in August

in each year, and shall give notice in two daily newspapers in said city at least ten days prior to the said first Monday in August, that the said lists will be opened for public inspection and examination at some suitable place to be designated in said city on said day, and continue open until the fourth Monday in August then next ensuing, during which time the said public notice shall continue to be published; the said commissioners shall, on or before the first Monday in August, also serve or cause to be served upon all persons taxed, notices of the amount of their assessment, the rate per centum of taxation, the amount of their state, county and city taxes, and their poll tax, and any other annual assessments or taxes levied upon or charged to their property, and when and where the commissioners of appeal and revision of taxes will meet as hereinafter provided; the said notices shall be served personally upon the parties taxed, as far as practicable, or left at their place of residence or business, or forwarded to them by mail; but the failure of said commissioners to serve or forward such notice, or the non-receipt of such notice by any party taxed, shall not be a defence for the non-payment of the tax or taxes levied upon such party."

Amendment.

3. *And be it enacted*, That the forty-fourth section of said act be, and the same is hereby amended to read as follows:

"44. *And be it enacted*, That on or before the second Monday in September in each year, the said commissioners shall deliver the said lists of enumerations, valuations and assessments, completed in the manner hereinbefore prescribed, to the receiver of taxes and assessments of said city hereinbefore mentioned, under oath or affirmation of the president, or some other one of said commissioners, that the same is correct, and on or before the first day of December thereafter they shall deliver a duplicate thereof to the city clerk, to be by him preserved; and they shall also prepare, in tabular form, condensed summaries of the statistics collected by them, showing for each ward, and for the whole city, the whole number of taxed and exempted polls, the number of lots, the number of houses, and the valuations of real estate and the valuations of personal property; the said duplicate and the said condensed summaries shall be authenticated in the same manner as the assessment lists delivered to the receiver of taxes and assessments, and one

copy of such condensed summary shall be filed in the office of the city clerk; the assessment lists so prepared and completed by the said commissioners shall in no case be altered or modified by the board of aldermen of said city; and notwithstanding any error or omission in naming the true owner or owners of any real property in said city in assessing taxes or in charging other assessments thereon, such assessments shall be valid and effectual in law against such real property as if no error or omission had occurred."

Amendment.

14. *And be it enacted*, That the forty-fifth section of said act be, and the same is hereby amended to read as follows:

"45. *And be it enacted*, That on or before the first in August in each year, the commissioners of assessment of taxes shall deliver to the commissioners of appeals and revision of taxes the several original or duplicate lists of enumerations, valuations and assessments, and shall furnish such information in relation to the same as the said commissioners of appeals and revision of taxes may from time to time during their several sittings require."

15. *And be it enacted*, That the bureau of appeals and revision of taxes shall consist of three members, denominated "commissioners of appeals and revision of taxes," who shall hold their respective offices for the term of two years, and until others shall be appointed and legally qualified in their stead respectively, and shall be nominated by the mayor and appointed by him after such nomination shall have been approved by the board of aldermen.

Mayor to naminate certain commissioners.

16. *And be it enacted*, That the mayor shall, at the first meeting of the board of aldermen in the month of May next, and at the first meeting of the board of aldermen in the month of May in every second year thereafter, and at such other time or times as shall be required from any cause, nominate to the board of aldermen suitable persons as commissioners of appeals and revision of taxes, who, when approved by the board of aldermen, shall be appointed by said mayor; but appointments to fill vacancies occurring in said bureau from any cause other than the expiration of the term of office of any such commissioner, shall be for the unexpired term only; and the said commissioners may be removed as is provided in and by section thirty-eight for the removal of commissioners of assessment of taxes, and they shall have the same powers as are conferred upon said commissioners of assessment of taxes, in and by section forty-

three of the act of which this is amendatory, and the mayor shall be, ex-officio, a member of said bureau without a vote, except when he is required to make a quorum, which shall consist of three members.

Time and place of meeting and duties.

17. *And be it enacted*, That the said commissioners shall meet in the city of Paterson, at such place as shall be appointed for that purpose, on the first Monday in August in each year, and from day to day thereafter, till the fourth Monday in August inclusive, during which meetings they shall revise the valuation and assessment lists of the commissioners of assessment of taxes, and increase or decrease the same as to them may appear just and equitable; and they shall hear and determine appeals from said assessments and valuations, and correct the same, giving said appellant or appellants a corrected notice of his, her or their assessment, and shall daily return to the commissioners of assessment of taxes the original tax notice so corrected, with the correction noted thereon; but no valuation or assessment shall be increased without a previous notice in writing, of two days, to the party interested; which notice shall be left by a commissioner or agent of the commissioners, at the residence or place of business of such party, or forwarded to him by mail, if he be a non-resident of this city; all changes in said lists shall be made only upon a majority vote of said commissioners.

Special meetings of commissioners may be called by Mayor.

18. *And be it enacted*, That special meetings of said commissioners may be called by the mayor in the months of May, November and February, for not longer than two days each, at which meetings they may alter and modify the tax lists where taxes have been imposed upon exempts, or levied contrary to law, in which cases, if corrected, they shall sign certificates of such correction, which, if approved by a majority of the board of aldermen, shall be sent to the comptroller of said city, who shall audit the same, and furnish each appellant with a warrant on the city treasurer for the amount overpaid; but if it shall not have been paid, the said comptroller shall direct the receiver of taxes and assessments to cancel said tax of record in due form; no appeal or review by certiorari or otherwise, from or of any assessment for taxes, shall be allowed by any court, unless application for relief shall have been first made to and disallowed by the said commissioners when sitting for revission of assessments, as hereinbefore described.

19. *And be it enacted*, That the forty-eighth [section] of said act be and the same is hereby amended to read as follows: Amendment.

"48. *And be it enacted*, That the said receiver may, with the advice and consent of the department of finance, appoint a deputy or deputies, who shall have power to do all and every act or acts which shall or may be lawful for the said receiver to do, and every warrant or order 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 receiver of taxes and assessments; but no more than fifteen hundred dollars per year shall be paid from the city treasury for such deputy or deputies; *provided, however*, that ten per centum of the amount of arrears of poll taxes, collected by any deputy or deputies duly appointed, may be paid for such services."

20. *And be it enacted*, That the fiftieth section of said act be and the same is hereby amended to read as follows: Amendment.

"50. *And be it enacted*, That within one week, after the aforesaid lists of enumerations, valuations and assessments have been delivered by the said commissioners of assessment of taxes to the said receiver of taxes and assessments, the said receiver shall give public notice in two daily newspapers of said city, of the time and place, when and where said taxes shall be payable to him, and when interest and penalties will be added to all taxes remaining unpaid, and the publication of said notice shall be continued, until the third Monday in October in each year."

21. *And be it enacted*, That the fifty-first section of said act be and the same is hereby amended to read as follows: Amendment.

"51. *And be it enacted*, That the said receiver shall add five per centum to the whole amount of all taxes remaining unpaid on the third Monday in October in each year; and on the third Monday in December he shall add an additional five per centum to all taxes then remaining on his books unpaid, making in all ten per centum additional on all taxes remaining unpaid on said third Monday in December, as a penalty for non-payment; and on the said last mentioned day interest shall be charged upon all unpaid taxes at the rate of twelve per centum per annum, from the third Monday in October then last past, in addition to said penalties; and all taxes remaining unpaid thereafter shall be charged

at the rate of twelve per centum per annum until paid, or property sold, as hereinafter provided."

Amendment. 22. *And be it enacted*, That the fifty-second section of said act be, and the same is hereby amended to read as follows:

"52. *And be it enacted*, That on and after the third Monday in October in each year it shall be the duty of the said receiver to levy and make any tax assessed on real or personal property still unpaid, with costs, penalties and interest, by distress and sale of the goods and chattels of any such delinquent, giving at least five days' notice of the time and place of such sale, by advertisements signed by himself, and set up conspicuously at his office, and in five other of the most public places in said city, and served upon such delinquent at least five days before the time appointed for such sale; the proceeds of such sale shall be applied, first, to satisfaction of the tax on the personal estate of such delinquent, with costs, penalties and interest thereon, and, next, to the satisfaction of the tax on the real estate of such delinquent, with the costs, penalties and interest thereon."

Amendment. 23. *And be it enacted*, That the fifty-eighth section of said act be and the same is hereby amended, to read as follows:

"58. *And be it enacted*, That at any time within twelve months after the issue of such certificate of sale of any property so disposed of for arrears of taxes, the owner, mortgagee, tenant, or any person having a legal or equitable interest in such property, his, her, or their agent or attorney, acting in his, her, or their behalf, may redeem such property so sold, by paying to the said receiver of taxes and assessments, the sum of money paid for such property at such tax sale, together with interest thereon, at the rate of two per centum per month; thereupon it shall be the duty of the said receiver to receive and pay such moneys to the city treasurer, and cancel the certificate of sale of such property so redeemed, on his books, and upon the surrender to him of such certificate of sale, to give to the legal holder or holders thereof, an order on the city treasurer for the payment of said moneys so paid to the said receiver for the redemption of such property, and the said city treasurer shall pay the same as thus required."

Amendment. 24. *And be it enacted*, That the sixty-second section of

said act be, and the same is hereby amended, to read as follows:

"62. *And be it enacted*, That all licenses granted by virtue of the ordinances of the board of aldermen, shall issue from this bureau, bearing its stamp, the signature of the said register, and be countersigned on the face by the comptroller, on the payment of the fees or charges prescribed by such ordinances."

Amendment.

25. *And be it enacted*, That clause V of the eighty-third section of said act be, and the same is hereby amended, to read as follows:

"V. To obtain by contract when practicable, all supplies involving an expenditure of upwards of two hundred and fifty dollars, required by the public schools of said city; proposals for such supplies shall be solicited by advertisements in two daily newspapers of said city, and shall be published therein for five days previous to the awarding of a contract, and such contract shall be made with the lowest bidder, who shall give satisfactory security for the performance thereof; *provided, however*, that the board may reject any or all bids."

Amendment.

26. *And be it enacted*, That the eighty-fifth section of said act be and the same is hereby amended, to read as follows:

"85. *And be it enacted*, That whenever the said board of education shall decide to establish a school or schools in said city, it shall procure a school house by hiring the same, or if a majority of all the members elected so decide by vote, at a regular meeting of the board, by purchasing a site in the name of "the mayor and aldermen of the city of Paterson," and erecting the necessary buildings thereon, according to plans and specifications which shall be procured and approved by the said board; the erection of such buildings and the furnishing and fitting up thereof, and the altering, furnishing and fitting up of any hired or other buildings shall be done by contract, proposals for which shall be solicited by advertisements published in two daily newspapers of said city, for five days, unless such altering, furnishing and fitting up shall not exceed five hundred dollars in cost; in all cases such contracts shall be awarded to the lowest bidder who shall give satisfactory security for the faithful performance thereof; *provided, however*, that the said board shall have the right to reject any or all bids, and ad-

vertise anew for other proposals; the said board shall at no time enter into any contract or contracts which singly or in the aggregate shall require the payment from the city treasury of more than twenty thousand dollars in any one year, but which sum may, by authority of the board of aldermen, be increased to thirty thousand dollars, in addition to the sum annually appropriated for the current expenses of the schools, as hereinbefore prescribed."

Repealer. 27. *And be it enacted*, That the eighty-seventh section of said act be and the same is hereby repealed.

Amendment. 28. *And be it enacted*, That the eighty-eighth section of said act be, and the same is hereby amended, to read as follows:

"88. *And be it enacted*, That whenever the appropriation aforesaid, shall have been made, the city clerk shall notify the board of education and the city treasurer thereof, and it shall thereupon be the duty of the said treasurer to place such sums so appropriated to the credit of the board of education; he shall keep the accounts of said board entirely separate from other accounts on his books, charging under one head the payments on account of current expenses, and under another head the payments on account of erections or permanent improvements, executed under the direction of the said department of public instruction, and he shall pay on presentation to him, all drafts drawn upon him by said department, duly attested by the signature of the president and secretary of the board of education, to an amount not exceeding the balance remaining on his books to the credit of the said department; each draft so presented shall state the purpose for which it is given, and whether for current expense account or whether for permanent improvement account, and shall be made payable to the order of the person entitled to receive the same, and be endorsed by said person on the receipt thereof; *provided, however*, that said city treasurer shall not pay on either of said accounts, any sum or sums in excess of the pro rata per centum of the amount incorporated in and collected under the general tax ordinance of any fiscal year for educational purposes unless by authority of the board of aldermen."

Amendment. 29. *And be it enacted*, That the ninety-third section of said act be, and the same is hereby amended, to read as follows:

"93. *And be it enacted*, That whenever the labor and materials required for the completion of any work belonging to

this department shall require in the whole the expenditure of a sum exceeding five hundred dollars, such work shall be done under a contract drawn in such general or particular form as the board of aldermen may prescribe; all such contracts shall be awarded upon sealed proposals made in compliance with public notice duly advertised for five days in two daily newspapers of said city, and the said proposals shall be publicly opened by the department of streets and sewers, in the presence of the department of finance and comptroller, and all such contracts shall be awarded to the lowest bidder; *provided, however*, that the board of aldermen may prescribe by ordinance the prices to be paid for the various kinds of rock cuttings, without estimate thereon, but where rock is known to exist the prices shall be included in the proposals required by this section, and that the said department of streets and sewers may reject any or all bids and advertise as before."

Amendment.

30. *And be it enacted*, That the ninety-seventh section of said act be, and the same is hereby amended, to read as follows:

"97. *And be it enacted*, That the bureau of street openings shall consist of a board of street openings, composed of the commissioners of assessment of taxes for the time being."

Amendment.

31. *And be it enacted*, That the ninety-ninth section of said act be, and the same is hereby amended, to read as follows:

"99. *And be it enacted*, That upon receiving such notification it shall be the duty of the said board to make an estimate and assessment of the damages and benefits to result from such work or improvements; the said board shall give at least five days' notice of their first meeting in two daily newspapers of said city, and shall have power to examine witnesses under oath or affirmation, to be administered by either of the members thereof, to enter upon and view any premises likely to be damaged or benefited by such proposed work, and to adjourn from time to time; they shall cause a survey and map of such work or improvement to be made by the city surveyor, and of the lots or parcel of land to be benefited or damaged thereby, and shall fairly and equitably assess such estimated costs on the lands and real estate to be thus benefited; but if in the judgment of said board such estimated costs shall exceed the value of the benefits to re-

sult from such proposed work or improvement, then and in that case said board shall have power to assess upon the city at large such estimated excess of costs over benefits to result from such proposed work, and the proportion so assessed upon the city shall be raised and paid for by general tax as other taxes are; no allowance shall be made for damages for any erections taken in whole or in part upon the line of any street or avenue which shall have been laid out and established by the board of aldermen, and not subsequently vacated before such erection was begun; in the estimate of costs of such work or improvement there shall be included the sum of one hundred dollars to reimburse the city for expenses incurred in the prosecution thereof."

Amendment.

32. *And be it enacted*, That the one hundredth section of said act be and the same is hereby amended, to read as follows:

"100. *And be it enacted*, That within three months, after receiving notification aforesaid, the board of street openings shall file in the office of the superintendent of streets and sewers a map and report, signed by all or any three members of the said board, of the proposed work or improvements, showing the precise nature thereof and the assessment upon, and the allowances to the parties benefited or damaged thereby, and thereupon the said superintendent shall forthwith give ten days' notice in two daily newspapers of said city, that such map and report have been filed in his office, and that parties objecting to such assessments and allowances, shall present their objections in writing at his office, within ten days from the date of such notice. It shall be the duty of the department of streets and sewers, to examine such objections and to report thereon at the regular meeting of the board of aldermen next succeeding the expiration of such notice, with such recommendations as to said department may seem proper."

Amendment.

33. *And be it enacted*, That the one hundred and eighteenth section of said act be and the same is hereby amended, to read as follows:

"118. *And be it enacted*, That the mayor and aldermen of the City of Paterson are hereby authorized and empowered to issue "sewer bonds" to an amount not exceeding seventy-five thousand dollars in any one year, the proceeds whereof shall be applied only to the construction of sewers and drains in said city; but the aggregate amount of such

bonds issued, or hereafter to be issued, shall not exceed five hundred thousand dollars; the said bonds shall bear not more than seven per centum interest per annum, payable semi-annually, shall have not more than twenty-five years to run, and shall have the credit of the corporation, and the real and personal property thereof pledged for the payment of the interest and principal of such bonds; any work, for which such bonds may be issued, shall be paid for only out of the proceeds of the sale of said bonds."

Amendment.

34. *And be it enacted*, That the one hundred and twenty-third section of said act be and the same is hereby amended, to read as follows:

"123. *And be it enacted*, That the bureau of estimates and assessments shall consist of the board of street openings, the superintendent of streets and sewers, and the city surveyor for the time being."

Amendment.

35. *And be it enacted*, That the one hundred and thirty-first section of said act be and the same is hereby amended, to read as follows:

"131. *And be it enacted*, That on or before the second Monday in June, in the year eighteen hundred and seventy-four, and annually thereafter, it shall be the duty of the said board of estimates and assessments to estimate the average cost per lineal foot of all sewers and drains constructed in the several drainage districts of said city, subsequently to the year eighteen hundred and sixty-eight, and up to the time of making such annual estimate, and to transmit a certified statement of such estimate to the department of finance; and in making the annual enumerations, valuations and assessments for taxes in such year, the commissioners of assessment of taxes shall, in a separate column of their assessment books, assess upon each lot fronting on or adjoining a street through which a sewer or drain has been constructed up to that time, a sum per lineal foot of frontage equal to three and a half per centum of the average cost per lineal foot of all sewers and drains constructed subsequently to the year eighteen hundred and sixty-eight, in the drainage district wherein such lot is situated, estimated as aforesaid; and the proceeds of such special tax shall be applied to the satisfaction of the interest on the sewer bonds issued or to be issued by the corporation; but no lot shall be assessed for more than twenty-five feet of frontage for every twenty-five hundred feet in area thereof."

Amendment.

36. *And be it enacted*, That the one hundred and fifty-eighth section of said act be and the same is hereby amended, to read as follows:

"158. *And be it enacted*, That it is hereby made the duty of the parents of any child born in said city, and of every person present at such birth, and of the officiating clergyman or magistrate at any marriage, within ten days after such birth or marriage, to report in writing to the said register the particulars above mentioned, as far as known, and the return so made of any marriage shall be signed and certified by the officiating clergyman or magistrate and at least one witness; any person herein required to make a report of any birth or marriage within ten days after the occurrence thereof, shall be liable to a penalty of ten dollars for each and every failure to comply herewith, to be recovered in an action of debt, with costs, before the recorder of said city; *provided*, that in case of births a report made according to law, by any one of the persons present, shall relieve the others from the obligation to make such report; and any person who shall knowingly make to said register any false return, statement, or report relative to any birth or marriage shall be subject to such penalty as the board of aldermen may by ordinance prescribe, not exceeding fifty dollars; the said register shall have prepared, and upon application shall furnish to proper persons, suitable blank forms for the making out the returns or reports herein required to be made to him of births and marriages in said city."

Amendment.

37. *And be it enacted*, That the one hundred and seventy-first section of said act be and the same is hereby amended to read as follows:

"171. *And be it enacted*, That the annual salaries of the officers named below shall not exceed the sums set opposite their respective names, namely:

The mayor, one thousand dollars.

Each alderman, four hundred dollars.

The city clerk, fifteen hundred dollars.

The clerk of the board of aldermen, eight hundred dollars.

The commissioners of assessment of taxes, fifteen hundred dollars each.

The receiver of taxes and assessments, twenty-five hundred dollars.

The comptroller, one thousand dollars.
The city treasurer, one thousand dollars.
The superintendent of streets and sewers, fifteen hundred dollars.
The city surveyor, twenty-five hundred dollars.
The superintendent of out-door relief, eight hundred dollars.
The superintendent of in-door relief, six hundred dollars.
The recorder, twelve hundred dollars.
The city physician, eight hundred dollars.
Assistant city physicians, five hundred dollars each.
The city counsel, fifteen hundred dollars.
The chief of police, one thousand dollars.
The chief engineer of the fire department, seven hundred and fifty dollars.
The assistant engineers of the fire department, five hundred dollars each.
The commissioners of appeal and revision of taxes, six dollars per diem while sitting."

Repealer.

38. *And be it enacted*, That all portions of the said act entitled "An act to provide for the more efficient government of the city of Paterson," and the supplements thereto, inconsistent with the provisions of this act, are hereby repealed.

39. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXXVIII.

A supplement to an act entitled "An act to authorize the clearing out, opening, widening and straightening Hackensack creek, in the village of Hackensack, in the county of Bergen, within the limits therein named," approved April fourth, one thousand eight hundred and seventy-three.

Preamble. WHEREAS, the court of common pleas of the county of Bergen, under and by virtue of the act to which this is a supplement, did appoint Samuel D. Demarest, David A. Zabriskie and John W. Doremus, three of the board of chosen freeholders of the county of Bergen, a board of commissioners to carry out the objects of said act; *and whereas*, the said board of commissioners have caused a return and map of their proceedings under said appointment to be filed in the office of clerk of the county of Bergen; *and whereas*, the owners of lands along and adjoining Hackensack creek, within the limits mentioned in said return and map of the commissioners aforesaid, have failed and neglected to widen, straighten, open and clear out said creek, within the time mentioned in said commissioners' return; *and whereas*, the said act provides that in case of such failure or any neglect, it shall be lawful for said commissioners, or either of them, to enter upon the lands lying upon said creek, within the limits mentioned in said act, with all necessary workmen and implements, and open, widen, clear out, straighten and remove all obstructions to the free passage of the waters of said creek; but said act makes no provision for the immediate payment of the expense to be incurred by said commissioners in the performance of such work, therefore—

County Collector to advance certain money. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the county collector of the county of Bergen, to advance and pay to said commissioners, from time to time, upon the order or request

in writing of said commissioners, or any two of them, sufficient money to perform the work authorized to be done by said commissioners, or either of them, under and by virtue of the fifth section of the act to which this is a supplement.

Commissioners to keep accurate accounts.

2. *And be it enacted*, That it shall be the duty of the said commissioners to keep an accurate account of all moneys by them expended in the performance of said work over and across the lands of each owner or owners, and as soon as conveniently can be after the completion of such work to proceed to the collection of the amount due from each owner or owners in the manner directed by the said fifth section of said act, which moneys, when collected, shall, by said commissioners, be immediately paid to the county collector of the county of Bergen.

County Collector to pay certain debts.

3. *And be it enacted*, That said county collector shall pay all debts heretofore contracted by said commissioners in having surveys made of said creek, preparing their return map and other proceedings, and filing the same upon the written order or request of said commissioners or any two of them; *provided*, that such payments of debts shall not exceed the sum of one hundred and fifty dollars.

Proviso.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXXIX.

A further supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson, passed February twenty-eighth, one thousand eight hundred and sixty-one.

In case of improvement of street assessment by whom and how made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any improvement of any public street, road, or highway, in said township, shall hereafter be ordered by the township committee of said township to be made, under and by virtue of the act to which this is a supplement or any of the supple-

ments thereto, the commissioners, who shall be appointed to make the assessment of the costs and expenses of any such improvement, shall assess the costs and expenses of any such improvement upon all the lands and real estate benefited by such improvement, in proportion to the benefit received by such improvement, without regard to the frontage of such lands and real estate upon the line of such street or highway so improved; and such commissioners of assessment shall make and present to the township committee of said township, accompanying their report and assessment, such map showing the lands and real estate assessed by them for any such improvement; and laid out in such manner as will best show the lands and real estate assessed by them for any such improvement, without any regard to frontage of such lands upon the line of such improvement, and without any regard to any previous map or plotting of such lands and real estate, and said commissioners of assessment in making any such assessment be confined to the lands and real estate fronting on the line of such improvement; anything in the act to which this is a supplement, or any supplement thereto contained, to the contrary thereof in any wise notwithstanding.

When not to be set aside by certorari.

2. *And be it enacted*, That no ordinance, assessment, or proceeding of the township committee of said township shall be set aside in certiorari by reason of the return to said certiorari failing to show that all the requirements of the town charter have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said township may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons, and said township may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceedings in question, the same as if such facts had properly appeared in the minutes, records and proceedings of said council; whenever any assessment shall be set aside on writ of certiorari, the township committee of said township may appoint new commissioners to make a new assessment.

Township Committee of what to consist.

3. *And be it enacted*, That the township committee of the township of North Bergen shall consist of five members, one from each of the five school districts in said township, who

shall meet for the transaction of business on the first Saturday of each month and at such other times as they may deem necessary.

4. *And be it enacted*, That all acts and parts of acts, inconsistent or incompatible with the provisions of this act be and the same are hereby repealed, and this act shall be deemed a public act and take effect immediately. Repealer.

Approved March 24, 1874.

CHAPTER CCCLXXX.

A further supplement to an act entitled "An act to determine the number of chosen freeholders, and providing for the election of county collector in the county of Camden," approved March eighteenth, eighteen hundred and fifty-eight, and the supplement thereto, approved March twenty-second, eighteen hundred and sixty, and a further supplement, approved April third, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the county collector of the county of Camden shall receive as full compensation for his services the sum of one thousand dollars per annum. Compensation of county collector.

2. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of this act, be and they are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXXXI.

A further supplement to "An act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five.

Collector of revenue to increase salary of assistant.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken be and they are hereby authorized and empowered to cause to be paid from the contingent fund of the said city of Hoboken, to the collector of revenue for said city, a sum in addition to the regular salary now paid to him and authorized to be paid for the employment of an assistant, by virtue of the provisions of the charter of the city of Hoboken and the supplements thereto, not exceeding one thousand dollars, the said sum to be computed at the rate of eighty-three dollars and thirty-three cents per month, from the fourth day of April, eighteen hundred and seventy-three, to the date of the approval of this act; and to be by the said collector applied to the payment of the salary of the assistant by him employed during the aforesaid time.

To appoint assistant.

Salary.

2. *And be it enacted*, That the collector of revenue of the city of Hoboken be and he is hereby empowered to appoint an assistant at a salary not exceeding fifteen hundred dollars per annum, and that the council shall have power to appropriate the necessary sum to pay the said salary from the contingent fund of the said city of Hoboken; and the collector of revenue shall be responsible to the said mayor and council for the proper discharge of the duties of his assistant, and shall be liable to be sued on his bond for any neglect of duties or for any defalcations in the collections of the revenue of said city.

To be responsible for assistant's acts.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXXXII.

A further supplement to an act entitled "An act to revise and amend the charter of the city of Rahway."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor of said city shall have authority to appoint, with the advice and consent of the common council, three freeholders of said city, as a board of finance; said board shall have the supervision of the finances of the city of Rahway; the city treasurer shall make an annual report to said board of the financial affairs of said city in detail, on the first day of January in each and every year, and at all other times when required, in writing, by a majority of the members of said board; the board of finance shall have authority to negotiate and sell the bonds of the city, to make provision for the payment of the interest on all bonds, and the principal, as the said bonds mature; the said board shall have authority to issue the bonds of said city, for the amounts due for taxes and assessments, where the real estate for unpaid taxes and assessments has been sold and struck off to the city; *provided*, that whenever any property thus sold shall be redeemed the proceeds thereof shall be invested by said board, as a fund for the payment of the interest on said bonds, and the principal thereof, as they fall due. Board of Finance by whom and how appointed. Proviso.

2. *And be it enacted*, That all taxes hereafter levied upon real estate shall be a lien upon the same from and after the day on which taxes are declared to be due and payable. Taxes to be lien.

3. *And be it enacted*, That the official year of the city treasurer, hereafter appointed, shall commence on the first day of January, and the term of office shall be three years and until a successor is appointed and qualified, and the term of the treasurer to be next appointed shall count as if commencing on the first day of January, eighteen hundred and seventy-four. Official year of city treasurer when to commence.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1874.

CHAPTER CCCLXXXVII.

A supplement to an act entitled "A further supplement to an act entitled 'An act to establish the Long Branch Police, Sanitary and Improvement Commission,'" approved April eleventh, one thousand eight hundred and sixty-seven, approved April third, one thousand eight hundred and seventy-three.

Long Branch commissioners to raise certain sum by taxation, to purchase fire apparatus.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Long Branch Commissioners" to raise by taxation in the usual manner, in addition to the sum authorized by the fifth section of the act to which this is a supplement, the sum of five thousand dollars, for the purposes mentioned in said fifth section of the act to which this is a supplement, and the purpose of purchasing additional fire apparatus, and the procuring of suitable lands and the erection thereon of buildings in which to keep said apparatus when said commissioners may deem it necessary.

Fire apparatus to whom entrusted.

2. *And be it enacted*, That said commissioners be and they are hereby authorized to entrust such fire apparatus as may be purchased by them to the care and use of such fire companies as they may designate, but subject to the regulations of said board of commissioners; and to appropriate such moneys from time to time as may be necessary to keep the same in repair.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1874.

CHAPTER CCCLXXXIX.

An act to construe a portion of section one hundred and twenty-seven of the act approved March eleventh, one thousand eight hundred and fifty-seven, entitled "An act to revise and amend the charter of the city of Newark."

Preamble. WHEREAS, some question has arisen respecting the extent of the provisions of the latter clause of section one hundred and twenty-seven, of the act approved March eleventh, one thousand eight hundred and fifty-seven, entitled "An act to revise and amend the charter of the city of Newark," and the payment of just bills has been hindered thereby; therefore,

Certain clause how to be deemed and taken. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words of said clause, being as follows: "and no member of the common council shall be directly or indirectly interested in any contract, as principal, surety or otherwise, the expense or consideration of which is paid from the city treasury," shall be deemed, taken, held and construed to apply and relate only to contracts for street improvements and other work, and contracts in writing or under seal, and that it shall be lawful for the auditor of accounts of said city of Newark, to audit, and for the common council of said city to order to be paid, and for the city treasurer of said city to pay, bills now justly due and owing by said city of Newark, for work done, or supplies and materials furnished, although said work was done or said supplies and materials were furnished by a member of the common council of said city, or by a firm with which he was or is connected, any law of this state or ordinance of said city to the contrary in anywise notwithstanding.

Auditor to audit certain accounts.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 25, 1874.

CHAPTER CCCXC.

An act to authorize the City Council of Atlantic City, to borrow money for municipal purposes.

City council may borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council of Atlantic city, in the county of Atlantic, to borrow money for municipal purposes;

Proviso.

provided, there shall not be a greater sum than twenty-five thousand dollars raised by loan in any one year, and that the said city shall not owe over one hundred thousand dollars at any one time.

Repealer.

2. *And be it enacted*, That all sections, parts of sections, and supplements to Atlantic city charter conflicting herewith, are hereby repealed.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 25, 1874.

CHAPTER CCCXCI.

A further supplement to "An act appointing Commissioners of Streets and Sewers in the City of New Brunswick," approved March twenty-third, one thousand eight hundred and seventy-one.

Owners of lots to pay interest or assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners of lots or parcels of land heretofore assessed for work done under the act to which this is a supplement, shall be and are hereby required to pay interest upon such assessments at the rates prescribed in the tenth and eighteenth sections of said act up to the date of the approval of this supplement, and

thereafter such assessments shall bear interest at the rate of seven per centum per annum, payable semi-annually; the principal sum of such assessments may be paid in ten equal annual payments, with interest as aforesaid beginning from the date of such approval; and all assessments which may hereafter be made for work done by said commissioners may be paid in ten equal annual payments, running from sixty days after the first publication of the notice mentioned in the seventeenth section of the act to which this is a supplement, of the whole amount thereof, including all costs and charges, with interest from said date at the rate of seven per centum per annum payable semi-annually; upon failure to make any such annual payment, with interest, as herein authorized, within thirty days after the same shall become due, then the whole amount shall become immediately due and payable, and shall be collected in the manner provided in the eleventh section of the act to which this is a supplement; *provided, however*, that before the sale therein authorized the said commissioners shall give four weeks' notice of the time and place thereof in two or more of the newspapers published in said city.

Rate and when payable.

Principal of assessments when and how to be paid.

On failure to make annual payment whole amount shall become due.

Proviso.

2. *And be it enacted*, That the proportion of the expense heretofore made and incurred, or hereafter to be made and incurred for work done under the act to which this is a supplement, or under this act, whereby the public property of said city was or is benefited, shall be paid by said city in ten equal annual payments, with interest thereon, at the rate of seven per centum per annum, payable semi-annually; and it shall be the duty of the common council of said city, after being notified of the amount of such payments, to cause the same with interest to be annually assessed and collected, in the same manner and at the same time as other city taxes are assessed and collected, and pay the same to said commissioners.

Certain assessments when and how to be paid.

3. *And be it enacted*, That one-fourth of the whole expense of constructing any sewers, or section of a sewer, or drains and other works connected therewith, shall be paid by said city, to said commissioners, in the manner provided in the second section hereof, with interest at the rate of seven per centum per annum, payable semi-annually; and the other three-fourths of such whole expense shall be assessed and collected in the manner provided for in the first section of this act, and in the act to which this is a

Portion of expense of constructing sewers to be borne by city.

supplement, where the same has not been altered by this act.

Commissioners to make report to common council every six months.

4. *And be it enacted*, That the said commissioners shall, every six months, make to the common council a detailed statement of their receipts and disbursements, and also a general statement of all the work in progress, or under contract by virtue of the provisions of the acts establishing such commission, and the said common council shall appoint a committee who shall audit the accounts of said commissioners.

Before making improvements to present to common council statement of work proposed to be done.

5. *And be it enacted*, That before making any improvements by paving streets or sidewalks, or constructing sewers or drains as authorized by the act to which this is a supplement, the said commissioners shall present to the common council a written statement of the work proposed to be done and if the common council shall, by resolution, approve of the same, then the said commissioners shall have the same done as proposed and approved, and the expense thereof shall be assessed and collected as authorized by the original act, and by this act.

Bonds authorized to be issued may be made redeemable in twenty years.

6. *And be it enacted*, That the bonds authorized by the twenty-fifth section of the original act to be issued, may be made redeemable in twenty years from date instead of five years as now limited, and the said commissioners are hereby authorized to exchange such bonds made redeemable in twenty years for bonds heretofore issued by them and made redeemable in five years, as the latter become due.

Commissioner's term of office.

7. *And be it enacted*, That the commissioners appointed under the act to which this is a supplement, and the commissioners hereafter to be elected under the same act, shall each hold his office for the term mentioned in by said act, and until his successor shall be elected and sworn in office.

Repealer.

8. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1874.

CHAPTER CCCXCIV.

Supplement to an act entitled "An act to enable the Trustees of School District No. 7, in the county of Monmouth, to sell school property, and to buy other property, and erect a school house thereon, and to issue bonds in payment therefore," approved April fourth, eighteen hundred and seventy-three.

Building committee increased in number.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the building committee authorized to be elected to act in conjunction with the trustees, in the act to which this is a supplement, shall be increased to four.

District clerk to give notice of election.

2. *And be it enacted*, That the district clerk shall, within one week after the passage of this act, put up notices for the election of such additional number of the building committee in three public places in said district, ten days previous to said election, and that the vote shall be taken by ballot at the school house in said district, and that the election shall be held under the direction of the trustees of said district, and the poll shall open at five o'clock in the afternoon, and close at eight o'clock in the evening.

Election by whom and when held.

School houses not to be sold until new buildings completed.

3. *And be it enacted*, That the school houses and lots now owned by the said district shall not be sold or possession given until the new school building shall be completed.

Location to be ascertained by plurality vote.

4. *And be it enacted*, That the location of the new school house shall be ascertained by a plurality of the votes of said district, and the location receiving a plurality of votes shall be declared the location of said school house, and the district clerk shall put up notices in three public places in said district ten days prior to such election, of the time and place of holding such election, and such election shall be held under the direction of the trustees and building committee.

Trustees and building committee when and where to meet.

5. *And be it enacted*, That within one week after the election of such additional number of the building committee, the said trustees and building committee shall meet at a place to be named by the said trustees, and shall each take an oath to faithfully perform the duties required by this act, and shall elect a president and treasurer, and no compensation shall be allowed to any member, and that a majority of the building committee, with a majority of the trustees shall be a quorum for the transaction of business; and any vacancy that may occur in the building committee shall be filled by the trustees and building committee.

Vacancy how filled.

Trustees and building committee when empowered to sell present houses and lots.

6. *And be it euacted*, That the said trustees and building committee shall, upon the completion of the new school building sell at public auction the present houses and lots of said school district, and appropriate the proceeds of such sale as is required by said act.

Treasurer to give bonds.

7. *And be it enacted*, That the treasurer shall give bonds to the trustees of the said school district in the sum of twenty thousand dollars for the faithful performance of his duty.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1874.

CHAPTER CCCXCV.

An act relative to the sale of certain property belonging to the inhabitants of the township of Pemberton.

Preamble.

WHEREAS, Job H. Gaskill by deed dated the twenty-fifth day of March, anno domini one thousand eight hundred and seventy-two, conveyed to Franklin W. Earl, John B. Deacon and John Horner, township committee of the township of Pemberton, county of Burlington and state of New Jersey, and to their successors in office, a certain house and lot of land (now known as the town hall of said township), and by said deed entailing said property, so that the same cannot be sold, as may be seen by reference to the

record of said deed, recorded in book O eight of deeds, page sixty-seven and so forth, in the clerk's office of said county; *and whereas*, it is the desire of the inhabitants of said township to sell the same, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the inhabitants of said township of Pemberton at any time when duly and lawfully assembled in town meeting, by a majority vote to order and direct that the said property shall be sold, and the deed or deeds that may be executed by the said inhabitants of the said township, or by the township committee of the said township for them to the purchaser or purchasers shall be good and valid in law, anything in the deed of conveyance to the said township entailing the said property to the contrary notwithstanding. Property how sold, and deeds by whom executed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 25, 1874.

CHAPTER CCCXCVI.

An act to confirm and establish the title of "School District Number Forty-eight, in the county of Salem," to land held by them for school purposes.

WHEREAS, By deed of conveyance, bearing date the fifth day day of November, one thousand, seven hundred and seventy-four, in language as follows, viz: Preamble

"This indenture, made the fifth day of November, one thousand, seven hundred and seventy-four, between Aaron Bettel and Wostom Davison, of New Jersey, yeomen, of the one part, and Andrew Holm, Richard Allen, Erick Peterson, Augustus Peterson, Henry Peterson, George Peterson, John Bittle, Cornelius Boon, Charles Halton and William Bittle, all of Upper Penns Neck, county of Salem and province of New Jersey, aforesaid, of the other part; *Whereas*, John Budd, of Philadelphia county, in the province of Pennsylvania, became, by some sure conveyance

in law, duly executed, lawfully seized in his demeasure off-set of, and in a certain tract of land situate in Penns Neck, in the county of Salem; *and whereas*, the said John Budd, by his deed bearing date the tenth day of September, one thousand seven hundred and five, for the consideration therein mentioned, did grant and convey unto Henry Peterson, of Penns Neck, two hundred acres of land; *and whereas*, the said Henry Peterson, by his deed of conveyance for the consideration therein mentioned, did grant and convey a part of said land unto his grandson, Henry Peterson, as in and by the said deed; reference being had thereto may more fully appear; *and whereas*, Thomas Harris and William Peters, by their deed dated the fifteenth day of March, one thousand seven hundred and fifty-nine, for the consideration therein mentioned, did grant and convey unto Henry Peterson, grandson to the above named Henry Peterson, to him, his heirs and assigns, nineteen acres of land and swamp, lying in Penns Neck, adjoining the said Peterson's other land, as in and by the said deed; reference being thereto had may more at large appear; *and whereas*, the said Henry Peterson, by his deed of conveyance to Aaron Bettel, for the consideration therein mentioned, did convey twenty acres of swamp and meadow, it being a part of the above mentioned land; now, know ye, that Aaron Bettel, for and in consideration of one pound seventeen shillings and six pence, current lawful money, to him paid by Andrew Holm, Richard Allen, Erick Peterson, Henry Peterson, Augustus Peterson, George Peterson, John Bittle, Cornelius Boon, Charles Holton, William Bittle and Aaron Bittle, the receipt whereof he doth hereby acknowledge, and himself therewith to be fully satisfied, contented and paid, have granted, bargained, sold, released, conveyed and confirmed, and by these presents do grant, bargain, sell, release, convey and confirm unto the said Andrew Holm, Richard Allen, Erick Peterson, Augustus Peterson, George Peterson, John Bittle, Cornelius Boon, Charles Holm, William Bittle, Aaron Bittle, to and for the use of a school house, and no other use whatsoever, to them, their heirs, and assigns, three-quarters of an acre of land, be the same more or less, it being a part of the twenty acres above said, and is bounded as follows:—Beginning at the turn of the road along Henry Peterson's line to John Bittle's line, six-

teen rods; then along John Bittle's line to a stone near to the north corner of the school-house, seven rods and a half, and from thence to the road, twelve rods; then along the road to the place of beginning, eight rods; in which bounds is contained near three-quarters of an acre of ground, be the same more or less; together with, all and singular, the house, woods, underwoods, ways, liberties, easements, privileges, profits, commodities, hereditaments and appurtenances of the said three-quarters of an acre of land belonging or in anywise appertaining, and the reversion and remainder thereof, and all the estate, right, title, interest, claim and demand whatsoever of him, the said Aaron Bettel, his heirs and assigns, to have and to hold the said three-quarters of an acre, be the same more or less, hereby granted unto the said Andrew Holm, Richard Allen, Erick Peterson, Augustus Peterson, Henry Peterson, George Peterson, John Bittle, Cornelius Boon, Charles Holton, William Bittle, and Aaron Bittle, their heirs and assigns, to the only proper use of a school-house and behoof of the said Andrew Holm, Richard Allen, Erick Peterson, Augustus Peterson, Henry Peterson, George Peterson, John Bittle, Cornelius Boon, Charles Holton, William Bittle, and Aaron Bittle, their heirs and assigns forever; and the said Aaron Bettel, for himself and his heirs, doth covenant, promise and grant to and with the said Andrew Holm, Richard Allen, Erick Peterson, Augustus Peterson, Henry Peterson, George Peterson, John Bittle, Cornelius Boon, Charles Holton, William Bittle, Aaron Bettel, their heirs and assigns, that he, the said Aaron Bettel is now seized of a good title and indeparable estate of inheritance in fee simple of and in the said three-quarters of an acre and premises hereby granted, with the appurtenances, and now hath in himself good right and full power to sell and convey the same in fee, and that he, the said Aaron Bettel, and his heirs, the said three-quarters of an acre, be the same more or less, with the appurtenances, unto the said Andrew Holm, Richard Allen, Erick Peterson, Augustus Peterson, Henry Peterson, George Peterson, John Bittle, Cornelius Boon, Charles Holton, William Bittle, their heirs and assigns against him the said Aaron Bettel and his heirs, and against all other person and persons whatsoever, shall and will warrant and defend by these presents;

In witness whereof the said Aaron Bettel hath hereunto set his hand and seal, the day and year above said;

(Signed) AARON BETTEL. [SEAL.]

Sealed and delivered in the presence of

ROBERT HOWARD,
MARY HOWARD,
MARY CLORK."

The within named Aaron Bettel did convey to the afternamed Andrew Holm, Richard Allen, Erick Peterson, Augustus Peterson, Henry Peterson, George Peterson, John Bittle, Charles Holton, Cornelius Boon, and William Bittle, of Upper Penns Neck, in the county of Salem, and province of New Jersey, the above described tract of land for school purposes; which said land and school-house has been for many years in possession of the "Greene School district," in the township of Upper Penns Neck, in the county of Salem, aforesaid, and is now within the limits, and subject to the trustees of "Central School District Number Forty-eight, of the County of Salem;" *and whereas*, the said Central School District Number Forty-eight have erected a new school-house in a central location, and do not now require, for the purposes of the district, the property conveyed by the aforesaid deed; *and whereas*, the clause in the deed by which this property became appropriated to school purposes included the "heirs" of the before named persons, which heirs it would be difficult to find at this day; *and whereas*, said land, being in an agricultural neighborhood, is not specially valuable to such heirs; *and whereas*, it is desirable that the said "Central District Number Forty-eight, of the County of Salem," should have absolute jurisdiction over said property, in order to execute a proper deed of conveyance; therefore,

Title in whom declared to be vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to the lot of land and premises, as conveyed by the aforesaid deed by Aaron Bettel, be and the same is hereby declared to be vested, in fee simple absolute, in "The Trustees of School District Number Forty-eight," in the county of Salem, and their successors in office, free, clear and discharged from all and every the trusts, limitations and conditions subject to which the same has been heretofore held, by virtue of the aforesaid deed.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Passed March 25, 1874.

CHAPTER CCCXCVII.

An act to regulate the salary of the Prosecutor of the Pleas, in the County of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the prosecutor of the pleas for the county of Camden shall be four thousand dollars per annum, which shall be paid to him out of the fees to which such prosecutor has been heretofore entitled by law, and all fees, costs and compensation to which said prosecutor is now entitled, or which may hereafter be allowed to prosecutor, shall be taxed as heretofore and shall be collected as heretofore and paid into the treasury of the said county for the use thereof; *provided*, that said prosecutor shall in no case receive or be paid in any one year any sum in excess of the prosecutor's fees actually taxed during such year. Salary of Prosecutor. Proviso.

2. *And be it enacted*, That said salary shall be paid to said prosecutor by the collector of said county out of such fees so as aforesaid taxed, and that this act shall take effect immediately. How and by whom paid.

Passed March 26, 1874.

CHAPTER CCCXCIX.

Supplement to an act entitled "An act to improve Paterson avenue, from the westerly line of the Paterson plank road, to the Secaucus road, and the Secaucus road from Paterson avenue to Pen Horne's creek, in the county of Hudson," approved April first, eighteen hundred and sixty-nine.

Commissioners of assessments by whom, how and when appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of the court of common pleas of the county of Hudson, or a majority of them, shall, within sixty days after the approval of this act, appoint three discreet, impartial and disinterested persons, residing in the county of Hudson, to be commissioners of assessments, to assess the costs, charges and expenses for all work done or materials furnished for any improvements heretofore made, or that may be hereafter made (and the cost, charges and expenses incident thereto), under and by virtue of the act to which this is a supplement, the assessment for which has not been hereto confirmed; and that the costs, charges and expenses for any such improvement shall be assessed by said commissioners, to be appointed as aforesaid, upon all the land and real estate which, in the opinion of said commissioners, or a majority of them, shall be benefited by said improvement in proportion to the benefit received, who shall make an assessment map and report thereon, with the names of the owners, so far as they may be known to said commissioners, of the lots or parcels of land and real estate so assessed, and shall file the same with the clerk of the court of common pleas of the county of Hudson, whereupon the said clerk shall cause to be inserted in at least two of the newspapers published in the county of Hudson, and circulating in Jersey City, the township of North Bergen, and township of West Hoboken, for at least fifteen days, a notice of the filing of said report and map, and that the same will be presented to the court of common

Duties.

pleas of the county of Hudson for confirmation, at a time to be specified in said notice, and that said court will, at said time and place, receive and consider all objections, which may be presented in writing, against the confirmation of said assessment, which time shall not be more than two months from the time of filing said report and map with the clerk as aforesaid, and all objections in writing presented at such time and place shall be considered and adjudicated upon by said court; and if said court shall order the correction or alteration of said assessment in any particular, such correction or corrections, alteration or alterations, shall be certified by the presiding judge of said court, and filed with the clerk of said court; and the assessment, as so presented, or as so presented, corrected, or altered, shall constitute and remain a lien upon each lot or parcel of land specified therein for the amount assessed to the same, in and by said assessment made by said commissioners, or corrected or altered as aforesaid, and shall be final and conclusive upon all parties, as so confirmed by said court, notwithstanding any irregularities or informalities in the inception or execution of, or proceedings relating to, the improvement or improvements done or to be done under and by virtue or color of the act to which this is a supplement, or, if any, of the supplements thereto; and shall be collected in the manner as provided in the act to which this is a supplement; *provided*, however, that nothing herein contained shall be so construed as to authorize and empower said commissioners to assess and levy any portion or part of the cost charges and expenses of the improvements provided for in this act and the original act and the supplements thereto, upon any lands or property lying north of a certain line, laid down and described in section eight of an act entitled "a further supplement to an act entitled 'An act to improve Paterson avenue from the westerly line of the Paterson Plank Road to the Secaucus road, and the Secaucus road from Paterson Avenue to Pen Horne's Creek, in the County of Hudson,' approved April first, one thousand eight hundred and sixty-nine," approved March twenty-ninth, eighteen hundred and seventy-one.

Assessment to be lien on land.

How collected.

Proviso.

2. *And be it enacted*, That the assessment and report for the costs, charges, and expenses for the work done, and materials furnished, and the costs, charges and expenses incident to the improvement named in a certain contract, made

Certain assessment and proceedings thereon confirmed.

between the Paterson avenue and Secaucus road commissioners and Joseph Donohoe, bearing date on the first day of September in the year eighteen hundred and seventy-one, on file in the office of the commissioners last named, for the paving, curbing, flagging, etc., of Paterson avenue and Secaucus road, from the Paterson plank road to the Northern railroad of New Jersey, shall be made and filed in the office of the clerk of the court of common pleas of the county of Hudson, and confirmed, or confirmed as corrected or altered, in the manner directed in the preceding section, prior to the making and confirmation of any assessment for any other improvement in progress on said avenue or road, and such confirmation when made, shall have the same force and effect in all respects, as the confirmation therein provided for.

The court to fix amount of compensation of commissioners.

3. *And be it enacted*, That said court shall, upon the appointment of such commissioners fix the amount of their compensation, which, together with all expenses incident to each improvement shall be added to, and be made a part of the costs, charges and expenses of each improvement.

Treasurer to receive certificates of indebtedness, &c.

4. *And be it enacted*, That it shall be the duty of the treasurer, named in the act to which this is a supplement, to receive certificates of indebtedness, issued or to be issued, under and by virtue of said act, or any of the supplements thereto, at their face value, and the interest accrued thereon, in payment for any and all assessments levied, or to be levied under and pursuant to said acts or either of them;

Proviso.

provided, that such certificates so to be received, are, by their terms due and payable at the time they are so received.

Commissioners how recognized.

5. *And be it enacted*, That the commissioners appointed under the act to which this is a supplement shall be known and recognized by the title of "The Paterson avenue and Secaucus Road Commissioners," and all contracts heretofore entered into and obligations heretofore made by that title, shall have the same force and effect as if such title had been given to said commissioners by the act to which this is a supplement.

6. *And be it enacted*, That this act shall be deemed a public act, and take effect immediately.

Approved March 26, 1874.

CHAPTER CCCC.

A supplement to an act entitled, "An act to improve certain roads or avenues in the township of Hackensack, in the county of Bergen," approved February sixteenth, eighteen hundred and seventy.

Preamble. WHEREAS, the term of office of the commissioners under the said act will expire on the twenty-seventh day of March, eighteen hundred and seventy four, and the said commissioners have in their hands surplus funds raised by assessment under said act which they will not be able to expend in the manner contemplated by said act before the said date of expiration, and there are also some assessments under said act which have not yet been paid,

Term of office extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of said commissioners is hereby extended to the fourth day of July, eighteen hundred and seventy-four.

Commissioners empowered to pay out certain funds. 2. *And be it enacted*, That the said commissioners are hereby authorized to pay out of said funds, to the person or persons who may have defrayed the expense of surveying and laying out Broad avenue, named in said act, the amount so paid by such person or persons for such purpose; *provided*, that such payment shall be made exclusively out of that portion of the said funds which shall have been raised by assessment for the improvement of Broad avenue. Proviso.

County clerk to file certain receipts or certificates. 3. *And be it enacted*, That the county clerk of the county of Bergen, upon the presentation to him of a receipt or certificate given by the township collector to whom an assessment on any lands shall have been paid under the said act, or given by the secretary of the said commissioners, of the payment of such assessment, is authorized and required to file the said receipt or certificate in his office, which receipt or certificate so filed shall be a full and absolute discharge of the lien created by said assessment on said lands.

Repealer. 4. *And be it enacted*, That all former acts and parts of for-

mer acts, so far as they may be inconsistent herewith, be and they are hereby repealed, and this act shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCIII.

A supplement to an act approved April fourth, one thousand eight hundred and seventy-three, entitled "A supplement to an act entitled 'An act to incorporate the Carlstadt Fire Department, of Bergen county,'" approved March eighth, one thousand eight hundred and seventy-two.

Provisions of certain act not to apply to portion of Union township.

To be submitted to vote.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of Union township now included in the limits of said fire department, be and is hereby withdrawn therefrom, and that the provisions of said act shall hereafter not apply thereto, but its provisions shall remain inoperative until assented to by a majority of the legal voters within that part of said township of Union included within the limits of said fire department, at an election to be held in the manner (as nearly as may be) provided in the said act to which this is a supplement.

2 *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCXIV.

An act to set off from the Belleville Polling District in the Township of Belleville, in the county of Essex, an election district, to be called and known as Montgomery District in said Township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Belleville in the county of Essex, west of a line running from a point where the centre line of Quarry street if extended southerly, would intersect the dividing line between the township of Belleville and the city of Newark, in a north westerly direction to the centre line of the public road leading from Franklin to Newark, where the same is intersected by the southerly line of the township of Franklin, be set off from the Belleville polling district, in the township of Belleville, and made and constituted an election district to be known and called "Montgomery." Boundaries of part of township set off.

2. *And be it enacted*, That James Moore, Anthony Francisco and John Crisp be and are hereby appointed inspectors of election, with power to appoint a clerk for said election at the annual election to be held in April, one thousand eight hundred and seventy-four, for the election of township officers for said township, in the school house in said district, and that at said election, and annually thereafter, at the time other township officers are elected, three persons shall be elected as judges of election for said district in the manner prescribed by the third section of the supplement to the "Act to regulate elections," approved April twenty-second, one thousand eight hundred and sixty-eight; said judges to be residents of the district for which they are elected, to have the same authority, perform the same duties, receive the same compensation and be subject to the same penalties that other judges of election have or may be entitled or subject to. Names of inspectors. Time and place of holding election.

3. *And be enacted*, That the township clerk shall be clerk Township clerk to act

as clerk in district in which he resides.

of election in the district in which he resides, and the judges of election in the other district shall appoint a clerk for each election held in such district.

Judges to cause statement to be made.

4. *And be it enacted*, That the judges of election in said district shall at each election for township officers, cause a statement in writing to be made of the result of said election in said district, certify the same to be correct, and deliver the same to one of their number to be appointed for that purpose, and the judges to whom said statements are delivered shall meet at some convenient place in the Belleville district, at two o'clock in the afternoon of the second day after said election, and it any judge is absent, or the statement from either of said districts is not completed, said judges may adjourn to any convenient hour on the day following, at which time the judges then present shall make a statement in writing of the result of said election in the township at large, certify and deliver the same (with the original statements of the district judges) to the clerk of the township, and he shall file the same with the township papers.

Clerk to attest statement and notify persons elected.

5. *And be it enacted*, That the clerk of the township shall attend the meeting of the judges mentioned in the preceding section and act as clerk thereof (or in his absence such person as said judges may appoint) and shall attest the statements there made, and upon the delivery of the same to him he shall post copies thereof and notify the persons elected as by law now directed.

Poll book and ballots to be filed.

6. *And be it enacted*, That the election clerk of the district of Montgomery shall, within four days after any election, deliver to the clerk of the township the poll book and ballots used in their respective districts; and said township clerk shall file the same with the township papers.

Certain acts not to apply to district created.

7. *And be it enacted*, That the act entitled "An act authorising the appointment of commissioners to institute and make local improvements in that portion of the township of Belleville included within the boundaries of Belleville polling district," approved April sixth, one thousand eight hundred and seventy-one and the supplement thereto, approved April fourth, one thousand eight hundred and seventy-two, and the act to revise the same, approved April fourth, one thousand eight hundred and seventy-three, shall not be applicable to the territory embraced in the district hereby created, and that said acts so far as they affect said dis-

trict and all other acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCXV.

A further supplement to the act entitled "An act to revise and amend the charter of the Town of Orange," approved March third one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "be deemed and taken to be the true and actual value thereof, and shall be added to, and" contained in the fourth section of a certain supplement to said act, which supplement was approved March seventeenth, one thousand eight hundred and seventy, be and the same are hereby repealed. Repealer.

2. *And be it enacted*, That the seventh section of a certain other supplement to said act, which supplement was approved March twenty-eighth, one thousand eight hundred and seventy-three, be and is hereby amended by repealing the words "twenty-five," and by inserting in lieu thereof, the words "one hundred," and also, by repealing the word "six," and inserting in the place thereof, the word "twelve." Amendment.

3. *And be it enacted*, That hereafter every letter of recommendation to the collector of taxes, for a license to sell ale, beer, porter, cider or wine, shall, before such license shall be granted, be published, together with the names of the signers for at least two weeks, in one of the newspapers of said city, and at the expense of such applicant. Letter of recommendation for license to be published.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act is hereby declared to be a public act, and shall take effect immediately. Repealer.

Approved March 26, 1874.

CHAPTER CCCCXVI.

An act for the laying out of Public Roads in the Township of Caldwell.

After adoption of report of surveyor of highways, township committee may open and work roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the adoption and ratification by the township committee of Caldwell township of any report and map hereafter made by the surveyors of highways, by virtue of the act for the laying out, widening, altering, straightening or vacating any public road or highway, or any part thereof, the said committee shall open and work such road, or alter and work such grade, whenever they or a majority of them shall consider and determine that such opening and working or altering and working are necessary for public convenience; and that such road or grade shall not be opened and worked or altered and worked until said committee shall so determine; and that the

Expense to be assessed

expense of such opening, altering and working, when ascertained, shall be fairly and impartially assessed by said committee, or said majority of them, upon the owner or owners of any lands or real estate on the line or in the neighborhood of the improvement, which in their opinion is or shall be peculiarly benefited thereby; such assessment to be

Assessment how made.

made in such proportion and to such extent as they may consider said lands and real estate to be so benefited; and that said committee shall consider said assessment at a public meeting, of which the township clerk shall have given at least two weeks' public notice by advertisements, under his hand, set up in at least five of the most public places in the township; and that said committee may consider said assessment at any subsequent or adjourned meeting without

Committee to set and hear objections to assessment

further notice; and that at any and all such meetings, to be had before their final determination of the matter, the said committee shall hear and consider all objections to said assessment, to be made by parties interested therein; and that, when said committee shall have finally determined upon said assessment, they shall enter the same at full length

upon the minutes of their proceedings, and that the same shall be final and conclusive upon all parties affected thereby; and that the township clerk shall furnish a copy thereof to the collector of taxes in said township; and that the amount or amounts so assessed for benefits shall be collected in the same manner as the township taxes for other purposes are or shall be.

Assessment to become lien on property

2. *And be it enacted*, That any and all assessments for benefits heretofore or to be hereafter made, adopted and ratified, for laying out, widening, altering, straightening or vacating any public road or highway, or for altering the grade of any such road or highway, or any part thereof, shall be and remain a lien or liens upon the lands and real estate so benefited, from the time of the adoption and ratification of the report and map relating thereto until said assessment, with all interest, costs and fees thereon, shall be fully paid and satisfied; notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and notwithstanding any mistake in the name or names of any owner of such lands and real estate, or omission to name any such owner or owners; and that any assessment in which such mistake or omission occurs shall be as valid and effectual in law as though said mistake or omission had not occurred; the said lien or liens may, in the discretion of said committee, be enforced by the sale and conveyance of said lands and real estate in the manner hereinafter prescribed.

If assessment not paid in 60 days, property may be sold.

3. *And be it enacted*, That in case any such assessment for benefits, together with interest thereon, and all costs and fees which may have accrued thereon, shall remain unpaid after the expiration of sixty days from and after the service of the legal notice as required in the collection of other township taxes, it shall be lawful for the said township committee, in their discretion, and by resolution, to direct that said assessment shall be collected, with interest, costs and fees as aforesaid, and it shall be the duty of the collector of taxes in said township to proceed immediately in the collection thereof by enforcing the said lien, by the sale and conveyance of said lands and real estate, upon which said assessment was made, as is directed in an act to make taxes a lien upon real estate, approved March seventeenth, one thousand eight hundred and fifty four.

Collector to keep record

4. *And be it enacted*, That the said collector shall keep a

of all proceedings.

full and accurate record in his office of all his proceedings upon such sales, including a statement or list of all certificates granted and all redemptions of property sold by him, to which record all parties claiming to be interested therein shall have free access at all reasonable times; and that such parcels as are not bid for when offered for sale or resale as aforesaid shall be struck off to the township for the term of fifty years.

If township become purchaser certificate, may be assigned.

5. *And be it enacted*, That if the township becomes the purchaser of any lands and real estate at any such sale. the certificate of sale shall be assignable as aforesaid, and that all the other provisions of the said act, and of this supplement thereto, in relation to the said sale shall apply to the township in the same manner as to any other purchaser.

Compensation of collector and clerk.

6. *And be it enacted*, That for any services to be rendered under this act, the collector and the said clerk shall be allowed such special compensation as may be, from time to time, determined by the township committee; and that the collector shall also be entitled to receive from each purchaser the sum of one dollar for every certificate or declaration of sale by him given; and that the said clerk shall also be entitled to receive from the said purchaser the sum of one dollar for every certificate or declaration of sale, and every assignment of such certificate, to be recorded by him as aforesaid, and also the sum of one dollar for every search (including the certificate thereof) made by him in the records of certificates and declarations of sale and assignment as aforesaid; and that the said collector shall also collect, for the use of the township, a fee of five dollars from each purchaser at the time of the delivery of the said certificate of sale, for the cost of advertising and selling each and every lot or parcel of said lands and real estate by him sold as aforesaid.

7. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCXVII.

A further supplement to the act entitled "An act to revise and amend the charter of the City of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Preamble.

WHEREAS, by a supplement to the charter of the city of Newark, approved March sixteenth, one thousand eight hundred and fifty-nine, commissioners were appointed and a sinking fund of said city was constituted for the redemption of the principal of the city debt of two hundred and fifty thousand dollars; *and whereas*, by a further supplement to said charter, approved March eighteenth, one thousand eight hundred and sixty-eight, the further sum of one hundred and twenty-five thousand dollars was added to the amount to be provided for by the said sinking fund; *and whereas*, by a further supplement to said charter, approved March eight, one thousand eight hundred and seventy-two, the sum of eighty-five thousand dollars was also added to the amount to be provided for by the said sinking fund: *and whereas*, the receipts of the said sinking fund and the assets thereof are more than sufficient to meet the principal of the debts above mentioned; now therefore,

Commissioners of sinking fund to pay interest on certain bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the commissioners of the sinking fund of the city of Newark, and their successors, to provide for and pay the interest of the bonds, the payment of the principal of which is to be provided for by said sinking fund established by said supplement, approved March sixteenth, one thousand eight hundred and fifty-nine, to wit: city bonds, loan D, forty-five thousand dollars; city bonds, loan D, forty-two thousand dollars; city bonds, loan D, fifty thousand dollars; city bonds, loan E, forty-three thousand dollars; permanent debt bonds, almshouse, fifty thousand dollars; permanent debt

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bonds, hospital, sixteen thousand dollars; permanent debt bonds, armory, twenty-five thousand; permanent debt bonds, armory, eighty-five thousand; also the principal and interest of the reform school bonds, (authorized to be issued by a supplement to said charter, approved March seventeenth, one thousand eight hundred and seventy,) forty thousand dollars; also the principal and interest of any further issue of reform school bonds (of said city) now or which may hereafter be authorized by law, out of any moneys in their custody, from time to time whether arising from the receipts from markets, licenses, interest, or any source, as the same may fall due.

Repealer. 2. *And be it enacted*, That all acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCXX.

An act to incorporate Asbury Park.

Names of corporators 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James A. Bradley, Lybran Sill, Isaac McFarland, A. J. Brown, Abram H. Morris, W. L. Atkinson, George Armrod, W. Windsor, William F. Wilson, William Miller, A. E. Hemsted, Theodore S. Wooley, Poinsett Cross, Richard B. Campbell, Washington White, Jeremiah Bennett, Henry Campbell, James Hagarmen, John A. Githens, John H. Beegle, William T. Street, Lewis C. Greene, Justus W. Beardsley, Theodore Oves, Alpha J. Kynett, William H. Parker, David H. Wyckoff, Isaac L. Martin, John Langford, Peter J. Cox, James H. Orr, George W. Weikel, William J. Gill, William H. Pearne, Allen R. Cook, George Atkins, J. C. Morgan, Harrison Dixon, William W. Wimer, Thomas Perrins, William H. Deitz, Uriah White and Rosseau Brown, and all other persons who may be legal voters in said borough of Ashbury Park, be and they are hereby

constituted a body corporate and politic in fact and in law under the name and title of the borough of Ashbury Park in the township of Ocean, county of Monmouth, to have, hold and exercise all and singular the privileges and powers hereinafter described. Corporate name.

2. *And be it enacted*, That the boundaries of the said borough shall be as follows, to wit: beginning at a point in the middle of Great pond where it empties into the Atlantic ocean, running thence westerly through and up the centre of said pond to the west line of the New Egypt and Farmingdale railroad as now graded; thence southerly along the west line of the same until it reaches Wesley lake; thence down the centre of Wesley lake to the Atlantic ocean; thence northerly along the shore of said ocean to the place of beginning. Boundaries

3. *And be it enacted*, That the government of the said borough of Asbury Park shall be vested in a board of seven commissioners, four of whom shall be residents of said borough, and three shall be land holders and non-residents therein, and to be elected by the said corporators annually; one from their own number shall be chosen president by the board at its first meeting after each election, all of whom shall serve without compensation; they shall be divided into two classes, to be determined by lot or ballot, the first class to consist of four, who shall hold office for two years from the date of the first election; the second class shall consist of three, who shall hold office for one year; at each election thereafter the class going out of office shall be filled for two years: in case a vacancy shall occur in either of these classes, the same shall be filled at the next ensuing election for the unexpiring term of said class, and until the first regular election James A. Bradley, William T. Street, John A. Githens, Uriah White, William H. Pearne, William H. Parker and Alpha J. Kynett, shall constitute the board of commissioners, with all the powers conferred by this act. Government in whom vested. Vacancy how filled.

4. *And be it enacted*, That the said commissioners shall have power to appoint a police justice, and a police force sufficient for the preservation of order, and determine the compensation they shall receive; and to suppress any nuisance; to make and enforce all necessary sanitary regulations; to provide means for lighting the streets and for extinguishing fires; they shall have charge and full control of all streets, parks and other public property in the borough; Commissioners empowered to appoint police justice and force.

they may also pass and enforce such ordinances as they may deem needful; *provided*, such ordinances do not conflict with the constitution of this state or the United States.

Proviso.

Intoxicating vinous or malt liquors not to be manufactured or sold in borough. Penalty.

5. *And be it enacted*, That it shall not be lawful to manufacture or sell any intoxicating, fermented, vinous or malt liquors within the limits of said borough, except for medicinal purposes, and for each and every offence a fine of fifty dollars shall be imposed upon such offender, to be sued for by any resident of said borough, in the name of the corporation, and collected in an action of debt, which, when collected, shall be used for public benefits in said borough.

Commissioners empowered to levy tax for certain purposes.

6. *And be it enacted*, That it shall be lawful for the said commissioners to levy a tax upon all taxable property within the borough, to pay the police, and for other borough purposes, which tax shall be limited for all such purposes to an amount not to exceed three dollars per thousand, on the regular township valuation and assessment; the same to be added to the tax list of the township, and to be collected by the township collector at the usual rate allowed them by law, for the assessment and collection of township taxes; and the said collector shall, as soon as such tax shall be collected, pay the same to the treasurer of the board of commissioners, taking a receipt for the same.

First election when to be held.

7. *And be it enacted*, That the first election for commissioners shall be held on the first Tuesday in August next, at Park Hall, and thereafter on the first Tuesday in August annually; ten days' notice shall be given, in at least five of the most public places in the borough, of such elections by the commissioners, at which time such commissioners shall be elected as vacancies may require in said borough; and all legal voters, and those having property interest in the borough shall be voters therein, and the candidate receiving the highest number of votes shall be declared duly elected.

First election by whom held.

8. *And be it enacted*, That the first election to be held under this act shall be held by a judge and two inspectors, to be chosen by the legal voters present at the opening of said election.

President of board empowered to administer oath.

9. *And be it enacted*, That the president of the said board of commissioners shall be and is hereby authorized by this act, to administer the oath of office to the police justice by them appointed, as is by law required to be administered to justices of the peace of the county of Monmouth; and that

said president shall also be authorized to administer the oath of office to all the policemen by them appointed in said borough, as is required by law to be administered to the constables of this state.

10. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 26, 1874.

CHAPTER CCCCXXIV.

An act to facilitate the collection of Taxes in Atlantic City, Atlantic County.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, one thousand eight hundred and sixty-eight, be and is hereby extended to Atlantic City. Provisions extended.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXXV.

A supplement to an act entitled "An act to reorganize the local government of Jersey City," passed March thirty-first, one thousand eight hundred and seventy-one.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement, and each section thereof, approved April third, one thousand eight hundred and seventy-three, entitled "A further supplement to an act entitled 'An act to reorganize the local government of Jersey City, passed March thirty-first, one thousand eight hundred and seventy-one,'" which provides, among other things, that assessments for street and sewer improvements shall be paid at or before the expiration of five years after confirmation of the assessment, is hereby repealed.

City collector to make list of delinquents.

2. *And be it enacted*, That hereafter, in advertising lands, tenements or real estate situate in said city, for sale for taxes, or water-rents, under the provisions and requirements of section one hundred and fifty-one of the act to which this is a supplement, and, under the provisions of any supplement thereto, the city collector shall, on or before the thirtieth day of June in each year, make a list or schedule of all the lands, tenements, or real estate on which the taxes due on the first day of January of the year next preceding, and the water rents due on the thirtieth day of June of the year next preceding shall remain in arrears, and shall cause said list, and a notice of the sale of the said lands, tenements, or real estate on the last

List of delinquents to be advertised.

Monday of August next, to be advertised in the official newspapers once a week for three weeks next preceding said day of sale, which advertisement shall be set in tabular form, and in all cases where more than two lots belonging to the same delinquent owner are consecutively advertised for sale, the notice of sale of the same shall be condensed into one paragraph, making mention only once of the name of said owner, the individual, lot numbers, the block

number, the name of the street in which said lots front, the name of the map, the approximate aggregate area of said lots and the total amount of taxes or water rents due on all of said lots in one block, fronting on the same street; and it shall be lawful for said official newspapers to publish such portions of said advertisements from day to day, together with the general notice before mentioned, as may be necessary to secure the publication of the whole of said advertisement in the body of such newspapers within one week, and to make three weekly publications of the whole of said advertisement before the day fixed for said sale; *provided*, that said newspapers shall be entitled to charge for only one publication in each week of the general notice or heading to said list above mentioned. Proviso.

3. *And be it enacted*, That the notice required by section one hundred and fifty-two of the act to which this is a supplement, shall conform to the provisions of section two of this supplement, save that said notice shall be published by the city clerk in the official newspapers once a week for eight weeks, next preceding the first day of March in each year, and the cost of such advertisement shall be a lien on the property so advertised; the time allowed for redemption of lands, tenements or real estate sold for taxes or water rents as hereinbefore provided, is hereby extended to the term of two years and six months from date of sale of the same, and that the sales for unpaid assessments required by section forty-six of a supplement to the act to which this is a supplement, approved March twenty-fourth, eighteen hundred and seventy-three; to be made on the first Mondays in April and October of each year, shall hereafter be made on the first Mondays of May and October, only of such lands on which an assessment has been confirmed for at least twelve months at the time of making such sale, and that no sale of lands, tenements or real estate as hereinbefore provided, for taxes, water rents or assessments, shall be adjourned, except from day to day, until all the property is offered for sale, and that the city treasurer shall purchase for the city all property remaining unsold at the end of said sale, and that the time at which the collector is required to close out the tax levy, the yearly list of water rents or any assessment shall hereafter be within two weeks after the close of any sale as before provided. Notice by whom and how published. Sale how adjourned.

4. *And be it enacted*, That hereafter, the official papers in Official newspapers

how designated.

Jersey City shall be designated by the board of finance and taxation from time to time, and said official papers shall be not more than four in number, and shall be the two daily newspapers published and circulated in said city; (*provided* that said two daily newspapers shall not belong to the same political party) which shall have had, for the period of six months prior to their designation as official papers, the largest bona fide average daily circulation in said city; the third shall be a weekly newspaper published in that part of Jersey City formerly known as Hudson City at least two years prior to and immediately preceding its designation as an official paper, and one weekly newspaper published in said city and printed in the German language, and which shall have been in existence and so published for at least the period of one year prior to its designation as an official paper; *provided*, that the newspapers heretofore designated and now being the official papers of said city, shall continue under such designation to be the official papers of said city until a new designation is made under the provisions of this section of this act.

Proviso.

Proviso.

Tax paid through mistakes how recovered.

5. *And be it enacted*, That if any tax assessment or water rent shall be paid by any person other than the owner, on any lands in Jersey City, through mistake or ignorance, when by agreement or by law the same ought to have been paid by the owner, it shall be lawful for the person paying the same to sue for and recover of such owner or other person who should have paid the same, the amount of such tax assessment or water rent, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same, and the proof of such tax, assessment or water rent, and of the payment thereof, shall be prima facie evidence of the right of the plaintiff to recover in such suit.

City comptroller to audit certain accounts.

6. *And be it enacted*, That the city comptroller shall in addition to his other duties, at least once in every three months, examine and audit the accounts of the city clerk, city treasurer, and city collector, as to all receipts and payments of the moneys belonging to the city; no receipt for any moneys paid to any of the last named officers on account of the city shall be delivered to the party making such payment until such receipt shall have been inspected by the city comptroller whose duty it shall be forthwith, on presentation of the same, to enter, in a proper book or books provided for that purpose,

Receipts to be inspected by city comptroller

the date of such payment, the name of the party making the same, for what paid, and the amount thereof, and to endorse on such receipt the date and amount of such payment, with his name and style of office; he shall make written reports, weekly, to the board of aldermen and board of finance and taxation, showing the amount of each day's receipts as the same appear upon his books properly classified; the book or books in which the deposits in bank of city moneys shall be made shall be inspected daily by the city comptroller and compared with the amounts received during the preceding twenty-four hours, as shown in his books, and it shall be his duty forthwith to report to the board of aldermen and board of finance and taxation, at their first meeting thereafter, any difference between the amount of each day's receipts and deposits, and any irregularity in the receipt or disbursement of moneys, and any neglect of duty on the part of the city treasurer, city collector or city clerk.

To make weekly reports to board of aldermen and board of Finance.

7. *And be it enacted*, That the term of office of each one of the present members of the board of finance and taxation of said city, shall expire on the second Monday of April next, after the passage of this act, and thereafter said board shall consist of five persons, to be appointed by the board of aldermen at any special or stated meeting after the passage of this act, two of whom shall hold office for one year, and three for two years, and whose term of office shall commence on the said second Monday of April next; all vacancies in said board shall be filled by the board of aldermen; persons chosen to succeed incumbents, shall hold office for two years; persons chosen to fill vacancies therein arising from any other cause than expiration of term, shall hold office for the unexpired term only.

Term of office of board of finance when to expire.

Vacancies how filled.

8. *And be it enacted*, That the act entitled "An act to provide courts of summary jurisdiction in the city of Jersey City," passed April second, one thousand eight hundred and seventy-three, be hereby repealed; and hereafter there shall be in said city but two police justices, to be appointed as heretofore provided by section one hundred and nine of the act to which this is a supplement; *provided*, that this act shall not remove from office the present police justices of Jersey City, or any of them before the expiration of their term of office.

Repealer.

Proviso.

9. *And be it enacted*, That section thirty-seven of the act entitled "A supplement to an act entitled 'An act to re-or-

Repealer.

ganize the local government of Jersey City,' passed March thirty-first, one thousand eight hundred and seventy-one," and which supplement was approved March twenty-fourth, one thousand eight hundred and seventy-three, be and the same is hereby repealed; and hereafter no motion, resolution or order of the board of the public works providing for the making of any improvement, or the doing of any work, or procuring of any materials, or the purchase of any property, or for the employment of any person whose compensation may exceed one thousand dollars per annum, or for the payment of any sum of money exceeding two thousand dollars, shall be of any force or effect unless the same be concurred in by a vote of the board of finance and taxation;

Proviso. *provided*, that it shall not be necessary for the board of public works to send to the mayor for his approval, under section ninety-five of the act to which this is a supplement, any resolution or vote that is required to be concurred in by the board of finance and taxation, under the provisions of this

Proviso. section; *and provided further*, that it shall not be necessary for the board of public works to send to the board of finance and taxation, any resolution providing for the payment of money on account of any contract or purchase, where the resolution authorizing such contract or purchase shall have been concurred in by the board of finance and taxation.

Amendment. 10. *And be it enacted*, That section thirty-three of the supplement to the act to which this act is a supplement, which said supplement was approved March twenty-fourth, one thousand eight hundred and seventy-three, be and the same is hereby so amended that the total expense of the bureau of civil engineering and surveying shall not exceed twenty thousand dollars per annum, inclusive of the salary of the chief engineer and of all other persons engaged in said bureau.

Bidders for contracts not required to make deposits. 11. *And be it enacted*, That hereafter bidders for contracts shall not be required to make a deposit as heretofore provided of three hundred dollars with the treasurer of the city, and the amount and sufficiency of the bonds they are required to furnish shall be hereafter determined by the board of public works instead of by the board of finance

Proviso. and taxation as now required; *and it is further provided*, that hereafter the said board of public works shall not be required to award a contract to the lowest bidder if in their

judgment it would be for the best interests of the city to reject all bids.

Board of public works of how many to consist.

12. *And be it enacted*, That the board of public works of Jersey City shall hereafter consist of three persons to be appointed in the manner provided in section six of the act to which this is a supplement; one of said persons shall hold office for one year, one for two years, and one for three years, or until their successors shall be appointed and shall have qualified; the term of office of each of said members shall be determined in the manner now provided by law; *provided, however*, that the members of the board of public works, as now constituted, shall continue to hold their offices until the appointment and qualification of the officers in this section provided for.

Proviso.

Amount of improvement certificates to be issued in one year.

13. *And be it enacted*, That it shall not be lawful for the board of public works to issue improvement certificates in any one year to a greater amount than five hundred thousand dollars, and the amount of bonds authorized to be issued, under the provisions of section one hundred and fifty-six of the act to which this is a supplement, is hereby reduced to five hundred thousand dollars in any one year; *provided*, that nothing herein contained shall be construed to prevent the issue of bonds under said section for the purpose of funding improvement certificates already issued, or to be issued in payment for work contracted for prior to the passage of this act.

Proviso.

Bonds authorized to be issued, not to be sold for less than ninety-five per cent. of par value.

14. *And be it enacted*, That the bonds of Jersey City, authorized to be issued and sold by the second section of a further supplement to the act to which this is a supplement, which supplement was approved April fourth, one thousand eight hundred and seventy-three, shall be sold for not less than ninety-five per centum of their par value; *provided*, that nothing herein contained shall be construed as invalidating the sales of bonds already made under said section, and which said sales are hereby ratified and confirmed.

Proviso.

Certain powers transferred

15. *And be it enacted*, That the cognizance and control of the lighting of streets and public places is hereby transferred from the board of public works to the board of police commissioners of said city, together with the custody of all papers and documents relating thereto, and all property now in use therefor.

Pound keeper may

16. *And be it enacted*, That any poundkeeper may be re-

be removed by board.

moved from office by the board of aldermen for cause, before the expiration of his term of office.

Salaries.

17. *And be it enacted*, That there shall be paid to the following named officers of the city, annual salaries, not to exceed the salaries herein specified, in lieu of the salaries now paid them in their respective offices, to wit:

To the mayor, two thousand dollars;

To the city comptroller, three thousand dollars;

To the clerk to the city comptroller, one thousand eight hundred dollars;

To the city collector, four thousand dollars;

To the city clerk, three thousand dollars;

To the clerk to the city treasurer, one thousand two hundred dollars;

To each assessor, one thousand five hundred dollars, in full compensation for all the duties required of such assessor by the act to which this is a supplement, and the supplements thereto, or by any statute, general or special, and in lieu of all other fees or perquisites to which such assessor would be otherwise entitled by any general or special statute, so far as the same are required to be paid out of the treasury of Jersey City;

To the city marshal, one thousand dollars, and the marshal shall also act as messenger for the several departments of the city government without additional compensation.

To each police justice, two thousand five hundred dollars, and no police justic shall retain to his own use any fees or costs collected by him as such police justice, but shall pay the same into the city treasury;

To each member of the board of public works, two thousand five hundred dollars;

To the chief engineer of the bureau of civil engineering and surveying, four thousand dollars;

To each police commisssioner, seven hundred dollars;

To the clerk of the board of police commissioners, one thousand two hundred dollars;

To the health inspector, one thousand two hundred dollars;

To the street commissioner, three thousand dollars;

The president of the board of aldermen shall hereafter receive no salary.

Certain assistants and their salaries.

18. *And be it enacted*, That the number of assistants which may be appointed in the city collector's office shall not ex-

ceed six, one of whom may receive a salary not exceeding one thousand eight hundred dollars per annum, and the others each a salary not exceeding one thousand two hundred dollars per annum.

Number of clerks in city clerk's office not to exceed three.

19. *And be it enacted*, That the number of clerks and assistants in the city clerk's office shall not exceed three, one of whom may receive a salary not exceeding one thousand two hundred dollars per annum, one of whom may receive a salary not exceeding one thousand dollars per annum, and one of whom may receive a salary not exceeding eight hundred dollars per annum.

Salaries of clerks appointed by board of public works.

20. *And be it enacted*, That the board of public works may hereafter employ only the clerks and assistants hereinafter named, at salaries not exceeding the annual salaries herein mentioned:

A clerk, three thousand dollars;

A permit clerk, one thousand five hundred dollars;

A clerk who shall act as clerk of the several committees of said board, one thousand eight hundred dollars;

An inspector of sewers and sewer connections, one thousand eight hundred dollars;

An assessor of water rates, one thousand eight hundred dollars;

A surveyor of water rates, one thousand two hundred dollars;

A water purveyor, one thousand five hundred dollars;

A tapper, one thousand five hundred dollars;

A foreman of pipe layers, one thousand five hundred dollars;

An assistant foreman of pipe layers, one thousand five hundred dollars.

Number and salaries of clerks in Bureau of civil engineering.

21. *And be it enacted*, That after the passage of this act the number of assistants in the bureau of civil engineering and surveying shall be limited to one clerk, who shall receive an annual salary not exceeding nine hundred dollars; not more than two surveyors, at an annual salary not exceeding two thousand five hundred dollars each; one assessment clerk, at an annual salary not exceeding one thousand eight hundred dollars; one draughtsman, and one mechanical draughtsman, at annual salaries not exceeding fifteen hundred dollars each; not more than two rodmen, at annual salaries not exceeding nine hundred dollars each; not more

than two chainmen and two axmen, at annual salaries not exceeding six hundred dollars each.

Present salary of certain officers not to be affected.

22. *And be it enacted*, That nothing herein contained shall affect the salary of the present mayor, president of the board of aldermen, or assessors during their present terms of office; and that all other changes made by this act in salaries, at present paid in Jersey City, shall take effect on the first day of May next.

Other clerks not to be appointed, except by resolution of board, &c.

23. *And be it enacted*, That no clerk, officer or agent, other than those provided for in sections twenty-one and twenty-two of this act, shall be appointed or employed by the board of public works, except by resolution of said board, and a concurrent resolution of the board of finance and taxation.

Other clerks in clerk's office not to be appointed without resolution.

24. *And be it enacted*, That no additional clerks shall be appointed in the city clerk's office, city comptroller's office, city collector's office, or city treasurer's office, except by a resolution of the board of finance and taxation.

Certain proceedings of mayor and aldermen of Hudson city confirmed.

25. *And be it enacted*, That all proceedings of the mayor and aldermen of the former city of Hudson, relating to the vacation of Water street (as laid down on the map of the town of Hudson land association and on file in the office of the clerk of the county of Hudson,) be confirmed; and that all of said Water street not included in said proceedings and lying north of the easterly line of Meadow street, be and the same is hereby declared vacated; and the land heretofore occupied by said Water street shall revert to the owners of lands adjoining said street in the same manner as provided in the charter and ordinances of Jersey City.

Repealer.

26. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be a public act and shall take effect immediately.

Passed March 27, 1874.

CHAPTER CCCCXXIX.

An act to set off from the Township of Alexandria, in the County of Hunterdon, a new Township, to be called the Township of Holland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Alexandria, in the county of Hunterdon, lying within the following boundaries, to wit: beginning at the Warren county line, in the middle of the Musconetcong creek and line of Bethlehem township; first, south along said Bethlehem line to lands of John Philips, and corner of Bethlehem line to a corner of lands of John Philips and Philip Hawk; thence second, southerly in a line of said John Philips and Philip Hawk, to the middle of the public road leading from Bloomsbury to Little York; third, thence southerly in the middle of said road, its various courses to the bridge, crossing the main creek about one hundred yards north of Apgar's saw mill; thence along the courses of said creek to the head race and mill pond of Peter Uhler; fourth, thence southerly in the centre of said race and pond, to where the said water is conveyed under the public road to the said Peter Uhler's grist mill, and at the intersection of the centre of said road, leading from Little York to Mount Pleasant; fifth, thence southerly in the centre of said road to Mount Pleasant, at the intersection of the road leading to Frenchtown, opposite the residence of Edward Hunt; sixth, thence south-westerly in the centre of said road leading to Frenchtown, to the intersection of the public road leading from Furman Hawk's to Everettstown; seventh, thence northwesterly following the centre of said road leading to Furman Hawk's, crossing the public road leading from Milford to Frenchtown, to the centre of a small stream of water running through Furman Hawk's barn; eighth, thence north following said stream about one hundred and twenty yards to its entrance in another creek, coming through Dark Hol- Boundaries

low to the centre of said creek; ninth, thence westerly following the centre of said creek to the Delaware river; tenth, thence northwesterly up the various courses of said river to the Musconetcong creek; eleventh, thence northeasterly up the various courses of said creek to the place of beginning be, and the same is hereby set off and created into a new township, to be called the township of Holland.

Corporate name.

2. *And be it enacted*, That the inhabitants of the said township of Holland are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of Holland, in the county of Hunterdon," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all the regulations, laws, government and liabilities to which the inhabitants of the other townships in said county of Hunterdon are or may be entitled or subject to by the existing laws of this state.

Time and place for holding first town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Holland shall hold their first town meeting at the hotel of William G. Rockafellow, otherwise known as the Gibson House, in the village of Milford, in said township of Holland, on the day appointed by law for holding the annual town meeting in the other townships of the county of Hunterdon, and annually thereafter, at such place in the said township of Holland as a majority of the legal voters of said township shall determine; that at their said town meeting they shall vote by ballot until it shall be otherwise determined according to law, and that all the provisions and restrictions of an act entitled "An act to authorize the inhabitants of the several townships of the state to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty, and of the supplements thereto, shall apply to the inhabitants of the township of Holland.

To vote by ballot.

Names of judges and clerk empowered to hold first town meeting.

4. *And be it enacted*, That William Angel, Albert Opdyke, and Aaron H. Stover be and they are hereby appointed judges of election, to hold and preside over the first town meeting, and Jesse Sinclair is hereby appointed town clerk of said township of Holland, to hold their respective offices until their successors are elected and qualified in their stead; and any person acting as judge of election or town clerk shall be entitled to hold any office in said township to which they, by a majority of the legal voters of said town-

ship, may be elected; *provided*, that in case of the absence or inability to serve of any of said persons appointed by this act a majority of legal voters present may fill such vacancy. Proviso.

5. *And be it enacted*, That the inhabitants of said township of Holland shall elect such officers as are authorized by law to be chosen in the townships of the county of Hunterdon, and shall vote on the same ballot for the amount of money to be raised for school purposes, for the repair of roads, for the support of the poor, and for such other purposes as may be authorized by law. To determine by ballot amount to be raised for school purposes.

6. *And be it enacted*, That the town committee of the said township of Holland, together with the town committee of Alexandria, shall meet at such time and place, within three months after their election, as shall be appointed by the town committee of Holland, of which notice in writing shall be served on the town committee of the township of Alexandria, at least ten days prior to such meeting, and may adjourn, from time to time, as a majority of them shall direct; and then and there by writing, signed by a majority of those present, to allot and divide between the said township of Holland and the township of Alexandria, all the property and moneys on hand, due or to become due, in proportion to the taxable property and ratables as valued and assessed by the assessor of the township of Alexandria, at the last annual assessment within their respective limits; and the inhabitants of the township of Holland shall be liable to pay their just proportion of the debts, if any there be, and the town committee of the township of Holland, or a majority of them, are hereby authorized to sign and deliver the corporate obligations of said township for the payment of such debts, if there be any, at such time as may be agreed upon between the respective committees; and if any of the town committee of the respective townships shall neglect or refuse to attend the meeting aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive. Town committee to meet and allot and divide township property, &c.

7. *And be it enacted*, That all paupers who may be chargeable to the township of Alexandria at the time this act takes effect, shall thereafter be chargeable to and supported by that township, within the bounds of which they have respectively acquired their legal settlements. Paupers to whom chargeable.

8. *And be it enacted*, That the overseers of each road dis- Overseers of road dis-

trict on application, to make roads passable.

trict in the township of Holland, by being notified by two disinterested landholders that his road has become impassable, by washes, or slides, or obstructions, shall have the power and authority to expend a sum of money, not exceeding ten dollars, to make said road good and passable; the expense of said repair to be verified by the persons notifying said overseers, and the same to be paid by the moneys raised for making and repairing roads.

Certain officers not to be interfered with.

9. *And be it enacted*, That nothing in this act shall be construed as to interfere with the officers now elected in that part of the township of Alexandria set off and called the township of Holland, nor with the commissions of justices of the peace or commissioners of deeds until they shall expire by their own limitation.

Boundaries to be surveyed and marked.

10. *And be it enacted*, That the committee of the said township of Holland shall cause the boundary lines of said township to be surveyed and marked when necessary.

Second assembly district.

11. *And be it enacted*, That the township of Holland shall form part of the second assembly district of the county of Hunterdon.

When to take effect.

12. *And be it enacted*, That this act shall take effect on the second Monday in April, one thousand eight hundred and seventy four.

Passed March 27, 1874.

CHAPTER CCCCXXXI.

An act in relation to Poll Taxes in the Township of Manchester, in the County of Passaic.

Amount of poll tax to be collected

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the poll taxes upon single men, hereafter to be assessed and collected in the township of Manchester, in the county of Passaic, shall be the sum of three dollars for each poll and no more.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXXXII.

A supplement to an act entitled "An act to incorporate the Borough of Chambersburg, in the Township of Hamilton," approved April second, one thousand eight hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the territory which is included within the bounds of the borough of Chambersburg, in the township of Hamilton, in the county of Mercer, be and the same is hereby set off from the township of Hamilton, and constituted a new township by the name of "The Borough of Chambersburg;" and the rights, property and obligations of the said "The Borough of Chambersburg," as heretofore constituted, shall be and they are hereby transferred to the new township hereby set off. The corporate title of the township. Rights of borough transferred to township

2. *And be it enacted*, That the charter and ordinances of the said "The Borough of Chambersburg," heretofore enacted, shall remain in full force for the government of the new township hereby set off, except as changed by this act, and until the said ordinances shall be altered or repealed by other ordinances. Ordinances of borough to remain in force in township.

3. *And be it enacted*, That all paupers who may, when this act shall take effect, be chargeable to the township of Hamilton, shall thereafter be chargeable to and supported by that township or by "The Borough of Chambersburg," as would have been the case had this act been in force at the time said paupers, respectively, acquired the legal settlement by which they are to be supported. Paupers to be apportioned between Hamilton and borough.

4. *And be it enacted*, That the township committee of the township of Hamilton and a committee of five persons, who shall be freeholders and residents of said borough to be appointed by the common council of the borough of Chambersburgh, shall meet on the second Monday in May next, at the council room in the said borough, at ten o'clock in the forenoon, and shall then and there, or as soon thereafter as Property of Hamilton to be divided between two townships.

may be, proceed, by writing signed by a majority of the members of each committee, to allot and divide between said township and said borough all the paupers in said township, upon the principles laid down in the next preceding section, and all the property, including the saving fund, or moneys on hand or due to or from said township, in proportion to the taxable property or ratables within the respective limits of said township, as the same shall remain, and the part of said township hereby set off, as valued by the assessor at the last assessment; and the said township of Hamilton and the said borough of Chambersburg shall be liable to pay their respective proportions of the debts due by the said township, as allotted and divided as aforesaid; *provided, however*, that in making the division of the property of said township, the "poor house farm," shall be allotted to the remaining portion of said township, and the share or proportion of the value thereof which should belong to the borough of Chambersburg, ascertained as in this act above provided, shall be allowed or paid to, or satisfactorily secured to be paid, to the borough of Chambersburg by the said township of Hamilton; and if any of the persons composing either of said committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the division, and the decision of a majority of those present of each committee shall be final and conclusive; *provided*, that it shall be lawful to adjourn said meeting from time to time as a majority of those assembled shall see fit.

Saving fund money

Debts how paid.

Poor house farm to be allotted to Hamilton.

A majority of committees to make final decision.

May adjourn.

5. *And be it enacted*, That the township officers elected in Hamilton township, and the officers of the borough of Chambersburg now in commission, shall hold their offices and have jurisdiction within the said borough as if this act had not been passed, until their respective terms shall expire; *provided*, that the duties of the township officers of Hamilton township shall cease and determine, within the limits of the said borough, when corresponding officers shall have been elected and qualified therein.

Hamilton officers to continue until their term expires.

6. *And be it enacted*, That that part of Hamilton township not now included in the limits of the borough of Chambersburg, shall constitute one election district, until otherwise ordered, as provided by law, and the said "The Borough of Chambersburg," shall constitute a part of the third assembly district of Mercer county.

Hamilton to be part of Third Assembly district.

7. *And be it enacted*, That for the ordering and governing

of the said borough and the inhabitants thereof, an election by ballot shall be annually held therein on the second Monday in April, between the hour designated by law for holding the annual state election, and at such place as the common council shall appoint, and conducted under the regulations provided in the act to which this is a supplement; at which election there shall be elected in and for said borough one mayor, one assessor, one collector, three commissioners of appeals in cases of taxation, two constables, one chosen freeholder, one overseer of the poor, so many justices of the peace as the said borough may be entitled to elect, one judge and two inspectors of election, one clerk of elections, who shall, respectively, hold their offices for one year, and until their successors are qualified into office, and five councilmen, who shall hold office for two years and until their successors shall be qualified; *provided*, that in the election of inspectors of election no ballot shall contain the name of more than one person to be voted for as an inspector of election, and in case any ballot shall contain the name of more than one person for inspector of election, such names shall be rejected.

When election to be held, and what officers elected, and term of office.

Only one inspector to be voted for

8. *And be it enacted*, That at the next annual election to be held in said borough, after the approval of this act, there shall be elected, besides the other officers, five members of common council to hold office for one year, and five members to hold office for two years, the time for which the persons voted for are to hold office to be indicated on the ballot; and if any ballot shall contain the names of more than three persons to be voted for for one year, or the names of more than three persons to be voted for for two years, such names shall be rejected; and if at any election for councilmen thereafter held any ballot shall contain the names of more than three persons, such names shall be rejected.

Members of council, how many to be elected and term of office.

No more than three to be voted for after first election.

9. *And be it enacted*, That the officers elected under this act shall have the like powers, in all respects, as similar officers in the townships of this state, and also all the powers conferred by, and be subject to all the provisions of, the charter and ordinances of the borough of Chambersburg and this supplement, and all further supplements thereto.

Powers of officers under charter and ordinances.

10. *And be it enacted*, That the common council shall have power, at their first meeting after the annual election, to appoint, in addition to other officers, one police justice, who shall hold office for one year and until his successor is qualified in office.

Council may appoint police justice and term.

Power of police justice.

11. *And be it enacted*, That such police justice shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in the said "The Borough of Chambersburg," as the justices of the peace in and for the several counties of this state are or may be by law entitled to use and exercise; and that such police justice, together with any justice of the peace of the county of Mercer, or with the mayor of said borough, shall be authorized and empowered to hear, try and determine all such matters and complaints of a criminal nature as any two justices of the peace are or may be by law authorized and empowered to hear, try and determine.

To try criminal cases with the mayor or another justice.

Proceedings before police justice to be regulated by justice's court act.

12. *And be it enacted*, That unless when otherwise directed, all acts and proceedings before any police justice under the provisions of this act, shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by an act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto; and that the court held by the police justice in and for the "Borough of Chambersburg," shall be a court of record, and vested, for the purposes of this act, with all such power as is usual in courts of record of this state, and he shall have the same powers as are conferred upon the mayor by the thirty-third section of the borough charter.

Same power as mayor

Power of council to raise tax.

13. *And be it enacted*, That the common council shall have power to raise by tax, in each year, such sum or sums of money as they shall deem expedient for the following purposes in addition to those specified in the charter of the borough, and to be levied and collected as herein provided, and under the same restrictions:

For poor. I. For the maintenance and support of the poor.

For real estate. II. For purchasing necessary real estate.

For grading streets. III. For grading and graveling the streets of the borough.

Council may grade or gravel streets without petition.

14. *And be it enacted*, That the common council shall have power, from time to time, as they may see fit, to grade and gravel the streets of the borough, the work to be done under such superintendence as the council may direct, without petition from the property owners.

One-half of expense of grading to be paid by borough, and the other by land owners.

15. *And be it enacted*, That one-half of the cost of grading the streets of the borough shall be borne and paid by the borough, and the remaining half by the owners of lands fronting or bordering on such street or streets where the grading may have been done, the assessment for which shall be made

and collected as provided in the thirtieth section of the act to which this is a supplement, except that the duties therein required of the street commissioners may be performed by such other person or persons as the common council may appoint for that purpose. How collected. Who may superintend the work.

16. *And be it enacted*, That the common council are hereby authorized to construct works for the supplying the inhabitants and buildings in said borough with water for their use, and for the extinguishment of fires, or to enter into contracts with any water company, or with the water commissioners of the city of Trenton, for such purpose; and they are also hereby authorized and empowered to cause water pipes, of such dimensions as they may deem advisable, to be laid in any of the streets and avenues of the borough, and to cause the bonds of the borough, executed in the usual form, to be issued for the payment of the cost of such work and contracts; *provided*, that said bonds shall not be disposed of at less than par value, and they shall be authorized by ordinance of the common council, which ordinance shall be irrepealable until such bonds and the interest thereon shall be fully paid and satisfied; all said bonds shall bear legal interest, payable semi-annually; and the principal of such bonds shall be made payable at such time or times as such ordinances may prescribe; *provided further*, that the amount of said bonds shall not exceed the sum of twenty thousand dollars. Water works may be constructed and water contracted for. Bonds may be issued for payment, not to be sold below par. What and when interest and principal to be paid. Not to exceed twenty thousand dollars.

17. *And be it enacted*, That whenever the common council shall cause water pipes to be laid along any of the streets or avenues of the said borough, it shall be lawful for said council to appoint three judicious and impartial freeholders, whose duty it shall be to ascertain the cost of such works, and to assess the interest thereon upon the lands benefited, in proportion to the benefits to such lands; and the common council may cause a re-assessment to be made annually, and said assessment or assessments, when sworn to by the persons so appointed, and filed in the office of the borough clerk, shall be and remain a lien upon the said lots or parcel of land until the said assessment is paid and satisfied; and said assessment may be recovered in the manner prescribed in the twenty-ninth section of the original borough charter. How cost of water expenses ascertained. Interest of cost how assessed. Re-assessment may be annually made, and remain a lien. How collected.

18. *And be it enacted*, That the bonds or other instruments issued to secure the payment of money borrowed by common council shall be issued under the common seal of the Bonds for borrowed money, how executed, and not to

exceed $50,000, exclusive of water bonds.

borough and the signature of the mayor and collector; and that the total amount of said bonds outstanding and unpaid at any one time shall not exceed the sum of fifty thousand dollars, exclusive of water bonds.

Council to appoint appraisers of real estate, and when, and their duty.

19. *And be it enacted*, That it shall be the duty of the common council, at its first meeting after the annual election in every third year, to elect, by a majority of the votes of all the members of the common council, three judicious freeholders of said borough, whose duty it shall be, within one month after their election, to make and record in suitable books to be by [them] provided, a fair valuation of all the lots and sub-divisions of lots in the borough of Chambersburg, which valuation shall show the valuation of each lot, as distinguished by its mark or number on the borough atlas; the said freeholders or appraisers shall then deposit said books or registers, with the valuations, in the office of the borough surveyor, to be by him held for the inspection of all persons interested, and shall give notice thereof for two weeks in two of the daily papers published in Trenton, or in the borough of Chambersburg, and by handbills set up in five of the most public places in the borough; in which notice they shall appoint a time and place at which they will attend and hear the objections any person may desire to make to any part of said valuation; after hearing said objections and altering such parts of said valuation as they may deem proper, the said appraisers shall affix their names to said valuation, and deposit the same with the borough surveyor for safe keeping; the said appraisers, before entering upon the discharge of the duties imposed upon them hereby, shall be duly sworn or affirmed by the mayor of said borough faithfully and impartially to execute the duties imposed on them by law, and shall be entitled to such compensation for their services as the common council may prescribe.

Where books deposited, and notice to hear objections, how given.

Appraisers may alter valuation.

To be sworn or affirmed to do their duty.

Compensation.

That valuation to continue for three years.

20. *And be it enacted*, That the valuation so made shall be adopted by the assessor in valuing the real estate of the borough for the assessment of taxes, until the next triennial valuation; but if, after such valuation, any sub-division be made of any lot, and such sub-division shall be marked in the borough atlas, said sub-division shall be assessed separately, and shall be valued for so much of the valuation of the whole lot as its proportional value bears to the valuation of the remainder of the lot, to be determined by the assessor; *provided*, that if, after such valuation, any building

If lot or part thereof sold, how such portion to be valued.

or addition shall be erected on any lot, it shall be the duty of the assessor to assess the same, and add such assessments to the valuation of said lot; *and provided, further*, that if the building shall be destroyed or removed it shall be the duty of the assessor to deduct the proportionate valuation of such building from such assessment.

Improvements to be assessed.

Removed or destroyed buildings to be deducted from value.

21. *And be it enacted*, That the assessor shall value all lots which may be found in said borough and not included in the record and valuation of the freeholders or appraisers above named, and assess the same as now required by law, anything in this act to the contrary notwithstanding.

How lots to be assessed not included in said valuation.

22. *And be it enacted*, That until the assessment is made and completed, as aforesaid, by the said appraisers, it shall be the duty of the assessor to make his assessments as heretofore; and that after such appraisement shall have been made the assessor shall so arrange his duplicate as to specify therein, by their letters and numbers on the borough atlas, the several lots or sub-divisions of lots assessed, with the amount assessed thereon, and the name of the owner thereof, and the valuation thereof, as shown by the register kept by the borough surveyor, to the end that each lot, and the amount assessed upon it, may be clearly ascertained and identified; and all assessments shall be made upon the lots, or sub-divisions of lots, as they appear on the borough atlas, and each lot or sub-division shall be liable for the whole tax assessed thereon; *provided, however*, that if any person shall tender to the collector the full proportionate amount of tax due on any portion of a lot plotted on the borough atlas, and shall present, at the same time, a correct written description, satisfactory to the collector, of the part of lot on which he or she tenders the payment of tax, the amount so tendered shall be received by the collector, and the part of lot on which payment of tax shall have thus been made shall not be sold for non payment of tax; *and provided further*, that if any part of a lot shall have been sold and transferred on the borough atlas and register, the person who shall have paid the tax thereon may recover from the other parties in interest their proportion of the same.

Until such valuation is made, assessor to make assessments as heretofore.

Duplicate to specify lots by letters and numbers on atlas, and the valuation thereof on register.

When proportion of tax due on any lot plotted on atlas shall be tendered or made, said lot cannot be sold for tax.

If paid, the person paying may recover of parties in interest.

23. *And be it enacted*, That the common council shall, in addition to other officers, elect annually, by a majority of all the members elected, a town clerk of "The Borough of Chambersburg," who shall perform the duties of the like officers in other townships (except acting as such at elec-

Council may appoint a town clerk, and his duties.

tions), and shall also be the clerk of the common council of said borough, and shall keep the minutes of its proceedings, and perform all the duties that the council may prescribe for the borough clerk, and shall deliver to his successor all books and papers in his possession belonging to said borough; and the said clerk shall be subject to removal from office by the common council for good cause, and another appointed for the unexpired term; the clerk of election shall perform all the duties of such officer required by law and the provisions of the borough charter and the ordinances of the common council.

Subject to removal.

Clerk of election, and his duties.

Repealer. 24. *And be it enacted*, That the third section of the act to which this is a supplement, and all other parts of said act inconsistent with the provisons of this act, be and the same are hereby repealed.

Public act. 25. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXXXIII.

A supplement to an act entitled "A further supplement to an act entitled 'An act to incorporate the City of Hoboken,'" approved March twenty-eighth, one thousand eight hundred and fifty-five, which said supplement was approved April fourth, one thousand eight hundred and seventy-two.

Boundaries changed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundaries of the square known as Hudson square, referred to in section one of the act to which this is a supplement, shall hereafter be the Hudson river, and Hudson, Fourth and Fifth streets; and the mayor and council of the city of Hoboken shall have the same power to improve said square between said boundaries as they now have to improve said square between the boundaries mentioned in section one referred to above.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately. Repealer.

Approved March 27, 1874.

CHAPTER CCCCXXXIV.

A supplement to the act approved April fourth, eighteen hundred and seventy-three, entitled "A Further Supplement to an act entitled, 'An act for the organization of the National Guard of the State of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the captain of every company of the National Guard of this state, organized and existing in the city of Newark, in the county of Essex, shall make out or cause to be made out a written statement, and shall sign the same under oath, of the names and residences of all the members of said company residing in said city of Newark, and shall present said statement to the board of assessment and revision of taxes, in and for said city of Newark, on or before the first day of May in each and every year; and every member of said National Guard, residing in said city of Newark, and claiming the exemption from taxation provided for in section eight of the said act to which this is a supplement, shall prior to the third Monday in June of each and every year, make a return in writing, and under oath, to said board of assessment and revision of taxes, of all his estates, both real and personal, and in his said return state the fact of his membership in said National Guard, and his claim for exemption from taxation on five hundred dollars by reason of said membership, by virtue of the provisions of said section eight; and any member of said National Guard resident in said city of Newark, whether a general or staff officer, commissioned or non-commissioned officer, Captain of company to make out list of members, under oath. Member claiming exemption to make return.

On failure to make return not to be exempt.

musician or private, who shall fail to make said return and claim for exemption therein to said board of assessment and revision of taxes, prior to the third Monday in June, as aforesaid, shall not be entitled to or be allowed the exemption from state, county and municipal taxation upon five hundred dollars, provided for in said section eight, any law of this state to the contrary notwithstanding.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXXXV.

A supplement to the act entitled "An act relating to the Assessment and Revision of Taxes in the City of Newark," approved March fifteen, one thousand eight hundred and sixty-six.

Personal indebtedness not to be deducted from valuation and assessment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in making the valuation and assessment of real estate in said city of Newark, for state, county and municipal taxes, no deduction of the amount of any personal indebtedness shall be made from such valuation and assessment.

Repealer.

2. *And be it enacted*, That section seventy-two of the act entitled "An act to Revise and Amend the Charter of the City of Newark," approved March eleventh, one thousand eight hundred and fifty-seven, is hereby repealed, and that

No person exempt from poll tax by reason of color.

no person within said city of Newark shall be exempt from any poll tax by reason of color.

Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed, and this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXXXVIII.

A supplement to an act entitled "An act to provide for the more efficient government of the city of Trenton," approved March nineteenth, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all public streets and alleys heretofore laid out, or dedicated and accepted by the common council, shall be graded by the common council, at the expense of the city, but it shall be lawful for the common council to direct by ordinance, any public street or alley, hereafter to be laid out or dedicated and accepted by said common council to be graded and any private street, court, or alley, to be graded, curbed, paved, and cross-walks laid across the same at proper places, under the supervision of such person or persons as they may designate, and to cause the expense thereof to be assessed on the lots fronting or bordering on such streets, courts, or alleys; and the affidavit of said expense by the person or persons appointed to have said work done, filed with the city clerk, shall fix and determine the amount thereof, and the assessment of the proportion of the expenses for which each lot is liable, made, certified, and sworn to or affirmed to be just, by each person, and filed with the city clerk, shall fix the proportion of the whole expense for which each lot shall be liable; and such expense shall be a lien on each lot against which it may be assessed for the proportion of said lot, fixed by said assessment, and the same may be collected in the way hereinafter provided for the collection of the expense of paving sidewalks in said city.

Common council may grade certain streets, heretofore laid out or dedicated.

Assessment to be filed with city clerk.

Expense of grading, &c., to be lien on lot assessed.

2. *And be it enacted*, That the provisions for the collection of assessments and the issuing of bonds and for the redemption of the same, made under and by the ninety-first, ninety-second, ninety-third and ninety-fourth sections of the act to

Certain provisions extended.

which this is a supplement, shall apply to all assessments for the paving of streets, and for the construction of drains and sewers, made under and by virtue of the eighty-seventh, eighty-eighth and ninetieth sections of said act.

Amendment.

3. *And be it enacted*, That the words "sixty-seventh" and "sixty-ninth," where the same occur in the ninety-eighth section of the act to which this is a supplement, shall be changed to "sixty-fourth" and "sixty-sixth."

Extending time for completing list of taxes

4. *And be it enacted*, That the time for completing the full list of taxes by the board of assessors as provided by the fifty-ninth section of the act to which this is a supplement, shall be extended to the last Monday in June in each year.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

6. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXXXIX.

A further supplement to an act entitled "An act concerning Inns and Taverns," approved March seventeenth, eighteen hundred and forty-six.

Wine, rum, gin, etc., when and where not to be sold.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons without license for that purpose first had and obtained according to law, to sell, or cause or knowingly permit to be sold, directly or indirectly, any wine, rum, gin, brandy, whisky, cider, spirits, or other ardent spirits, or any composition of which any of said liquors shall form the chief ingredient, except such as shall be compounded or intended for medicine, or any ale, porter or strong beer, within three miles of either end of the tunnel of the Easton and Amboy Railroad through Jugtown mountain, in the town-

ships of Union and Bethlehem, in the county of Hunterdon; and any person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction shall be fined for each and every offence in any sum not exceeding one hundred dollars and costs of prosecution, or imprisoned in the state prison for any term not exceeding one year, or both, at the discretion of the court. Penalty.

2. *And be it enacted*, That on complaint being made on oath to a justice of the peace of said county, that any person has offended or is offending against the provisions of this act, and the act of which this is a supplement, within the bounds aforesaid, the said justice may cause such offender to be arrested and commit him to the county jail, unless he or she shall enter into a recognizance with a sufficient surety in the sum of two hundred dollars for his or her appearance at the next term of the general quarter sessions of the peace of said county to answer any indictment that may be found against him or her. Proceedings on complaint.

3. *And be it enacted*, That this act shall take effect immediately, and continue in force one year and no longer.

Approved, March 27, 1874.

CHAPTER CCCCXL.

A supplement to an act entitled "An act to facilitate the collection of taxes in the township of Washington, in the county of Burlington," approved March seventeenth, one thousand eight hundred and seventy.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Washington, in the county of Burlington, are hereby authorized, at their annual town meeting, to empower their township committee to sell and convey lands, the titles of which have or may become vested in the inhabitants of the township by the operations of the act to which this is a supplement. Township committee by whom empowered to sell and convey certain lands.

When empowered how to proceed.

2. *And be it enacted*, That when the inhabitants of the township of Washington, in the county of Burlington, by a majority of their votes at their annual town meeting, shall so empower their township committee; it shall be their duty immediately thereafter to advertise a sale of the said lands, at public vendue, by putting up notices in three of the most public places in said township, and by advertising the same in one or more newspapers circulating in said township, for at least thirty days previous to said sale, and on the day mentioned in said advertisement, the township committee shall expose for sale the said advertised lands at public vendue, to the highest bidder; and when any such lands have been sold, the township committee shall convey the same, in their official capacity, in the corporate name of said township, under their hands and seals, proved and acknowledged in the same manner as is now required by law, to the purchaser thereof; which conveyance shall be as other deeds of conveyance, and shall be good and valid in law; the proceeds of said sale shall be applied by the township committee to the liquidation of the assessment of taxes, pro rata, so far as it may so do, on the real estate and personal property assessed for the year in which such sale was made.

Proceeds of sale how applied.

Provisions extended.

3. *And be it enacted*, That the provisions of this supplement are hereby extended to the townships of Woodland and Randolph, in the county of Burlington.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXLII.

A supplement to an act entitled "An act to set off from the Township of Clinton and the Town of Orange, in the County of Essex, a new Township, to be called "The Township of South Orange," approved March thirteenth, one thousand eight hundred and sixty-one.

Compensation of collector and assessor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, in lieu of the fees now authorized by law, the collector and assessor of the township of South Orange shall hereafter receive, annually, for their services as such collector and assessor respectively, such compensation as the township committee of said township shall fix and determine upon, by resolution or otherwise, at the first regular meeting of the said township committee held after the annual spring election for township officers in said township.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, shall be and the same are repealed; and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXLIII.

An act to authorize the inhabitants of the Township of Union, in the county of Hunterdon, to vote by ballot at their town meetings.

Certain officers to be elected, duties, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Union, in the county of Hunterdon, are hereby author-

ized and required elect, by ballot, and not otherwise, at their annual town meetings, until otherwise required by law, the following officers, whose qualifications and duties shall be the same as now are, or as may be hereafter fixed by law: that is, a township clerk, a judge of election, an assessor, a collector, one chosen freeholder, three commissioners of appeal, three surveyors of the highways, one overseer of the poor, a township committee, consisting of five persons, as many justices of the peace as the said township may be constitutionally entitled to elect, one or more constables, one or more poundkeepers; and shall also, upon the same ballot, vote for the amount to be raised for the support of the poor, for school purposes, and for the repair of roads, and also name therein the place for holding the next annual town meeting, and for the election of state and county officers.

Election, how conducted.

2. *And be it enacted*, That the said election shall open at eight o'clock in the morning, and close at four o'clock in the afternoon, and that it be conducted in the same manner, and be subject to the same rules as elections for state and county officers are, or shall be.

Plurality of votes sufficient to elect or determine any question submitted.

In case of a tie how determined

3. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or determine any question submitted to the said town meeting; and in case of an equal number of votes being cast for the two leading candidates, or the failure to elect any officer by the town meeting, or to decide upon the amount of money to be raised as specified, or to determine any question within its province, or in case of the refusal of any person elected to accept the appointment, then the township committee shall, at their next meeting, advise and determine the same; and if an equal number of ballots have been cast for opposing candidates, or on opposing sides of the same question, then the determination of the township committee shall be confined to the candidates or sides receiving equally the higher number of ballots.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXLIV.

A further supplement to an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eight, one thousand eight hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken shall have the power to pass, alter and repeal ordinances to take effect within said city for the purpose of laying out footwalks and paths in and upon the square known as Public square and bounded by Garden, Fourth, Willow and Fifth streets, and also in and upon the square known as Hudson square in said city of Hoboken, and also to pave any or all of such footwalks and paths and all circular and ornamental places in said squares or either of them with flagging or artificial cement stone pavement, as may be deemed expedient by the council of said city.

Mayor and council empowered to pass, alter or repeal certain ordinances.

2. *And be it enacted*, That before passing any ordinance adopting any particular kind of pavement for the purpose mentioned in the first section of this act, it shall be lawful for the said mayor and council by resolution to advertise for proposals for as many different kinds of pavement, for the purpose aforesaid, as they may deem expedient, to the end that they may select the best, having due regard to the cost thereof; and that thereupon after having passed an ordinance adopting the kind or kinds of pavement selected for the purpose aforesaid, it shall be lawful for the said mayor and council to contract for the kind or kinds of pavement selected, and to cause the same to be laid at the price or prices first offered or proposed without re-advertising for proposals therefor.

Proposals for pavement, by whom and how to be advertised for.

3. *And be it enacted*, That it shall be lawful for the mayor and council of the city of Hoboken by resolution to appropriate a sum of money not exceeding two thousand dollars from the contingent fund of said city and to transfer the same to the poor fund to be used for the support and main-

Mayor and council empowered to appropriate money for certain purposes.

tenance of the poor of said city in the same manner as other moneys raised by taxation for that purpose are used.

This act to continue in effect one year.

4. *And be it enacted*, That this act shall take effect immediately and shall continue in effect for one year only.

Approved March 27, 1874.

CHAPTER CCCCXLV.

A supplement to an act entitled "An act to incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Board of police commissioners empowered to appoint additional policemen. Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of police commissioners of the city of Hoboken shall have power to appoint an additional number of policemen; *provided*, the whole number of men on the regular police force of said city shall not exceed forty men.

Chance men how appointed, powers and duties, &c.

2. *And be it enacted*, That said board shall have power to appoint so many chance men to serve on said police force as occasion may require as said board may deem necessary, which chance men shall, when in active service, have the same powers and perform the same duties and be subject to the same regulations as the regular policemen of said force.

Special policemen, how appointed, duties, &c.

3. *And be it enacted*, That said board shall have power to appoint special policemen to be detailed to serve at or upon the premises of any private person or corporation provided the person or corporation desiring such appointment to be made shall agree to pay such policemen appointed and detailed as aforesaid, the same yearly salary as the other members of said police force shall receive, and shall pay said salary monthly in advance to the treasurer of said city of Hoboken, which special policemen shall be subject to the same rules and regulations as other policemen of said city.

In case of riot Mayor to appoint special police.

4. *And be it enacted*, That in case of a riot or disorderly assembly the mayor of the city of Hoboken shall have power to appoint so many special policemen as he may deem nec-

essary to suppress the same; *provided*, special policemen appointed by the mayor of said city shall not exercise police powers for more than twenty-four hours after his appointment unless the mayor shall deem it necessary to re-appoint the same person or persons for the purpose aforesaid. Proviso.

5. *And be it enacted*, That the board of education hereafter to be elected in the city of Hoboken shall, at the first meeting after their election, divide the trustees of each ward into three equal classes, one of which shall go out of office at the expiration of the first year, one at the expiration of the second year, and one at the expiration of the third year; which division shall be made by lot; and that at each succeeding charter election thereafter the said wards shall, respectively, elect one person as trustee for said ward, who shall hold his office for three years; and in case of death or disability of any trustee, a person shall be elected to serve the unexpired term at the next charter election; and that any trustee removing from the ward wherein he was elected shall be disabled within the meaning of this act. Trustees by whom and how divided.

6. *And be it enacted*, That the office of comptroller of the city of Hoboken be and the same is hereby abolished; *provided*, that the present incumbent of the said office shall hold the same until the expiration of the term for which he was elected. Office of comptroller abolished. Proviso.

7. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act be and the same are hereby repealed. Repealer.

8. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXLVI.

An act concerning roads in the township of Princeton, in the county of Mercer.

Certain officers abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the offices of overseer and commissioner of the highways in the township of Princeton, in the county of Mercer, are hereby abolished, and that in the place thereof, the township committee shall be authorized and required to elect some suitable person who shall be a resident of said township, and who shall be known and designated as "supervisor of the roads" in said township, and who shall, during his term of office, have full power and authority within the limits of said township, to perform all the duties now performed therein by the overseers and commissioners of the highways in the same, under the direction and control of the township committee of said township, and be subject to the same penalties as said overseers are now subject to by law.

Office of supervisor of roads created.

Term of office.

2. *And be it enacted*, That the said supervisor of roads, and his successors in office, to be elected as aforesaid, shall hold his and their term of office for the term of one year from the time of said election, and shall receive and be paid an annual salary not to exceed ten per cent of the amount appropriated for road purposes, and that before he shall enter upon or perform any of the duties of said office, he shall enter into bond to the inhabitants of said township, in such sums, and with such sureties as the township committee of said township shall direct and prescribe for the faithful performance of his duties as such officer.

Duties, &c.

3. *And be it enacted*, That said supervisor of roads in said township shall supervise, oversee and control all work and labor directed and prescribed to be done by the township committee of said township in the construction and repairing of all roads within the limits of said township; he shall have power to make contracts for all such work and labor to

be done and performed, and to let out the same to the lowest bidder, or to do such work himself at the lowest reasonable price, and shall render a particular account of the same to the township committee of said township, whose duty it shall be to audit and approve all such contracts and bills before any payment thereof shall be made.

First election for supervisor when to take place.

4. *And be it enacted*, That the first election of said supervisor of roads shall take place under this act within two weeks after the next annual election in said township after the passage of this act, and in case any vacancy in said office shall occur by reason of death, resignation or any other disability, the township committee of said township shall have power and authority to fill said vacancy.

Township Committee to determine amount of tax to be raised for road purposes.

5. *And be it enacted*, That the amount of tax to be raised in said township for road purposes shall be determined by the township committee of said township elected for the year in which the tax is to be expended, and the said township committee shall expend such tax in such manner as the best interests of the said township shall seem to them to demand; said tax shall in no one year exceed one-fourth of one per centum on the assessed valuation of the taxable property in said township; the said tax shall be collected in the same manner as it is collected under the present law; an amount equal to not less than twenty per cent., or more than forty per cent. of this tax shall be expended, under the direction of the township committee, on the roads within the limits of the borough of Princeton; *provided*, that the amount so expended shall in no case exceed the amount of money expended on roads by the said borough during the same year; *provided*, that this act shall be submitted to a vote by ballot of the legal electors of said township at the next annual township election, and if a majority of the electors of said township shall vote for the same, this act shall become a law, otherwise this act shall be null and of no effect; *and, provided*, that the officers who may be authorized by law to hold the next annual spring election in said township shall conduct this election, and said election shall be conducted according to the provisions of an act entitled "An act to regulate elections" and its several supplements, so far as said provisions are applicable; *provided*, that each ballot to be used at said election may have written or printed on it the word "Roads," or the words "No Roads," and at the close of said election the votes shall be canvassed

Proviso.

Proviso.

Proviso.

Proviso.

in the manner as prescribed by an act entitled "An act to regulate elections," and a certificate of the result, showing the number of votes in favor of and against roads, shall be signed by the board of election and within five days thereafter be delivered to the county clerk of said county of Mercer, to be filed; *and further provided*, that the clerk of the township shall publish the result of said election within ten days in the Princeton Press, a newspaper published in said township.

Repealer, 6. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

7. *And be it enacted*, That this act shall be a public act, and take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXLVII.

A further supplement to the supplements to "An act to divide the township of North Bergen," approved March eighteenth, one thousand eight hundred and seventy.

Preamble. WHEREAS, the township committee of the township of North Bergen have in pursuance of the several special acts of the legislature, caused a certain public street or highway in said township, called Hamblet Place, to be graded and otherwise improved, and have caused an assessment to be made of the costs and expenses of such improvement, as directed and provided in and by said several acts of the legislature, and have duly confirmed said assessment; *and whereas*, some of the persons interested in the lands and real estate so assessed for said improvement allege that said assessment is informal and wrong for the reason that the commissioners who made the said assessment have on the map presented with the said assessment to said township committee laid out the lots of land so assessed by them at right angles to said street, which said lots of land have been on a map thereof, filed in the office of the clerk of

the county of Hudson, laid out longitudinally, and parallel with said street, and said assessment and map being in all respects proper, just and fair; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said assessment so made and confirmed, as well as the said map so made by the said commissioners who made the said assessment, be and the same is hereby in all things and respects confirmed and declared valid and effectual in law; *provided*, that this section shall not apply to cases where a writ or writs of certiorari is or are allowed within the time provided in the next succeeding section. Assessment and map made by commissioners confirmed. Proviso.

2. *And be it enacted*, That a writ or writs of certiorari may be applied for and allowed to remove any of the proceedings or the assessment, or all of them, to the supreme court; *provided*, said writ or writs to [be] applied for within three months from the passage of this act. Certorari may be applied for. Proviso.

3. *And be it enacted*, That whenever any assessment shall be set aside on a writ of certiorari, the township committee of said township may appoint new commissioners to make a new assessment, *provided*, the court shall order a new assessment to be made. When assessment set aside, township committee may appoint new commissioners.

4. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLI.

A further supplement to an act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six.

WHEREAS, in consequence of the consolidation of the surrounding cities with Jersey City, the names of many corporations have been repeated, and confusion is thereby produced; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation now located, or that Corporations, by whom and

how name or title may be changed

may hereafter be located within the limits of Jersey City, may change its name or title and assume another name or title by resolution passed at a meeting of its trustees, directors or managers; such resolution shall be certified under its corporate seal, and proved in the same manner as deeds for lands are required to be proved, and when filed in the office of the clerk of Hudson county, such corporation shall be thereafter known as, and may bring and defend actions and suits at law or in equity by such new name; *provided*, that nothing herein contained shall be construed to relieve any such corporation from any of its legal contracts, obligations, debts, or other liabilities, or release any legal existing obligations, debts, or other liabilities, or rights due to, held by, or belonging to such corporation.

Proviso.

2. *And be it enacted*, That this act is a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLIII.

A further supplement to an act entitled "An act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved March thirty-first, one thousand eight hundred and sixty-nine.

Notice of meeting of assessors of benefits how given.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the public notice required by the act approved February sixteenth, one thousand eight hundred and seventy, and supplementary to the act to which this is a further supplement, of the first meeting of the assessors of benefits, shall be given by publication thereof in two daily newspapers of said county, daily, sundays excepted, for the space of ten days, and that such notice shall be sufficient, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLIV.

An act to repeal an act entitled "A supplement to the act entitled 'An act to provide for the assessment and collection of taxes in the township of Acquackanonk, in the county of Passaic,'" approved March sixth, one thousand eight hundred and forty-six; approved February twenty-eighth, one thousand eight hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act approved February twenty-eighth, eighteen hundred and sixty-two, and entitled "A supplement to the act entitled 'An act to provide for the assessment and collection of taxes in the township of Acquackanonk, in the county of Passaic,'" approved March sixth, one thousand eight hundred and forty-six, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLV.

Supplement to an act entitled "An act concerning roads in the township of Harrington, in the county of Bergen," approved April sixth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the second section of the act to which this is a supplement, as provides that before the expiration of the term of office of any commissioner, the commission ahall nominate a successor, is hereby Repealer.

repealed; and on the expiration of the term of office of any commissioner, the freeholders of the district for which such commissioner was appointed shall, at their meeting in April, of the year when such vacancy is to occur, elect by a majority vote a commissioner for the said district, who shall be a legal voter in the township, and a freeholder and resident of the district for which he is chosen; if from any cause there be a failure to elect a commissioner at such April meeting, as herein provided, the commission shall forthwith call a special meeting of the freeholders of such district, by notice of the time and place of such meeting, posted in five public places in said district, ten days before the time of such meeting, to fill such vacancy; and at such meeting the person receiving a majority vote of the freeholders so assembled, shall be chosen commissioner, as provided in said second section.

Commissioner in case of vacancy how elected.

In case of failure to elect at April meeting, commissioners may call special meeting.

2. *And be it enacted*, That the commissioners named in the first section of the act to which this is a supplement, or their successors, or a majority of them may alter the districts provided for in the third section of said act, and may divide the township into more than seven road districts; but no alteration shall be made by them except in the month of January; in case any such alteration is made, or any new district is formed, such alteration or new district shall be clearly marked and designated on the maps filed in the office of the clerk of the county of Bergen, and in the copy thereof, at the office of the commission, or a new map made and filed in said clerk's office, and a copy thereof kept for inspection at the office of the commissioners; a commissioner for any new district so made shall be chosen in the same manner as in the other districts.

Commissioners empowered to alter districts, &c.

Alteration not to be made except in month of January.

3. *And be it enacted*, That at any assembly of the freeholders of a district, held as provided in the fifth section of the act to which this is a supplement, if the commissioner for such district is absent, or unable to preside, or if there be no commissioner for such district, the commissioners shall appoint a chairman for such meeting; and they may make such an appointment provisionally prior to such meeting.

Commissioners may appoint chairman.

4. *And be it enacted*, That when a road connecting one public road with another, or leading to a railroad station, shall have been opened, graded and put into good condition for use, by private subscriptions, and twelve freeholders in

When commissioners to declare road to be a public road.

the district in which such road is located shall petition the commission to accept and maintain such road as a public road, on the ground that the same is required for the public convenience, the commission shall declare such road to be a public road, and shall file a map of the same in the Bergen county clerk's office, and a copy thereof in the office of the commission, and the same shall thereupon be a public road the same as if opened as provided by the act to which this is a supplement, or by virtue of any existing law.

5. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLVII

A further supplement to the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Proceedings of common council, when it is deemed necessary to divert or use any stream for sewerage purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be deemed by the common council of the city of Newark expedient and necessary to take and appropriate or divert or make any use of any body, or stream, or portion of water, in or for the construction or use or outlet of any sewer or drain in said city of Newark, or in connection with any such construction or use or outlet, it shall be lawful for the common council of said city, at any time, to appoint five disinterested freeholders, residing in different wards in said city, commissioners to make an estimate and assessment of the damages which any owner or owners of, or the person or persons having any legal claim or right to the use or enjoyment of said body or stream or portion of water will sustain by said taking and appropriating or diversion or use, and to cause a just and equitable assessment of the amount of said estimate and assessment of damages, and of all the costs and expenses in

the premises, either in whole or in part, to be made upon the owner or owners of all the lands and real estate benefited thereby, by commissioners, as near as may be in accordance with the provisions of the city charter of said city of Newark, approved March eleventh, one thousand eight hundred and fifty-seven, and of the supp ements thereto, relating to the assessment of damages and the assessment of the costs, damages and expenses in the matter of the construction of any sewer or drain in said city by commissioners to be appointed for that purpose; or the commissioners appointed by the said common council to make an estimate and assessment of the damages which any owner or owners of lands and real estate taken and appropriated for any sewer or drain in said city will sustain by such taking and appropriating, may also estimate and assess the damages which any owner or owners of or person or persons having any legal claim or right to the use or enjoyment of any body or stream or portion of water in said city will sustain by the taking and appropriating or diversion or use of said body or stream or portion of water, in or for the construction or use or outlet of said sewer or drain, or in connection with any such construction or use or outlet, and the sum or sums so estimated and assessed as damages by said commissioners in the case of any body or stream or portion of water as aforesaid, shall constitute a part of the amount of the costs, damages and expenses of the construction of said sewer or drain, to be ascertained by the common council and assessed according to the provisions of the said city charter and of the supplements thereto, relating to the ascertainment of the costs, damages and expenses of the construction of sewers and drains, and the assessment thereof by commissioners appointed by the said common council.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLX,

An act to repeal so much of a supplement to an act entitled "An act to regulate elections," approved April twenty-second, one thousand eight hundred and sixty-eight, as pertains to the township of Hopewell, in the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the supplement to an act entitled "An act to regulate elections," approved April twenty-second, one thousand eight hundred and sixty-eight, as pertains to dividing the township of Hopewell, in the county of Mercer, in two election districts, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That there shall be three judges of election elected at the next annual town meeting and annually thereafter, provided that no ballot for the judges of election shall contain more than two names; in case more than two names therefor are voted for on the same ballot, the said ballots as to the said judges of the election shall be null and void, and the three persons who shall receive the highest number of votes at such election shall be deemed and taken to be judges of election; in case two persons upon the same ballot have received an equal number of votes, the one first named shall be deemed elected. Three judges to be elected annually. If more than two be voted for, ballot to be void. In case of tie, one first named to be deemed elected.

3. *And be it enacted*, That this act shall take effect immediately; *provided*, that the next spring election shall be held as heretofore in two polling districts, by the judges elected at the last annual spring election. Proviso.

Approved March 27, 1874.

CHAPTER CCCCLXI.

A further supplement to an act entitled, "An act revising the act to incorporate the city of Bayonne, in the county of Hudson and state of New Jersey, approved March tenth, one thousand eight hundred and sixty-nine," approved March twenty-second, one thousand eight hundred and seventy-two.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-nine of the act to which this is a supplement, be and the same hereby is amended by striking out the words "after which it shall" where they occur after the words, "entered at large on its journal" in said section, and inserting in their place the words, "and shall at the same meeting."

Amendment.

2. *And be it enacted*, That section forty of the act to which this is a supplement, be and the same is hereby amended by adding to sub-section fourteen in said section forty, the following proviso: "*provided*, that no license above provided for shall be granted by said board of councilmen, except upon the recommendation in writing of the party making application therefor, by at least ten freeholders residing and owning real estate in the city of Bayonne, who shall not have recommended for license any other person, who at the time of the presentation of such recommendation is awaiting the action of the board of councilmen upon an application for a license, or who is licensed by said board.

Proviso.

Amendment.

3. *And be it enacted*, That the forty-eighth section of the act to which this is a supplement, be and the same is hereby amended by inserting the words, "and if any person or persons from whom any tax shall hereafter be due and payable to said city for city purposes, shall pay the same to the city collector before the first day of December of each year, it shall be lawful for the said collector to allow and deduct from the amount of tax so paid interest thereon, to be computed at the rate of twelve per centum per annum, from the

time when the said tax shall be received by the said collector until the twentieth day of December," after the words "until the same is paid," where they occur together in said section.

Repealer.

4. *And be it enacted*, That the third section of the act entitled, "a supplement to an act entitled, 'an act revising the act to incorporate the city of Bayonne, in the county of Hudson and state of New Jersey,' approved March tenth, one thousand eight hundred and sixty-nine," approved March twenty-second, one thousand eight hundred and seventy-two, which was approved March twenty-eighth, one thousand eight hundred and seventy-three, be and the same is hereby repealed.

If assessments not paid, council may order lands sold.

5. *And be it enacted*, That hereafter if the full amount of any assessment shall not be paid and satisfied within the time limited and appointed by law, or in absence of legal limit within the time limited and appointed by the said board of councilmen for the payment thereof, it shall and may be lawful for the said board of councilmen by resolution to cause all the lands, tenements and real estate upon which said assessment is a lien to be sold at public auction to the highest bidder in fee simple, subject to the same right of redemption by the same parties, and for the same time as is specified in section forty-nine of the act to which this is a supplement; and if at the expiration of the time limited for redemption the said land and real estate has not been redeemed, the mayor of the city of Bayonne shall sign and deliver on behalf of the mayor and council of the city of Bayonne a good and sufficient deed in law to convey to the grantee therein, his heirs and assigns, forever, said lands, tenements and real estate so sold as aforesaid in fee simple, which said deed shall be under the corporate seal of the city, attested by the city clerk; and if at any such sale more money is raised than will be sufficient to pay the said assessment with interest penalty, if any and the expenses of said sale, the excess shall be deposited in the city treasury and paid therefrom by warrant ordered by the board of councilmen to the person or persons entitled to receive the same as his, her, or their interest may appear; and when any bond given for an assessment under the provisions of the act to which this is a supplement shall become due and remain unpaid, sale of the land assessed shall be made as above provided.

Subject to right of redemption.

Amendment.

6. *And be it enacted*, That the word "twentieth," where it secondly occurs in the forty-seventh section of the act to which this is a supplement as the same is now revised and amended, be changed so that hereafter it shall read and be "thirtieth."

Amendment.

7. *And be it enacted*, That section fifty-eighth of the act to which this is a supplement, as the same is revised and amended be further amended, by inserting therein after the words, "on application in writing to the said board of councilmen," where they occur together in said section the words, "of a majority of the property owners per lineal feet upon the line of the improvement," and by inserting after the words, "for two weeks at least before the ordinance is passed to carry out the same," where they occur together in said section the words, "and no ordinance shall be passed to carout said improvement until after thirty days shall have elapsed after said advertisement of two weeks as aforesaid," and also by inserting in the first proviso in said section contained after the words, "shall remonstrate against the same being made," where they occur together in said proviso the words, "and deposit with the city clerk of said city at the time of making said remonstrance, the costs and expenses paid or incurred by the said city, in all proceedings in reference to said improvement prior to that time, less the amount of the deposit made with the application, the amount whereof shall be shown on the preliminary map or report; *provided, however*, no such deposit shall be required if the said remonstrance shall be presented to the board of councilmen at any regular meeting of said board before the passage of the ordinance to carry out the improvement."

Proviso.

Amendment.

8. *And be it enacted*, That section sixty-three of the act to which this is a supplement, be and the same hereby is amended by inserting after the words, "lawfully authorized," where they first occur together in said section the words, "and shall deposit with the city clerk of said city, at the time of making said remonstrance, the costs and expenses paid and incurred by the said city in all proceedings in refence to said improvement prior to that time," and by striking out the words, "and all costs and expenses incurred in such proceedings shall be repaid to the said city by the petitioners" for such improvements in case such majority of owners remonstrate against the same where they occur together in said sixty-third section, and by striking out the

word "security," in said section and inserting in the place thereof the word "deposit."

When office of member of board of education deemed and taken to be vacant.

9. *And be it enacted*, That in case any member of the board of education of the city of Bayonne, shall, without cause satisfactory to a majority of said board, fail to attend four successive stated meetings of such board, such meetings not being held less than two weeks apart, his office as a member of said board shall, upon resolution of said board to that effect, be taken and deemed to be vacant, and the vacancy thus created shall be filled according to the provisions of the charter, in case of vacancies in said board.

10. *And be it enacted*, That this act shall be deemed and taken a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXII.

A supplement to the act to authorize the President and Directors of the Hackettstown Aqueduct Company to convey their works, and so forth, approved March seventeenth, one thousand eight hundred and seventy.

Bonds issued to be countersigned by president.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bonds hereafter issued, authorized in the act to which this is a supplement, shall be countersigned by the president of the water board.

Treasurer authorized to pay interest.

2. *And be it enacted*, That the treasurer of the water board shall be authorized to pay the interest on the water bonds now issued, or may hereafter be issued, from moneys received from the town council, or from water rents; and that all moneys held by the said treasurer after paying interest and expenses, shall be held by him in trust for the final liquidation of the said water bonds, subject to investment by direction of the water commissioners.

Moneys received to be deposited in Hackettstown bank.

3. *And be it enacted*, That all moneys received by the treasurer shall be deposited in the Hackettstown bank, in the name of the treasurer of the board of water commissioners, subject to his draft upon the order of the president.

Repealer.

4. *And be it enacted*, That all in the act to which this is a supplement, or any of the supplements thereto, inconsistent with this act, is hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXIII.

A further supplement to the act entitled, "An act to Revise and Amend the Charter of the City of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Assessments for constructing sewers by whom and how made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the common council of the city of Newark shall ascertain the whole amount of the costs and expenses of constructing any sewer in said city not exceeding in its interior cross-section a circle of thirty-six inches diameter or its equivalent, with all the necessary appurtenances, they may by resolution either direct that the assessment of said costs and expenses shall be made by commissioners to be appointed by them for that purpose, or by the city surveyor, and said assessment shall then be made in accordance with the provisions of the charter of said city, and the supplements thereto, relating to the assessment of the costs, damages and expenses, or the costs and expenses, of constructing sewers by commissioners, or by the city surveyor as the case may be.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall be deemed and taken to be a public act and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXIV.

A further supplement to the act entitled " An act to authorize the inhabitants of the township of Montclair, in the county of Essex, to elect Commissioners of Public Roads," approved March twenty-second, one thousand eight hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any petition shall be presented to the township committee of the said township of Montclair, under and in pursuance of the third section of the act to which this is a supplement, to survey, lay out, widen, alter, straighten or vacate any public road, or to alter the grade of any such road, or any part thereof, the said committee shall not take any action upon such petition until the petitioners shall have deposited with the township clerk the sum of one hundred dollars towards and for the payment of any expenses to be incurred by said committee or by the commissioners of public roads of said township, in and about the matter referred to in said petition; and that if the said road shall be so surveyed, laid out, widened, altered, straightened or vacated, or if the said grade shall be so altered by the said committee by the adoption and ratification of the report of said commissioners, whether with or without alteration, the said sum of one hundred dollars shall be refunded unto the said petitioners; and that the repayment thereof unto said petitioners, or any one of them, shall be deemed and taken to be a valid and sufficient repayment.

Township committee not to take action on petition until petitioner deposits certain sum of money.

Sum of money when refunded.

2. *And be it enacted*, That the first meeting of the said commissioners which shall be held to act upon any such petition, shall always be held upon the premises where the improvement is proposed to be made, and shall be between the hours of nine o'clock in the forenoon and three o'clock in the afternoon; and that any report to be made by the said commissioners unto the said township committee, shall be

accompanied by a bill of their expenses, showing all the items thereof in detail.

Repealer. 3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, shall be, and the same are hereby repealed; and that this act is hereby declared to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXV.

An act to facilitate the collection of taxes in the Township of Egg Harbor, in the county of Atlantic.

Township committee empowered to collect delinquent taxes by exposing land for sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Egg Harbor, in the county of Atlantic, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township during the year of our Lord one thousand eight hundred and seventy-three, and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said taxes and the cost thereon, at public vendue, to the person or persons who will take the least quantity of said land, to be laid out in one body, and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due; and in cases where the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at such sale and bid on such lands as are offered for sale as aforesaid, in the name of the township; the land so sold to him, if any, to be the property of said township.

Land not to be sold until collector shall have made a return.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid, and have by him been returned as delinquent, and shall verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit on or before the annual township

meeting for the election of officers, shall be liable to the township for all of said unpaid and delinquent taxes not so returned.

Return to be recorded

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of said township was held, the same to be certified to and signed by the clerk of the township.

Delinquents may appear and pay taxes in certain time.

4. *And be it enacted*, That if any of said delinquents at any time before the expiration of twenty days after the posting of said notices shall appear before said clerk and pay said delinquent taxes and the costs, together with the additional sum of fifty cents as registry fee for said clerk, then in such case the clerk shall receive the same in the name of the township committee, and give receipt therefor; but in case such delinquents do not appear and make the said payment within the said twenty days, the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county at least six weeks, specifying the time and place when the same will be sold at public vendue as aforesaid for the collection of said returned and delinquent taxes.

Certified copy of return to be published.

Sale by whom conducted.

5. *And be it enacted*, That on the day mentioned in said notice, or on some adjourned day thereof, the chairman of the said committee shall, at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in order so returned at public vendue as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes, with the cost of advertising and sale.

Township committee to execute and deliver certificate of sale.

Proviso.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons who may become the purchasers of said lands a certificate of such sale, describing the piece or several pieces so sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of said land or lands do not, within one year from the date of said certificates, appear before the said committee and de-

posit with them, for the purchase of said land, the amount so paid by him, together with fifteen per centum interest, in which case the said certificate shall be deemed to be canceled, and the amount so received shall, on demand, be paid to the party holding and owning said certificate.

If not redeemed in one year township committee to execute deed.

7. *And be it enacted*, That if, at the expiration of one year from the time of said sale, the owner or owners of any lands so sold does not appear to redeem said lands as aforesaid, then the said township committee shall execute to the holder and owners of said certificate a deed of the premises described therein, in their corporate name, the party receiving said deed to be at the expense of the acknowledging of the same, and on the delivery of said deed the sale shall be final, and the title to such lands pass irrevocably to the holder thereof.

Majority of committee shall constitute quorum.

8. *And be it enacted*, That a majority of said committee shall constitute a quorum for purposes of this act, and may adjourn from time to time as they shall judge proper.

If township committee become owners may lease, sell, &c.

9. *And be it enacted*, That in all cases where the township committee may hereafter become the owner of any lands or tenements by virtue of this act, they shall have full power, and are hereby authorized to lease, sell and dispose of the same to any person or persons, either at public or private sale, for such price and upon such terms as to them shall seem proper; and said township committee shall have full power to convey the same unto the purchaser or purchasers thereof, by good and sufficient deed in fee simple or otherwise; the said deed therefor shall be made in the corporate name of the "Inhabitants of the Township of Egg Harbor," and signed by at least a majority of said township committee; the funds arising from the sale of said lands to be paid over to the township collector, and by him kept and paid out as other funds belonging to said towhship are kept and paid out.

10. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXVI.

A further supplement to an act entitled "An act to revise and amend the charter of the City of Elizabeth," approved March fourth, anno domini one thousand eight hundred and sixty-three, and the several supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the city of Elizabeth shall hereafter perform all the duties of making the assessments which the city surveyor of said city is now required to make; *provided*, that the city surveyor shall complete all assessments referred to him and not completed and satisfied at the date of the approval of this act. Comptroller hereafter to make assessments. Proviso.

2. *And be it enacted*, That it shall be the duty of the city surveyor to make all measurements, and prepare all maps as shall be required by the comptroller in making such assessments. City surveyor to make measurements and prepare maps.

3. *And be it enacted*, That it is hereby declared to be the intention and meaning of that portion of the first section of the act entitled "A supplement to an act entitled 'An act to revise and amend the charter of the city of Elizabeth, approved March fourth, anno domini one thousand eight hundred and sixty-three, and the several supplements thereto,'" which supplement was approved April fourth, anno domini one thousand eight hundred and seventy-three, that each day for which the commissioners named in said section, should receive compensation at the rate of five dollars per day, should consist of eight hours, shall hereafter constitute a day; and that the said commissioners shall receive compensation at the rate of five dollars per day which day shall consist of eight hours; and that hereafter each of said commissioners shall make an affidavit of the number of hours employed by them and each of them on each improvement, which affidavits shall be annexed to and returned with each certificate of assessment made and returned by said commissioners. Portions of certain acts how to be construed.

Repealer. 4. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXIX.

A further supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six.

Preamble. WHEREAS, doubts have arisen as to the true construction of the act of which this is explanatory in regard to the liability of the various townships in this state, to pay for services rendered in removing obstructions to highways, caused by floods, snow drifts, or otherwise, when such services are required to be done at a season of the year when the overseer of such obstructed district has no funds in hand—therefore, in order to remove said doubts—

When township shall become liable to be sued. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever such services shall have been faithfully rendered by any overseer, inhabitant or taxpayer, of any road district, or their employees, in the county of Warren, in this state, pursuant to legal notice by the overseers of such obstructed district, and any person working as aforesaid, shall have made out a true copy of his or her claims against said township, under oath or affirmation, that the same is just and true, and shall transmit a true copy of said claim to the treasurer of said township, and said township shall fail to pay or cause to be paid to such claimant the full amount of said claim, for thirty days thereafter that then, the township in which such district shall be located, shall become liable to be sued by any such claimant, in an action of debt in any court of competent jurisdiction.

Compensation allowed to claimant. 2. *And be it enacted*, That such claimant shall be allowed the same compensation for man or men and teams. as is paid for working on the roads at other times, and that such

suit may be brought in the same manner as now prescribed by law.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXII.

An act to enable School District No. 19, of Union County, in this state, to borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of School District No. 19, in the county of Union, in this state, be, and they are hereby authorized to borrow any sum of money not exceeding ten thousand dollars, for the purpose of erecting a school house upon the lot of land and premises belonging to said district, and furnishing the same. Trustees empowered to borrow money.

2. *And be it enacted*, That for the purpose of securing said loan, the said trustees may execute in their corporate name, and deliver to the person or persons making said loan, a bond for the amount so loaned, and secure the same by mortgage of and upon the said lot of land and premises, which mortgage shall be executed by said trustees in their corporate name, under their common seal, and with the bond shall be made payable at such time or times as may be agreed upon by the parties thereto, with interest at the rate of seven per centum per annum, payable semi-annually, and when so executed and delivered, said bond and mortgage shall have full force and effect, and the legal holder thereof may have all lawful remedies therein; and in case of non-payment of the principal or interest, may proceed by suit at common law or in equity, to enforce the payment thereof. May execute bond as security.

3. *And be it enacted*, That to provide for the yearly payment of the interest upon the said bond and mortgage, and of the principal thereof, as said interest and principal shall fall due, the said trustees of said school district, for the time Special tax when, by whom and how assessed.

being, shall, on or before the twentieth day of May in each and every year hereafter, certify under their hands to the assessor of taxes of the township of Summit, in the county of Union, the amount which will be necessary to pay such interest and principal during the then ensuing year, which sum the said assessor is hereby authorized and required when making the yearly assessment of taxes, to assess a special tax upon the assessable property and estate of the said district in the same manner and at the same time that other township taxes are or shall be assessed, which said special tax shall be by the officer or officers now or hereafter to be provided by law for the collection of other taxes for said township, collected at the same time and in the same manner as other township taxes are or shall be collected; and when so collected, shall immediately, and as collected, be paid over to the said trustees.

Money raised not to be appropriated for any other purpose.

4. *And be it enacted*, That no money raised in the manner contemplated by this act, shall be used or appropriated by said trustees for any other purpose than for erecting said school house and furnishing the same.

5. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXIX.

A further supplement to an act entitled "An act in regard to certain Township Officers in the Township of Union, Bergen County, and in regard to the power and duties of the Town Committee of said Township," approved March thirteenth, one thousand eight hundred and seventy-three, and the supplement thereto, approved March fourth, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, There is grave doubt in regard to the true and proper construction of the mode of making application for the laying and construction of sidewalks, sewers and

gutters as provided in section one of said supplement amending section six, of said act, now, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of said act, as amended, shall be so construed as to mean that the application mentioned in said section shall be made in writing by a majority of owners residing in said township, who own a majority of the lineal feet owned by residents in said township. Section six of certain act how construed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXX.

A supplement to an act entitled "An act to provide for the construction of a main sewer in the city of Hoboken and township of Weehawken," approved April fourth, one thousand eight hundred and seventy-three, extending said act so as to embrace two drainage districts, and providing for the construction of main and lateral sewers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the main sewer provided for in the first section of the act to which this is a supplement, to be constructed in Jefferson street north from Second street, be and the same is hereby dispensed with; and all that part of the city of Hoboken embraced in the following limits shall constitute a drainage district, to be known as the first drainage district of Hoboken, to wit: beginning at a point in the westerly boundary line of said city, where the same crosses Eighth street; thence running east through Eighth street to the centre of the block, between Clinton and Willow streets; thence south through the centre of said block and the blocks south of the same until it reaches Second street; thence easterly through Second street to the centre of the block between Garden and Meadow streets; Main sewer authorized to be constructed by original act dispensed with. Boundaries of drainage districts. First district.

thence southerly to the southerly boundary of the city: thence westerly and northerly along said boundary to the point or place of beginning; and all that part of the city of Hoboken and the township of Weehawken, embraced in the following limits shall constitute the second drainage district of Hoboken, to wit: beginning at a point in the west boundary line of the city where it crosses Eighth street; thence running east down Eighth street to the centre of block between Clinton and Willow streets; thence running north through the centre of said block and blocks north, until it strikes Thirteenth street; thence follows the line known as the Caster line, until it reaches the point or place of beginning; and the territory embraced in Weehawken shall be known as the meadows or low lands adjacent to the city of Hoboken on the north, and it shall be lawful for the commissioners named in the act to which this is a supplement, to construct in said districts such necessary main and lateral sewers as will effectually drain the same; and in the construction of the main and lateral sewers in the first drainage district, said commissioners shall construct a main sewer in First street, commencing at the west boundary line of the city, the same to run east through First street to Meadow street; thence south to Ferry street, or such other point as said commissioners may deem necessary in order to secure an efficient and effectual outlet for the drainage water passing through said sewer; and the lateral sewers shall run north and south as near as practicable, and empty into said main sewer, and it shall be lawful for said commissioners to adopt a plan of main and lateral sewers in the second drainage district, when said main and lateral sewers shall be required; but it shall be the duty of said commissioners to make provision temporarily, for the drainage of the surface water of said second drainage district, until permanent sewers are constructed.

Second district.

Commissioners to use maps heretofore made and on file.

2. *And be it enacted*, That it shall be lawful for said commissioners to use the maps heretofore made under an act entitled "An act to provide for the drainage of certain low lands in the city of Hoboken, and township of Weehawken," approved April fourth, one thousand eight hundred and sixty-six; and the various supplements thereto, and now on file in the city clerk's office of Hoboken, so far as the same are applicable to the construction of the main and lateral sewers contemplated by this act; and to make such other

maps as may be necessary to effectually carry out the provisions of this act.

And whereas, said low lands and meadows are so low and so constantly overflowed by high tides that no effectual drainage of said lands can be effected unless the sewers are placed below ordinary low tides and to raise the sewage water by the means of steam engines and pumps; therefore, Preamble.

3. *Be it enacted*, That it shall be the duty of said commissioners to provide the necessary steam engines, engine houses and pumps to raise the sewage waters so that said district will be effectually drained, and to employ the necessary officers, engineers and superintendents to manage and work the same, and to raise by tax upon the respective drainage districts a sum of money sufficient to run said pumps and steam engines and to effectually drain said districts; and for that purpose they shall have the right to acquire by lease or purchase and hold the same for the benefit of the districts drained upon which to erect said engines, houses and pumps, not to exceed in any one place a lot of land fifty feet wide by one hundred feet on each side. Commissioners to provide necessary steam engines, houses, &c

4. *And be it enacted*, That for the purpose of raising the money necessary to defray the expense of running and maintaining said engines and pumps, the commissioners named in the act to which this is a supplement shall levy a surface tax in each or either of said districts where the same shall be required, which surface tax shall be uniform on every lot of twenty-five by one hundred feet, or for a larger or smaller lot according to the surface thereof, which sum shall be sufficient to maintain and run said pumps and engines for the year, and to certify the same to the tax commissioners of Hoboken, and said commissioners shall order the same to be assessed in the tax levy for the year for which said certificate is made; and it shall be the duty of the assessor of the city of Hoboken to levy said tax, and the collector of Hoboken to collect said tax and pay the same over to the city treasurer; and it shall be lawful for the commissioners to issue a monthly requisition on the mayor and council to pay the monthly expenses of running said engines and pumps; and said mayor and council shall honor said requisition and order warrants to be drawn on the treasurer of the city of Hoboken for the amounts of Commissioners to levy surface tax, to defray expenses for running and maintaining the same. Assessor to levy and collector to collect the same.

said requisitions, and the treasurer shall pay the same to said commissioners; *provided*, said requisitions and warrants shall not exceed in any one year the amount of tax levied for that year for that purpose.

Proviso.

Mayor and council to issue improvement certificates on requisition of commissioners.

5. *And be it enacted*, That it shall be lawful for said commissioners, for the purpose of purchasing engines, pumps, building, and all other drainage implements, and for the purpose of constructing the main sewers, provided for in this act, as the payments fall due, to issue their requisition on the mayor and council of Hoboken, for the issue of improvement certificates to the persons named in said requisitions; and said mayor and council shall issue the improvement certificates, which shall run one year, and bear interest at the rate of seven per centum per annum, from the date of their issue, and said mayor and council shall pay said improvement certificates at maturity, and for the purpose of paying said improvement certificates the mayor and council of Hoboken shall issue one hundred and ten thousand dollars of ten years bonds, or so many as may be necessary to defray the expense; which bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually; and said bonds may be registered or coupon bonds, and shall be known as sewer bonds, and may be sold at a discount not to exceed five per centum, and with the proceeds of the sales of said bonds, said mayor and council shall redeem said improvement certificates for the purpose of paying the interest on the improvement certificates and the interest; and on the bonds issued it shall be lawful for the mayor and council to levy a special tax on the sewerage districts created by this act, in proportion to the amount of money expended in each district, respectively.

Mayor and council empowered to issue bonds to pay improvement certificates.

Commissioners after completion of sewer to certify cost to commissioners of assessments.

6. *And be it enacted*, That it shall be the duty of the commissioners, after they shall have completed any main sewer and the pumping works connected therewith, to ascertain the whole cost, and certify the same, with a list of the property drained, to the commissioners of assessments for street improvements in Hoboken; and said commissioners shall proceed to make said assessment upon the district drained by said main sewer, and report the same to the commissioners, who shall give two weeks' notice of the filing of said assessment map with them, and in said notice fixing a time and place where they would meet to hear objections from persons interested in the same, and to proceed to cor-

Commissioners to make assessments on land drained.

rect and approve of said assessments, and when approved, to make three copies, one to be filed with the commissioners in their office, one with the city clerk of Hoboken, and one with the collector of revenue of Hoboken; and it shall be the duty of the mayor and council of Hoboken, in one year before said bonds fall due, to order said assessment to be due and payable, and to collect the same; and said assessments shall all bear interest at the rate of fifteen per centum per annum, from the date of the resolution ordering that the same is due and payable; said interest to be collected with the principal, and said principal and interest as the same is collected, to be applied by the mayor and council to redeem said bonds; and after the passage of the resolution declaring that assessment is due and payable, no further sum shall be assessed in the tax ordinance in the district for interest on the bonds; the assessment to be a lien upon the property from the date of the confirmation of the same by the commissioners, and said lien may be discharged by paying the amount so assessed, and the collector of revenue shall pay the same over to the treasurer of Hoboken; and it shall be the duty of the mayor and council of Hoboken to provide a sinking fund, in which said money shall be placed and safely kept for the redemption of said bonds.

When Mayor and council may order assessments due and payable.

Mayor and council to provide a sinking fund.

7. *And be it enacted*, That for the purpose of constructing the lateral sewers provided for in this act, it shall be lawful for the commissioners when the owners of a majority of the lots on the line of any lateral sewer, petition for the construction of the same, to proceed and construct said lateral sewer and ascertain the cost of the same and to send the cost thereof, with a list of the property benefited thereby, to the commissioners of assessments for street improvements in Hoboken, and said commissioners shall proceed and assess the cost of said lateral sewer on the property drained thereby, and return the assessment map to the commissioners when completed, and said commissioners shall give two weeks' notice of the filing of the same, and in said notice shall be embraced a time and place when any person interested therein may appear before said commissioners and be heard, and after such hearing said commissioners may correct and confirm the same, and file one copy of the assessment map in the office of the commissioners, one copy in the city clerk's office and one copy with the collector of

Commissioners may construct lateral sewers on petition.

Assessments for the same by whom and how collected.

revenue, who shall proceed to collect the same and pay the amount over to the city treasurer, and any assessment remaining unpaid for thirty days after the date of confirmation, shall bear interest at the rate of twelve per centum per annum, and any lands upon which any assessment may be made under this act which shall remain unpaid for thirty days after the same becomes due and payable, may be sold by the mayor and council of Hoboken, and all the provisions of an act entitled "An act to incorporate the city of Hoboken," making provision for the sale and redemption of lands sold for unpaid taxes or assessments shall apply to the lands upon which assessments are made and remain unpaid under this act, and said commissioners for the purpose of paying for the work as it progresses may draw their requisitions on the mayor and council of Hoboken for the issue of improvement certificates to the persons named therein and for the amounts named for the construction of said lateral sewer; *provided*, that said requisitions shall not exceed in the whole the amount of the contract price for the construction of said lateral sewer together with such incidental expenses as may be necessary in carrying out the work, said improvement certificates to have one year to run and bear interest at the rate of seven per centum per annum, and said mayor and council shall redeem the same at maturity and apply money collected on said assessments for that purpose.

Proviso.

Proposals and bids to be advertised for.

8. *And be it enacted*, That no work shall be done, materials purchased, or any contract entered into, where the amount exceeds five hundred dollars, authorized to be done or entered into under the terms of this act, except upon two weeks' notice for proposals, and advertising for bids; and all contracts shall be awarded to the lowest responsible bidder who is able to give security for the faithful performance of the contract; but the commissioners shall have power to reject all bids, and re-advertise if they deem it for the best interests of the property owners so to do.

Contractor to give security.

What newspapers notices to be advertised in.

9. *And be it enacted*, That all notices, required to be given under this act, shall be given and published in the newspaper or newspapers publishing the official proceedings of the mayor and council of Hoboken, and in such other manner as the commissioners may determine.

Commissioners to ascertain

10. *And be it enacted*, That it shall be the duty of the commissioners to ascertain all their expenses incurred under the

act to which this is a supplement, and certify the amount thereof to the mayor and council of Hoboken. expenses, and certify the same to mayor and common council.

11. *And be it enacted*, That the sewer commissioners shall have power to construct a sewer in Willow street from the intersection of said street with Newark street, thence running north through Willow street, and connect the same with the sewer now built in Willow street above Second street, and shall cause the cost and expense of building said sewer to be assessed and collected in the manner provided for in section seven of this act or the property benefited thereby. Commissioners empowered to construct sewer in Willow street.

12. *And be it enacted*, That a majority of said commissioners shall constitute a quorum for the transaction of business, and shall have power to appoint a president, secretary and treasurer, and shall be known as the sewer commissioners of the city of Hoboken and township of Weehawken, and shall have power to fix the bond of their treasurer, and said treasurer shall execute said bond before entering upon the duties of his office, and the commissioners shall approve said bond; said bond shall be filed in the city clerk's office of Hoboken. Majority of commissioners shall constitute a quorum. Treasurer to give bond.

13. *And be it enacted*, That before any contract for the construction of any main sewer, or lateral, or for the works pertaining thereto, or for the purchase or lease of any real estate in connection therewith, is awarded, or entered into, the said commissioners shall submit the same to the council of the city of Hoboken for their concurrence therein, and the said commissioners shall have power to adopt any awards of contracts made by them under and by virtue of the act to which this is a supplement. Contracts for construction of sewers, &c., must be submitted to council before being awarded or entered into.

14. *And be it enacted*, That the number of commissioners be increased from three to five, and for this purpose there shall be nominated by the mayor of the city of Hoboken and confirmed by the council of said city as soon after the passage of this act as may be convenient, two commissioners in addition to those named in the act to which this is a supplement, which said commissioners shall perform like duties and possess the same rights and privileges as the commissioners named in the act to which this is a supplement, and the said five commissioners so constituted shall, immediately after the passage of this act, proceed to determine by ballot which one of their number shall serve for one year, which one for two years, which one for three years, which Number of commissioners increased from three to five.

one for four years, and which one for five years from the first day of April next, and thereafter before the first day of April in each and every year succeeding there shall be nominated by the mayor and confirmed by the council of Hoboken, one commissioner, who shall hold his office for five years thereafter, and any vacancy occurring in said board of commissioners by resignation, death, or removal from the city, may be filled by the mayor nominating and the council confirming a commissioner to fill the unexpired term occasioned by such vacancy.

Repealer.

15. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

16. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXXI.

A supplement to an act entitled "An act to adjust unpaid assessments in Jersey City," approved March twenty-sixth, one thousand eight hundred and seventy-three.

When assessment confirmed by board the same shall bear interest at same rate as other unpaid assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board provided for in the first section of the act to which this is a supplement, shall, after examination thereof, report any assessment brought before said board for review without alteration, and shall confirm the same as originally laid and assessed, such assessment shall bear interest at the same rate as other unpaid assessments from and after the expiration of thirty days after the date of the original confirmation thereof, according to the provisions of the law under which such assessment was laid and assessed.

When assessment altered by board the same shall bear interest at rate of seven

2. *And be it enacted*, That whenever said board shall, after examination thereof, report the assessment for any improvement in anywise altered or modified as to the amount thereof, which by the adjudication of said board should have been paid by the lands benefited by such improvement; such as-

sessment so modified shall bear interest at the rate of seven per centum, per annum, from the date of the confirmation of the original assessment for such improvement, by the municipal authority by whom the same was laid or assessed, until the expiration of thirty days from the filing of the report and adjudication of said board thereon, and after the lapse of the said thirty days at such rate as such assessment would have borne according to the provisions of the law now in force in said city, regulating the rate of interest on unpaid assessments. per centum per annum.

3. *And be it enacted*, That the provisions of the first and second sections of this act shall apply to all assessments brought before said board in the manner provided for in the act to which this is a supplement; and that this act shall be deemed a public act, and shall take effect immediately; and that all acts and parts of acts inconsistent with the provisions hereof, be and the same are hereby repealed. Certain provisions how to apply. Repealer.

Approved March 27, 1874.

CHAPTER CCCCLXXXII.

An act to repeal an act entitled "An act to provide for opening, constructing, and maintaining an avenue or road in the county of Hudson," approved April fourth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *By the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to provide for opening, constructing, and maintaining an avenue or road in the county of Hudson," approved April fourth, one thousand eight hundred and seventy-three, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That the board of chosen freeholders of the county of Hudson shall pay from any of the moneys of the county of Hudson, such parts of the salaries of all employees of the board of Hudson county avenue commissioners who are engaged by said board at fixed salaries as shall be earned at the date of the approval or pas- Board of chosen freeholders empowered to pay certain salaries.

sage of this act; also a similar part of the salaries of the members of said board, and also shall pay for all services rendered to, work done for, and materials furnished to and expenses incurred by the said board of Hudson county avenue commissioners necessary and proper to the faithful and just execution of the act hereby repealed, so far as the said act may have been executed at the date of the approval or passage of this act, such sums of money as will be fair compensation for the said materials, work, services and expenses to the person or persons who have supplied or performed the same, or to whom the payment should be made; and it shall be lawful for the said board of chosen freeholders from time to time, to add such amounts as shall be necessary to make the payments above authorized, to the annual tax levy of Hudson county for county purposes, and this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXXIII.

A further supplement to the act entitled, "An act to reorganize the local government of Jersey City," approved March thirty-first, one thousand eight hundred and seventy-one.

Certain damages, by whom ascertained and how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any party or parties which have suffered damage by any change or alteration of grade heretofore made necessary by the regrading and improving of Brunswick and Wayne streets, in the city of Jersey City, shall be entitled to compensation for such damage, to be ascertained and paid in the same manner as all other compensation is ascertained and paid, under the provisions of the act to which this is a supplement.

Repealer.

2. *And be it enacted*, That all acts and parts of acts contrary to the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXXIV.

An act to provide for a board of health and vital statistics in the county of Hudson, and to prevent the spread of disease.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be created a board in Hudson county, to be known as "The Board of Health and Vital Statistics," which board shall be composed of three commissioners, and shall be constituted and appointed as follows: The county physician shall be ex-officio a member of said board, and two commissioners to be elected by the board of chosen freeholders of Hudson county, who shall hold their offices for three years and until their successors are appointed and qualified, and who shall be physicians, one of whom shall be of the homeopathic school, of said county, holding a regular medical diploma; and the two commissioners appointed by the board of chosen freeholders shall each be entitled to a salary of five hundred dollars per annum, to be paid quarterly by the board of chosen freeholders, and each of said commissioners shall, before he enters upon the duties of his office, take an oath before the county clerk to faithfully and fairly perform the duties of his office without favor or affection, and that he will not proceed in the suppression of any nuisance through malice, which oath shall be filed in the county clerk's office.

Board of health of what composed.

Term of office.

2. *And be it enacted*, That it shall be lawful for said board to appoint a clerk, whose salary shall be fixed by the board of chosen freeholders and paid by said board, and in the time of the spread of any contagious diseases or epidemic, special health inspectors may be appointed by said commissioners, who shall receive for their services five dollars per day, to be paid by the board of chosen freeholders, but such service shall not in any case exceed ten days, unless affirmed by the board of chosen freeholders; said clerk and inspectors shall take and file with the county clerk an oath

Board may appoint clerk.

May appoint health inspectors.

to faithfully perform the duties of their office, before they enter upon the performance of their duties.

Board of freeholders to provide a place for holding meetings.

3. *And be it enacted*, That it shall be the duty of the board of chosen freeholders to provide a place for the meeting of said commissioners in the county buildings at the court house, if practicable, and if not practicable, at a suitable place adjacent to the county seat.

Board of freeholders empowered to erect hospital on Snake Hill.

4. *And be it enacted*, That it shall be the duty of the board of chosen freeholders to erect on the county farm at Snake Hill a suitable hospital, sufficiently large to provide for the care of all persons sick with any contagious disease in the county of Hudson, and to provide suitable nurses, medicines and provisions for the same, to which may be removed any person inflicted with a contagious disease in the county of Hudson.

Commissioners may make a requisition for medicines, &c.

5. *And be it enactcd*, That it shall be lawful for the commissioners to make a requisition on the board of chosen freeholders for such medicines, disinfectants and other supplies required by them in the discharge of their duties, and said board shall in their discretion, furnish all such supplies as they may deem necessary and needful; and said board shall provide said commissioners and their inspectors with the means of conveying persons sick with contagious diseases, to and from the hospital at Snake Hill.

May enact orninances in relation to public health, &c.

6. *And be it enacted*, That it shall be lawful for said commissioners to enact ordinances in relation to the public health, and in relation to the keeping of a registry of vital statistics in the county of Hudson, which ordinances shall not be inconsistent with this act, the laws and constitution of this state, and they may embrace in said ordinances, penalties for the violation of said ordinances, in amounts not less than ten dollars nor more than fifty dollars, which penalties may be sued for in the name of "The Board of Health and Vital Statistics," before any police justice, judge of any district court or justice of the peace in the county of Hudson, and either party may demand and have a trial by jury, which said jury shall consist of six men, and any penalty so recovered and collected, shall be paid over by the court collecting the same, within ten days, to the county collector of Hudson county.

Penalties how sued for.

Ordinances to be published.

7. *And be it enacted*, That all ordinances in relation to health or vital statistics, shall, before they go into effect, be published by said commissioners for four weeks successively

once in each week, in the newspapers in the county of Hudson, publishing the proceedings of the board of chosen freeholders, and said publication shall be paid by the board of chosen freeholders, and each paper publishing the same shall file with the clerk of the commissioners, an affidavit of the publication thereof, according to the terms of this act, before his bill shall be paid by the board of chosen freeholders, and certified copies of said ordinances, and certified copies of the affidavit of publication of said ordinances, made by the clerk of the commissioners, shall be prima facie evidence of the passage and publication of said ordinances, in the prosecution for the recovery of any penalty under said ordinances, but the same may be disproved by the person prosecuted.

Fees for registering births, marriages and deaths, and burial permits how obtained.

8. *And be it enacted*, That in passing ordinances in relation to the registry of vital statistics said commissioners may embrace therein a fee for registering births, marriages and deaths, and for granting permits of burial, said fee in no case to exceed ten cents for registering a birth or marriage, or over twenty-five cents for registering a death and granting a permit for burial; and said fees may be used by said commissioners to pay the expense of keeping one or more registries in remote parts of the county for registering deaths and granting permits for burial, if said registries shall be required; and after paying the expenses of keeping one or more registries in remote parts of the county, if any such registries are established by the board, the board shall pay over the whole or any surplus of the registry fees received, to the county collector, quarterly.

Fees for what to be used.

Local health inspectors declared to be subject to the orders of commissioners.

9. *And be it enacted*, That all local health inspectors created by any city or town charter, are hereby declared to be subject to the orders of the commissioners created by this act in the city or town where appointed, and it shall be their duty to render in said city or town to said commissioners all possible aid to preserve the health of the county and prevent the spread of disease, and such service shall be covered by the salaries paid to them by city or town appointing them.

Each member of board and each health inspector empowered to enter, &c.

10. *And be it enacted*, That each member of the board of health, or any health inspector appointed by said board, shall have the right at all times, between the hours of ten a. m. and four p. m., of any day when there is imminent danger of the spread of any dangerous epidemic or conta-

gious disease, to enter any public or private dwelling or other premises or buildings in the county of Hudson for the purpose of examining its sanitary condition, and ordering the removal of any substance or matter dangerous to the public health, and to cause said premises to be cleansed, and to use disinfectants and to purify the same, and cause the same to be kept clean and disinfected; and in the exercise of this power the commissioners or inspector shall wear a shield or badge, on which shall be inscribed "Board of Health of Hudson County;" *provided*, that said board shall have reasonable cause to believe that a necessity exists in any locality or place for such examination; *and, provided, further*, that no such examination shall be made or entered upon unless the same shall have been ordered by the board, and a proclamation made of the order, and published for the length of time directed by the board in the daily papers of the county authorized to publish the minutes of the board of chosen freeholders, and in any weekly newspaper so selected and published in the locality to be affected thereby, if any weekly newspaper is published in said locality; and the board of chosen freeholders shall pay the expense of publishing said proclamation.

Proviso.

Proviso.

Repealer.

11. *And be it enacted*, That this act shall be a public act and shall take effect immediately, and that all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 27, 1874.

CHAPTER CCCCLXXXV.

An act to divide the township of Lawrence into two Election Districts.

Boundaries of election districts created.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at all elections hereafter to be held in the township of Lawrence, in the county of Mercer, the said township shall be divided into two election districts, which shall be separated from each other by Shab-

bykunk creek; and all that portion of said township lying north and east of said creek shall compose the first election district; and all that portion south and west of said creek shall compose the second election district of said township.

Election boards of what to consist and how elected.

2. *And be it enacted*, That at the ensuing spring election to be held in the said township of Lawrence, and at all subsequent spring elections, there shall be chosen two election boards, one board for each district hereby created; that the ballots shall designate which of said boards is for the first, and which for the second district; that the said boards shall consist of three judges, whose members shall be residents of their respective districts, that no ballot shall contain more than two names; in case more than two names are voted for on the same ballot, the said ballot as to said judges of election shall be null and void, and the three persons who shall receive the highest number of votes at such election shall be deemed and taken to be the judges of election, and in case two persons upon the same ballot have received an equal number of votes, the one first named shall be deemed elected; the said judges shall hold their offices for one year, and shall possess the powers, be required to perform the duties, be subject to the liabilities, and receive the same compensation as other judges and inspectors of election, according to the general laws of New Jersey as they now are or may hereafter be; and shall act in their respective districts as judges of election; *provided*, that annually after the year eighteen hundred and seventy-four each district shall elect its own board of election.

Proviso.

Who to act as clerk.

3. *And be it enacted*, That the clerk of the township shall act as clerk of election in the district in which he lives, and a clerk of election shall be chosen by the board of election by the other district in which no clerk has been chosen.

Polling place by whom designated.

4. *And be it enacted*, That the polling place shall be designated by the board of election of each district respectively, public notice being given of the place by the clerk of the township at least ten days before the election.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXXVI.

An act relative to the opening of South Twelfth Street from South Orange Avenue to Eleventh Avenue, in the City of Newark.

Preamble. WHEREAS, the commissioners appointed by the common council of the city of Newark to make an estimate and assessment of the damages in the matter of the opening of South Twelfth street in said city, from South Orange avenue to Eleventh avenue, in making said estimate and assessment did assess the damages of John Fountain, for his land taken for said opening, at the sum of one thousand eight hundred and seventy dollars and forty-five cents; *and whereas*, in the final transcribing of the report of damages of said commissioners, and in taking from the minutes of the doings of said commissioners the amounts assessed to different individuals, the said sum of one thousand eight hundred and seventy dollars and forty-five cents was, by a clerical error, put down as eight hundred and seventy dollars and forty-five cents in said report, and said report was presented to and ratified by said common council, May second, one thousand eight hundred and seventy-three, without the discovery of said clerical error; *and whereas*, said error was not perceived until the commissioners had gone on and nearly completed the assessment of the costs, damages and expenses of said opening; *and whereas*, a great injustice was thus inadvertently done to said John Fountain; *and whereas also*, John Radel having appealed from the assessment of damages made to him by said commissioners for his land taken in said opening did, on the trial of said appeal, recover a verdict for the sum of ten thousand four hundred and ninety-one dollars and sixty-seven cents damages, being more than the commissioners had allowed him; *and whereas*, the sum of one thousand dollars, being the amount inadvertently left out from the sum assessed to said John Fountain as aforesaid, and said

sum recovered by said John Radel on his said appeal, ought to be included in the whole amount of the costs, damages and expenses of said opening; therefore,

Common council empowered to ascertain certain costs, damages, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said sum of one thousand dollars so as aforesaid left out from the sum assessed to said John Fountain, and said sum of ten thousand four hundred and ninety-one dollars and sixty-seven cents recovered by said John Radel as aforesaid, shall constitute and form a part of the whole amount of the costs, damages and expenses of the said opening of South Twelfth street, and it shall be lawful for and the said common council of the city of Newark are hereby authorized to now ascertain the whole amount of the costs, damages and expenses of said opening of South Twelfth street, from South Orange avenue to Eleventh avenue in said city of Newark, (and to include in the ascertainment of said whole amount the said sum of one thousand dollars so as aforesaid left out from the sum assessed to said John Fountain, in addition to said sum of eight hundred and seventy dollars and forty-five cents named or put down in said report of damages, and also said sum of ten thousand four hundred and ninety-one dollars and sixty-seven cents recovered by said John Radel) and to cause to be made an assessment of said whole amount of the costs, damages and expenses of said opening, in accordance with the provisions of the charter of said city of Newark and the supplements thereto, applicable in the premises.

Certain proceedings of common council declared to be valid.

2. *And be it enacted*, That all the proceedings of the said common council, or of commissioners, or otherwise, which have now been taken or which may hereafter be taken in the matter of the said opening of South Twelfth street, including the assessment of damages and the assessment of the whole amount of the costs, damages and expenses of said opening, shall be as valid and complete and effectual in law and in equity, as if said clerical error had not been made in said report of damages, and as if said John Radel had not taken an appeal and recovered, as aforesaid, and as if the whole amount of said costs, damages and expenses had been fully and properly ascertained and caused to be assessed, in the first instance by said common council, any law or any provisions of any law of this state to the contrary in anywise nothwithstanding. And it shall be lawful for the comptroller of the city of Newark to correct said clerical

Comptroller empowered to cor-

rect certain errors and omissions.

error or omission in said report of damages, and in any record of the same in his office and for any other officer of said city, in whose office there may be any record of said assessment of damages to correct said record so that the said sum of one thousand eight hundred and seventy dollars and forty-five cents so in fact assessed to John Fountain for lot number two in said report of damages may appear in said report and in said records as the true amount assessed for said lot number two.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCLXXXVII.

An act appointing Commissioners in School District Number Two, of the township of Piscataway, in the county of Middlesex, for the purpose of purchasing ground and erecting a school house thereon, etcetera.

Board of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Christian Schepflin, Benjamin Smith, Charles Boice, Stephen D. Affleck, Isaac D. Titsworth, John Runyon, Peter W. Brakeley and their successors, residents of school district number two, in the townshp of Piscataway, in the county of Middlesex, are hereby appointed, constituted, and declared to be a board of commissioners, for the purposes and with the powers hereinafter defined and granted.

Powers and authority of commissioners.

2. *And be it enacted*, That said commissioners or a majority of them shall have power and authority and are hereby empowered, to expend a sum not exceeding ten thousand dollars for the sole and exclusive purpose of purchasing a suitable plot of land, within the limits of school district number two of said township of Piscataway, and for erecting thereon a public graded school building, with the necessary outbuildings and fences, and for providing the necessary furniture and apparatus, and a well and cistern, and for

paving and flagging so much of the grounds and walks as may be deemed desirable, in order to protect the health, and secure the comfort and cleanliness of the children; and in order to provide the sum of ten thousand dollars, it shall and may be lawful for, and the said commissioners are hereby authorized, empowered and directed, by reason of this act, to issue the bonds of said school district; and when issued, the same shall be disposed of by the said board of commissioners for the purposes named in this section; and the trustees for the support of free schools are hereby authorized to loan upon said bonds such amount as they may determine, and the provisions of the supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven, which supplement was approved April fourth, one thousand eight hundred and seventy-two, shall apply to this act so far as not inconsistent with the provisions of this act.

Trustees empowered to loan on bonds certain sums of money.

3. *And be it enacted*, That said bonds shall be issued in sums of one hundred, five hundred, and one thousand dollars each, with interest at the rate of seven per centum, payable semi-annually; one thousand dollars of the principal of which said bonds shall be payable in two years from the date of their issue, and one thousand dollars of the principal of said bonds shall annually thereafter become due, and all said bonds shall be paid by the collector of the township in which said school district is situated, with the interest, as above provided, at maturity; said bonds shall be a lien upon the real and personal estates of the inhabitants of said district, as well as the property of said district, and the property of the inhabitants, as well as the property of said district, shall be liable for the payment of the same; and all the said bonds shall be exempt from taxation for county and township purposes.

Bonds in what sums issued and when payable.

Bonds to be a lien on real and personal estate.

4. *And be it enacted*, That the township committee of said township shall have power and authority, and are hereby directed to provide for the payment of said bonds, and the interest thereon, as the same shall become due and payable, by taxation on the estates of the inhabitants of said school district number two, and on all lands liable to be taxed therein, in the same manner as township taxes are raised; and it shall be the duty of the said

Payment of the same to be provided for by taxation.

commissioners and afterwards of the district clerk, to notify the said township committee of the amount of bonds and interest falling due each year.

Board when to meet.

5. *And be it enacted*, That the said board of commissioners shall assemble within one week after the approval of this act, at five o'clock in the afternoon, and at such times as they shall deem necessary to carry out the provisions of this act; and at their first meeting they shall organize the board, by electing a president and secretary, and a majority of the commissioners shall constitute a quorum for the transaction of business, and shall make such rules and regulations as may be necessary to govern the said board; before proceeding to business, each of said commissioners shall take and subscribe an oath or affirmation before the clerk of said township, to faithfully and impartially execute the duties imposed upon them by the provisions of this act, according to the best of their knowledge and ability; no compensation shall be allowed to any of the commissioners, for any of the duties imposed upon them by this act; any vacancy that may occur by reason of death, resignation, or otherwise, shall be filled by a majority vote of the remaining commissioners, and no act of said board of commissioners shall be valid, unless approved by a majority of said commissioners.

Meeting how organized.

Vacancy how filled.

Power of commissioners appointed when to cease.

6. *And be it enacted*, That the power of said commissioners appointed by this act shall cease on the first day of May, one thousand eight hundred and seventy-six.

Trustees of school district empowered to sell present school property.

7. *And be it enacted*, That the trustees of said school district and their successors, are hereby authorized and directed to sell and convey the present school property belonging to said district, the proceeds therefor to be applied in erecting the new building authorized by this act.

8. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXC.

A further supplement to an act entitled "An act concerning roads in the township of Hackensack," approved March tenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Ridgefield, in the county of Bergen, be and is hereby withdrawn and removed from the control and jurisdiction of the public road board, created by the act to which this is a supplement, and the various supplements thereto, and the members of the public road board aforesaid, now residing within the township aforesaid, and their successors in office, to be elected in the manner and time hereinafter provided, shall be and hereby are constituted a body corporate in law and in fact, under the name, style and title of the public road board of the township of Ridgefield, and under that name are hereby vested with all and exclusive the control and jurisdiction, and all the rights and powers over the roads and highways of the township of Ridgefield, and all matters appurtenant thereto, and subject to all the duties and obligations in regard to the roads and highways aforesaid, that are now vested in, conferred upon, or imposed upon the public road board of the townships of Ridgefield, Englewood and Palisades, by the act to which this is a supplement, and the several supplements thereto, except as may be hereinafter otherwise provided, and by that name shall have all the rights, powers and privileges of a municipal corporation, so far as the same shall be necessary for the purposes of this act, and for the better management consonant with the provisions of this act, of the roads and highways in the township of Ridgefield.

Township of Ridgefield withdrawn and removed from control of road board.

Who to constitute road board for said township.

2. *And be it enacted*, That the township of Ridgefield be and is hereby divided into six road districts, numbered and bounded as follows, to wit: district number one, commencing at the northeastern corner of the township at low water

Boundaries of road districts.

District number one

mark on the Hudson river, and extending westwardly with and along the line dividing the township of Englewood from the township of Ridgefield, to a point one hundred feet west of the highway, commonly known as Jones' road, thence parallel with said road southwardly to the southern line of property, now or of late, of Isaac R. Vreeland, thence eastward by, with, and along said line, and in a line continuous therewith to the Hudson river at low water mark, thence along low water mark, including therein all wharves, piers and bulkheads now built, or that may hereafter be built on said line, to the place of beginning; district number two, commencing at the southeastern corner of district number one, at low water mark on the Hudson river, and continuing with and upon the southern line of district number one westwardly to a point one hundred feet west of Jones' road, thence southwardly and parallel with said road, until it strikes the northern line of property now or late of Jacob Aider, thence southwardly along and with the southern line of the said Aider, and with and along the southern lines of the property of Frederick Rosentangel, Henry J. Anderson, Jacob Edsall and Gabriel Caspar, to the Fort Lee turnpike road, thence diagonally crossing said road to a point one hundred feet west of the old Dallytown road, thence southwardly parallel to said road to the northerly line of the property of the heirs of A. Smith Mabie, deceased, thence eastwardly with and along the said northerly line to a point one hundred feet west of a new road, continuous with the street or road running southwardly from William H. Elsinger's corner, recently surveyed and opened at the instance of Henry J. Anderson and others, thence southwardly and parallel with said road to a point due west of the southwestern corner of land now or late of the heirs of Francis J. Tillon, deceased, thence due east to the southwestern corner last aforesaid, thence with the southern line of the property of the said heirs to low water mark on the Hudson river, and thence along low water mark, including all wharves, piers and bulkheads now built, or that may hereafter be built, to the place of beginning; district number three, commencing at the southeast corner of district number two, and thence westwardly along and with the lines of the same to a point one hundred feet east of the Dallytown road, thence southwardly and parallel with the said road to the dividing line be-

District number two.

District number three.

tween the county of Bergen and the county of Hudson, thence eastwardly along and with said county line to the Hudson river at low water mark, including all wharves, piers and bulkheads now built, or that may be hereafter built, to the place of beginning; district number four, commencing at the southwestern corner of district number three, thence weswardly along and with the line between the county of Bergen and the county of Hudson to the Mill creek, thence northerly along said creek, to the Overpivek, sometimes known as the Overpeek and sometimes as the English creek, thence along the southeastern, southern and eastern bank of said creek to the southern line, or line continuously extended from the southern line of property now belonging to the heirs of Luke Curigan, deceased thence eastwardly with and along said southern line till it strikes the line of district number two, thence southwardly along and with said line, and along and with the westward line of district number three to the place of beginning; district number five, commencing at a point on the eastern bank of the Overpivek creek, intersected by the northern line of the township of Ridgefield, thence eastwardly along and with said line to a point one hundred feet west of Jones' road, corner to district number one; thence southwardly along and with the westward line of district number one and of district number two, and along with the northern line of district number four, and with and along the eastern bank of the Overpivek creek, so as to include all that part of the township lying eastward of said creek, not assigned hereinbefore to other districts, to the place of beginning; and district number six, commencing on the northwestern corner of district number five, thence westwardly with and along the line dividing the township of Ridgefield from the township of Englewood to the Hackensack river, thence with and along the eastern bank of said river, and with the low water mark, including all wharves, piers, and bulkheads now built, or that may hereafter be built, to the mouth of the Overpivek creek, thence along and with the said creek to the place of beginning.

District number four.

District number five

District number six

3. *And be it enacted*, That the present members of the public road board of the township of Ridgefield created by this act, to wit, Peter Bogert, junior, Maurice Fitzgerald and George W. Laird, or should one or more of them vacate their office in the meanwhile by death, resignation or removal

Present members of road board to call special election.

from the district, then any one or more of them, shall upon the passage of this act cause to be posted printed handbills, for the space of two weeks, in at least ten conspicuous places in each district, calling upon the qualified voters of each district to assemble at such places as they, the said commissioners, may designate, on the days hereinafter set forth at three o'clock in the afternoon, to elect a commmissioner in each district, such election to be conducted by the commissioner in whose present district the greater part of the same may lie, or in his default by any other commissioner assigned by the board or the commissioner acting; and at all such elections, and at all elections held by authority of this act, the clerk of the township of Ridgefield shall act as clerk; the first election for district number one shall be held on the fourth Monday in April of the present year, for a commissioner to serve for the term of one year from the first day of May following; the first election for district number two shall be held on the fourth Tuesday of April in the present year, for a commissioner to serve for two years from the first day of May following; the first election for district number three shall be held on the fourth Wednesday of April in the present year, for a commissioner to serve for one year from the first day of May following; the first election for district number four shall be held on the fourth Thursday of April, for a commissioner to serve for two years from the first day of May following; the first election for district number five shall be held on the fourth Friday in April for a commissioner to serve for one year from the first day of May following; and the first election for district number six shall be held on the fourth Saturday in April, for a commissioner to serve for two years from the first day of May following; and every two years afterwards on the same days of the month as aforesaid, just previous to the expiration of the official term of two years of each commissioner, his successor shall be elected in the manner and time as aforesaid; and all subsequent elections under this act shall be conducted in each district by the commissioner thereof, or in case of his inability or refusal, by any other person detailed for that purpose by the board; and for their services at all such elections the commissioners and township clerk shall receive from the township the fees and allowances allowed by law to judges and clerks of election for like services, said elections to commence at three o'clock

in the afternoon and to terminate at sunset of the same day; and each commissioner and clerk shall certify the result of said election to the clerk of the county of Bergen, to be by him recorded; *provided*, that no person shall be deemed or held to be a duly qualified voter at any such election unless he has paid a road tax which has been assessed within one year previous to the election at which he offers to vote, and that no person shall be permitted to vote in more than one district beyond that in which he is a resident, and no person shall be permitted to vote who is not a resident of the township. Proviso.

4. *And be it enacted*, That in case of any vacancy occurring in the said public road board an election shall be called after two weeks' notice as aforesaid, to fill such vacancy, such elections shall be called and conducted by the same persons and in the same manner as the regular biennial elections are ordered to be conducted; and in case of any neglect or default to hold the first elections as provided by this act, it shall be held and considered that vacancies exist, and elections shall be called to fill the vacancies thus existing, and the elections shall be for the remainder of the unexpired term or terms; *provided*, that in case of the neglect or refusal of any of the parties to whom such duty is assigned by the previous section to call and conduct any such election ordered in this act, then it shall become the duty of the township clerk to call the same, and in such cases at each of said elections the qualified voters, present at the hour named for commencing said election, shall choose a qualified voter to act as judge, who shall have the same power to conduct the said election, and be entitled to receive the same compensation therefor, and whose duty it shall be to certify the result thereof, as though he were commissioner under this act. In case of vacancy how filled. Proviso.

5. *And be it enacted*, That the electors qualified as aforesaid, shall annually assemble on the same days of the month as are fixed for the biennial election of commissioners of the public road board, instead of the days now fixed by law, for the purpose of determining what amount shall be assessed and levied in their respective road districts for road purposes, and in addition to determining what amount may be necessary and proper as now for such purposes, may direct and order that any additional and special sum or sums or amount or amounts of money, may be assessed and levied, Electors to determine amount to be assessed for road purposes.

and specially applied to the repair and maintenance of any designated road or highway, or any part or parts thereof, and all money thus specially levied shall be assessed and collected in the same manner as that for general road purposes in the district, and the commissioner in the district shall apply such sum or sums to the purpose or purposes for which it or they have been ordered and directed, and to no other.

Certain words how construed.

6. *And be it enacted*, That wherever in the act to which this is a supplement, and in the various supplements thereto, the words "post office at Englewood" occur, it shall, for the purposes of this act be held to mean, "post office most convenient or nearest to the individual or the party so assessed," and that wherever the word "board" or the words "public road board" occurs in this act it shall be construed to mean the public road board of the township of Ridgefield.

Repealer.

7. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and they are hereby repealed; *provided*, that no proceeding begun or continued under the provisions of the act to which this is a supplement, or of the various supplements thereto concerning roads or highways entirely or partly in the township of Ridgefield, shall be held to be void, or to have lapsed, or be in any way impaired by the passage of this act, but shall be continued and completed by the public road board created by this act in the same manner as though the proceedings therein had been commenced and continued under its jurisdiction.

Proviso.

Road Board by what came to be known and of what to consist.

8. *And be it enacted*, That the name of the said public road board of the townships of Ridgefield, Englewood and Palisades shall hereafter be "The Public Road Board of the Townships of Englewood and Palisades," and said board shall hereafter consist of the six commissioners of said two townships last named, a majority of whom shall be a quorum, and by that name shall have in said two townships all the rights, powers, duties and obligations, now vested in and imposed upon them by law.

9 *And be it enacted*, That this act shall be deemed and held to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXCI.

A further supplement to the act approved March seventeenth, one thousand eight hundred and seventy, providing for a reform school for boys in the city of Newark, and entitled "A further supplement to the act entitled 'An act to revise and amend the charter of the city of Newark,' approved March eleventh, one thousand eight hundred and fifty-seven."

Reform School to be known as Newark City Home.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the reform school provided for in the act to which this is a supplement, and in a supplement to said act approved April fourth, eighteen hundred and seventy-three, shall be known as the Newark City Home.

Trustees by what name to be known, duties, &c.

2. *And be it enacted*, That the board of trustees provided for in said act, to which this is a supplement, shall be known as the Board of Trustees of the Newark City Home, and said board of trustees shall take charge of the general interests of said Newark City Home, see that its affairs are properly conducted and in accordance with the requirements of this act, and of so much of said act approved March seventeenth, one thousand eight hundred and seventy, and of said act approved April fourth, one thousand eight hundred and seventy-three, as is not repealed by this act, and the provisions of the approved by-laws of the said board, and that strict and wholesome discipline is maintained therein; provide employment and instruction for the inmates, and bind them out, discharge or remand them as herein provided; appoint a superintendent, steward, teacher or teachers, and such other officers as in their judgment the wants of said Newark City Home may require, and prescribe the duties of each; exercise a vigilant care and supervision over said Newark City Home, its officers and inmates; remove all such officers at pleasure, and appoint others in their stead, and determine the salaries to be paid to said officers, and the manner of

payment; and said board shall, in addition to the power to make by-laws and regulations for their government, (conferred upon them in section three of said act to which this is a supplement,) have authority to alter and amend such by-laws and regulations, from time to time, as to them shall seem best.

Girls as well as boys to be admitted, and to be instructed, &c.

3. *And be it enacted*, That girls, as well as boys, may be committed to said Newark City Home, as hereinafter mentioned; and said board of trustees shall cause the boys and girls in said Newark City Home, to be instructed in piety and morality, and in such branches of useful knowledge as are adapted to their age and capacity, and in some regular course of labor, either mechanical, manufacturing, agricultural, or a combination of these, as is best suited to their age, strength, disposition and capacity, and in such other arts or trades as may seem best adapted to secure the reformation, amendment and future benefit of said boys and girls; said board of trustees may bind out boys and girls committed to said Newark City Home, as apprentices, or servants; the boys until they become twenty-one years of age, and the girls until they reach the age of eighteen years, or for any less time, stipulating in the indenture, for the needful amount of school advantages, and from time to time, as the rightful guardian of said boys and girls, ascertaining whether the duties and obligations of the master or mistress, to whom said boys or girls are indentured are faithfully performed, and if not, applying the proper remedy by canceling said indenture, or taking such steps as the circumstances of the case may require; in binding out boys and girls, said board of trustees shall have scrupulous regard to the religious and moral character of those to whom they are to be bound, that they may secure to said boys and girls the benefit of a good example, proper instruction, and the sure means of improvement in virtue and knowledge, and thus the opportunity of becoming moral, intelligent, industrious, and useful citizens.

May be bound out by board of trustees.

Trustees to have regard to character of those to whom children are to be bound.

One of board to visit house once every fortnight.

4. *And be it enacted*, That one or more of said board of trustees shall visit the said Newark City Home, at least once in every fortnight, and examine the boys and girls therein in the school room, and at their several kinds of labor, and inspect the register, and investigate the general condition of the said home; and once in every three months, said board of trustees, or not less than a majority thereof, shall visit

said home and thoroughly examine and inspect it in all its departments, and a report of such examination and inspection shall be made and signed by the trustees making the same, which report shall be filed and preserved among the papers and records of said board of trustees; a record of all of said visits shall be kept in the books of the superintendent of said home; said board of trustees shall prepare an annual report of the condition and assets of said Newark City Home up to the first day of January, in each and every year, which, with a full report of the superintendent, and a list of the salaried officers and their salaries, they shall present to the common council of said city of Newark, at their first regular meeting in the month of February, of each and every year.

Boy committed to be kept until he arrives at age of twenty-one girl eighteen.

5. *And be it enacted*, That every boy and girl committed to said Newark City Home may be there kept, disciplined, instructed, employed and governed under the direction of said board of trustees until, in case it be a boy, he arrives at the age of twenty-one years, or until, in case it be a girl, she reaches the age of eighteen years, unless he or she is bound out, or discharged as reformed or otherwise legally discharged; *provided always*, that said trustees may, in their discretion, release or discharge any boy or girl from said home, at any time, or may deliver to a magistrate any boy or girl in said home who may prove incorrigible, or whose presence shall be manifestly dangerous and detrimental to the morals of said home, to be dealt with according to law.

Proviso.

Proceedings when boy or girl arrested as a vagrant.

6. *And be it enacted*, That when a boy or girl, resident in the city of Newark, and under the age of eighteen years, is brought by a constable, policeman or police officer, or other person in said city, before any special police justice appointed by the common council of said city, to hold his court in any police precinct in said city, upon complaint that said boy or girl is a vagrant, or habitually idle, or indecent and grossly immoral, or cannot be controlled by his or her parent or parents, or guardian, and it is the opinion of said special police justice that said boy or girl is a fit and proper subject for the discipline of said Newark City Home, the said special police justice shall enter a decree to that effect upon his court record, and shall on written consent therefor being given by the said board of trustees of said Newark City Home, issue a summons to the father of said boy or girl, if he is living and resident in said city of New-

ark, and if not, then to the mother of said boy or girl if she be living and so resident; and if there is no father or mother of said boy or girl so resident, then to the lawful guardian of said boy or girl, if any there be, so resident, or if there be no lawful guardian so resident, to the person with whom said boy or girl claims to reside, or to the person with whom such testimony as may be taken in the matter shall show that he or she resides in said city, or if there is no person within said city with whom such boy or girl statedly resides then to some suitable person resident in said city (whom the said special police justice shall appoint to act in behalf of said boy or girl), requiring him or her in said summons to appear before said special police justice at a time and place stated therein, to show cause, if any there be, why said boy or girl shall not be committed to said Newark City Home; and the said special police justice shall also cause a written notice of the pendency of said complaint to be given to the mayor or acting mayor of said city of Newark.

Justice empowered to examine boy or girl arrested.

7. *And be it enacted*, That at the time mentioned in said summons, the said special police justice shall (unless the circumstances of the case in his judgment call for an adjournment, which he is hereby authorized to make) proceed to examine the boy or girl, and any party appearing in answer to the summons, and to hear such testimony bearing upon the case as may be produced; and if the complaint is sustained, and it appears to said special police justice that said boy or girl is a fit subject for the discipline of said Newark City Home, and that his or her moral welfare, and the good of society, require that he or she should be sent thereto, said special police justice shall commit said boy or girl to said Newark City Home, by warrant, in substance as follows:

If complaint sustained girl or boy to be committed.

Form of warrant.

State of New Jersey, }
——— County, } ss:

To (A. B.) one of the constables (or police officers) of the city of Newark, in the county of ———, and State of New Jersey:

You are hereby commanded to take charge of (C. D.,) a boy or girl, under the age of eighteen years, to wit, of the age of ———, as near as can be ascertained, who, at the time of his or her arrest, resided at ———, in said city of Newark, and who has been proved to me to be a fit subject for the discipline, care and instruction of the New-

ark City Home, and deliver said (C. D.,) without delay, to the superintendent of said Newark City Home, or other person in charge thereof, at the place where the same is established; and for so doing this shall be your sufficient warrant.

Given under my hand and seal at Newark, in said county, this ——— day of ———, and so forth.

[L. s.] (J. M.,
Special Police Justice.)

But no variance from said form shall be deemed material if it sufficiently appear, upon the face of said warrant, that the boy or girl is committed by said special police justice, in the exercise of the powers given by this act; the said special police justice shall certify in the said warrant, the place in which the boy or girl resided at the time of his or her arrest, also the age of said boy or girl, as near as the same can be ascertained, and such certificate shall for the purposes of this act, be conclusive evidence of the residence and age of said boy or girl; the said special police justice shall also transmit to the superintendent of said Newark City Home, with said warrant, by the officer serving it, a statement of the substance of the complaint, together with such other particulars concerning said boy or girl as the said special police justice may deem necessary; and every member of the police of said city of Newark, or constable of said city, shall have full power and authority in executing any warrant issued to him, or placed in his hands, in pursuance of this act, to take and convey any boy or girl placed in his charge, under said warrant, for delivery to the superintendent or other person in charge of said home, into or through any county other than the county in which said city of Newark is or may be included, to the place where the said Newark City Home may be located.

Variance from form not deemed material.

Justice to transmit with warrant a statement of complaint.

8. *And be it enacted*, That said warrant shall be executed by a constable or member of the police of said city of Newark; any summons for appearance before a special police justice as aforesaid, shall be served by a constable or member of the police of said city, by delivering an attested copy of the same personally to the party to whom it is addressed, or by leaving it with some person, above the age of fourteen years, at the place of residence or business of such party; and said constable or member of police shall immedi-

Warrant to be executed by constable or member of police.

ately make return to the said special police justice of the time and manner of such execution or service.

If boy or girl arrested is not fit subject for Home, then justice to make other disposition.

9. *And be it enacted*, That if the special police justice before whom any boy or girl shall be brought as aforesaid, is of the opinion that said boy or girl, though guilty, is not a fit subject to be committed to said Newark City Home, then said special police justice shall make such other disposition of said boy or girl as the authority vested in him by law will permit under the circumstances of the case; and if in any case, on examination by a special police justice as aforesaid, it shall be proven that the boy or girl complained of has a father, or mother, or guardian, in some place other than said city of Newark, said special police justice may in his discretion, with the written consent of said board of trustees, commit said boy or girl to said Newark City Home, and send notice, by mail or otherwise, to said father, or mother, or guardian, or direct said boy or girl to be sent at once to said father, or mother, or guardian, being governed always by the distance said boy or girl would have to be sent, and by all the circumstances relating to each particular case.

Truant from public schools may be committed on complaint of superintendent.

10. *And be it enacted*, That on complaint being made, by the superintendent of public schools in and for said city of Newark, before any special police justice of said city appointed as aforesaid, that any scholar in any public school in said city is an habitual truant from school, said special police justice shall proceed the same as in other cases hereinbefore mentioned, and said scholar if the complaint be maintained shall be subject to commitment to said Newark City Home as hereinbefore provided.

Appeal may be had in case of boy or girl committed.

11. *And be it enacted*, That in the case of any boy or girl committed to said Newark City Home under this act, an appeal may be had to the court of oyer and terminer, or the court of general quarter sessions of the peace, in and for the county in which said city of Newark is or may be included, and said appeal shall be had, entered, tried and determined in a summary manner; *provided*, said appeal shall be taken within forty days from and after the commitment of said boy or girl to said Newark City Home.

Proviso.

Boy or girl committed liable for maintenance.

12. *And be it enacted*, That every boy and girl committed to the said Newark City Home shall be personally liable to the mayor and common council of the city of Newark for his or her maintenance at said home, and for all necessary expenses incurred in said home in his or her behalf; and the

parent, guardian or relative or other person bound by law to provide for and support said boy or girl, shall be liable for and pay to said the mayor and common council of the city of Newark the cost of such maintenance and all of said necessary expenses; and whenever the said trustees shall so direct, suit may be brought in any court having cognizance in the premises in the name of the mayor and common council of the city of Newark, against said parent, guardian, relative or other person, for the recovery of the cost of such maintenance, and of all of said necessary expenses, with the costs of suit; *provided*, that the said board of trustees may in their discretion remit such liability or any part thereof.

Trustees may receive boy or girl into Home at solicitation of parents, guardian, &c.

13. *And be it enacted*, That when the parent, or guardian, or any other person having the legal custody of any boy or girl, not less than eight years of age, in said city of Newark, may desire to place said boy or girl under the discipline of said Newark City Home, said board of trustees may, in their discretion, receive said boy or girl into said home, with or without the taking of the preliminary proceedings hereinbefore mentioned, for a period of time not less than six months, and extending only until said boy becomes twenty-one, or said girl eighteen years of age; in such cases said parent, or guardian, or other person having the legal custody of said boy or girl, shall be liable for, and shall pay to the mayor and common council of the city of Newark, such sum or sums of money for the care, maintenance and instruction of said boy or girl in said home, and at such time as the said board of trustees may determine or require; and any boy or girl received into said home, under the provisions of this section, shall be subject to all the discipline, rules and regulations of said home, and the said board of trustees shall have the same power, authority and control, in every respect, over said boy or girl, as is vested in them by this or any other act, in the case of any boy or girl committed to said home by the proceedings under complaint hereinbefore set forth.

Common council empowered to expend further sum of forty thousand dollars.

14. *And be it enacted*, That for the purpose of continuing and prosecuting the ends and objects provided for in said act to which this is a supplement, and in said supplement thereto, approved April fourth, one thousand eight hundred and seventy-three, and this act; it shall be lawful for the common council of said city of Newark to expend the furth-

er sum of forty thousand dollars; and to provide for the same the mayor and common council of said city of Newark are hereby authorized to issue bonds of the said city, under their corporate seal and the signature of the mayor, for an amount not exceeding forty thousand dollars, to be designated as "reform school bonds," bearing interest not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and payable at such time or times as may be agreed upon by the said common council, not exceeding twenty years from the date thereof, pledging the whole property of the city for the payment of the same, which said bonds the board of finance of said city may sell at public or private sale, for the best price that may be obtained; and the principal and interest of the debt hereby authorized, and the principal and interest of the debt of forty thousand dollars authorized by said act to which this is a supplement, (making eighty thousand dollars principal,) shall be provided for out of such monies as are now devoted by law to the sinking fund of the city of Newark, created by virtue of the act approved March sixteenth, one thousand eight hundred and fifty-nine, entitled "a further supplement to the act entitled 'an act to revise and amend the charter of the city of Newark,"' and commonly known as the sinking fund of one thousand eight hundred and fifty-nine.

And to issue bonds to provide for the same.

15. *And be it enacted*, That sections four, five, six, seven and eight of the said act to which this is a supplement, and all acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed, and that this act shall be deemed and taken to be a public act and shall take effect immediately.

Repealer.

Approved March 27, 1874.

CHAPTER CCCCXCII.

A supplement to the act entitled "An act for the improvement of the roads in the township of Montclair," approved April third, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for the township committee of said township of Montclair, in the county of Essex, to take any action upon any petition for the macadamizing, or other improvement, of any public road or roads, or any part or parts thereof, in pursuance of the first section of the act to which this act is a supplement, unless such petition shall be signed by the owner or owners more than three-fifths (the same being measured by lineal feet,) of the lands lying upon said road or roads or said part or parts thereof. When township committee not to take action on petition for improving roads, &c.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act shall be and the same are hereby repealed, and that this act is hereby declared to be a public act, and shall take effect immediately. Repealer.

Approved March 27, 1874.

CHAPTER CCCCXCIV.

An act to reorganize the Local Government of the township of West Hoboken.

BOUNDARIES.

Boundaries

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Hudson county, beginning at the intersection of Herman street and the Hackensack turnpike, following the center of the Hackensack turnpike, northerly to the intersection of the northerly line of Lossburg, thence westerly along said northerly line to the easterly line of Palisade avenue, thence northerly along the easterly line of Palisade avenue to the center of the Hackensack turnpike, thence westerly along said centre line to the center of the Bergenwood road, thence southwesterly along the centre of the Bergenwood road to a point where the same intersects Paterson avenue, and thence along the lines and in the several courses designated in section one of the act to divide the township of North Bergen, approved February twenty-eighth, one thousand eight hundred and sixty-one, to the point or place of beginning shall be called and known by the name of the township of West Hoboken, in the county of Hudson.

OFFICERS.

Officers of township.

2. *And be it enacted*, That the officers of the township shall consist of five township committeemen, a treasurer, a township clerk, one chief engineer of the fire department, one overseer of the poor, three school trustees, two surveyors of highways, one assessor, one collector of taxes and arrears of taxes, five constables, two poundkeepers, three commissioners of appeals, three judges of election, one chosen freeholder.

TIME, MANNER, AND PLACE OF ELECTION.

3. *And be it enacted*, That the annual town election shall be held on the second Tuesday in April in each year, and the said election shall be held at such place as the township committee shall designate, and the election shall be held and conducted by the judges of election in the same manner and at the same hours and under the same regulations in all things as prescribed by law for state elections for members of the legislature. Time, manner and place of holding annual town election.

OFFICERS' TERMS OF OFFICE.

4. *And be it enacted*, That the township committee, township clerk, overseer of the poor, assessor, collector of taxes and arrears of taxes, constables, poundkeepers, commissioners of appeals, judges of election, school trustees and surveyors of highways, shall be elected by the people at their annual spring election, and shall hold their office for the term of one year from the date of their election and until their successor or successors are inducted into office, except the township committee and school trustees, whose terms of office are to be as hereinafter provided for; *provided, however*, that if any vacancy shall occur in any township office except that of school trustee, the township committee shall have power to fill such vacancy by appointment until the next annual town election. Officers when elected and term of office. Proviso.

ELECTION OF THE TOWNSHIP COMMITTEE.

5. *And be it enacted*, That the township committeemen shall be elected for terms of two years, those in office at the passage of this act shall serve during the terms for which they were respectively elected; each member thereof shall receive the sum of two dollars for each session of the said committee attended by him, and also the sum of two dollars for each day actually employed in the business of the township by order of the township committee, and they shall, for the purpose of organization, meet at the town hall in said township on the third Wednesday in April of each year, and they shall thereupon elect from among their own number a chairman and treasurer; each member of the township com- Term of office of township committee. Compensation. Place of meeting.

New Jersey State Library

mittee before entering upon the discharge of the duties of his office shall file with the township clerk an oath or affirmation faithfully to discharge the same.

ELECTION OF SCHOOL TRUSTEES.

School Trustees how elected

6. *And be it enacted*, That the school trustees shall be elected at the same time and in the same manner as other township officers are elected and for the space of three years, and those in office at the passage of this act shall serve during the terms for which they were respectively elected.

OFFICERS TO GIVE BONDS.

What officers shall give bonds.

7. *And be it enacted*, That the township treasurer who shall be appointed by the township committee, and assessors of taxes, the collector of taxes, the township clerk, and such other officers the township committee may require, shall, before they enter on the duties of their office, give bonds to the township, in its corporate name, in such sum, and with such securities, as the township committee may approve, for the faithful performance of their duties.

POWER TO PASS ORDINANCES.

Township Committee empowered to pass, alter and repeal ordinances.

8. *And be it enacted*, That the township committee shall have power to pass, alter, and repeal ordinances, to take effect within said township, for the following purposes:

FINANCES AND PUBLIC BUILDINGS.

To manage, regulate and control the finances

For maintaining town hall, &c.

I. To manage, regulate, control and protect the finances and property of the township, and for the maintaining a town hall, school houses, and township lockup, and such other buildings as may be necessary for the objects of this charter.

POLICE.

To establish, regulate and control police.

II. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation;

such police force shall hold office during good behavior, and shall be removed only upon charges of dereliction of duty duly made and sworn by sworn testimony before said township committee, and may consist of five patrolmen and one superintendent of police; which said police shall have authority, and are hereby empowered to make arrests, with or without warrants, and convey the person so arrested to the police station for examination; the salary of the patrolmen not to exceed eight hundred dollars each, and that of the superintendent not to exceed one thousand dollars per annum; and the township committee is hereby authorized to order an assessment sufficient for this purpose; *provided*, that said police may be appointed for any specified time of less than one year, at the pleasure of the township committee. Proviso.

FIRE DEPARTMENT.

III. To establish, regulate and control a fire department, with power to exempt its members from militia duty in time of peace, and from serving as jurors in all courts, and the mode of their appointment and removal; to provide engine houses, fire engines and apparatus, and for the purpose of guarding against fires, and providing for the safety of firemen, to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engines, chimneys, ovens, flues, pipes, and all matters connected therewith, and the manufacture and keeping of gunpowder, fireworks and other dangerous and combustible articles, and to provide water for the extinguishment of fires; they shall also have power to raise annually, by tax, within said township, and appropriate to the use of the fire department thereof for the purchase of supplies necessary thereof, one thousand dollars; also to raise by tax, within said township, the sum of one thousand five hundred dollars, during the year one thousand eight hundred and seventy-four, to be appropriated solely to the erection of a suitable house or houses for the apparatus of the fire department of the said township. To establish, regulate and control a fire department.

ELECTION OF CHIEF ENGINEERS.

IV. To provide that the chief engineer of the fire department, and assistant engineer, be elected annually, on To provide for the election of

chief engineer. the first Monday in May, each year; the active firemen connected with the department shall alone be qualified as electors; the chief engineer and the assistant shall both be active firemen, connected with the department; the chief engineer to have sole control and supervision of the fire department and apparatus under such ordinances as the township committee shall from time to time adopt; that the exempt firemen, doing active duty, shall be considered active firemen.

GAS AND LAMPS.

To provide for the lighting of the public streets, avenues, &c. V. To provide for the lighting of the public streets and avenues with gas or oil, in such places as they in their judgment may think necessary, the payment and costs of the same to be included in the annual tax, and be a general tax upon the property of the township.

To provide for the taking of land for laying out and opening streets, &c. VI. To provide for the taking of land and the improvements thereon; for laying out and opening, altering, widening and extending the streets, roads and avenues, or any part thereof, in said township, and also to provide for filling up, grading and altering the grade of; refilling, macadamizing, guttering, curbing, bridging, planking, graveling, paving and repairing the same, and also for flagging or planking the sidewalk, and for repairing, filling, refilling and relaying the sidewalks, and for repairing and resetting the curb and gutters and bridge-stone and bridging, and to provide for the taking of land and the improvements thereon, for public drains and sewers, and for building the same.

PROCEEDINGS FOR IMPROVEMENT.

Streets may be opened and extended on application in writing. 9. *And be it enacted*, That on application in writing to the township committee, of any owners of land fronting on streets now open, the said streets may be extended and opened the entire length of said streets, as shown on the map laid out by the assessment map commissioners, unless the owners of a majority of the land fronting on the said street and its proposed extension object thereto, and the owners of land on any street part of which only is improved shall have the same voice in the matter of improving the unimproved part as the owners fronting immediately on the part improved; and in relation to other improvements, on

the application in writing to the said township committee by some of the owners of the lands fronting such improvements, the township committee shall immediately thereafter, by resolution, direct the township clerk to advertise the said application or petition for two weeks, once in each week, successively, in one or more newspapers published in Hudson county and circulating in said township, and to post copies of the said petition in five of the most public places in said township, designated by the township committee, for ten days; the clerk shall also publish and post as above, a notice, stating that objections in writing to the said proposed improvements may be filed with him, and of the time and place when and where the township committee will meet to consider such objections, which time shall not be less than ten days after the date of the first publication in said newspaper; said clerk shall also serve or cause to be served a like notice on the owners of property residing along the route of said proposed improvements by leaving such notice at such residence with any person thereon, at least five days previous to the meeting of said township committee; *provided* no assessment shall be set aside or affected by reason of the failure of the township clerk to serve said notice; at the expiration of said time designated for publishing and posting, the township clerk shall file in his office a copy of said petition and notice, with an affidavit annexed showing that the same has been published and posted as required by law; at any time after the expiration of the time named in said notice the township committee may forthwith proceed to pass an ordinance for said improvement, unless the owners of a majority of the property along the route of the proposed improvement object thereto, in which case all costs and expenses incurred by the township committee in such proceedings shall be repaid to the township by the petitioners for such improvements; and the township committee may make such regulations touching the receiving any petitions and the proceedings thereon, and security for the expenses thereof, as they may deem proper; the ordinance may be introduced and passed at the same meeting, and it shall be valid if it describes in general language the improvements authorized by the township committee, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the township clerk shall publish and post a printed copy of said ordi-

Petition or application to be advertised.

Clerk to publish notice that objections may be filed with him, also to serve copy of the same on owners of property.

Proviso.

After expiration of time named in notice township committee may pass ordinance for said improvement, unless majority of owners interested object.

Ordinance may be introduced, read and passed at one and same meeting.

nance in the same manner and for the same time he is required to publish and post the petition for the improvement described therein, and in like manner at the expiration of the time designated for publishing and posting said ordinance, shall file in his office a copy of said ordinance, with an affidavit annexed thereto showing that the same has been duly published and posted.

CONTRACTS.

After passage of ordinance proposals to be advertised for.

10. *And be it enacted*, That at any time after the passage of said ordinance, the township committee may direct the township clerk to advertise for proposals for said improvements in one or more newspapers, to be designated by the township committee, and the township committee may, at any time after the expiration of the time for publishing and posting said ordinances, enter into a contract with any person or persons to furnish the work and materials for said improvement, with such other agreements and covenants therein as shall be approved by the township committee; but the township committee shall be under no obligation to accept the lowest bid, and may reject all bids if they deem it best for the interest of the township; and in case of rejecting all proposals received, they shall again advertise for proposals, and proceed in all things as if no proposals had been offered; the township committee shall require the party or parties who enter into the contract, to give a bond, with ample freehold security, for the due performance thereof.

Not bound to accept lowest bid.

Parties entering into contract to give bond.

INSPECTOR.

Township Committee may appoint inspector upon written application

11. *And be it enacted*, That the township committee, upon the written application of the owners of a majority of the lands to be assessed therefor, may appoint an inspector over the work to be done and the materials to be furnished in the making of such improvement, and include in the assessment therefor, the amount paid to such inspector for his services as such not exceeding four dollars per day.

NOTICE TO OWNERS.

Before work on any street

12. *And be it enacted*, That before the township committee accept any work on any street improvement, or the clerk

issue any final certificate, they shall notify the property owners to bring in writing any objections they may have; the clerk to publish notices at least ten days before the meeting, in the manner hereinbefore provided for; if the objections are found worthy of consideration, then the township committee shall appoint a committee of two of their board to examine such work, and report thereon to said township committee before the acceptance of the said work by them, and the decision thereof by the town committee shall be final and binding on the owners and contractor.

shall be accepted, owners to be notified to bring in their objections.

ASSESSMENTS.

13. *And be it enacted*, That after the completion of said improvement, all the costs and expenses thereof shall be determined and assessed by three commissioners on all the lands and real estate fronting thereon, except the intersections which shall be assessed in the adjoining or intersecting streets, roads or avenues, to the extent of half a block on each side of said streets or avenues, and except the cost of land and improvements thereon, taken for opening streets, which shall be assessed on all lands benefited thereby on the line of the street; but such assessments shall not extend to lands and real estate situated more than half a block on intersecting streets, on each or either side of said intersecting streets, roads or avenues, in proportion to the benefit received by said lands or real estate, and except for drains and sewers, which shall be assessed by the said commissioners, as hereinafter provided.

Costs and expenses of improvement to be determined and assessed by commissioners.

ASSESSMENTS OF CORNER LOTS.

14. *And be it enacted*, That a corner lot of land running one hundred feet or less sideways on a street, be assessed both for street grading and improvement of intersections at six-tenths of its lineal measurement, and the remaining four-tenths be assessed on all lots or lands to the centre of the block on said street, and also on the cross or intersecting streets, and for flagging, curbing and guttering, to pay full measurement as other lots.

Corner lots how assessed.

ASSESSING GORE AND SHORT LOTS.

15. *And be it enacted*, That irregular lots or parcels of lands, which have less than fifty feet in depth, and fronting

Irregular lots how assessed.

on a street under improvement at the time of the passage of the ordinance for said improvement, shall be assessed only for the benefit received, and the balance shall be assessed upon all the lands benefited thereby.

COMMISSIONERS OF ASSESSMENT.

Commissioners how appointed.

16. *And be it enacted*, The commissioners shall be appointed by resolution or ordinance of said township committee, as soon as possible after the letting of contract for said work; they shall, before they enter upon the performance of their duty file with the township clerk, an affidavit which they may take before said clerk, he being hereby given the same power to administer oaths and affirmations to said commissioners as is now possessed by justices of the peace; in said affidavit they shall swear that they are not interested in said improvement, and do not own any property along the line thereof, that they are freeholders resident in said township, and that they will execute faithfully the duties of their office; after taking said oath the said commissioners may proceed immediately to execute the duties of their office, and they shall examine into the whole matter and shall determine and report in writing to the township committee, what real estate fronting upon said improvement ought to be assessed, and what proportion of the expense thereof shall be assessed to each separate parcel or lot of land; and they shall accompany such report with a map containing each lot assessed and the names of owners thereof as far as the same are known to the said commissioners, but no assessment shall be deemed effective by reason of any mistake in the names of said owners or omitting said names or any of them; this report and map shall be filed in the office of the township clerk, and thereafter the said clerk shall publish and post a notice in the same way and manner and for the same time, as he published and posted the petition for said improvement; stating that the map and report of the commissioners have been filed in his office, and that the township committee will consider any objections to said assessment presented in writing, on or before a day named in said notice to be fixed by said township committee, which day shall be at least ten days after the first publication, on which day the township committee will meet to consider such objections; in case the objections to the assessment

To take oath and proceed immediately to execute duties of their office.

To make report in writing and accompany the same with map.

Report and map to be filed.

are not sustained by them the township committee may confirm such assessment, or if they refuse to confirm the same, they may return it to the said commissioners for such amendment as may to the commissioners seem necessary, and the township committee may thereafter without any notice to any person confirm said assessment, and upon said confirmation said assessment shall constitute a lien on the property assessed for the amount of such assessment, and shall be collected under and by virtue of an ordinance or ordinances made by said township committee for that purpose; and if the person assessed neglect to pay to the township treasurer the amount of their respective assessment within thirty days from the passage of the ordinance to collect the same, the said township committee may proceed to enforce the lien created in the manner prescribed in this act.

Assessment if confirmed to be lien on property

INTEREST ON ASSESSMENTS.

17. *And be it enacted*, That whenever within the said township any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the township committee, it shall be lawful for the township committee to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per centum per annum from and after the expiration of thirty days from the time of confirmation of such assessment until the same is paid, no other notice than required by this act need be given to any person interested in any improvement or assessment thereof: the minutes of the township committee and all papers filed in the township clerk's office, or certified copies thereof shall be evidence in all courts and places that the statements therein set forth are true, and that everything therein to have been done has been done and performed as therein stated; *provided*, that if any person or persons whose property shall be liable to any such assessments shall pay the same, or any part thereof, to the township treasurer at any time before the expiration of thirty days from the confirmation thereof, it shall be lawful for the said treasurer to allow and deduct from the amount of assessment so paid, interest thereon, to be computed at the rate of seven per

If assessment not paid in 30 days, township committee to charge interest.

Proviso.

centum per annum from the time of such payment until the expiration of the said thirty days.

SEWERS.

Township committee may take lands for sewerage purposes.

18. *And be it enacted*, That the township committee shall have power to take any lands for sewerage purposes when any owner of land to be benefited thereby and assessable therefor shall petition for the same, and the assessments for the costs thereof shall be laid upon all lands benefited thereby; the proceedings before passing the ordinance therefor shall be the same as in case of street improvements, provided for in section nine of this act; the ordinances may be passed unless the owners having a majority of the estimated costs to pay object thereto, for which purpose the township committee shall cause a map to be made of all the lands proposed to be assessed for the taking of said land with the estimated costs and assessment to each lot of land shown thereon, and have said map placed conspicuously in the town hall before the first day of advertising for objections for said taking of lands; the land when taken to be paid for as provided in section twenty-five of this act; after the lands are so taken the township committee may, upon application of any of the owners designated in the foregoing part of this section, pass an ordinance and proceed to construct sewers or drains on any part of the land so taken, unless the owners of the lands having a majority of the estimated costs to pay object thereto, for which purpose the township committee shall cause a like map to be made as above named, for the taking of land, the work to be done by contract as provided in case of street improvements in section ten of this act; the assessment for taking land and constructing sewers shall be a lien on all lands assessed therefor, and collectable in the same manner and by the same proceedings as are prescribed under this act.

Assessment for sewers how made.

19. *And be it enacted*, That in the assessment for sewers the commissioners shall assess as follows: for all main sewer or sewers larger than the ordinary lateral sewers, so much shall be assessed upon the frontage of the street whenever the same is laid as would in the judgment of said commissioners be incurred in constructing an ordinary lateral sewer in said street, and the rest of the expense of constructing such main or large sewer shall be assessed according to frontage on

said street, and on all the streets from which smaller or lateral sewers will empty or from which surface water will flow into it, but a corner lot running one hundred feet or less sideways on a street, shall be assessed as only six-tenths of its lineal measurement for frontage for any sewer laid in the street in front thereof, and also for the expenses for constructing the main or large sewer.

Certain map legalized, ratified and confirmed.

20. *And be it enacted*, That the map made by the commissioners for assessment purposes and for establishing the boundaries of all streets and public alleys and for the laying out of all necessary streets, roads and avenues in the township of West Hoboken in pursuance of article eight of section eight of the supplement to an act entitled an act to divide the township of North Bergen, in the county of Hudson, passed February twenty-eighth, eighteen hundred and sixty-one, which supplement was passed April sixth, eighteen hundred and seventy-one, and which map was approved by the township committee and placed on file in the office of the township clerk by an ordinance passed January twenty-fifth, eighteen hundred and seventy-three, be and the same is hereby legalized, ratified and confirmed as the legal and official map of the township; and that hereafter all streets and avenues when laid out and opened shall conform to said map and it shall not be necessary to file in the office of the county clerk any copy of the grade and sewer map or maps for said streets, roads or avenues, but the said map or maps when completed shall be filed in the office of the township clerk only, owners of property adjoining the lines of the streets so graded shall have an opportunity to be heard in relation thereto before the said commissioners and township committee. After careful examination the township committee may pass an ordinance adopting said grade map or maps, and thereafter the grades so established shall be the legal grades of all the streets notwithstanding any other grades that may have been previously adopted, *provided*, that the grade of any street already improved shall not be therein changed or altered, but said streets as now graded shall be the legal grade thereof.

Avenues and streets hereafter laid out to conform to said map.

Township committee may pass ordinance adopting grade map, &c.

OWNERS OF LAND TO OPEN STREETS.

Owners of may lay out or improve

21. *And be it enacted*, That the township committee may permit any owners of real estate to lay out, make, and other-

streets through their own land.

wise improve streets, roads, or avenues through their land in the said township at their own charge and expense when streets have not before been laid out, the owners, however, complying with and observing such grades of streets and widths of said sidewalks and streets as established by the grade map, and which may be approved by the township committee, the work to be done under the supervision of one of the township surveyors; and when the surveyor shall report that the street is done and ready for acceptance, the committee shall examine the street, and if correct accept the same for public use by ordinance.

HILL SIDE ROADS.

Township committee may construct side hill roads, &c.

For which purpose commissioners shall be appointed.

22. *And be it enacted*, That the township committee shall have power to construct side hill road or roads on the eastern slope of the Palisades in such places as they deem best, for which purpose they shall appoint three commissioners who shall be responsible freeholders resident in the township; said commissioners shall file an affidavit with the township clerk the same as is filed with said clerk for street improvements; the township committee shall appoint one township surveyor to make a survey of the road or roads, which map shall be filed with commissioners, and they shall proceed to estimate the cost of land and construction together with all incidental expenses, and make a statement of the said costs and expenses together with preliminary assessment map, showing each lot or parcel of land, and the amount assessed upon said lot or parcel of land in such assessment shall be made according to the benefits received; after the filing of said map in the township clerk's office, the township clerk shall advertise the said map and statement for one month for objections, and if a majority of the estimated cost shall not object thereto the township committee may pass an ordinance for said improvement, said ordinance may be introduced and passed at the same meeting, and merely state the general features of the improvement; and the township clerk shall publish and post the same as other ordinances for street improvement at any time after the expiration for the time for publishing and posting; the township committee may enter into a contract with any one for furnishing the material and work for the road, the proceedceeding touching the receiving of proposals shall be the same

After the filing of assessment map township clerk shall advertise the same.

in all respects as for street improvements; the township committee shall have power to issue street improvement certificates, payable in one year for the work and materials; the township committee are hereby empowered to issue township bonds for the payment of the costs for said road; *provided*, said bonds shall not run for a longer term than ten years; the assessments for the costs of said road shall be collected in installments, to be collected annually by the collector of taxes, and the assessor shall make a separate item in his tax roll for said assessment. Proviso.

SEWERS CONNECTING WITH OTHER TOWNSHIPS.

23. *And be it enacted*, That whenever it shall be deemed necessary to lay any drain or sewer along or across other townships or cities to connect with the township of West Hoboken, then it may be lawful for the township committee to appoint a committee of their body to meet a similar committee appointed by the corporate bodies of such other townships or cities to devise a plan or specification for such work, and upon the approval of the same by said corporate bodies interested, they shall severally have power, and are hereby authorized to appoint two commissioners from each township or city to advertise and receive bids for such work, stating the whole cost or total amount for the completion of such work in full, notwithstanding any error in the surveyors' estimated quantities of material, or labor to be performed, the said commissioners shall have power to enter upon and survey, and take lands necessary for such purposes, and determine the damages and awards for the same, they shall make an assessment map showing all the lands assessed therefor, and the amount assessed to each piece or parcel of land, with such other information as they may deem necessary, a copy of which shall be filed in the township or city clerk's office of each township or city, for at least ten days, and a notice published in the official paper of each township or city, one insertion each week for two weeks, stating that the commissioners will meet to hear objections on a certain day named in such notice, said time being after the ten days' filing of said maps; the commissioners, after hearing such objections, shall review their assessment, and if they shall deem it just to alter the same, they shall make such alterations, and upon their completion Sewers connecting with other townships by whom and how laid out.

they may confirm the same and place on file in the several clerks' offices, a copy subscribed and sworn to, and such assessment shall be a lien on all the lands so assessed, and the amounts to be collected in each township or city shall be assumed by such township or city, and collected by the proper officials of the different townships or cities, in the same manner and under the same penalties as if the assessment were made by such township or city; the work shall be performed and completed under the direction of the commissioners chosen as above, the power that appointed them having power to fill vacancies that may arise; they shall have power to choose a surveyor to lay out and superintend the work, and to fix his compensation, and may charge for their own services a sum not exceeding fifty dollars each, all of which shall be charged in the assessment map; they shall also, on the sworn certificate of the surveyor, of the completion of any portion of the work named in the contract, apportion the amount to the several townships or cities, and draw warrants for the contractor on such township or cities therefor, who shall thereupon pay over to such person or persons the amount of the warrants so drawn; the contract for such work is not to be begun or entered into by those commissioners before the confirmation of the assessment map; the said commissioners shall, before they enter upon their duties, subscribe to an oath that they are not in any way directly interested in such drain or sewer, or in the lands or streets through which they pass, or in the bids, contracts, or awards for the same; but that they will make a just and equitable assessment and award for the same on such lands as are benefited thereby; the majority of the commissioners shall decide all questions arising under this commission, and in case of a tie the joint commission shall have power to request some suitable person from some township or city, not interested in the improvement, to meet with said commissioners, and such person shall constitute one of the board for making such assessment.

Surveyor may be appointed to survey and superintend work, &c.

Contract for work not to be begun until assessment map is confirmed.

STAIRS.

Township committee empowered to take and for

24. *And be it enacted*, That the township committee shall have power to take land for one or more stairs on the hillside east of Palisade avenue, and to build stairs of iron or

wood or other material thereon, the assessment shall be laid upon all lands benefited thereby, the township committee may pass an ordinance and proceed for this purpose by appointing three commissioners therefor, who shall be duly sworn and whose awards when confirmed by the township committee, shall be final; the property owner shall have an opportunity to object to the award before its confirmation; before taking possession thereof, payment shall be made or tendered as provided in section twenty-five of this act, and after paying for the same they may proceed to construct such stairs by contract as provided for in case of street improvements in section ten of this act, and the assessment for taking land and constructing stairs shall be a lien on all lands assessed therefor, and collected in the same manner and by the same proceedings as are provided for street improvements under this act; the assessment shall include any loss on the sale of the bonds and all accrued interest thereon.

stairs, &c.

Before taking possession payment must be made or tendered.

BONDS.

25. *And be it enacted*, That when lands are taken for sewerage purposes or for laying out, opening and extending of streets, as provided in this act, the township committee may issue and sell at their discretion, but at not less than ninety-three cents on the dollar, coupon bonds, bearing interest at seven per centum and payable in not exceeding ten years from date of issue, in order to make payment for the lands and improvements so taken, and the loss on the sale of said lands shall be added in the assessment for costs, and upon the confirming the award for the value of lands taken and the damages thereby, the township treasurer shall tender and pay to the owners of the said lands, if resident in the township, the amount of said award due to him, but if such owner is not resident in the township, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if for any other lawful cause he is incapacitated to receive the same, or if any such owner will not accept the same, and sign a proper receipt therefor, when tendered, then the treasurer shall make affidavit of such facts and file the same with the township clerk, and the said township committee shall, after inquiring into the facts of the case direct the

When lands are taken for certain purposes, township committee may issue bonds, &c.

amount of such award to be placed in some safe bank for the use of the person to whom the same may be due, and upon filing such receipt of the owner, or the passing of such resolution by the township committee, the said lands shall be vested in the township and the township officers may proceed with said improvement, and the said money so deposited shall be paid by the township to the person entitled thereto on demand without interest, except from such time as the demand may be made and payment refused.

IMPROVEMENT CERTIFICATES.

May issue improvement certificates payable in one year.

26. *And be it enacted*, That the township committee shal have power to issue improvement certificates payable with in one year or less, with interest to the amount of seventy per centum of the work done on any street improvement, when certified as correct by the surveyor; and when the contract is fully completed and the work accepted by the township committee, they may issue a certificate for an additional twenty per centum of said work done; and in ninety days after the date of that certificate they may issue a final certificate for the balance due, unless some errors or defects in the work shall have appeared, in which case the certificate shall be withheld until the defects or errors are rectified to the satisfaction of the township committee.

ISSUING BONDS FOR REDEMPTION OF CERTIFICATES AND BONDS.

When certificate becomes due before assessment, township committee may issue bonds.

27. *And be it enacted*, That in case any certificate heretofore or hereafter given for work on any street shall become due before the assessment for said street improvement is collected, the township committee shall have power to issue coupon bonds, payable in not exceeding five years for the redemption of said certificate; and also for the paying of interest and redemption of said certificates, and also for the paying of interest and redemption of said bonds, which may at any time be unprovided for, said bonds to be redeemable at the pleasure of the township committee, by publishing sixty days' notice when and where such bonds shall be redeemed, and all interest thereon shall cease after the date named in said notice.

EXCESSIVE ASSESSMENTS.

28. *And be it enacted*, That no lot of land shall be assessed for any improvement of any street for a larger amount than said lot has been benefited by said improvement, and when the owner thereof shall prove to the satisfaction of the township committee that his lot, after said improvement, is not worth the cost of the assessment, in addition to the assessor's valuation of said lot as made last previous to the commencement of said improvement, the township committee may, by a unanimous vote, reduce said assessment to said owner to the extent of its actual benefit to said lot, and the balance shall be added to the taxes of the next year, and the assessor shall add the same to his annual tax assessment. Lot not to be assessed for larger amount than said lot has been benefited.

29. *And be it enacted*, That commissioners appointed by the township committee for making assessments for all street improvements, and for all other assessment purposes, shall receive for their services a sum fixed by the township committee, but not to exceed five dollars per day. Compensation of commissioners

CERTIORARI.

30. *And be it enacted*, That in cases in which persons shall bring writs of certiorari to remove the proceedings of the township committee, it shall be lawful for the township clerk to charge and receive from the parties bringing certiorari, at the rate of ten cents per folio for the necessary return thereto, and said parties bringing such certiorari shall pay said sum to said clerk before the return day of such certiorari, and in defalt thereof, the court shall dismiss said certiorari; no costs shall be allowed the prosecution in certiorari on setting aside any ordinance, assessment or proceeding of said township committee; that no ordinance, or assessment, or proceeding of the township committee of said township shall be set aside on certiorari by reason of the return of said certiorari failing to show that the requirements of this act have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said township may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons; and the township committee may take proof with reference to said facts, and if the same are established Charges for bringing certiorari to be paid to the township clerk.

to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceeding in question the same as if such facts had properly appeared in the minutes, records and proceedings of said township committee.

NEW ASSESSMENT.

When assessment set aside township committee may appoint new commissioners.

31. *And be it enacted*, That whenever any assessment is set aside the said township committee may appoint new commissioners to make a new assessment, and if it shall appear by the judgment of the court that the assessment heretofore made, or any part thereof was illegal and uncollectable from the property owners, and that a portion should be assessed on the township at large, then in that case there shall be five commissioners chosen, two by the township committee and two by property owners interested; the property owners shall be notified by the township clerk to meet for that purpose at such time and place as may be designated by the township committee, which notice shall be published in the official paper of said township and on the township bulletin for at least two weeks previous to said meeting, and in default of said choice the town committee to have power to appoint said two commissioners and the four commissioners to choose the fifth, who shall examine into all details of the matter and proceed and make an assessment which shall be equitable to the property owners and the township, and report thereon to the township committee, which if the township committee approve they may confirm, or if they disapprove they may return to the commissioners for their reconsideration; after such reconsideration the commissioners shall bring in their report and file with the township clerk; and the township committee shall confirm the same, and the amount assessed against the township shall be collected as otherwise provided for in this act; said commissioners shall before they enter upon their duties subscribe to an oath to make an assessment that shall be just and equitable to the property owners and the township at large, that no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said township after the contract thereof shall have been awarded by the township committee of said township; and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said township after thirty days shall

Commissioners to be sworn.

Certiorari not to be allowed after 30 days.

have elapsed from the date of the confirmation of said assessment by the township committee of said township; that in case any assessment for any improvement is set aside on certiorari after a portion of the said assessment has been collected by the corporate authorities of said township, that in that case all sums of money so collected shall be refunded and paid to the then owners of lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari, the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

INJUNCTION.

When injunction served, township committee to proceed with improvements not included in injunction.

32. *And be it enacted*, That in case of any injunction, certiorari, or other legal proceedings being served on the township committee during the progress of any improvement contemplated in this act, the township committee may proceed with all other portions of said improvement which are not included in the said injunction, certiorari, or other legal proceedings, and on the completion thereof the commissioners of assessment may assess that portion of the property which may have been improved for its fair proportion of the costs and expenses of the said improvement, and the township committee shall cause the assessment so made to be collected as though the improvement had been completed, and when the balance of the improvement so included in the injunction, certiorari, or other legal proceedings shall be completed, the assessment therefor shall be made and collected by the usual proceedings under street improvements as a separate assessment.

ROADS.

Township committee empowered to raise certain sum as road tax.

33. *And be it enacted*, That the township committee shall have power to raise an amount not exceeding three thousand dollars annually as road tax, and shall authorize the assessor and collector to assess and collect such sums as they may direct, at the time and in the same manner as other taxes are assessed and collected; that all repairs to

the carriage ways of any street, road or avenues in said township, in any part thereof, which said township committee shall consider necessary, then and in that case the township committee shall cause the said repairs to be made by contract or otherwise, and the costs and expenses of such repairs shall be paid by the township committee upon their approval of the same, out of the road tax; that all repairs to sidewalks, curb and gutters shall be made by the owners of the land in front of which such repairs are necessary, upon written notice by the township committee, and if the said owner or owners shall be non-resident, it shall be sufficient for the township committee to post said notice upon or near said lot or lots in front of which the sidewalks and curb and gutter may be required to be repaired or relaid, and if the same be not repaired within fifteen days from the date of serving or posting said notice as aforesaid, then it shall be lawful for the township committee and they are hereby authorized and empowered to cause the same to be made, and the costs and expenses of such repairing or relaying as aforesaid shall be assessed by said township committee upon the lands directly in front of which said repairs shall have been made, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessments and improvements.

To cause repairs to carriage ways, roads &c., to be made.

34. *And be it enacted*, That all taxes and all assessments which shall hereafter be levied, assessed, or made upon any lands, tenements, or real estate, situate in the said township of West Hoboken, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof; and if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the township committee to cause such lands, tenements, or real estate to be sold at public auction, for the shortest term for which any person will agree to take the same, and pay such tax or assessment or the balance thereof remaining unpaid, with the interest thereon, and all costs and charges and expenses, and to execute under the common seal of said township a declaration of such sale, to be signed by the chairman of the township committee and the township clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators, or assigns, shall by virtue thereof law-

Taxes and assessments to be a lien until paid.

fully hold and enjoy said lands, tenements, or real estate, for his or 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 township committee shall first have caused said sale to be advertised for at least two months, once in each week, in at least one public newspaper generally circulated in said township, and also by advertisement put up in at least five public places in said township, which shall be designated by the township committee, which advertisement shall describe the said lands, tenements, or real estate, and specify the amount of the assessment or tax, and the recitals in such declaration and sale shall be evidence of the assessment, advertising and sales; *and provided also*, that the lands, tenements, or real estate so sold, may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other person for or in behalf of the owner, mortgagee, or claimant of such lands, tenements, or real estate at any time within three years after the sale, for either taxes or assessments or for both, by paying to the treasurer of the township for the use of the said purchaser the purchase money, together with any other sum paid for tax and assessment, 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 fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the township, stating the payment and showing what lands, tenements, or real estate such payment is intended to redeem, shall be evidence of such redemption, 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 such sale, unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the said township of West Hoboken, then such notice shall be deposited in the post office nearest to said township, directed to him at his last known place of residence, (or at the post office nearest thereto,) but nothing therein contained shall be so construed as to impair the lien created by such tax, assessment or sale; *and provided*, the said term of time for which any lands, tenements, or real

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estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him have a right of possession to said lands, tenements or real estate, until the three years limited for the redemption of the same shall have expired, and the said purchaser or those claiming under him shall, at the expiration of the time limited 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;

Proviso. *provided also*, that the said sale may be adjourned or postponed from time to time, or suspended, as the township com-

Proviso. mittee may direct; *and provided*, that if at any sale of lands, tenements or real estate for assessments or taxes, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall be lawful for the township committee to adjourn the said sale not less than thirty days, nor more than sixty days, twenty days' notice at least shall be given as aforesaid of the said adjourned sale, and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said township to purchase the said lands, tenements or real estate, for the benefit of the township, subject to the same redemption as hereinbe-

Proviso. fore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements, or real estate as aforesaid, together with such 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 the precedence over all other liens on said lands, tenements, or real estate, and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of the said lands, and on sale of said lands or any such foreclosure, judgment shall be paid out

Proviso. of the proceeds of the sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the township clerk's office, which record shall contain the time when such assessment and taxes were laid, and 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 township clerk to record in a book called "record of sales," all declarations of sale, and to give certificates of search in

relation to liens to any person or persons applying for the same, and to cancel such declaration when the property for which they were given shall be redeemed on a certificate of the township treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the said clerk's office; the clerk and treasurer are hereby authorized to charge and collect a sum for such services as the township committee may by ordinance regulate; *provided*, that no sale be made as herein provided, on account of an improvement made after the passage of this act, until after two years from the completion of such improvement. Proviso.

35. *And be it enacted*, That the said township committee may, by their title of "The Inhabitants of the Township of West Hoboken in the County of Hudson," have power to pass, enforce, alter and repeal ordinances, to take effect within said township of West Hoboken, for the following purposes, to wit: to alter or change the names of streets or avenues, ascertain and establish the boundaries of all streets, roads and avenues in said township, and to prevent and remove all encroachments and nuisances in and upon any street, or any part thereof, lot or enclosure, place or places, in said township; and in every other respect to secure to the public and adjoining owners the safe, full and convenient use of the streets and sidewalks, for the purpose for which they are or may be laid out and dedicated; to prevent and prohibit all animals from running at large in said township, and shall pass an ordinance imposing fines on the owners thereof; they shall impose a fine of three dollars for each goat, one dollar for each swine, and fifty cents for each goose, together with the costs of the court, for each offence, and the informer shall be entitled to one-half the fine; to prevent the driving of cattle through the streets; to provide for the establishment of one or more public pounds, and for impounding therein all animals running at large, and for the sale of the same; to prevent immoderate driving in the streets, and driving over and upon the sidewalks; to prevent riots, routs, disturbances or disorderly assemblages in any street, house or place in said township; to prevent and suppress gaming houses, and to prohibit gaming, and to restrain and punish all mendicant

Township committee empowered to pass, alter and repeal ordinances.

To change the name of streets.

To prevent and remove encroachments.

To secure to the public the full and convenient use of the streets.

To prevent animals from running at large.

Fines to be imposed on owners.

To provide for establishing public pound.

To preveut immoderate driving.

To prevent riots.

To prevent and suppress gam-

ing houses. vagrants, street beggars and common prostitutes; to restrain all dogs from running at large, and to authorize their de-

To suppress vice. struction; to suppress vice and immorality; to license, reg-

To license and regulate taverns. ulate and prohibit inns or taverns; to require the payment of an annual fee, not less than twenty-five dollars, from every person licensed to sell ale, beer or other liquors, and to prohibit all traffic in or sale of intoxicating drink or

To license and regulate hawkers. drinks, and to license, regulate and to prohibit hawkers and peddlers; all licenses to expire on the first day of May in each year, upon such terms, and under such regulations and penalties, as the township committee shall by ordinance impose; and no other license for such purposes within said township granted by any other authority shall be lawful, except licenses granted by the governor to hawkers and peddlers; and to prescribe the duties and compensation of all

To prescribe duties and compensation of all officers. officers not defined by this act, or in the statutes of this state; *provided*, that no ordinance or by-law shall be enacted or passed by the said township committee, unless the same shall have been first introduced at a previous meeting, and agreed to by at least four of said township committee upon the passage thereof; all penalties for violation of any ordinance of said township shall be sued for and recovered before any justice of the peace of said township, in an action of debt, and execution may be issued against the goods,

Proviso. chattels, and body of defendant; *provided*, no penalty for violation of any ordinance shall exceed fifty dollars, or imprisonment not more than thirty days.

Township committee empowered to pass ordinance for regulating use of streets by railway companies. 36. *And be it enacted*, That the township committee shall have power to pass an ordinance for the regulating of the use of the streets of the said township of West Hoboken, by street railway companies, compelling them to confine their tracks to such grade of the streets as may be established from time to time by the township committee, and also to keep that portion of the street in thorough repair between their rails, and to the extent of twelve inches on each side of the rail, and on a level with the rail, and to impose fines and penalties on them for non-compliance.

Compensation of Treasurer. 37. *And be it enacted*, That the compensation of the treasurer of said township shall be one-half of one per centum upon all township money disbursed by him, and one per centum upon all money for street improvements collected by him.

Township committee 38. *And be it enacted*, That the township committee shall

have power to provide for the cleaning of snow and ice from the sidewalks and gutters, and pay for the same from the road money annually raised by taxes. to provide for the cleaning of sidewalks.

39. *And be it enacted*, That the officers constituting the board of judges of elections in said township shall consist of three persons, and shall be elected in the manner following: each ballot for that purpose shall contain no more than two names, one of which names shall be the nominee for assessor; in case more than two names are voted for, the ballot shall only be void as to said judges, and the three persons who received the highest number of votes shall be deemed and taken to be elected judges of election; in case two persons shall receive an equal number of votes, the first person named on the ballot for judge of elections shall be elected; said board of judges shall receive the sum of ten dollars each in full compensation for their services. Board of election of what constituted. Election how conducted.

40. *And be it enacted*, That the assessor shall levy a tax of one dollar per head on all male dogs, and three dollars per head on all female dogs, in lieu of the state tax, which shall be a school tax, and appropriated to the support of public schools. Assessor to levy tax on dogs, &c.

41. *And be it enacted*, That hereafter the commissioners of appeal in cases of taxation in said township are required to convene on the Tuesday preceding the fourth Monday of October, annually, for the purpose of discharging the duties of their office; and they may hold sessions at such adjourned days as they may fix, not exceeding three in number, and not later than the fifteenth day of November, and the compensation of such commissioners shall be four dollars per day, each. Commissioners of appeal time and place of meeting.

COLLECTOR TO GIVE NOTICE.

42. *And be it enacted*, That hereafter the collector of said township shall annually, immediately after the fourth Monday in September, give the notice required by the tenth section of an act concerning taxes, approved April fourteenth, one thousand eight hundred and forty-six; and he shall make the demand and give the notice required by the eleventh section of said act, within twenty days after the fourth Monday in September; and the day fixed by him for the payment of said taxes shall not be later than the twentieth day of November. Collector, duties, &c.

TOWNSHIP CLERK.

Township clerk, duties, &c.

43. *And be it enacted*, That the township clerk shall, in addition to the duties required of him by this act, or any other act of this state, have charge of all the records, books, and documents of the township, except when the township committee shall otherwise direct; he shall keep a record of the proceedings of the township committee; he shall engross all the ordinances of the township committee in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman or acting chairman of the township committee and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the township committee, and copies of the laws or ordinances of said township, certified by him under the corporate seal, shall be evidence in all courts and places; he shall keep his office open, at the town hall, from nine to twelve o'clock in the forenoon, each day, Sundays and legal holidays excepted; and shall receive as compensation for his services a salary not exceeding eight hundred dollars per year.

ANNUAL REPORT.

Township committee to make annual report.

44. *And be it enacted*, That the township committee shall at least once a year, in lieu of any other publication, within the ten days immediate preceding the annual town election, publish in pamphlet form, a full statement of all receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the township.

ASSESSOR'S SALARY.

Assessor's salary.

45. *And be it enacted*, That the office of the assessor shall be a salaried office and that the same shall not exceed the

sum of five hundred dollars per year, anything herein contained or any law to the contrary notwithstanding.

COLLECTOR'S PAY.

Compensation of collector.

46. *And be it enacted*, That the collector shall receive as compensation for his services one per centum on all sums collected by him over ten dollars, and ten per centum on all sums under ten dollars and over five; and twenty per centum on all sums of five dollars and under.

SCHOOL TAX.

Assessment for school purposes how raised.

47. *And be it enacted*, That the township committee shall direct annually an assessment for schools, the amount allowed to be raised by state law for the support and maintenance of schools in said township, together with such an additional amount as shall be voted for by the people on the recommendation of the trustees and the township committee.

MONEYS FOR TOWNSHIP PURPOSES TO BE VOTED FOR.

Moneys to be raised to be determined by vote.

48. *And be it enacted*, That all moneys proposed to be raised by assessment upon the property of the township of West Hoboken for any purpose whatever, except as herein otherwise provided for, shall, before being assessed, be voted upon and approved of by a majority of the voters of the township voting at the annual spring election.

POWER TO BORROW MONEY.

Township committee empowered to borrow money.

49. *And be it enacted*, That the township committee shall have power to borrow money upon the credit of the township, by issuing coupon bonds, or otherwise, payable in not exceeding ten years in sufficient amounts to liquidate any judgment or assessment that may be obtained against them, and they are authorized to order the assessor and collector of the township to assess and collect at the same time and in the same manner as other township moneys are assessed and collected, not exceeding in any one year the sum of ten thousand dollars for the payment of such bond and inter-

est thereon, and in payment for any judgment or assessment.

INCIDENTALS

To provide for incidentals.

50. *And be it enacted*, That the township committee shall have authority to assess not exceeding fifteen per centum, on the gross amount of the assessment, to provide for incidentals.

JUSTICES OF THE PEACE.

Justices of the peace, their duties &c.

51. *And be it enacted*, That any of the justices of the peace of the township of West Hoboken, for the purpose of recovering the penalty for violating any ordinance or regulation of said township, 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 township, to issue process at the suit of said township, either in the nature of a summons or a warrant as to him may seem most advisable, against the person or persons 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 five nor more than ten entire days; such process shall state what ordinance or regulation by the defendant or defendants named therein has been violated; and on the return of such process, or at the time to which the said justice shall have adjourned the same, the said justice shall proceed to hear testimony and determine and give judgment in the matter without the filing of any pleadings, and the said justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; each of the said justices is further empowered to inflict fines, not exceeding the sum of twenty dollars, on such persons as shall be brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or other light offence, if found guilty, or in his discretion, to order such persons committed to the county jail or workhouse for any period not exceeding ninety days; *provided*, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment shall be imprisonment, there may be a trial by

Proviso.

jury, to be conducted as in cases now triable in the courts for the trial of small causes,and an appeal as in all cases where an appeal may now be had from judgments in course for the trial of small causes; in case the person arrested for any offence shall be a minor, each of such justices shall have the power in his discretion to inflict or commute, or wholly remit the penalty prescribed for the offence committed by said minor; and each of said justices is hereby empowered to cause any person or persons who shall be found guilty of a violation of the ordinances or regulations of any board of said township, and who may refuse or neglect to pay any penalty imposed by reason of the same, and all or any person or persons found guilty of a breach of the peace, or of any other light offence, within the jurisdiction of the said justice, to be sent to the workhouse for such time as in his discretion may seem meet, and there to perform work in said workhouse, and to conform to the rules and laws of the same; *provided, however*, that such person shall not be sent to said workhouse to be confined there for a longer time than ninety days for any offence. Proviso.

52. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

53. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXCV.

An act to incorporate "The Village of Irvington," in the Township of Clinton, and County of Essex.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Essex contained within the following limits, to wit: beginning at a monument planted by the commissioners to lay out streets in the city of Newark on the westerly side of Montgomery avenue or Twentieth street, and at a corner in the division line between the city and township; thence Boundaries

running easterly along the boundary line between said city and township to a point midway between Nineteenth B and Twentieth streets; thence running southerly in a straight line between Nineteenth B and Twentieth streets, and between Nineteenth B and Nineteenth C streets, and so as to run midway between Nineteenth B and Nineteenth C streets to a point on that line midway between Prospect and Goldsmith avenues; thence westerly and midway between said Prospect and Goldsmith avenue to a point on that line midway between Thirty-ninth and Fortieth streets; and thence northeasterly midway between Thirty-ninth and Fortieth streets to the boundary line between South Orange and Clinton townships; thence northeasterly on the last named boundary line to the line of the city of Newark; and thence southerly along said city line to the place of beginning, be and the same is hereby formed into a village corporate to be designated and known as "The Village of Irvington."

Corporate name.

GENERAL RIGHTS.

Constituted a body politic with corporate name.

2. *And be it enacted*, That all the inhabitants of this state residing within such limits, and their successors are hereby constituted and continued a body politic and corporate, in fact and in law, by the name of "The Village of Irvington," and by that name shall and may have perpetual succession, and shall in addition to the rights, privileges, and immunities granted, and the duties and obligations imposed by this act, be entitled to all the rights, privileges, and immunities conferred, and subject to all the duties, restrictions and liabilities imposed by the laws of this state, upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act.

Capable of suing and being sued, &c., in corporate name.

3. *And be it enacted*, That the said corporation by the said name of "The Village of Irvington," shall and may be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending or being defended in all courts and places whatsoever, in all manner of suits and actions whatsoever; and shall and may have a common seal and alter the same at pleasure.

May have a common seal.

OFFICERS.

4. *And be it enacted*, That the officers of the said village shall

be a president and four trustees, who together shall constitute and be known as the board of trustees; a village clerk, who shall be clerk of the board of trustees, and a village treasurer who shall severally be elected by ballot by the legal voters resident within the bounds aforesaid from the freeholders and legal voters resident within said bounds, and by a plurality of votes, and shall hold office for one year, and when duly elected and qualified shall continue in office until their terms of office shall expire or until others shall be elected or appointed in their stead; the first election of said officers shall take place on the eighteenth day of April next, which election shall be held and conducted in the same manner, so far as practicable as all other elections contemplated by this act; at that election the legal voters present before the voting begins shall elect from their own number a judge and clerk of election who shall act only at this election, but before they assume the duties of their office shall severally take and subscribe an oath or affirmation before some person authorized to take oaths or affirmations, faithfully and impartially to execute the duties of their respective offices.

Officers of village and their several terms.

First election when to be held.

5. *And be it enacted*, That all elections for village officers after the first, shall be held annually on the first Monday in April in each year, at some place in said village designated by the "board of trustees," and advertised by the village clerk for at least ten days previous thereto, by notices put up in five of the most public places in said village; the polls shall open at three o'clock in the afternoon, and close at seven and one half in the afternoon, and said election shall be conducted by the village clerk and one judge of election in the same manner prescribed by law for the election of officers in the township of Clinton, but no ballot for the election of trustees shall have more than two names; returns of all elections of village officers shall be stated and signed by the judge thereof and attested under oath by the clerk, and within forty-eight hours after the closing of the polls, filed in the office of the village clerk; the said judge and clerk shall, within five days after such election, also file a copy of said return in the office of the clerk of the county; and the expenses of such election shall be audited and paid by said board of trustees.

Place for holding election to be designated by board of trustees.

Time of opening and closing polls.

Returns to be stated, signed and filed with village clerk.

6. *And be it enacted*, That the president and trustees shall

Who shall and who shall not receive compensation for services.

not receive any compensation or emoluments for their services as such trustees, directly or indirectly, and the other officers shall, in addition to the fees of the same officers in townships of this state, if any, receive such additional compensation as the board of trustees may from time to time designate by ordinance; before any of the said officers or any officer appointed by said board of trustees shall enter upon the duties of his office, he shall take and subscribe an oath or affirmation before some person authorized to administer the same, that he will well and faithfully execute the duties of his office to the best of his ability, skill, and understanding, which oath shall be filed in the office of the village clerk, and also in the office of the county clerk, within ten days after the election; in case a vacancy shall occur in the office of president or trustee, by reason of neglect or refusal to serve, removal from the village, or any other cause, the trustees shall elect by a majority of their whole number, some person to fill the vacancy; and in case two or more vacancies in the office of president or trustees shall exist at the same time, a special election shall be ordered by the trustees for the purpose of filling the same, which special election shall be advertised and conducted in the same manner as the annual elections.

In case of vacancy how filled.

Proceedings after close of polls.

7. *And be it enacted*, That at the close of such annual or special election the judge and clerk thereof shall proceed, without delay, to count the votes cast for the several candidates voted for in said election, and shall make out, under their hands, a certificate of the result, and shall within three days after such election, deliver said certificates unto the village clerk; and, at the annual meeting of the board of trustees, the said certificate shall be laid before the said board of trustees and they shall, either then or at their next meeting, proceed, in a public manner to canvass the number of votes given for the said several candidates; and the said board of trustees shall be the final judge in said canvass, and shall ascertain and determine, by a majority of their whole number without any appeal from their decision which of the said candidates shall have been elected to fill such office or offices; and in case of an equal number of votes having been given for two or more candidates for the same office, the said board of trustees shall, by ballot, and by a majority of their whole number, elect one of the said candidates to fill said office; and the result of such canvass,

Trustees to canvass number of votes given for several candidates.

In case of tie, trustees to fill office by election of one of the candidates.

or election shall within five days thereafter, be entered upon the record of the proceedings of said board of trustees, and also be certified, under the hands of the president and village clerk, to the clerk of the court of common pleas of said county for preservation in the files of his office and also be posted in five places in the village of Irvington.

Village clerk and Treasurer to give bonds.

8. *And be it enacted*, That the village clerk and village treasurer before entering upon the duties of their respective offices shall severally make and execute their bonds to the village of Irvington for the true and faithful performance of their duties, in such forms and for such sums and with such sufficient freehold securities as the said board of trustees shall direct and require, to the amount of not less than twenty thousand dollars each; and the bonds so given, after having been approved by the board of trustees shall be filed in the office of the county clerk and may be sued upon and prosecuted in the same manner or as nearly so as the circumstances will permit, or the bonds of like officers are or may be under any other law or laws of this state.

Bonds after approval to be filed with county clerk.

In case of failure to qualify when office to be deemed vacant.

9. *And be it enacted*, That if any person elected or appointed to any such office shall not qualify as required by law, within ten days after the canvass of his election or after his appointment by the board of trustees, his office shall be deemed and taken as vacant.

Chief executive officer, powers and duties.

10. *And be it enacted*, That the village president shall be the chief executive officer of the village, he shall, when present, preside at all the meetings of the board of trustees, and in case of a tie, have a casting vote in their proceedings; he shall call special meetings of the board of trustees whenever he shall deem such meetings to be necessary, or upon the written request of three of the trustees; he shall sign all declarations of the sale of lands and real estate for unpaid assessments, and all warrants for the withdrawal of moneys from the village treasurer, and all notes, bonds or obligations to be given for the payment of money by the village; he shall at least once in each year, communicate to the board of trustees a general statement in writing of the situation and condition of the village in relation to its government, finances and improvements, with such recommendations as he shall deem proper; he shall be vigilant in causing the ordinances of the village to be enforced, and shall exercise a constant supervision over the acts and

conduct of all subordinate officers, and examine into all the complaints that may be preferred against them.

Village president invested with powers of police justice.

11. *And be it enacted*, That the president for the time being be and hereby is invested with all the powers of a police justice, and is authorized, on witnessing any breach of the peace, forthwith and without any warrant or other process, to commit the offender or offenders for a hearing before him as such police justice, and to hear and determine the case of such offender or offenders, and punish said offender or offenders, or hold to bail, as by law he, she or they may be punished or held to bail to answer; and in case of any riot, disturbance or disorderly assemblage, he shall have control of the constable or constables of the village, and have the right to call upon the citizens for aid to quell the same and maintain the public peace.

In case of absence of president, trustees to appoint one of their number to act as such.

12. *And be it enacted*, That in the event of the temporary absence from the village of the president, the board of trustees shall have power to appoint from their own number an acting president, who shall, during such absence, be invested with all the power, and discharge all the duties of said president.

Trustees, when to hold meetings.

13. *And be it enacted*, That the board of trustees shall hold an annual meeting within ten days after their election in each year, and such other regular meetings as they may from time to time appoint, and such special meetings as may be called by the president; such meetings shall always be open to the legal voters of the village; and in case the president or acting president shall be absent at any meeting, they may choose one of their own number to preside pro tempore; three trustees shall constitute a quorum for the transaction of business, but any smaller number may adjourn from time to time; the trustees may adopt, alter and repeal by-laws for their own government; in the failure of any trustee to attend the meetings of the board for two successive months, or more, the other trustees shall have power to declare his seat vacant and to fill the same as aforesaid; said board shall make and post in five public places in said village at least one week before the annual election, a detailed statement of their receipts and disbursements (in tabulated form) during the preceding year; said trustees, collectively and individually, in addition to the powers and duties hereby conferred or imposed, shall possess the power and perform the duties which by law belong to or are

Three shall constitute a quorum.

To give notice of receipts and disbursements.

imposed upon the members of township committees in the several townships of this state, so far as the same is consistent with the provisions of this act, and no trustee or trustees shall under any pretence whatsoever be allowed to be interested, directly or indirectly, in any way, in any work or contract where the price or consideration thereof is to be paid from the village treasury.

May pass, alter and repeal ordinances.

14. *And be it enacted*, That the board of trustees shall have power to pass, alter and repeal, from time to time, any and all such ordinances as they shall think proper for any or all of the following purposes, to wit:

To lay out open, widen streets, avenues, &c.

I. To lay out, open, widen or straighten any street, avenue or section of the same, the word section in this act to be understood as meaning a street, avenue or part of the same bounded by two cross streets or avenues, or cause to be vacated any street or avenue already laid out, on application of the owners of the majority of the lineal feet on such street, avenue or section of the same; and to take and appropriate for any of such purposes, any lands and real estate, upon making compensation to the owner or owners thereof, by the payment of damages as hereinafter mentioned and provided.

To order and cause certain streets to be graded.

II. To order and cause any street or avenue (except such as are or shall be under the control of the Essex public road board) or any section of the same, to be graded, graveled, macadamized or paved, or to be regraded, regraveled, re-macadamized, repaved or to be otherwise improved, on application of the owners of the majority of the lineal feet on such street, avenue or section of the same; *provided*, the assessment for any or all of such said improvements shall be made on the lands fronting on any street or streets so improved.

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To ascertain boundaries of all streets.

III. To ascertain and establish the boundaries of all streets or avenues in the said village, and to prevent and remove all encroachments that may have been or may be made thereon.

To keep certain streets in repair.

IV. To regulate, clean and keep in repair all streets or avenues in said village (except such as shall be under the control of the Essex public road board); to regulate and keep in repair all crosswalks and gutters; to prevent and remove all obstructions on the same, including snow, ice and dirt; to encourage and regulate the planting, rearing, trimming and preserving, and to prohibit the removal or destruc-

To remove obstructions, and prevent destruction of shade trees.

tion of shade trees, and to prevent the removal of earth, sand or gravel from any street or avenue, without the consent of the board of trustees.

To widen, level, grade, &c., streets and sidewalks on application

V. To widen, straighten, level, grade or regrade, flag or reflag, curb or recurb, or otherwise improve the streets or sidewalks, crosswalks and gutters in any street, avenue or section of the same, on application of the owners of the majority of the lineal feet on such street, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed upon the owner or owners of lands or real estate on the line of said street, avenue or section thereof, and to be collected in the same way as assessments for laying out and opening streets.

To light any street or avenue on application

VI. To light any street or avenue or section thereof, on application of the owners of the majority of the lineal feet on the same; the cost of the lamps to be paid by the property owners on said street, avenue or section thereof, and the cost of lighting the same by general tax.

To establish or regulate pounds.

VII. To establish and regulate one or more pounds, and to restrain and prevent the running at large or grazing of horses, cattle, swine and other animals, geese and other poultry, on the streets or public grounds, and to authorize the impounding and sale of such animals and poultry for the penalty incurred, and the cost of impounding, keeping and selling the same.

To regulate all sports.

VIII. To regulate all sports, games, exhibitions and public performances.

To prevent and punish excessive driving.

IX. To prevent and punish excessive driving or riding in any street or avenue, driving over or upon any sidewalk, any cruelty to any animal or animals, and to authorize the arrest and detaining (without warrant) of any person who may be guilty of the same.

To provide for protection of health.

To remove the sources of disease.

X. To provide for the protection of the health of the village; to guard against the introduction and to prevent the spread of contagious or pestilential diseases; to remove as far as possible the sources of disease, and to adopt and enforce such measures as they may deem necessary to secure and preserve the sanitary condition of the village.

To adopt legal measures for collecting taxes.

XI. To adopt all legal and requisite measures for levying and collecting of taxes.

To manage, regulate and control finances.

XII. To manage, regulate and control the finances and the property, real and personal, of the village.

XIII. To designate and determine what are nuisances of

every kind, and to abate and remove the same; and to compel the owner or occupant of any lot, house, shed, cellar, or place wherein may be carried on any business or occupation, or in or upon which is or may exist or be any matter or thing which is or may by said board of trustees be deemed to be detrimental to the health of the inhabitants, to cleanse or remove the same in a summary manner at the expense of such owner or occupant, and from time to time as often as they may deem necessary and shall direct.

To determine what are nuisances. To compel the owner or occupant of house, shed, &c., to cleanse the same.

XIV. To offer and pay rewards from time to time for the apprehension and conviction of persons engaged in crime, or in the violation of any of the ordinances of the village.

To pay rewards for apprehension of criminals.

XV. To provide a suitable lock-up or place for the temporary detention of criminals, and of offenders against the ordinances of the village, whether before or after conviction.

To provide a lockup.

XVI. To locate, regulate and remove slaughter houses, to establish and regulate public markets, to designate the places, times and manner of selling meats, fish, vegetables and fruit in such public markets, or in the public streets or grounds, and to prohibit the sale thereof without license for that purpose first had and obtained according to any ordinance of said trustees.

To remove slaughter houses, and regulate public markets.

XVII. To prevent or regulate the erection or maintenance of any awning, stoop, steps, platform, bay window, swinging gate, cellar door, area, descent into a cellar or basement, sign, banner, post or erection or projection of any kind, in over or upon any street or highway or public place; and to remove the same when erected at the expense of the owner or occupant of the premises in front of which the same may be.

To regulate erection of awnings, stoops, steps, &c.

XVIII. To restrain and suppress disorderly and gaming houses and houses of ill fame, as well as all instruments and devices used for gaming; and to prohibit and prevent all gaming and fraudulent devices of every kind.

To restrain and suppress disorderly houses.

XIX. To prescribe and define the duties and compensations, if any, of all officers or agents appointed by the board of trustees for any general or special purpose, and the penalty or penalties for failing to perform such duties, and the bonds and sureties to be given for the faithful discharge thereof, except as may be herein otherwise provided.

To prescribe and define duties, and compensation of officers.

15. *And be it enacted*, That the board of trustees shall have power to pass, alter and repeal any and all such additional

To pass, alter or repeal ordi-

nances not contrary to laws of U. S. or of this state.

ordinances not contrary to the laws of this state or of the United States, as they judge necessary to carry into effect the powers and duties conferred and imposed upon them by this or any other law.

May prescribe penalties for violation of ordinances.

16. *And be it enacted*, That in all cases where the board of trustees shall have the authority to pass ordinances on any subject, they shall be and are hereby empowered to prescribe a penalty or penalties for the violation of any such ordinances, or any part thereof, either by imprisonment in the common jail of said county for any term not exceeding thirty days, or by fine not exceeding fifty dollars or by both.

Ordinances how passed

17. *And be it enacted*, That no ordinance shall be passed except with the concurrence of three of the trustees, nor until it shall have been presented and read at a previous meeting of the board; the enacting clause of all ordinances shall be in these words, "be it ordained by the board of trustees of the village of Irvington;" every such ordinance shall be posted up in five public places of the village for two weeks before it goes into effect, and shall be recorded by the village clerk in a book kept by him for that purpose, such book shall be taken and received in all courts and elsewhere as conclusive evidence of the passage of such ordinance; and except in those cases wherein it is hereby especially directed that the board of trustees shall proceed by ordinance, it shall be lawful for them to proceed and act either by ordinance or resolution, as to them shall seem fit.

Enacting clause.

Board may by ordinance order money to be raised by taxation

18. *And be it enacted*, That the board of trustees shall have power, by ordinance, to be passed before the twentieth day of May, in each year, to order to be raised by tax in that year, upon the real and personal property in said village, now or hereafter liable to taxation, such sum or sums of money, not to exceed in any one year the sum of four thousand dollars, as the said board may deem expedient or necessary for any or all the following purposes, to wit:

For road purposes.

I. For road purposes, including the regulating, cleaning and keeping in repair, the streets, avenues and crosswalks of the village;

For lighting streets.

II. For lighting the streets;

For current expenses, &c.

III. For the current and incidental expenses of the village, and such other expenses as may be incurred in carrying into effect the provisions of this act;

For payment of any indebtedness.

IV. For the payment of any indebtedness of the village, or of any interest on the same.

19. *And be it enacted*, That the board of trustees shall have power to borrow money from time to time, for all purposes, for which they are authorized to raise money by tax, in anticipation of the taxes for any current year, to an amount not exceeding in the whole the sum of four thousand dollars; and for any special purpose, such as the laying out, opening, vacating, straightening, altering or widening of any street or highway, or the altering of the grade of any street or highway, or any part thereof, in anticipation of assessments for such improvement, to an amount not exceeding the cost of such improvement, and for any period not exceeding the term of two years; and to secure the payment of such loans by bond or other instrument, sealed with the common seal of said village, and signed by the village president and clerk; and that the said board of trustees shall also have power, for the general purpose of paving or repaving, macadamizing or remacadamizing the principal streets or highways (which shall be under the control of said trustees), with Telford or other stone pavement, to borrow money from time to time, as the same may be actually required, in any sum or sums not exceeding in all the cost of such improvement, and to secure the payment of the same by bonds to be sealed with the common seal of the said village, and signed by the village president and clerk, and countersigned by at least three of said trustees, said bonds to be known as "Irvington Village Improvement Bonds," and to bear interest at the rate of seven per centum per annum, and the principal thereof to be paid as said trustees may direct.

May borrow money.

May issue bonds to secure the payment of the same.

Bonds by what name to be known

OFFICERS APPOINTED BY THE BOARD.

20. *And be it enacted*, That the board of trustees shall at their discretion and from time to time, appoint and remove one overseer of streets, one constable, one poundkeeper and one judge of election, and such other officers or agents as they deem necessary to enable them to carry into effect the provisions of this act, and that every person so appointed shall be a resident and legal voter of the village, and shall continue in his office until he shall be removed, or until another person shall be appointed to succeed him, and shall enter upon the duties of said office; and all such officers so appointed shall, besides the powers and duties herein or by any ordinance of said board of trustees specifically conferred

Officers by whom appointed.

Powers and duties.

or imposed upon them, respectively possess the powers and perform the duties of like officers of any township of this state, be qualified and enter upon their offices in the same way and be entitled to receive such compensation, in addition to the fees allowed such like officers by any general law or laws of said state, as may be determined by said board of trustees.

THE VILLAGE CLERK.

Village clerk powers and duties.

21. *And be it enacted*, That the village clerk, as the clerk of the board of trustees, shall attend all of their meetings and keep a true and full record of all their proceedings; he shall have the custody of the seal and of all books and papers belonging to the village or which may be filed in his office; he shall engross all ordinances and by-laws passed by the board of trustees in a book to be kept by him for that purpose; he shall countersign and keep an accurate record of all warrants for the withdrawal of moneys from the village treasurer, and shall also countersign and seal all bonds or other obligations for the payment of moneys by the village under the direction of the board; he shall pay over unto the village treasurer daily all moneys belonging to the village which may come into his hands; he shall record and carefully index in books prepared for that purpose all certificates and declarations of sale of lands and real estate for unpaid assessments, and shall cancel the said certificates when the said lands and real estate shall be redeemed; he shall give to all persons who may apply for the same certificates of search in such records, receiving a fee of one dollar in each case for such certificates, declarations and redemptions of and from sales of lands and real estate, and said certificates of search, when verified by the common seal of said village, shall be conclusive evidence against said village as to the truth of all matters and things stated therein; as clerk of elections, he shall perform the duties as specified in section fifth, and he shall also discharge such other duties as may be required of him by the board of trustees.

Copies of papers on file in office of village clerk to be received as evidence.

22. *And be it enacted*, That copies of any and all papers filed or kept in the office of the village clerk, and of the ordinances, or records of the proceedings of the board of trustees, or any part thereof, certified by the said clerk under the

common seal of the village, shall be received as evidence thereof in all courts and places whatsoever.

THE VILLAGE TREASURER.

Treasurer, his powers and duties.

23 *And be it enacted*, That the village treasurer shall keep all moneys received by him in behalf of the village, and deposit it weekly in some bank, to be designated by the board of trustees; no money shall be expended by him or drawn from him for any purpose whatever, except upon the warrant of the village president, countersigned by the village clerk, and made in pursuance of the order of the board of trustees; he shall keep an accurate account of his receipts and disbursements, and shall report the same to the board of trustees as often as they shall direct; and his books and vouchers shall always be open to the inspection of the village president, or any member of the board of trustees, and at all reasonable hours to the inspection of any taxpayer; and he shall also perform such other duties as may be required of him by subsequent sections of this act, in relation to the sale and redemption of land and real estate for unpaid assessments, and the payment or tender of payment of damages assessed in favor of the owner of lands and real estate taken for damage by any improvement.

THE COMMITTEE OF ASSESSMENTS.

Committee of assessments, of what to consist and how appointed.

24. *And be it enacted*, That the said board of trustees shall from time to time at their discretion, appoint and remove three persons, who shall be freeholders in said village at the time of their appointment, and shall also have been resident therein for two years next prior to their appointment, who shall be called commissioners of assessment, and who shall be known and constituted the committee of assessments, and whose duty it shall be to assess as fairly, honestly, and impartially as may be, damages in favor of the owner or owners of any lands and real estate, that shall be taken for or damaged by any general or local improvement hereinafter mentioned, and to assess the said damage or the expense of any such improvement as the case may be, fairly, honestly and impartially, upon the owner or owners of any lands or real estate along the line of the street, avenue or section of the same so improved, which, in the opinion

Duties, &c.

of said committee, will be benefited thereby, and in proportion to the benefit; *provided*, no commissioner shall act in any case where he is in any way personally interested in the assessment which is to be made, in which case said board of trustees shall appoint one or more persons as may be required, who shall however, possess the qualifications aforesaid.

Proviso.

THE ASSESSMENT AND COLLECTION OF TAXES.

Clerk to furnish assessor of Clinton township copy of all ordinances passed for raising money by tax.

25. *And be it enacted*, That it shall be the duty of the village clerk to transmit to the assessor of the township of Clinton, within ten days after the passage of the same, a copy of any ordinance or ordinances which may be passed by the board of trustees for raising any sum or sums of money by tax, according to the eighteenth section of this act; it shall then be the duty of the said assessor to assess the said sum or sums upon the personal and real property liable to taxation within the limits of said village, and the duty of the collector of the said township to collect the same in the same manner and at the same time that the taxes in the said township of Clinton are assessed and collected; *provided*, that no tax for the expenses of the commissioners to lay out streets, avenues and public squares in the township of Clinton and county of Essex, and for other purposes (according to an act passed February nineteenth, one thousand eight hundred and seventy-two, or any supplement thereto,) shall be assessed and collected within the limits of said village, and that said assessor and said collector shall be entitled to receive from the said board of trustees, for the additional service to be rendered under this act, the sum of six cents for every name upon their respective duplicates of persons within the said village to be taxed in accordance with this act.

Proviso.

Taxes assessed to whom to be paid.

26. *And be it enacted*, That all said taxes so assessed under and in pursuance of any such ordinance, and all taxes raised for road purposes from property within the limits of said village, shall be paid over to the said village treasurer by the collector of said township, weekly, as they may be collected and received by him.

THE CARE OF STREETS.

27. *And be it enacted*, That the said board of trustees

shall have the exclusive control and management of the streets, sidewalks, crosswalks and gutters of said village (except such as shall be under the control of the Essex public road board,) and of the working and repairing of the same. Board of trustees to have control of streets, &c.

28. *And be it enacted*, That the overseer of the streets shall, under the direction of the board of trustees, have the charge of the working and repairing of all streets, sidewalks, crosswalks and gutters as aforesaid, and of the keeping of the same clear of obstructions and in good order, and for that purpose is hereby invested with all the power belonging to the overseer of the highways in any township of this state under any general law or laws, and shall for such service receive such compensation per day as the board of trustees may from time to time determine. Duties of overseer of the streets.

29. *And be it enacted*, That hereafter no street, avenue or section of the same, to be laid out and opened in said village, shall be deemed and taken to be a public street or highway, unless laid out and opened under and by an ordinance of the board of trustees. Street when deemed a public street.

30. *And be it enacted*, That it shall be lawful for the board of trustees from time to time to ascertain and determine the precise lines, courses and width of any street or streets in said village however laid out and opened, but which may have been used by the public for twenty years or more, as the said street or streets is, or are, or shall be used at the time of the passage of such ordinance, which shall be recorded in the record of proceedings of the board of trustees, and the said record shall be taken thereafter as conclusive evidence of the existence, lines, courses and width of such street or streets as a public highway or highways, and the same shall thereafter be treated and maintained as such in all respects. Board of trustees to ascertain and determine lines, courses and width of streets.

THE MAKING OF IMPROVEMENTS.

31. *And be it enacted*, That when any ordinance shall be presented to the board of trustees for making any improvement, general or local such as laying out, opening, widening, straightening, vacating or otherwise improving any street, avenue, or section of the same in the said village, or any sidewalk, crosswalk or gutter thereof, public notice of such contemplated improvement shall be given by the village clerk by posting a copy of the proposed ordinance for When ordinance for making any improvement shall be presented to board public notice shall be given.

at least two weeks before the meeting of the board of trustees, at which such ordinance shall be considered, in five public places of said village, which notice shall state the time and place of the said meeting of the board, at which they will proceed to consider the said ordinance; at such meeting ample opportunity shall be given to all parties in favor of or opposed to said improvement to present their views with reference to the same, either in writing or otherwise, as the board of trustees may at the time direct, and the board shall in their discretion adjourn from time to time for a further consideration of the matter.

Ordinance to be accompanied by map.

32. *And be it enacted*, That any ordinance which may be passed by the board of trustees for any of the aforesaid improvements, shall be accompanied by a map prepared under the direction of the board of trustees, showing the location and character of the improvement, the lands and real estate, if any, to be taken therefor, and the name or names, as far as can be ascertained, or the owner or owners of such lands and real estate, which map shall be filed in the office of the village clerk.

Improvements to be made by contract.

33. *And be it enacted*, That any and all of the aforesaid improvements shall be made by contract, under the direction of the board of trustees; that the contract shall issue in the usual form of contracts for public works, and that the contract shall be awarded to the lowest bidder; *provided*,

Proviso.

he can give sufficient security for the faithful and prompt performance of the same, otherwise, the lowest bidder who can give sufficient security shall be awarded the contract;

Proviso.

provided also, the owner or owners of the property to be improved shall have the liberty of doing the work, under the direction of the board of trustees; the board, however, may reserve the right to reject any and all bids.

ASSESSMENTS FOR IMPROVEMENTS.

Expense how and by whom ascertained

34. *And be it enacted*, That as soon as may be after the completion of any such improvement, the expense thereof, including surveying, when required, and a moderate allowance, to be determined by the board of trustees, for the cost of making both of the assessments hereinafter provided, shall be ascertained and determined by the said board, and be entered by resolution upon the record of their proceedings, and the amount so ascertained and determined shall

thereafter be treated as, and held to be, the true and actual expense of making such improvement.

Duties of committee of assessment on passage of ordinance for making certain improvements

35. *And be it enacted*, That when any such ordinance or resolution in relation to any such improvement shall be passed by the board of trustees, a copy thereof, attested by the village clerk, shall, without delay, be handed by him to the committee of assessments, or any member thereof, who shall thereupon appoint a time and place of meeting for hearing the parties interested in such improvements; and the said clerk shall forthwith give public notice of the time and place of such meeting, by posting such notices at five public places in the said village, two weeks prior thereto; and the nature and object of such improvement shall be briefly stated in said notice, so as to sufficiently identify the same.

Notice how given.

Committee to attend at time and place appointed.

36. *And be it enacted*, That the said committee of assessments shall attend at the time and place aforesaid; two of them shall be a quorum, for the transaction of business, and sufficient to make any assessment; but one member shall have power to adjourn any meeting; the committee may adjourn from time to time; they shall give all parties interested in or affected by the improvement ample opportunity to be heard upon the subject of the assessment; they shall view the premises, and have power to examine witnesses under oath or affirmation, which may be administered by any one of them; they shall in manner aforesaid assess the said damages, benefits or expenses, as the case may be, separately along the line of said street, and with due regard to the rights and interest of all persons concerned, as well as to the value of the lands and real estate taken, damaged or benefited; they shall certify their said assessments to the board of trustees, by a report in writing, signed by two of their number; said report shall be accompanied by a map showing the lands and real estate taken for or damaged by said improvement, and for which they have assessed damages, and also any lands and real estate benefited, in their opinion, by said improvement, and upon which they have made any assessment, for either the benefits or the expense of said improvement; such report and map may be considered by the board of trustees at any meeting, of which at least two weeks' previous notice shall have been given by the village clerk, posted in five public places in said village and also served in person by the said clerk upon the land owner or owners named in said report, if resident in said village, or if

To assess damages, benefits or expenses, &c.

To certify the same to board of trustees by report in writing.

non-residents, by mailing a copy of said notice to such owner or owners, directed to them at their post office address, if the same can be ascertained, and by posting the same conspicuiously upon some part or parts of said lands, the affidavit of said clerk shall be conclusive as to the manner of such service, and shall be attached to said report as a part thereof; said notice shall briefly state the object of the meeting with reference to said assessments, at that or any subsequent meeting, the said board of trustees after considering the said report and map, shall and may adopt and ratify the same with or without alteration, as to them may seem proper; it shall be lawful for the said board to refer the matter to any committee or committees of their own body for further examination before taking final action upon it; and when the report shall be so adopted and ratified, with or without alteration, the same shall be final and conclusive upon all parties, except as to such assessment from which appeals may be taken, as hereinafter provided, and such compensation shall be paid to the commissioners of assessments for any services so rendered by them, as shall in each case be determined by a resolution of the board of trustees.

Compensation of commissioners how determined.

Parties aggrieved may appeal

37. *And be it enacted*, That any person or persons, feeling himself or herself or themselves to be aggrieved by any such assessment of damages for any lands and real estate taken for or damaged by any such improvement, may appeal to the circuit court of said county, at any time within sixty days after the final adoption of said report by the board of trustees, and said court shall thereupon order a trial by jury to assess such damages anew, and said trial shall be conducted as in other cases of trial by jury; *provided*, that the completion of said improvement shall not be delayed thereby, and that the board of trustees may proceed therewith as though said appeal had not been taken.

Proviso.

Treasurer to tender amount assessed for damages.

38. *And be it enacted*, That before any such improvement shall be carried into effect, it shall be the duty of the village treasurer, under the direction of the board of trustees, to pay or tender unto the owner or owners of lands and real estate taken therefor or damaged thereby, as aforesaid, the amount or amounts of damages so assessed to him, her or them respectively; *provided*, that if such owner does not reside in said village or is in any way legally incapacitated to receive such damages, or if such owner or owners will not

Proviso.

accept such damages and sign a proper receipt therefor when tendered, then the said treasurer shall make an affidavit of the fact, and file the same with the village clerk; and the board of trustees shall, after inquiry, direct the amount or amounts of said damages to be placed in a place of safe deposit for the use of the person or persons to whom the same may be due, and the same shall be paid to him, her or them when duly authorized to receive the same, without interest; *and provided also*, no tender shall be necessary in any case where the benefits which may be assessed against the owner or owners are equal to or exceed the amount of damages assessed in his, her or their favor, and a tender of the difference between the assessments and the amount of benefits assessed, shall have the same binding force and effect as a tender of the whole amount of the assessments for damages. Proviso.

39. *And be it enacted*, That after said report of the committee of assessments shall have been adopted and ratified by the board of trustees with or without alteration as aforesaid, and shall have been duly recorded at full length in the records of their proceedings, it shall together with the last mentioned map be delivered to the village treasurer for preservation in his office; said treasurer shall immediately thereafter prepare an abstract of said report including therein a brief description of the improvement, the names of the several owners of the lands and real estate assessed, the several amounts so assessed against them, and a brief description of the several parcels of said lands and real estate, specifying the locality thereof with reference to streets; the said treasurer shall enter such abstract in a book to be kept in his office for that purpose, which book shall be called the book of assessments of improvements, and he shall then give notice for four weeks in two newspapers printed in the county and having the largest circulation in the village, that said report and map have been delivered to him, and requiring the owners of lands and real estate affected thereby to pay the several sums assessed against him, her or them, at his office, within ninety days from the first publication of said notice. Report when adopted, where filed. Treasurer to prepare abstracts of the same.

40. *And be it enacted*, That if any assessment required to be paid by virtue of this act shall not be paid within the aforesaid time, said assessment shall draw interest thereup- If assessment not paid in certain time, to draw interest.

on from and after that time until paid at the rate of one per centum per month.

THE COLLECTION OF UNPAID ASSESSMENTS.

Assessment to be a lien on lands.

41. *And be it enacted*, That any assessment for any improvement, whether for benefits or for the expense of making such improvement, together with interest on said assessment, and all costs and fees shall be and remain a lien upon the lands and real estate so assessed therefor for the space of three years from the twentieth day of May in the year in which said assessment shall be made, notwithstanding any devise, descent, alienation, mortgage, judgment or other incumbrance thereof, and notwithstanding any mistake or omission in the name or names of the owner or owners of such lands and real estate, or in the proper description of the land so assessed as aforesaid; *provided*, the same can be identified by such description, and any assessment in which such mistake or omission occurs shall be valid and effectual in law as though said mistake or omission had not occurred.

Proviso.

If assessment not paid in 90 days, by whom and how collected.

42. *And be it enacted*, That in case any assessment for an improvement, together with interest thereon as aforesaid, and all costs and fees which may have accrued thereon, shall remain unpaid at the expiration of ninety days from and after the first publication of the notice mentioned in the thirty-sixth section of this act, it shall be the duty of the said village treasurer to proceed forthwith in the collection of said assessment, by enforcing the lien aforesaid upon the said lands and real estate in the manner hereinafter prescribed.

Treasurer how to proceed to collect unpaid assessments.

43. *And be it enacted*, That the said treasurer shall, at the expiration of the ninety days mentioned in the last section, give a second notice, by an advertisement in two newspapers printed in said county and circulating in said village, that unless said assessment together with interest thereon as aforesaid, and all costs and fees shall be paid to him at his office within thirty days after the first publication of said second notice, he will proceed, at a certain time and place therein specified, and between the hours of one and five o'clock in the afternoon, to make sale in accordance with the provisions of this act, of the said land and real estate whereon the said assessments have been imposed or may be a lien;

said second notice shall contain a brief abstract of said assessments showing the name or names of the owner or owners (when known,) a brief description of said lands and real estate, and the amount of the unpaid assessment due thereupon, and it shall be lawful to incorporate more than one assessment in said notice; if the name or names of such owner or owners shall not be known then the words "owner unknown" may be inserted in such notice, and all proceedings shall be as valid and effectual and binding upon all parties as though the true name or names of such owner or owners had been inserted in such notice.

Sale by whom and how conducted.

44. *And be it enacted*, That at the time and place and between the hours mentioned in said notice, the said village treasurer shall proceed to sell, by public auction, the several parcels of the said lands and real estate upon which the said assessments still remain due and unpaid, for the lowest term of years, in no case exceeding fifty, for which any person will take the same and pay the amount of such assessments with the interest thereon as aforesaid, and all costs and fees including the expenses of advertisement and sale; such payment shall be made by the purchaser before the close of the sale, and if not so made, the said village treasurer may resell the property, or the said village may have its action against the purchaser for the payment of the whole amount due, with the interest thereon, at the rate of one per centum per month; the sale may be adjourned from time to time at the discretion of said treasurer, until all the said lands and real estate shall have been disposed of; and such parcels as are not bid for when offered for sale or resale as aforesaid, shall be struck off to the village for the term of fifty years.

Treasurer to make out, and deliver a certificate of sale to purchaser.

45. *And be it enacted*, That at or after the close of the sale, the said village treasurer shall make out under his hand and seal and deliver to each purchaser a certificate of the sale of each lot or parcel of said lands and real estate so purchased by him; such certificate shall contain a short description of the property, and shall state the term of years for which it was sold as well as the time when the right to redeem the same will expire; such certificate shall also show the particular assessment under which the sale was made, together with the amount thereof, and the amount of interest, costs, fees and expenses; such certificate shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the village clerk in books to be

kept for the purpose, and after being so recorded, shall constitute a lien upon the lands and premises therein described; and the said certificate may be assigned, but no such assignment shall have any effect until the same shall be recorded as aforesaid in the office of the village clerk; and no declaration of sale shall be executed and delivered to such purchaser or assignee as hereinafter provided, until the said certificate shall have been canceled and filed with the village clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the board of trustees.

Certificate may be assigned.

Declaration of sale not to be delivered until certificate has been canceled and filed.

Treasurer to keep record.

46. *And be it enacted*, That the village treasurer shall keep a full and accurate record in his office of all his proceedings upon such sales, including a statement of all certificates granted, and all redemptions of property sold by him, to which record all parties claiming to be interested shall have free access at all reasonable times.

If village becomes purchaser certificate may be assigned.

47. *And be it enacted*, That if the village become the purchaser of any lands and real estate at any such sale, the certificate of sale shall be assignable as aforesaid, and all the other provisions of this act in relation to the sale shall apply to the village the same as to any other purchaser.

Mortgagee or assignee when not divested of his rights.

48. *And be it enacted*, That no mortgagee or assignee of any mortgage, whose mortgage or deed of assignment shall have been duly recorded or registered before any such sale shall be divested of his rights in any property sold as aforesaid covered by such mortgage, unless six months' notice of such sale shall have been given to him in writing, by the purchaser or by any person claiming under him; such notice shall be served personally upon the said mortgagee or assignee, if a resident of the said county of Essex, or, if he be not so resident, by being directed to him at his place of residence as stated in the mortgage or deed of assignment, and by being deposited in the post office of said village, with postage prepaid, and in case of such non-residence of such mortgagee or assignee, said notice shall likewise be published for the space of two months in two newspapers printed in said county and circulating in said village; and within one month after such service, or service and publication of said notice, it shall be the duty of the person serving, or causing the same to be served, to file in the office of the said village treasurer a copy of said notice, together with satisfactory proof of the manner of service, or service

and publication thereof, in accordance with the provision of this act.

When property may be redeemed.

49. *And be it enacted*, That the owner, mortgagee, occupant or any person having a legal or equitable interest in any lands and real estate sold as aforesaid, may redeem the same at any time within three years thereafter, by paying the village treasurer, for the use of the purchaser, his legal representatives or assigns, the said purchase money, together with any assessment for taxes or otherwise which the said purchaser may have paid, and of the payment of which he may have filed a written notice in the office of the said village treasurer, together with interest at the rate of two per centum per month, upon such purchase money from the time of such sale, and upon such payment or payments from the time of filing such notice or notices as aforesaid; and the certificate of said treasurer, stating the receipt of such money, and showing what property the same were intended to redeem, shall be evidence of such redemption; and upon the receipt of such money by the said treasurer, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, on demand; and all proceedings in relation to said sale shall then cease and determine; and if the person so redeeming be a judgment creditor or a mortgagee, or the assignee of a judgment creditor or mortgagee, he shall have a lien on the lands and real estate so redeemed by him, by virtue of this act, for the amount so paid by him for such redemption, with interest thereon at the rate of twelve per centum per annum, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment thereof in the same manner; and the said treasurer shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same, and the other to be filed in the office of the village clerk.

If property not redeemed, declaration of sale to be executed to purchaser.

50. *And be it enacted*, That if any lands and real estate so sold shall not be redeemed as aforesaid, the board of trustees shall in the name of said village, execute to the purchaser or his legal representatives or assigns, a declaration of sale signed by the village president and attested by the village clerk, containing a short description of the property sold, together with a brief statement of the facts of assessment advertisement and sale, including the date of sale and the term for which said premises were sold; said declaration shall be re-

corded in the office of the village clerk in books to be kept for the purpose and until the same shall be so recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of three years from the time of such sale may have expired; such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had, according to the provisions of this act; and such purchaser and his legal representatives or assigns shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use, against the owner or owners thereof, and all persons claiming under him, her or them until the term shall be completed and ended for which the purchaser agreed to take the same, and at the expiration of the said term, shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, being liable, however, for any waste or injury done or committed by him, her or them in the same manner as a tenant for a term of years.

Clerk may give certificates of search.

51. *And be it enacted*, That in addition to the recording of certificates and declarations of sale, and of assignments of said certificates as aforesaid, the village clerk shall also give certificates of search in relation thereto, to any person or persons applying for the same; and he shall also cancel such certificates and such assignments thereof so recorded, whenever the lands and real estate for which they were given shall be redeemed, upon the presentation and filing in his office of the village treasurer's certificate of such redemption.

Compensation of Treasurer.

52. *And be it enacted*, That for any service to be performed under this act the village treasurer shall be allowed such special compensation for special services as may be from time to time determined by the board of trustees; he shall also be entitled to receive from each purchaser the sum of one dollar for every certificate or declaration of sale by him given; and the said village clerk shall also be entitled to

Compensation of clerk.

receive from said purchaser the sum of one dollar for every certificate or declaration of sale, and every assignment of such certificate to be recorded by him as aforesaid, and also the sum of one dollar for every search (including the certificate thereof,) made by him in the records of certificates and declarations of sale and assignments as aforesaid; and

the said village treasurer shall likewise collect for the use of the village, the sum of one dollar from each purchaser at the time of delivery of said certificate of sale, for the expense of advertising and selling each and every lot or parcel of said lands and real estate by him purchased as aforesaid.

When building stands within lines of street by whom disposed of.

53. *And be it enacted*, That whenever any building or any part of any building shall stand within the lines of any street or highway which shall have been laid out and, opened, or which shall have been straightened, altered or widened, by any ordinance of the said board of trustees, and the owner or owners of said building, or said part of a building, shall have neglected to remove the same, it shall be the duty of the board of assessments, or of any two of them, to sell and dispose of the same to the highest bidder at a public auction, of which they shall give at least four weeks' notice in two newspapers printed in the said county and circulating in said village; and they shall have power to adjourn said sale from time to time as they may see fit, by making public proclamation thereof at the time of such adjournment; and they may undertake to deliver possession of said building or said part of building to the purchaser thereof, at such time thereafter, as they may determine to be just and fair to the former owner or owners thereof; and it shall be the duty of such former owner or owners, or his, her or their tenant or tenants, to vacate and yield up the possession of the same at the time so determined; and the amount for which the same shall be so sold, after deducting the expenses of said advertisement and sale, shall be paid over unto the said village treasurer and be credited by him on account of moneys to be collected for said improvement.

MISCELLANEOUS PROVISIONS.

Who competent to act as judge juror or witness on trial of certain issues.

54. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which the said, the Village of Irvington, is a party, or in which it may be interested, no person shall be deemed incompetent to act as judge, juror or witness by reason of his being an inhabitant or freeholder of said village; and if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the

general issue, and give this act and the special matter in evidence at the trial.

Repealer. 55. *And be it enacted*, That on and after the election, qualification and entrance of the officers of the Village of Irvington upon their respective offices, in accordance with the provisions of this act, the act entitled "An act to authorize the appointment of commissioners to lay out streets, avenues and public squares in the township of Clinton, in the county of Essex, and for other purposes," passed February nineteenth, one thousand eight hundred and seventy-two, and the several supplements thereto, be and the same are repealed, except so far as relates to the laying of sidewalks and collecting assessments for the same; and the said incorporated road district shall have succession in the village of Irvington, and the said village shall have the right, by virtue of succession, to assume the obligations and complete all the unfinished business of the said road district, in accordance with the law or laws constituting it.

Exception.

Repealer. 56. *And be it enacted*, That all acts and parts of acts inconsistent with the provisons of this act, shall be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXCVI.

An act to revise and amend the charter of the Town of Union, in the County of Hudson, and State of New Jersey.

Boundaries 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundaries of the said Town of Union, in the county of Hudson, shall include within its future limits all the lands and premises described as follows, to wit: beginning at the intersection of the Bergen turnpike road with the Bull's Ferry turnpike, and running thence northerly along the Bergen turnpike road to the southerly line of the lands and premises of Louis Beck-

er; thence easterly along the southerly line of Louis Becker's property to the westerly line of the Dallytown road; thence northeasterly, along the westerly line of the Dallytown road, to the northerly line of the property known as Danielson's five-and-a-quarter acre lot; thence easterly, along that line, to the northerly line of lands of Mr. Cosset, as said northerly line was then known, laid down and described in the act to which this act is an amendment, approved March twentieth, one thousand eight hundred and sixty-six, and thence again easterly along said Cossett's line to the centre of the Bull's Ferry turnpike to the Bergen turnpike road, the point or place of beginning; and that all the inhabitants within the said limits shall be deemed, esteemed and taken to be, and are hereby constituted a body politic, incorporate in law, by the name of The Town of Union, in the county of Hudson. Corporate name.

2. *And be it enacted*, That the officers of said town shall be six councilmen, nine trustees of public schools, a town clerk, who shall also be the clerk of elections, an assessor, a collector of taxes, a collector of arrears of taxes, a treasurer, a recorder, a street commissioner, a judge of election, five constables, one or more justices of the peace, one overseer of the poor, a chosen freeholder, and three commissioners of appeal in cases of taxation. Officers.

3. *And be it enacted*, That the councilmen shall hold their office for the term of two years, three councilmen being elected each year; the trustees of public schools shall hold their office for the term of three years, three of them being elected each year; the assessor, town clerk, and street commissioner shall each hold his office for the term of two years; all other of said officers shall hold office for the term of one year; all said officers shall be elected by ballot, at the town meeting to be held on the second Tuesday in April, and the election shall be held and conducted by the judge of election and the town clerk, at the same hours, in the same manner and under the same regulations as are prescribed by law for the election of members of the legislature; and the returns of all elections of town officers shall be stated and signed by the judge and clerk, and within forty-eight hours after the closing of the polls, such statement shall be filed in the office of the town clerk, who shall, within five days thereafter, file a copy thereof in the office of the clerk of the county of Hudson. Term of office. Town meeting when held and by whom conducted.

Who entitled to vote.

4. *And be it enacted*, That every person who would, by the laws of this state, be entitled to vote in said town, at an election for members of the legislature, if held on that day, shall be entitled to vote at the town elections above designated; and the person or persons receiving the greatest number of votes of those given in the town for any town officer to be elected at such election, shall be deemed elected for the office designated by such votes, and the judge shall, in the said return, designate who are elected to the several offices to be filled at such election.

Elections by whom held.

5. *And be it enacted*, That all future elections to be held for county and state officers within said town shall be held by the judge, assesor, collector and clerk of said town, provided for by this act, or in the absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases.

Elections when held.

6. *And be it enacted*, That the places at which all elections shall be held shall be designated by the councilmen of said town, and shall be published or advertised by the town clerk in five of the most public places in the town, at least ten days prior to any such election.

Collector of taxes, duties, compensation, &c.

7. *And be it enacted*, That the collector of taxes shall collect all taxes and assessments due said town, except arrears of taxes, and shall receive one and a half per centum of all moneys collected by him for said town; the collectors of arrears of taxes shall collect all taxes unpaid after the twentieth day of December in each year, and shall receive three per centum of all taxes on real estate which shall not be paid on or before the twentieth day of December of the year in which they are levied, and ten per centum of all taxes on personal estate and poll taxes which shall not be paid on or before the twentieth day of December of the year in which they are levied, so far as such taxes shall be collected by said collector of arrears; said percentages in all cases to be collected from the parties owing the taxes, assessments or other moneys to the town, in addition to the taxes, assessments or other sums due, and to be paid by the officer collecting the same with such moneys to the treasurer, and thereupon the council shall order a warrant to the collector or collector of arrears for the said per centage due him; the collector shall procure an office in some convenient part of the town, where he shall remain to attend to the business of

To have a suitable office for transacting business.

his office at least three hours each day, except Sundays and legal holidays; his office hours shall be fixed by the board of council, and notice thereof given in one or more of the newspapers circulating in said town; the week preceding the twentieth of December in each and every year the collector shall remain in his office from nine o'clock in the forenoon to nine o'clock in the evening to receive all moneys that may be offered in payment of taxes or otherwise; the collector and collector of arrears shall each give bonds in such sum as the board of council shall direct, to be fixed by said council previous to the annual spring election in each year; the collector and treasurer shall present a detailed monthly report to the board of council, who shall post a copy thereof in the town hall for the inspection of all parties interested therein; the treasurer shall receive a salard of three hundred dollars per annum; the recorder shall receive a salary of three hundred dollars per annum; the street commissioner shall receive an annual salary of three hundred dollars, and shall not be interested in any work done or materials furnished for the town, or any contract made by the town, and shall give bonds for the faithful performance of his trusts and duties: the others of said officers shall receive the compensation fixed by law, and no officer whose compensation is fixed by this act shall receive any extra compensation for any services which it shall be his duty to render as such officer; the councilmen shall each receive, as compensation, the sum of two dollars for every meeting of the council at which he shall attend.

To give bonds.

Treasurer's salary, &c.

Street commissioner salary, &c.

8. *And be it enacted*, That the legislative power of said corporation shall be vested in the councilmen, who shall also, for the purposes of this act, do and perform the duties of and be invested with the power and authority of the township committees in the townships of this state, in all cases wherein the exercise of such powers and duties shall be required in the said town, and said councilmen shall annually elect one of their number to be chairman, and in his absence, a chairman for the time being; appoint their times and places of meeting; determine the rules of their own proceedings; be the sole judges of the qualifications of their own members; keep a journal of their proceedings and shall have power and authority to pass ordinances and resolutions pertaining to the purposes and objects of said corporation,

Legislative power vested in councilmen.

and necessary and proper for the carrying out of the provisions of this act.

Council to require bonds from certain officers.

9. *And be it enacted*, That the councilmen may, in addition to the official bonds now required from officers elected at township meetings, require such other bonds for the faithful performance of the trusts and duties of any officers elected by virtue of this act, as said councilmen shall deem expedient; and no officer elected under this act shall enter upon the discharge of his duties, unless, within ten days after his election, he take and subscribe before the town clerk, an oath or affirmation, faithfully and impartially to execute the trust imposed in him, which oath the said clerk is hereby authorized and empowered to administer; and shall keep all such oaths and affirmations on file in his office, and the clerk himself shall make a like oath or affirmation before some justice of the peace in said county, which shall by the councilmen be filed in the office of the clerk of the county of Hudson.

Councilman empowered to arrest, &c.

10. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest or cause to be arrested, any person engaged in his presence in disturbing the public peace, or violating any law of the state or ordinance of the town, for the preservation of the peace, or of good order or morality, and to bring, or cause such persons to be brought before the recorder of the Town of Union, to be dealt with according to law.

Treasurer to receive all moneys collected.

11. *And be it enacted*, That the treasurer shall receive all moneys collected by said corporation, from the persons who shall collect the same, and shall pay out the same only upon warrants from the councilmen, signed by their chairman, and countersigned by the town clerk, except for the payment of the bonds of the town, and certificates of indebtedness for improvements, given by the said corporation, and interest on the same, and money paid into the treasury for the redemption of property sold for taxes and assessments, and no warrants on the treasurer shall be so drawn, except in pursuance of an order of the councilmen, passed at a stated meeting and entered on their minutes; all such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid, and the treasurer shall keep accurate books of account of all moneys received and disbursed by him, and

furnish abstracts of such accounts to the council at any time, on their request.

Town clerk to have charge of records, &c.

12. *And be it enacted*, That the town clerk shall, in addition to the duties required of him by this act or any other act of this state, have charge of all the records, books and documents of the town, except when the councilmen shall otherwise direct; he shall keep a record of the proceedings of the councilmen; he shall engross all the ordinances of the councilmen in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman or acting chairman of the councilmen, and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the councilmen, and copies of the laws or ordinances of said town, certified by him under the corporate seal, shall be evidence in all courts and places, and the clerk shall perform such other duties as have heretofore been usually performed by the clerk of said town, or as may be requested of him by the council; the town clerk shall receive an annual salary of six hundred dollars, and no other compensation for any services performed by him for the town, and shall be elected for the term of two years.

To keep a record of proceedings of council.

Salary of town clerk.

Official term when to commence.

13. *And be it enacted*, That the official term of said officers shall commence on the last Monday in April next after the election, and shall continue as aforesaid and until their successors are chosen and qualified.

Who competent witnesses on certain trials.

14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any question, to which issue or investigation the "Town of Union" is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant, freeholder or freeman of said town.

Councilmen to publish statement of receipts and expenditures.

15. *And be it enacted*, That the councilmen shall, at least once a year, not more than twenty nor less than fifteen days before the annual town election publish a full statement of all the receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the town.

Certain assessments and taxes how collected.

16. *And be it enacted*, That all taxes and assessments made and due before this act takes effect in the township of Union and the Town of Union, are hereby constituted, may be collected in the name of such of the two corporations as may be entitled to collect the same, and the property liable to be sold therefor, shall be sold as if this act had not been passed, and any duty in such collection and sale imposed upon any officer in such present corporation shall be performed by the corresponding officers of the Town of Union, under this act, and such officers shall be so liable to the debts, claims and rights in action which the like officers in townships are liable to, and all ordinances and resolutions heretofore passed by the town committee of the township of Union that may be in force when this act goes into effect, so far as the same are not inconsistent with this act, shall remain in force until altered or repealed by the councilmen of the Town of Union hereby provided for.

Moneys received by any officer to be delivered to Treasurer.

17. *And be it enacted*, That all moneys received by any officer or agent of the town which should be paid into the town treasury, shall be delivered to the treasurer by such officer or agent within ten days after he receives the same, together with a written statement under his hand of the amount so paid, and the person or persons from whom such officer or agent received the same, and showing also on what account such money was received.

Taxes by whom assessed and collected.

18. *And be it enacted*, That all taxes for the purposes of the town shall be assessed by the assessor, who shall be elected in pursuance of this act, upon all the property both personal and real, situated in the corporate limits of said town, in the manner and within the time directed by the laws of this state for assessing township, county and state taxes, and all the taxes so assessed for town purposes, shall be collected by the collector or collector of arrears in the same manner as he is by law directed to collect township, county and state taxes, except taxes for gas, water and ferry, which shall be assessed in equal proportions on all lots, and shall be paid over by him to the town treasurer as soon as collected, and no property whatever, situated within the bounds of said town shall be exempt from taxation, excepting only such property as may be held or owned by the said Town of Union in its corporate capacity, and such property as may belong to any fire department of said town, and all

churches and school houses and church and school house property in said town.

Collector to charge interest on delinquent taxes.

19. *And be it enacted*, That whenever within the town any tax shall remain unpaid after the twentieth day of December in every year, it shall be lawful for the collector of arrears of taxes to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum, from the said twentieth day of December until the same is paid, and such interest shall be paid over by the said collector of arrears of taxes to the treasurer of said town, in like manner and at the same time as he may be required to pay over to said treasurer all the taxes by him collected, and for the purpose of collecting such arrears of taxes and interest the said collector of arrears may exercise all the rights, powers and remedies which any constable is authorized to exercise for the collection of taxes by any general law of this state.

Taxes and assessments to be lien on land.

20. *And be it enacted*, That all taxes and all assessments which shall hereafter be levied, assessed or made upon any lands, tenement or real estate situate in the said Town of Union, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the councilmen for the payment thereof, it shall and may be lawful for the councilmen to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment or the balance thereof remaining unpaid with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said town a declaration of such sale to be signed by the chairman of the council and the town 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 councilmen shall first have caused said sale to be advertised for at least sixty days, in at least one public newspaper generally circulated in said town, and also by advertisement put up in

Councilmen to cause lands of delinquents to be sold.

Proviso.

at least five public places in the said town, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of 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 lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other persons for or 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 assessments, or for both, by paying to the treasurer of the town, for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment, 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 fifteen per centum per annum in addition thereto; and the certificate of the treasurer of the town, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; 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 such sale, unless six months' notice in writing shall have been given to him by the purchaser or those claiming under him either personally or if not to be found in the said Town of Union, then such notice shall be deposited in the post office nearest to said town, directed to him at his last known place of residence, (or at the post office nearest thereto,) but nothing therein contained shall be so construed as to impair the lien created by such tax, assessment or sale; *and provided*, the same term of time for which any lands, tenements or real estate so sold as aforesaid, shall not commence nor shall said purchaser or those claiming under him have a right of possession to said lands, tenements or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of the sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wears and accidents excepted;

Proviso.

Proviso.

provided also, that the said sale may be adjourned or postponed from time to time or suspended as the councilmen or their committee appointed to attend to said sale may direct; Proviso.
and provided, that if at any sale of lands, tenements or real estate, for assessment or taxes, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall be lawful for the said councilmen or said committee to adjourn the sale not less than thirty days, nor more than sixty days; twenty days' notice at least shall be given as aforesaid of the said adjourned sale, and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said town to purchase the said lands, tenements or real estate for the term of one thousand years, for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided also*, Proviso.
that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such 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 the precedence over all other liens on said lands, tenements or real estate, and a foreclosure of any mortgage by such mortgagee redeeming shall be directed to be made out of the said lands, and a sale of said lands under any such foreclosure judgment shall be paid out of the proceeds of the sale; *provided* Proviso.
further, that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessment 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 town clerk to record in a book to be called "record of sales," all declaration of sales, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, a certificate of the town treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the

person redeeming and one to be filed in the said clerk's office; it shall be lawful for the council of said town to sell, assign, transfer, and convey any term in land purchased for the benefit of said town as aforesaid, or any portion of such term, for such price as said council may think proper.

State and county taxes to be assessed by assessor and collected by collector.

21. *And be it enacted*, That all state and county taxes shall be assessed and collected by the assessor and collector, and collector of arrears of said town in like manner as township taxes are assessed and collected, and the same shall be paid over by the town treasurer to the county collector in like manner and under like penalties as township collectors are directed by law.

Assessor to have vote in county board of assessors.

22. *And be it enacted*, That the assessor, authorized to be elected by this act, shall have the like vote which the assessors of townships may have by the laws of this state in the county board of assessors

Sales to be valid notwithstanding any informality.

23. *And be it enacted*, That all sales heretofore made in said town for arrears of taxes or assessments, shall be valid and effectual in law to vest in the purchaser or purchasers at such sales, the term of years bid off at such sale or sales by such purchaser or purchasers, notwithstanding any defect, informality, irregularity, or want of compliance with the law relating to or affecting such sales, or the declarations of sale, or the assessing or levying such taxes or assessments; *provided, however*, that in all cases where the time of redemption from such sales has not already expired, such time shall be and hereby is extended until the end of two years from the passage of this act.

Proviso.

Council empowered to pass, alter and repeal ordinances.

24. *And be it enacted*, That the council of said town shall have power to pass, enforce, alter and repeal, ordinances within said town for the following purposes, to wit:

To establish boundaries of streets, &c.

To ascertain and establish the boundaries of all streets, roads, avenues and public places in said town, and to prevent and remove all encroachments thereon; to provide for repairing, cleaning and lighting such streets, roads, avenues and public places.

To license inns and taverns.

To license, regulate and prohibit inns, taverns and restaurants, and the sale or transfer of spirituous, vinous, malt or other strong or intoxicating liquors.

To license, regulate and prohibit hawkers and

To license, regulate and prohibit, hawkers, pedlers, hucksters, butchers, slaughter houses, markets, auctioneers, cartmen, hack drivers, omnibus drivers and porters, and to fix

the terms upon which licenses for such purposes shall be granted, and to make all proper rules and regulations for the collection of license fees, and no other license for any of such purposes shall be valid within said town, except licenses granted by the governor to hawkers and pedlers. peddlers.

To declare what shall be nuisances in lots, streets and other places, in said town, and to provide for the abatement, removal, sale, or other disposition of such nuisances. To declare what shall be nuisances.

To provide for the impounding, sale, or destruction of animals running at large in said town. To provide for impounding animals running at large.

To regulate and prohibit interments within the limits of said town. To regulate interments.

To regulate the use of streets and public places by foot passengers, animals and vehicles, and to prevent their use for any other purposes than public travel. To regulate the use of streets.

To regulate the numbering of houses and lots, and the naming of the streets of said town. To regulate number of houses.

To regulate and prevent the use of fire-arms, fire-works, and detonating works of all descriptions, in said town. To regulate and prevent use of fire-arms.

To provide for collecting the cost of cleaning and repairing sidewalks, curbs and gutters, and interest on such cost, from the owners of the lots in front of which such cleaning or repairing may be done, and for assessing such cost and interest upon such lots as a tax or assessment.

To provide for the filling up of vacant lots, which, in the opinion of such council, may become injurious to the public health, and for collecting the cost thereof, and interest on such cost, by suit against the owner or by assessment upon and sale of the lot or lots filled. To provide for filling up vacant lots which may become injurious to public health.

To provide for, regulate and control a police force and a fire department for said town. To provide for and regulate police force.

To provide for the raising by tax of such moneys as may be necessary for the purpose of carrying out the provisions of this act; *provided*, that no more money shall be raised for the police force, fire department, or public schools, or the repair of streets, roads, or avenues, in any year, than shall be voted for such purposes by the town meeting in such year, or otherwise fixed by law. To provide for raising certain money by tax. Proviso.

To fix a penalty not exceeding a fine of fifty dollars, or ten days' imprisonment in the town or county prison, for the violation of any ordinance of said council; which penalty may be imposed by the recorder of said town in the manner fixed by the charter of the city of Hoboken for im- To fix penalties for certain acts

posing penalties for the violation of any ordinance in said city; and the recorder of said town is hereby vested with like powers, to be exercised in said town as the recorder of Hoboken has in said city.

Council empowered to elect a town attorney.

25. *And be it enacted*, That the council of said town shall have power to elect a town attorney, and fix his term of office, and to fix the duties and compensation of all officers in said town, so far as the same are not fixed by this act.

To appoint commissioners of assessments, their compensation, &c.

26. *And be it enacted*, That the council of said town shall appoint three discreet persons, residents and freeholders of said town, to be commissioners of assessments, who shall receive such compensation as said council may direct, and shall hold their offices for one year; the said commissioners shall make all assessments for improvements under this act;

Proviso.

provided, that if any of the said commissioners shall be interested in the matter of any such assessments, the council shall appoint some discreet and impartial freeholder or freeholders, resident in said town, to act in regard to such assessment, in lieu of the commissioner or commissioners interested therein, as aforesaid, and every report of assessments made by commissioners of assessments shall be accompanied by the oath or affirmation of each commissioner making the same, that he is not interested, directly or indirectly, in the matter of the assessment, and that he has performed his duties in relation thereto honestly, faithfully, and impartially, to the best of his ability, skill and understanding, which oath or affirmation the clerk of said town is hereby authorized to administer.

Streets how opened and extended.

27. *And be it enacted*, That streets shall be opened, extended, widened, or otherwise changed as to their boundaries, in the following manner, and not otherwise: a petition in writing, signed by the owners of one-third of the property fronting on the improvement desired, shall be presented to said council, setting forth accurately the improvement desired; and the petitioner shall deposit with the treasurer such sum of money as said council shall direct, being sufficient to cover the expense to be incurred, in case such improvement shall not be ordered; if said council shall favor the petition, the same shall be referred to the commissioners of assessments, and a discreet surveyor, not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property which in the judgment of said commis-

sioners, will be benefited thereby, designating each lot and parcel on said map by a number; said commissioners shall also ascertain, so far as practicable, the name of the owners of said real estate to be taken, and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estate are not known, they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same, considering in such appraisal the condition in which each owner's parcel of real estate will be left after taking so much thereof as will be required for the improvement; and where the estates in any plot of land are unknown, they shall appraise the value of, or the damage done to the fee simple; said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; *provided,* that where the line of such improvement would bisect any building, the said commissioners may determine, as shall seem to them most just to take, either the whole of such building or so much thereof as stands upon the land required, or to require the owner or owners thereof to move it back from the line of improvement, in case the owner or owners thereof have land enough left for that purpose, and their appraisement shall be made accordingly; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, to be taken on account of said improvement, and shall so determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the land to be benefited, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained, and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and map with the clerk of said town within thirty days after the reference to them, or within such further time as said council shall grant; thereupon the said clerk shall cause a notice of the filing of said map and report to be printed in a newspaper circulating in said town, for the space of two weeks; which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place, when

and where the said council will meet to hear and consider any objections to said report, or to the improvement, which may be presented in writing; said clerk shall also, within said two weeks, cause notices to the same effect to be posted at points not over four hundred feet apart along the whole line of said improvement; the time appointed for such objections being not less than ten days after the expiration of said two weeks; and all objections at such time and place, presented in writing, said council shall consider and adjudicate upon, and the awards or assessment made in said report shall be corrected accordingly; a copy of which corrections, signed by the president of said council, shall be filed with the said clerk within twenty days after the expiration of said two weeks; if said council shall then determine to make said improvement, notwithstanding any objections to the same, the said council shall confirm said awards, with the corrections, if any, and pass an ordinance ordering the said improvement to be made and completed in such manner as said council may direct, under the supervision of said commissioners of assessments; *provided*, the said council shall not proceed to make any such improvement if the owners of the property subject to more than one-half of the assessment for the improvement shall remonstrate against the same being made, the said council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken, and damages sustained in making said improvement, and upon the passage of such resolution the fee simple of said real estate to be taken shall be vested in said town corporation; *provided*, that where the commissioners shall have reported the names or estates of the owners of any plot as unknown, said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear; and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement, the said commissioners shall report to said council the actual net cost thereof, and said surveyor, or some other to be appointed in his stead by said council, shall assess such actual net cost upon the land reported by said commissioners as benefited thereby, in the same proportions as the estimated

Proviso.

Proviso.

net cost had been previously assessed in the map and report of said commissioners, as corrected by the council; the assessment so made shall constitute a lien upon each parcel of said lands for the amount assessed to the same.

Street by whom and how vacated.

28. *And be it enacted*, That whenever any street shall be so altered that any part of it shall require to be vacated, under the provisions of the last section, such part thereof shall be distributed by the commissioners of assessment, among the parcels of land contiguous thereto, in such manner that, so far as practicable, the relative frontage of such parcels upon the street shall be preserved, which distribution their map and report shall show, and said commissioners shall take such distribution into consideration in making awards and assessments, and the portions so distributed to each of the parcels, shall, upon the passage of the resolution confirming the awards, be vested in the owner or owners of such parcel in the same estate as the parcel itself.

Proceedings in cases of assessments and award.

29. *And be it enacted*, That whenever, by the report and map of the said commissioners, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then, if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award exceed the assessment, only so much of the award as is in excess shall be paid, and the resolution of the council ordering the awards to be paid, shall be framed accordingly; and when the amount to be assessed shall be finally determined, such amount shall be set off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the assessment shall be cancelled, and such excess only shall be paid to the person to whom the award is made; and if the amount of the assessment be in excess, the award unpaid shall be cancelled, and such excess only shall be a lien upon the property assessed; the rest of the award or assessment, as the case may be, being also cancelled.

Person dissatisfied with determination of council may commence action of assumpsit.

30. *And be it enacted*, That whenever any person who shall have presented objections as aforesaid, to an award, shall be dissatisfied with the determination of said council, thereupon such person may commence an action of assumpsit against the said town, in the circuit court in the county of Hudson, or in the supreme court of this state, (provided

that the trial shall be had in said county,) which action shall proceed in all things as if the said defendant therein had, upon taking the real estate required for the said improvement, agreed in writing to pay therefor the value thereof, and the damage done by taking the same; and if in said action the plaintiff shall recover more than the amount awarded, as aforesaid, he shall recover his taxable costs according to law; and if he shall not recover more than the amount awarded, then the defendant shall recover his taxable costs against the plaintiff, and shall be entitled to have them deducted from the amount recovered by the plaintiff, and execution shall issue only for the balance, the assessment (if any) against the plaintiff being also deducted from the amount of the judgment; *provided, always*, that no such action shall be brought by any person who may have received payment of the amount awarded, nor unless notice that such action will be brought, be filed with the clerk of said council within sixty days after the confirmation of the award; nor unless such action be commenced within six months after such confirmation; *provided further*, that the judge of the said circuit court may, upon petition, for good cause shown, and upon such terms as he may direct, dispense with either or all of the provisons in the last proviso contained.

Proviso.

Proviso.

Costs of improvement when increased by litigation, to be assessed.

31. *And be it enacted*, That if by reason of such actions as are provided for in the last section after paying the costs of litigation, the costs of the improvement be increased more than two hundred dollars, such increase shall be assessed upon the property previously assessed in the same proportions as the previous final assessment, and shall constitute a lien upon such property for the amount newly assessed; and if by reason of such actions, after paying the costs of litigation, the cost of such improvement be lessened more than two hundred dollars, the amount of such decrease shall be awarded to the property previously assessed, in the same proportions as the previous final assessment; in all other cases, gains or losses by such actions shall belong to or be borne by the town treasury, unles the council shall direct the assessment or award thereof as aforesaid.

On application of owners for vacation, council to

32. *And be it enacted*, That on the application of the owners of three-fourths of the property fronting on any public street, or part of any public street, for the vacation thereof,

said council may appoint a time and place when and where they will hear parties interested therein, of which notice shall be given by advertisement, as in case of opening a street, and thereupon after hearing such persons as may then and there appear to be heard in relation thereto, said council may pass an ordinance declaring said street or part of a street vacated, and the effect of such ordinance shall be to terminate the rights and duties of the public concerning said street or part of a street.

appoint a place for hearing parties interested.

33. *And be it enacted*, That streets shall be flagged, curbed, guttered, paved or graded in the following manner:

Streets how flagged, curbed, &c.

An application in writing shall be made to the said council for the particular improvement desired, signed by the owners of one-third of the property fronting on the improvement desired; thereupon said council may direct notice of such application to be given by advertisement printed and posted in the manner directed in section twenty-seven of this act, which notice shall also specify the time and place, when and where said board will meet and hear parties interested therein, which time shall be not less than ten days after the expiration of such notice; if after hearing such parties as may then and there appear to be heard in relation thereto, said council shall determine to make said improvement, they shall pass an ordinance to that effect, and shall thereupon advertise in a newspaper circulating in said town, for not less than two weeks, for proposals for the doing of such work and furnishing such materials as may be required, which proposals shall be presented in such form and under such regulations as said council may prescribe; upon the coming in of said proposals, the said council may make a contract with the lowest responsible bidder on the terms of his proposals for the completion of said improvement, and may complete the same, and when completed the expense thereof shall be assessed by the commissioners of assessment upon the property benefited thereby, in proportion to the benefit received; said commissioners shall report such assessment in writing to said board, accompanying their report with a map of their improvement, designating each separate lot or parcel of land assessed by a number, and give the names of all the owners thereof, as far as practicable; upon the filing of such report and map with the clerk, he shall cause notice of that fact, and of the time and place when objections to such assessment will be heard by said

board, to be published in said newspaper for two weeks, which time shall not be less than ten days after the expiration of said two weeks, and all objections in writing presented at such time and place shall be considered and adjudicated upon by said council, and if said council shall order the correction of said assessment in any particular, such corrections shall be certified by the president of said council, and filed with the clerk thereof; the assessment so made and corrected shall constitute a lien upon each parcel of said lands for the amount assessed to the same; *provided*, that such improvement shall not be made if the owners of more than one half of the property fronting on said street present written objections to the same before the passage of the ordinance therefor.

Proviso.

Certain time extended.

34. *And be it enacted*, That the time fixed for the doing of any of the several matters mentioned in sections twenty-seven, thirty-two, and thirty-three, may be extended by resolution of said council, a copy of which resolution shall forthwith be put up in some conspicuous place in the office of the clerk of said council; *provided*, that the intervals between the said several matters be not lessened.

Proviso.

Application for improvement in streets may embrace several kinds.

35. *And be it enacted*, That any application for street improvement may embrace several kinds of improvement upon the said street.

When certain assessment not to be made.

36. *And be it enacted*, That whenever any street or part of a street has been or shall hereafter be paved, or any sewer has been or shall hereafter be laid, and the assessment therefor has been or shall be once paid by the property assessed, no assessment shall be again levied for the paving or sewering (as the case may be) of the same street or part of a street, but the expense of keeping said pavement or sewer in order, or of the paving or sewering of the same anew with the same or other material, shall be paid by general tax.

Council to notify parties to keep sidewalks, gutters, &c., in repair.

37. *And be it enacted*, That the said council may make such regulations for notifying the owners or occupants of any parcel of land fronting upon any street, to keep the sidewalk, gutter and curb in front of such parcel in good repair, as they may deem expedient; and if in any case after such notice such repairs be done by said council, the expense thereof, with interest and costs, may be recovered by such council by suit in the name of the town, against such owner or occupant as for so much money due for labor performed

and materials furnished by said town for such owner or occupant, at his request, or may be assessed as a tax on such lot and collected as general taxes are collected.

Council to establish grade, &c.

38. *And be it enacted*, That the said council may establish grade for any street, or part thereof, the grade of which has not already been established according to law, in the following manner: it shall be referred to some discreet and disinterested surveyor, to be designated by said council, to report to said council the proper grade for such street, or part of street, and within ten days, or such further time as may be granted, said surveyor shall report the proper grade, and file his report with the clerk of said council; thereupon, said clerk shall cause notice to be printed in a newspaper circulating in said town, for two weeks, that said council will meet at a certain place not less than ten days after the expiration of said two weeks, to hear objections that may be presented in writing to the establishing of the grade reported, and thereupon, after considering the grade reported, and any objections that may be presented thereto, the said council may establish, by ordinance, such grade as shall seem to them proper.

Grade may be changed

Proviso.

39. *And be it enacted*, That the grade established for any street, or part thereof, may be changed by said council in the same manner as prescribed in the last section; *provided*, that such street, or part thereof, has not been graded, and no buildings have been erected or commenced thereon since the establishing of the former grade.

When grade once established not to be changed without consent of owners in writing.

40. *And be it enacted*, That where the grade of any street, or part of a street, has been, or shall be established according to law, and said street, or part of a street, has been or shall be graded according to such grade, or any building has been or shall be erected or commenced on said street, or part of a street, after the establishing of such grade, then the grade shall be changed only by consent in writing of the owners of the majority of the property to be assessed therefor, and upon paying to the owners of any property to be injured thereby the damages sustained, and the proceedings for such change of grade shall correspond as nearly as may be to the proceedings for opening a street.

Council empowered to pass ordinances for constructing sewers,

41. *And be it enacted*, That the said council shall have power and authority, on the application of the owners of one-third of the property fronting on the improvement desired, to pass and execute ordinances for the construction of

On application of owners.

sewers or drains in any of the public streets, roads or highways in said town, and if, for the purpose of providing a proper course or egress for such sewers or drains, it be advisable to build the same through any private property, then the council shall direct the commissioners of assessment to estimate the damages to be done to the owner or owners of such private property by constructing and maintaining such sewers or drains thereon; and upon tendering to such owner or owners the amount so estimated, the said council shall be authorized to enter upon said property and construct and maintain such sewer or drain; *provided*, that if such owner or owners be dissatisfied with the amount so tendered, and shall refuse to accept the same, and may thereupon bring an action as for a tresspass against said town, in which action he shall recover for all damages sustained and to be sustained by the construction and maintenance of such sewer or drain upon such property; but he shall not be permitted to prevent the construction and maintenance of such sewer or drain on such property after tender to him of the amount estimated as aforesaid; in all other respects the proceedings for constructing sewers and drains shall be the same as for paving streets.

Proviso.

Council to cause all improvement authorized by this act, to be done.

42. *And be it enacted*, That the said councilmen are empowered to cause any or all of the improvements authorized by this act to be made in any of the streets or roads, whether used as a plankroad, railroad or otherwise, except so far as they interfere with their corporate or vested rights, and in and upon all streets, roads and avenues that have been or shall hereafter be dedicated to the public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of any such street, road or avenue in said town; said councilmen shall also have power to regulate the position and construction of all railroads to be laid in any street, road or avenue in said town; and all contracts in which said councilmen shall be interested as individuals, either directly or indirectly, shall be null and void.

To regulate the construction of railroads, to be laid streets.

Sums of money for certain purposes to be raised by vote.

43. *And be it enacted*, That the legal voters of said town shall have power and authority at their annual charter election in each year to raise, by plurality of votes, such sum or sums of money as they may think proper and necessary, for the support and maintenance of the poor of said town, for the support and maintenance of the fire department, and of

the police; for the support of common schools, and for the making and repairing of roads and highways; and which said sums, when assessed and collected, shall be applied by the said councilmen to the purposes designated by the people at such charter election, and shall not, nor shall any part of the same be used or applied to any other purpose whatever.

Town of Union to constitute a separate school district.

44. *And be it enacted*, That the said Town of Union, as hereby created, shall constitute a sole and separate school district, with like rights, liberties, powers and privileges, and subject to the same liabilities and obligations as other school districts in this state now have and are subject to.

Said corporation empowered to purchase or lease necessary lands, &c.

45. *And be it enacted*, That it shall be lawful for the said corporation hereby created, to take, purchase or lease such real and personal property as they may deem necessary and proper for the purposes of the said town, and the same, or any part thereof to lease, mortgage, sell, or otherwise dispose of, as to them may seem proper.

Publication of ordinances and notices to be verified by affidavit.

46. *And be it enacted*, That the due publication of all ordinances heretofore passed by said counsel, or that may hereafter be passed by them, and posting of all notices required to be published or posted by said act, or the act to which this is a supplement, shall be verified by the affidavit of the printer of the newspaper in which such publication shall be made, or his foreman, and of the person who posted such notice, and such affidavit shall be filed in the office of the town clerk, and shall be evidence of such publication and posting, in all courts and place.

Council empowered to amend, alter or repeal all ordinances heretofore or hereafter passed.

47. *And be it enacted*, That the said council may amend, alter or repeal, any ordinance or ordinances, heretofore passed, or that may hereafter be passed by them, and in case of the passage of any ordinance for the improvement of any street or streets, such ordinance may be amended or altered before the completion of the work in such ordinance mentioned, without in any way invalidating any contract made or work done under or by virtue of such original orders.

Assessor what to assess.

48. *And be it enacted*, That it shall be lawful for the assessor of the said Town of Union, to assess, either the real or personal estate of any person or persons situated in said town, and whose names, after diligent inquiry, he cannot ascertain, and no assessments or taxes, or assessments in said

town shall be invalidated or impaired in any way, by reason of any mistake in the name of the person assessed, or of the person so assessed, designated by a wrong name, and the said assessors shall also have power to assess the lawful poll taxes, upon any person or persons in said town, whose names he cannot ascertain by giving a description of the person and persons in said town, liable to be assessed for real or personal property or poll tax, shall refuse to give their proper names to the assessor when applied to for that purpose, shall, in addition to any other penalty prescribed by law, be liable to the further penalty of ten dollars to be sued for by said assessor in the name of said town, before any justice of the peace in said county of Hudson, and in case judgment be rendered in favor of said town, the said justice shall issue execution against the goods and chattels and body of the defendant, in such suit, which execution shall be executed as like writs are executed, issuing out of courts for the trial of small causes.

Council to regulate and control steam and horse railroads.

49. *And be it enacted*, That it shall be lawful for the said council of the town of Union, to license, regulate and control, any and all steam and horse railroads that now are or hereafter may be built or laid in said town, and to cause all such railroad and railroads and railroad companies, under such penalties and restrictions as the said council may think proper, to conform to such grade as may be established in any street, streets or highways in said town, and in case such railroad or railroads should be laid on any grade either above or below that which may be established as the grade of any street, to compel the said railroad company or companies to raise or lower their rails or railroad tracks, as the case may be, to such established grade, and in case any such railroad or railroads should now or at any time hereafter, cross any street or highway on a different grade than that of such street or highway, to compel such railroad company or companies to so construct their roads that the public travel may not be interrupted or impeded in any way, and to fill up and grade such streets so crossed a sufficient distance on each side of their railroad, so as to occasion no inconvenience to the public travel, and so that the public may pass over such railroad on as easy a grade as the nature of the ground will permit.

Trustees of public schools to

50. *And be it enacted*, That the trustees of public schools in said town, shall constitute the board of education, and as

such shall hold stated meetings at least once in each month, in the town hall or school house at such time as may be fixed by said board; said board shall annually organize by choosing a president and clerk, and establish rules for its government; the clerk may be allowed a salary not exceeding fifty dollars per annum. constitute board of education.

51. *And be it enacted*, That the board of education shall define the duties and fix the compensation of its clerk, and of the principals, vice-principals, teachers and janitors of public schools, and shall provide everything necessary for or appertaining to the proper conduct of public schools in said town, and said board shall have power to expend not only so much of the taxes as may be levied in said town for the support of public schools, but also such portion of the state school fund as shall be apportioned to the said town, and generally said board of education shall exercise the powers and perform the duties assigned by general law to the board of trustees of school districts. Board of education to define duties and fix compensation of its clerk, and of principals, teachers, &c.

52. *And be it enacted*, That all moneys raised in said towns for public schools, as well as the money apportioned to said town from the state school fund, shall be kept by the treasurer of said town, subject to the order of said board of education, and to be paid out only on a warrant signed by the president and clerk of said board. All moneys raised for school purposes to be kept by Treasurer.

53. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the council, it shall be lawful for the town clerk to charge and receive from the parties bringing such certiorari, at the rate of ten cents per folio for the necessary return thereto, and said parties bringing said certiorari shall pay the sum to said clerk before the return day of certiorari, and in default thereof the court shall dismiss said certiorari; no costs shall be allowed the prosecutor in certiorari on his setting aside any ordinance, assessment or proceeding of said council. Charges for bringing certiorari.

54. *And be it enacted*, That no ordinance, assessment or proceeding of the council of said town shall be set aside on certiorari by reason of the return to said certiorari failing to show that all the requirements of the town charter have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said town may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessa- When ordinance, assessment &c., not to be set aside

ry to state in answer to any of said reasons; and said town may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceeding in question, the same as if such facts had properly appeared in the minutes, records and proceedings of said council; whenever any assessment is set aside, the said council may appoint new commissioners to make a new assessment.

When certiorari not to be allowed.

55. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said town after the contract therefor has been awarded by the council of said town, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said town after three months shall have elapsed from the date of the confirmation of said assessment by the council of said town.

When assessment set aside.

56. *And be it enacted*, That in case any assessment for any improvement is set aside on certiorari after a portion of the said assessment has been collected by the corporate authorities of said town, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have heretofore been paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement

Vacancies how filled.

57. *And be it enacted*, That in case a vacancy shall occur from any cause whatever in any of the offices created or authorized by the town charter, it shall and may be lawful for the council to appoint others to fill such vacancy for the unexpired term of said office, but this section shall not apply to councilmen or trustees of public schools.

Officers how removed.

Proviso.

58. *And be it enacted*, That any councilmen or other town officer, whether elected or appointed, may be removed by resolution of the council; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected to said council vote therefor; whenever any such removal shall take place, the cause therefor, together with the ayes and nays upon the

vote taken, shall be entered at large upon the journal of the council.

Council may order special election.

59. *And be it enacted*, That the council shall have power at any time to direct a special election to fill any vacancy that may occur in their own body or in the board of education.

Commissioners of appeal when to meet.

60. *And be it enacted*, That hereafter the commissioners of appeal in cases of taxation in said town are required to convene on the Tuesday preceding the first Monday of October annually, for the purpose of discharging the duties of their office, and they may hold sessions at such adjourned days as they may fix, not exceeding three in number, and not later than the fifteenth day of October.

Collector when to give notice, &c.

61. *And be it enacted*, That hereafter the collector of said town shall, annually, immediately upon the receipt by him from the assessor of the transcript or duplicate of the tax assessment, give the notice required by the tenth section of "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six; and he shall make the demand and give the notice required by the eleventh section of said act, within ten days after the receipt of said transcript or duplicate of the tax assessment; and the day fixed by him for the payment of said taxes shall not be later than the twentieth day of December; all taxes collected for town purposes shall be paid to the town treasurer within at least ten days after the receipt thereof, or within such shorter time as may be fixed by the council of said town; and all payments required by law to be made by him to the collector of the county of Hudson, shall be made within the same period.

Repealer.

62. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same hereby are repealed; and this act shall be deemed a public act, and shall take effect immediately.

Amendment to this act when allowed.

63. *And be it enacted*, That no amendment to this act shall be presented to the legislature, unless the same be first submitted to the council of said town, and then advertised for thirty days in such newspaper circulating in said town as the council may designate.

Approved March 27, 1874.

New Jersey State Library

CHAPTER CCCCXCVII.

An act to organize the local government of the City of Belleville.

Boundaries

1. BE IT ENACTED *By the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Essex, in the township of Belleville, between the northerly line of the city of Newark on the south, the Passaic river on the east, the township of Franklin on the north, and the township of Bloomfield on the west, shall be one municipal corporation, to be known as, and called the "City of Belleville," and the citizens of the state, from time to time, inhabitants within said boundaries, shall be and constitute said corporation; they shall have all the powers necessary for carrying out the objects and purposes of this act; and they may have a common seal, alterable at pleasure; and

Corporate name.

by the title of the mayor and council of the City of Belleville, may sue and be sued in any of the courts of this state.

Boundaries of wards.

2. *And be it enacted*, That the said city shall be divided into four wards, in the manner following, to wit: the first

First ward.

ward shall constitute all that portion of said township lying north of the city of Newark, commencing at a point directly south of the centre of Clinton street, and running northerly along the centre of Clinton street to the centre line of DeWitt avenue; thence northerly along the centre of said DeWitt avenue to the centre of Holmes street; thence easterly along the centre of Holmes street to the Passaic river; thence southerly along the Passaic river to the northerly line of the city of Newark; thence westerly along said city line to the place of beginning; the second ward shall con-

Second ward.

stitute all that portion lying north of the centre of Holmes street, west of the Passaic river, south of the south line of Franklin township, and east of the centre line of DeWitt avenue, running northerly along said centre line to its intersection with the south line of Franklin township before

Third ward.

described; the third ward shall constitute all that portion

lying west of said centre line of DeWitt avenue as extended and before described, south of the south line of Franklin township, east of the easterly line of Bloomfield township, and north of a line running westerly from the centre of Holmes street to its intersection with the easterly line of Bloomfield township; the fourth ward shall constitute all that portion lying north of the north line of the city of Newark, east of the township of Bloomfield, south of the line before described, running westerly from the centre of Holmes street, and west of the centre line from the city of Newark to the township of Franklin, running northerly and southerly along the centre of DeWitt avenue and Clinton street. Fourth ward.

3. *And be it enacted*, That the city officers of said city shall consist of a mayor, a recorder, two chosen freeholders, a city clerk, a treasurer, a collector of revenue, a city attorney, a city counsel, an overseer of the poor, a street commissioner, a tax assessor, one or more poundkeepers, one or more city surveyors, and a chief of police; the mayor, recorder and chosen freeholders shall be elected at the city charter election, in manner and form as hereinafter provided for the election of city officers; the mayor for the term of two years, the recorder for the term of three years, and the chosen freeholders for the term of one year; and the city clerk, treasurer, collector of revenue, city attorney, city counsel, overseer of the poor, street commissioner, tax assessor, one or more poundkeepers, one or more city surveyors, and such other officers as are hereinafter provided for, shall be appointed by the council, and by the mayor and council, as provided for in section thirty-five of this act; and the chief of the fire department shall be elected annually by the fire department, subject to the approval of the mayor and council. City officers of what to consist. Which officers to be elected. Term of office.

4. *And be it enacted*, That the ward officers of each ward shall be two councilmen, one constable, one commissioner of appeals, one supervisor of taxes, and three inspectors of elections, who shall be elected annually in each ward at the charter election, whose term of office shall be for one year, except councilmen, who shall be elected at the first election in April, eighteen hundred and seventy-four, one for one year and one for two years and that there shall be but one councilman elected in each ward at each election annually thereafter, and his term of office shall be for two years; and each ward Ward officers and how electe

subsequently created, as provided in this act, shall elect councilmen and other officers for the said ward, the same as above provided for; except that at the first election for councilmen in said new ward, there shall be elected two councilmen, one of whom shall be elected for one year and the other for two years, and one to be elected at large, who shall serve for two years; *provided, also*, that in electing inspectors of election not more than two in each ward shall be chosen from one political party; there shall be a school trustee elected annually, in each ward, at the charter election, who shall hold his office for three years; *provided*, that if any person so elected as a ward officer shall not reside in the ward, or shall during his term of office remove out of the ward in which he was elected, his office shall thereby become vacant, and the said vacancy shall be filled as is otherwise provided for in cases of vacancy of said office; the councilmen of each ward shall perform such duties, ex-officio, as by the laws of this state devolve on the town committeemen in the townships of this state.

Proviso.

Proviso.

Charter election when to be held.

5. *And be it enacted*, That the charter election shall be held on the second Tuesday in April in each year, at the place in each ward designated and appointed for that purpose by the board of councilmen, between the hours and in the same manner, and under the same regulations in all things as prescribed by law for state elections for members of the legislature.

Who entitled to vote.

6. *And be it enacted*, That every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote, five months next before the election, and of the city thirty days before said election, and a resident of the ward in which he claims to vote since the first day of the month in which said election is held, shall be entitled to vote for all officers elective under this act; and every person voting shall vote in the ward where he shall actually reside at the day of election, and in no other ward; and the person or persons receiving the greatest number of votes of those given in the city for any city office, and the person or persons receiving the greatest number of votes given in such ward for an office in that ward, shall be deemed elected to that office.

Elections for members of

7. *And be it enacted*, That all future elections to be held within said city for members of the senate and general as-

sembly of this state, for sheriff, county clerk, surrogate, and coroners of the county of Essex, and for members of congress and electors of president and vice-president of the United States, or for any other office of the general or state government, or officer of the said county of Essex, to be elected by the people, shall be held by the inspectors of election in the several wards of said city, at the places therein appointed for holding the city election, by said board of councilmen, on the day or days which now are or hereafter may be designated by law for holding such elections, and such elections shall be conducted by said inspectors in all things pursuant to the laws of this state applicable to such elections in this state, and the said inspectors of elections in said city of all elections hereafter to be held, shall be liable to the same obligations, duties, and penalties imposed upon the like officers of elections in the townships of this state; and they shall be entitled to the same compensation for their services at all elections as the like township officers are entitled to receive, except as otherwise provided in this act or by ordinance; and in case of absence, disqualification, or inability of any of them the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases; and every person in said city entitled to vote at such elections, shall give his vote in the ward in which he actually resides at the time of such election, and not elsewhere; and any person voting illegally or offering illegally to vote at any such election, shall be subject to the same pains, penalties, and forfeitures incurred by persons so offending at such elections in the townships of this state.

Senate and General assembly, Sheriff, &c., by whom and when to be held.

8. *And be it enacted*, That in all elections for city and ward officers of said city, and inspectors of elections of each of the several wards in said city, in addition to the other duties required of them by law, shall make and sign a statement of the election in said ward, for what officers, the number of votes cast for each person, voted for any office, specifying the names of the persons so voted for, with the number of votes rejected, which statements shall, within forty-eight hours after the closing of the polls, be filed in the office of the city clerk, who shall, within five days thereafter, file a true copy of such election returns in the office of the clerk of the county of Essex.

Duties of election board.

9. *And be it enacted*, That in case any vacancy shall occur in any of the city or ward officers, by resignation, disqual-

Vacancies how filled.

ification, or death of the incumbent of said office, or in any other manner whatsoever, (except in the office of mayor, recorder, or councilmen, or in the board of education,) the board of councilmen shall fill, by appointment, such office for the unexpired portion of the term; and in case of any such vacancy, happening as aforesaid, in the office of recorder or councilmen, the said vacancy shall be filled by a special election, to be ordered by the board of councilmen, upon a day to be fixed by them, and the same notice shall be given of such special election as is required to be given of a general city election; *provided*, that in case of a vacancy as aforesaid, in the office of recorder, it shall be lawful for the board of councilmen, on the nomination of the mayor, to desginate any justice of the peace of said city to act as recorder until such vacancy is filled, as herein provided; and such justice of the peace, when so designated by resolution of the board of councilmen, shall have and exercise all the powers and possess all the jurisdiction of the recorder, while acting as such, as well of cases pending in said court and not decided, as of all new matter in said court; and all his official acts as such recorder shall have the same force and virtue, and be as valid as if the same had been performed by the recorder himself; but any vacancy occurring in the board of education in any manner whatsoever, shall be filled by a majority vote of its own body elect, until the last Monday of April next ensuing; at the next charter election after the said vacancy occurs in said board of education, there shall be elected a school trustee for the remainder of said unexpired term, and his term of office shall commence on the expiration of the term of office of the person so appointed by said board of education.

Proviso.

Mayor when to be elected, and who not eligible.

10. *And be it enacted*, That the mayor shall be elected every two years; but no person shall be eligible to that office unless he shall have resided in said city at least three years, and shall have attained the age of thirty years; it shall be the duty of the mayor to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the board of councilmen such measures as he may deem necessary or expedient for the welfare of the city; he shall be the head of the city police force, and as such shall maintain peace and good order in said city, and shall have power to suppress all riots and tumultous assemblies, and cause to be arrested, without pro-

Powers and duties.

cess or warrant, and to commit for trial, all persons violating or whom he has reason to believe have violated the laws of this state or the ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are now invested; all warrants on the treasurer, all contracts or agreements made under the direction, or on behalf of said city shall, before they become valid or binding on the city, be signed or approved by him; and in case of his absence from the city, or his inability to perform the duties of his office, the president of the board of councilmen shall, during the continuance of such absence or disability, be vested with the powers and exercise the duties of mayor; and in case of the death or resignation of the mayor, his powers and duties shall devolve upon the president of the board of councilmen until a successor is elected and qualified; and in case of the death, resignation or removal of the mayor, a special election shall be ordered by the board of councilmen for the election of a mayor; *provided*, three months or more of the term of office is unexpired; *and provided*, that the mayor thus elected shall only be so for the unexpired portion of said term; it shall be the duty of the mayor to nominate to the board of councilmen all policemen or watchmen of said city; and he shall have power to suspend any policeman or watchman, and he shall report such suspension to the board of councilmen at its next meeting thereafter, with the reasons therefor, and such officer may then be restored or removed by said board.

Proviso.

Proviso.

11. *And be it enacted*, That the recorder shall be elected at the next charter election after the passage of this act, and every third year thereafter, and he shall hold his office for three years; he shall have all powers in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process, any person guilty, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

Recorder when to be elected.

Powers and duties.

12. *And be it enacted*, That the recorder shall have jurisdiction, and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordi-

Recorder, empowered on oath or affirmation, to issue process

nances of said city, to issue a process either in the nature of a summons or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then, on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear the testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and against the body of defendant or defendants; *provided*, that in all cases when the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury, in courts for trial of small causes, and also an appeal as in causes where appeal may now be had from judgments in courts for the trial of small causes; *and provided also*, that in all cases an appeal may be made to the board of councilmen for the remission of any penalty that may be inflicted or adjudged; *provided further*, that no fine shall be imposed exceeding fifty dollars for such offence, and no term of imprisonment imposed as a penalty shall exceed sixty days for each offence; *and also provided*, that all cases and matters pending in the recorder's court at the expiration of his term, or resignation, or death, or inability to serve, shall be continued before his successor, who shall have jurisdiction of the same as if such recorder were personally present; all books and records of said court shall be the property of the city, and as such shall be preserved and transferred by the recorder to his successor.

Proviso.

Proviso.

Proviso.

Who empowered to serve process.

13. *And be it enacted*, That the officers empowered to serve process issued by the recorder shall be, besides the constables elected or appointed within said city; the policemen of the city, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the courts for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the recorder sees fit to ad-

journ the hearing of the charge made, and so orders, enter into recognizance as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the recorder, unto "the mayor and council of the city of Belleville," for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

Charges for bringing certiorari to remove proceedings of recorder.

14. *And be it enacted*, That in all cases in which persons shall bring certioraris to remove the order, proceedings or judgment given or made by the said recorder, it shall be lawful for the said recorder to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same.

When justice of supreme court to allow certiorari.

15. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding or judgment to be had or made by the recorder of said city, unless the party applying for such certiorari shall enter into bond with the mayor and council for the city of Belleville, in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicant shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said recorder, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceedings, or judgment given or made by said recorder, which said bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the supreme court for the benefit of the said mayor and council, and on failure thereof, no certiorari shall be allowed.

Costs on determination of certiorari, when allowed and by whom to be paid.

16. *And be it enacted*, That if any proceedings of the said recorder, shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the supreme court; but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs.

Treasurer to keep and disburse all

17. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse, under the direction of the board

money under direction of council.

of councilmen, all money collected for said corporation, and shall pay out the same only upon the warrant of the board of councilmen, signed by the mayor and countersigned by the city clerk; and no warrants on the city treasurer shall be authorized, except in pursuance of an order of said board, passed at a stated meeting, and entered in their minutes; and such warrants shall be made and numbered, payable to the order of the persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

City Clerk to have charge of record, books, &c.

18. *And be it enacted*, That the city clerk shall, in addition to the duties required of him in this act, or any other act of this state, have charge of all the records, books and documents of the city, except when the said board shall otherwise direct by ordinance; he shall keep the record of the proceedings of the board; he shall engross all ordinances in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinance, and each ordinance shall be signed in said book by the mayor, or acting mayor, and said clerk; copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the board of councilmen, and copies of the laws and ordinances of said city, certified by said clerk, under the corporate seal, shall be evidence in all courts and places, that all the books in which the said board of councilmen have caused their ordinances and by-laws to be recorded, and such other book or books, record or records as shall be by them provided, shall be taken and received as evidence in all courts and places of the due passage by said board of any and all ordinances and by-laws recorded therein; and until the contrary be proven, all ordinances and by-laws so recorded shall be presumed to have been regularly introduced, passed and published according to the requirements of the provisions of this act; that the city clerk shall receive and pay over to the collector of revenue all moneys which by any law or usage may be paid to the clerk of said city, and all the records and minutes of proceedings aforesaid shall at all convenient times be open to the inspection of any citizen of said city.

Overseer of poor, duties, &c.

19. *And be it enacted*, That the overseer of the poor shall perform such duties as by the laws of this state now appertain to and devolve upon the overseers of the poor in the

townships of this state, subject to the provisions of this act, or any ordinance or ordinances passed by virtue thereof; and they shall in addition thereto perform such other duties as the said board shall fix, designate and establish; the street commissioner and city surveyor shall respectively perform such duties as are provided by law and the provisions of this act, and by the ordinances, by-laws or regulations of said board, adopted by virtue thereof.

Collector of revenues, duties, &c.

20. *And be it enacted*, That it shall be the duty of the collector of revenues for said city to receive and collect all moneys due to said city, whether for taxes, assessments, arrears of taxes, or otherwise, and he shall do and perform all other duties which the said board may, by ordinance prescribing his duties, ordain; and it shall be his duty to keep a record of all his proceedings affecting the revenue of the city, and at the end of each and every current year, the said proceedings shall be filed in the office of the city clerk; and the said collector of revenue shall pay over all moneys received by him for the city, as soon as collected, to the treasurer of said city, who shall pay over to the treasurer of the state or to the collector of Essex county. the full quota of taxes required by law to be raised in said city for state and county purposes, so far as the same may have been collected.

Duties of constables, chosen freeholders, &c.

21. *And be it enacted*, That the constables, chosen freeholders, surveyors, pound-keepers, commissioners of appeals and inspectors of elections, and tax-assessor and supervisors of taxes in the several wards shall perform the duties required of such officers by law in the several townships of this state, and the ordinances of said city.

Who to be sworn.

22. *And be it enacted*, That no person elected or appointed to any office in pursuance of this act, or any law or ordinance of the board of councilmen, shall enter upon the discharge of his duties unless within twenty days after his election or appointment he 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 of his office according to the best of his knowledge, skill and ability, and shall file said oath or affirmation with the city clerk, who shall keep all such oaths or affirmations on file in his office, and the oath of the city clerk shall be filed by the mayor; and if any such person shall neglect to take such oath or affirmation

for twenty days after his election or appointment, or shall neglect, within said twenty days, to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant.

Official term when to commence.

23. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act shall commence on the last Monday of April next after their election; and they shall continue in office unto the end of their term; and that the official term of the several officers who shall be appointed by virtue of this act for said city, shall commence on the first Monday of May in each year, except in cases otherwise provided for in this act; and they shall continue in office until the end of their term, until others are appointed and qualified in their place, unless removed as herein provided.

Who to give bonds.

24. *And be it enacted*, That the city clerk, treasurer, collector of revenue, and such other officers as the board of councilmen may by ordinance or resolution direct, shall before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such sureties as the said board may approve, for the faithful performance of their duties; and all constables shall give bond to the city in the manner required by law, with sureties to be approved by said board.

Justices of the peace, powers and duties.

25. *And be it enacted*, That there shall be elected two justices of the peace at large for the city, one of whom shall be the recorder, when chosen by the board of councilmen and vested with all the powers and duties conferred by law.

All fines to be paid into city treasury.

26. *And be it enacted*, That all fines inflicted by ordinance or otherwise, shall, when received, be paid into the city treasury.

Penalty for not delivering over books on vacating office.

27. *And be it enacted*, That if any person, having been an officer of said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the board of councilmen shall allow, deliver over to his successor in office all property, books and papers belonging to the city or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

Legislative power vested in council.

28. *And be it enacted*, That the legislative power of the city of Belleville shall be vested in the board of councilmen;

they shall annually elect one of their number to be president of said board, and in his absence shall elect one of their number to preside for the time being, appoint the time and places of meeting, determine and establish the rules of their own proceedings, be the sole judges of the qualifications of their own members, keep a journal of their proceedings, pass ordinances, by-laws and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for carrying out the provisions of this act, and may expel a member for disorderly conduct or a violation of their rules, but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have an opportunity to be heard in his defence; in the absence of the mayor the president of the council shall have all the powers and perform the duties of mayor.

In absence of mayor who to act

29. *And be it enacted*, That every ordinance of the common council, and every resolution of the common council affecting the interests of the city, shall, before it takes effect, be presented, duly certified, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor; if he approve of it, he shall sign it, if not, he shall return it with his objections, and file the same with the clerk within ten days after he received it, and the said board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same, and if two-thirds of all the members elected shall pass the same, it shall take effect as a law, but in every such case the vote shall be taken by yeas and nays and entered on the journal, and if such ordinance or resolution shall not be so returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it; *provided always*, that each and every ordinance so passed as aforesaid, shall be published for the space of ten days, in two newspapers circulating in said city, to be named by resolution of the city counsel, before said ordinance shall go into effect; *provided also*, that no ordinance or by-laws shall be enacted or passed by the said board of councilmen, unless the same shall have been introduced before the said board of councilmen at a previous stated meeting, and shall have been agreed to by a majority of the board of councilmen.

Ordinance to be presented to mayor for his approval.

Proviso.

Proviso.

Councilman empowered to arrest.

30. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person or persons engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the city, for the preservation of good order or morality, and to bring or cause such person or persons to be brought before the recorder or a justice of the peace, to be dealt with according to law.

Council when to publish statement of receipts and expenditures.

31. *And be it enacted*, That the said board shall, on the first Monday of April in each year, cause to be printed a full statement of all receipts and expenditures of every description for the fiscal year preceding, which statement shall include all moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the city, and that it shall be the duty of the city clerk to distribute such printed statements among the people of said city, or to furnish a copy of said statement to every citizen upon his applying for the same.

Majority shall constitute a quorum.

32. *And be it enacted*, That a majority of the board of councilmen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of absent members; the said board shall hold stated meetings at least twice in each month, at such times and places as they may appoint in said city, but the mayor or any two councilmen may call special meetings, by written notice to each of the members served personally, or left at his usual place of abode, at least twenty-four hours previous to the time appointed for such meeting.

Resignations to be sent to board of councilmen

33. *And be it enacted*, That resignations of any office held under the provisions of this act may be made to the board of councilmen, and said board may fill vacancies in office, as provided in this act; that any officer except the mayor may be removed from office for cause by resolution of the said board; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected vote therefor, and in cases of any such removal, the yeas and nays shall be entered upon the minutes.

Proviso.

34. *And be it enacted*, That no councilmen shall be surety for the faithful performance of any contract with said city; and no member of said board shall become security for any public officer elected or appointed in said city, and no member shall, during the period for which he was elected, be appointed to or competent to hold any other city office or ward office in the city of Belleville, the pay or emoluments of which would come from the city treasury. Councilman not to be surety for performance of contract.

35. *And be it enacted*, That the board of councilmen shall from time to time appoint by a majority of the whole number of the members of said board of councilmen, a city clerk, treasurer, collector of revenue, city attorney, city counsel, overseer of the poor, street commissioner, tax assessor, one or more poundkeepers, one or more city surveyors, and such other subordinate officers not herein named, as they shall think necessary for the better ordering and governing the said city, and carrying into effect the powers and duties conferred and imposed upon the said board of councilmen; and every appointment to office made by the board of councilmen, with the exception of that of city clerk, shall, before it takes effect, be submitted, duly certified, to the mayor, and when so submitted, if he approves it, he shall do so in writing; if not, he shall notify the council thereof, with his objections in writing and file said notice with the clerk of the board within six days after he receives notice of said appointment, and if two-thirds of all the members elected shall, at the next regular meeting thereafter, on reconsideration thereof, vote in favor of said appointment, it shall be valid and legal to all intents and purposes; and if notice of any appointment made by the board of councilmen shall not be returned by the mayor within six days after the same shall have been submitted to him, the said appointment shall be valid in like manner as if he had approved it. Certain officers how appointed. Appointments excepting city clerk to be submitted to mayor.

36. *And be it enacted*, That whenever any vacancy by reason of death, resignation, or otherwise, shall occur in any office, the appointment to which is to be made by the board of councilmen, by virtue of the thirty-fifth section of this act, the mayor shall have authority to appoint some person to fill such office, who shall hold the office to which he shall be so appointed until the board of councilmen shall elect some person to fill such vacancy, and until the person so appointed by the said board of councilmen shall enter upon Vacancies how filled.

the duties of said office, or until he shall be removed by the said mayor; *provided*, that no person who shall be so appointed by said mayor to fill vacancy as aforesaid, shall enter upon the discharge of the duties thereof until he shall have entered into such bonds as may be required by this act, or by any ordinance of said city or resolution of the council, which bonds shall have been first approved by the said mayor.

Proviso.

No officer to be directly or indirectly interested in any contract.

37. *And be it enacted*, That no officer holding any office under the provisions of this act, shall, during his term of office, be directly or indirectly interested in any contract, work, business, sale or purchase, in regard to which any money may be at any time required to be paid by said city, or any department thereof, or by any tax or assessment upon any person or property within said city, except as in this act expressly directed; and in case any person shall enter upon any such contract, work, business, purchase or sale, knowing that any such officer is interested therein in violation of this section, such person shall not be entitled to receive any benefit by reason thereof, and in case such person shall not be entitled to receive any benefit by reason thereof, such benefit or its equivalent may be recovered back by said city from such person, his executors or administrators, with cost of suit in action on the case, to be commenced within six years thereafter in any court having cognizance of the same, and any sale or transfer made by said city in which any such officer may be interested, as aforesaid, shall be void as to all persons aware of such interest; and any such officer interested, in violation of the true intent and meaning of this section, shall be liable to indictment and impeachment therefor, as for malfeasance in office.

Penalty.

Board of councilmen to fix salaries.

38. *And be it enacted*, That the board of councilmen shall have power to fix the pay, salary, or compensation of the city clerk, recorder, collector of revenue, treasurer, commissioners of assessments, overseers of the poor, street commissioners, surveyors, constables, poundkeepers, commissioners of appeals, city attorney, city counsel, tax assessor, supervisors of taxes, inspectors of election, policemen, and other ward and city officers; and the salary or compensation of any officer or officers which has been fixed as aforesaid, shall not be increased during the continuance of his term of office.

39. *And be it enacted*, That it shall be the duty of said

board, by ordinance or ordinances, to prescribe and define the duties, and establish all needful regulations for the government of all officers in the different departments of said city corporation, and to require any of them to make returns and reports at stated periods during the year, and the payment into the city treasury of all money, fines, penalties, or from any other source not herein otherwise provided for. Board to prescribe and define the duties of officer.

40. *And be it enacted*, That the said board of councilmen shall, by their title, "The Mayor and Council of the city of Belleville," have power to pass, enforce, alter, and repeal ordinances to take effect within said city, for the following purposes, to wit: Board of councilmen empowered to pass, alter and repeal ordinances.

1. To lay out, extend, open, widen, vacate, alter, grade, fill up, refill, establish, alter and regulate the grade and grading of all streets, avenues, and roads, side and cross-walks; to ascertain and establish the boundaries of all streets, public alleys, and roads in said city, and to authenticate any and all of said improvements by maps or otherwise; including improvements in which proceedings may have been ordered or commenced by the commissioners of the Belleville polling district; and the mayor and council shall be vested with all the powers conferred by existing acts, and any supplements thereto, upon said commissioners of the Belleville polling district and township committee. To lay out, widen, vacate, &c., streets, avenues and roads.

2. To pave, macadamize, gravel, curb and gutter the streets, avenues and roads, to construct and build and repair sewers and drains in and from any, or in and from any parts of the public streets, roads, alleys, places and public or private grounds in said city, and to construct and repair receiving basins. To pave, macadamize, gravel, &c., streets, roads, &c. To build sewers.

3. To lay sidewalks of flag stone or other materials, to lay out crosswalks of stone, to reset the curbs and gutters in the streets and roads, or any part thereof. To lay sidewalks, &c.

4. To lay and regulate, or prohibit the laying of water or gas pipes in or under the streets and roads, or any part thereof in said city, and for the supply of water. To regulate laying of water and gas pipes.

5. To declare what shall be considered nuisances in streets, roads, lots, and places in the said city, to prevent and remove all encroachments, encumbrances and nuisances, in and upon any street, road, sidewalk, lot or enclosure, place or places in said city, and to provide for the sale or other To declare what shall be considered nuisances.

disposition of such encumbrance in or upon the streets or roads.

To secure the safe and convenient use of streets.

6. To secure in every respect to the public and the adjoining owners the safe and convenient use of all streets, sidewalks and public places, for the purpose for which they are or may be laid out or dedicated in said city.

To regulate driving of cattle.

7. To regulate and control the driving of cattle, mules, or other animals in droves, through such streets or roads only as they shall prescribe.

To regulate building of docks.

8. To order and regulate the building of all docks, piers and wharves in and about said city, and the use thereof, when built, and the rates of wharfage, and to make such by-laws and regulations touching the same, not inconsistent with the laws of this state and of the United States, as to said board may appear proper and necessary, and in the building of any such docks, piers or wharves, if more land is thus filled in than may be necessary for the use of such wharf, as a wharf or dock, to lay out proper streets upon the same.

To make and adopt assessment map.

9. To make and adopt an assessment map, whereby to describe lands assessed for taxes and improvements.

To adopt plan for sewerage.

10. To make and adopt a general plan of sewerage and drainage for said city, or any part or parts thereof, conformably to which all sewers, drains, receiving basins, and all other appurtenances of public drainage shall be constructed, and to alter and vary the same.

To prevent animals from running at large.

11. To prevent horses, cattle, sheep, swine, dogs, goats, geese, and all other animals from running at large, and to provide for the impounding and sale of the same.

To prevent immoderate and fast driving.

12. To prevent immoderate and fast driving in the streets, cruelty to animals, and driving over or upon sidewalks, and to regulate the planting and protecting of shade trees.

To prevent riots.

13. To prevent riots, disturbances, and disorderly assemblages in the streets, or in any house or place in said city, to prevent and suppress all gaming houses, and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars, and prostitutes; to suppress vice and immorality.

To license inns.

14. To license and regulate or prohibit, inns or taverns, restaurants, and beer saloons, and to prohibit all traffic in or sale of intoxicating drink or drinks, to license, regulate and prohibit billiard saloons, bowling alleys, peddlers, hawkers, hucksters, butchers, slaughter houses and markets, on such

terms and under such regulations or penalties as the said board shall by ordinance impose, and no other license for such purpose, within said city, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and peddlers.

15. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, (or to authorize the mayor to grant such licenses, and to require the owners to mark vehicles in such manner as the board of councilmen shall designate,) auctioneers, common criers, pawnbrokers, junk shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities. To license and regulate cartmen.

16. To manage, regulate, control and protect the finances and property of the city, and all public buildings, and the erecting and maintaining the same, and to provide a city armory, and to regulate the use of the same. To regulate the finances

17. To establish, regulate and control a day and night police, and to regulate and define their duties and compensation; to provide suitable and proper police stations and lock-ups, and all necessary rooms and cells for the safe keeping of criminals, offenders, or persons under arrest. To establish and regulate police.

18. To establish, regulate and control a fire department, with power to exempt its members from militia duty in time of peace, and from serving as jurors in courts for the trial of small causes, and the mode of their appointment and removal; to provide fire engines, apparatus, and houses therefor, and for the purpose of guarding against fire and protecting the safety of firemen; to regulate the manner of building dwelling houses and other buildings, and of constructing and placing steam engines, engine chimneys, ovens, flues, pipes, and all matters connected therewith, and the keeping of lights in stables, and the manufacture and keeping of gunpowder, petroleum, fireworks, and all other dangerous and combustible articles; to provide water for extinguishing fires, and to limit the height, and prevent in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings. To establish, regulate and control a fire department. To provide engines, &c. To provide water for extinguishing fires.

19. To provide street lamps for, and to light the streets, either by gas or other material. To provide street lamps.

To protect the health.

20. To provide health laws, and to establish a board of health.

To prevent shooting or trapping of birds.

To punish for violations of ordinances.

21. To prevent the shooting or trapping of birds within the limits of said city; to punish by fine or imprisonment, in the lock-up of said city, or both, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and purposes of said city corporation, and to have and to exercise all the powers provided in this act.

To regulate interments.

22. To regulate or prohibit interments within the city, and bathing within adjacent waters; the exhibition of shows, caravans, theatres, circuses, or all other like matters, the firing of guns, fire-crackers, or other fireworks in said city.

To provide for appointment of inspectors of seals.

23. To provide for the appointment and government of inspectors of seals, weights and measures, and to prescribe their duties and compensation, and to enforce the keeping and using of weights and measures.

To regulate numbering of streets.

24. To regulate the numbering of houses and lots in the streets and avenues of the city.

To regulate use of streets.

25. To regulate the use of streets, avenues and public places by foot passengers, vehicles, railways and engines, and by dummy engines.

When ordinances for improvements already passed, further proceedings to be by resolution.

41. *And be it enacted*, That whenever any ordinance shall be passed by the board of councilmen for making any improvement or performing any work under and by virtue of the provisions of the fortieth section of this act or either of the subdivisions thereof, all further acts and proceedings which it may be necessary for the council to take to carry out said improvements or work to completion, and all orders relating thereto, shall be by resolution and not by ordinance.

Board of councilmen to provide by ordinance for certain improvements

May issue improvement bonds or stock.

42. *And be it enacted*, That the board of councilmen may provide by ordinance, that the city shall improve with "Belgian" block, macadamizing, or with such other substantial material as the property holders on the line of any street may desire, and such payment shall be made out of the proceeds of improvement bonds or stock to be issued by the city, with interest thereon, not to exceed seven per centum per annum, payable semi-annually, to run not less than ten or more than twenty years; and the said bonds or stock may be sold at public or private sale, or paid to contractors at not less than ninety percentum of their par value, at such times and in such amounts as directed by resolution of the

board of councilmen; and for the purpose of paying such bonds or stock, and the interest thereon as the same may become due, the mayor and council of the city of Belleville are hereby authorized to assess and collect annually, a tax sufficient to pay the interest thereon each year, and to constitute a proper sinking fund for all or any portion of said debt which may exist, which tax shall be in addition to any other tax authorized by this act; and the collector of revenue shall collect and pay the same to the city treasurer, and enforce the payment thereof in the same manner as other taxes; and said tax shall be kept separate and distinct from all other taxes. To provide for paying the same by taxation.

43. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the board of councilmen, it shall be lawful for the city clerk to charge and receive from the parties bringing such certiorari, or presenting the same, at the rate of ten cents per folio for the necessary return thereto, in lieu of his other charges. Charges fo bringing certiorari.

44. *And be it enacted*, That it shall be lawful for the board of councilmen to raise by tax every year, so much money as they may deem expedient, for the purpose of lighting the streets, supporting a day and night police, for repairing streets and roads, supporting and maintaining public schools, prisons and lock-ups, for contingent expenses, and all other purposes authorized by this act, and that the ordinances directing the raising of said tax, shall set forth the amount required for each object, and that the expenditures for such specifications shall be confined to the objects therein specified, and be appropriated to no other; and every male resident of said city, over the age of twenty-one years, shall be assessed the sum of four dollars, as a poll tax; and said board may borrow such sum or sums of money in anticipation of taxes as may be necessary, and may secure the payment thereof by bond or other instrument under the common seal and signature of the mayor, attested by the city clerk, but it shall not be lawful for said board to raise any such sum of money by loan unless the repayment thereof shall be provided for from taxes to be raised in said city in the same year. May raise by tax a certain sum for lighting streets. Amount of poll tax.

45. *And be it enacted*, That the board of councilmen may establish, by ordinance, certain limits in said city, to be called lamp districts, and shall, in directing taxes to be Lamp districts by whom established.

raised each year, designate how much is to be raised for the expense of lighting the streets, and shall provide that such taxes shall be assessed on property lying within each lamp district, and the board of assessors shall assess such taxes separately from all other taxes, in the manner aforesaid;

Proviso. *provided*, that one-fourth of the expense of lighting any street, road or avenue may be paid by the city and collected in the general tax levy.

Board of assessors of what constituted

46. *And be it enacted*, That the tax assessor and the supervisors of taxes shall constitute a "board of assessors;" all taxes for the purposes of the state, county and city shall be assessed by said board in the manner, and within the time, directed by the laws of this state, for assessing township, county and state taxes, or by the provisions of this act, or of any ordinance adopted in accordance therewith; in order that just and equitable valuations may be established for all portions of the city, the tax assessor aforesaid (with the assistance of the other members of the said board, whose duty it shall be to aid him in the work in their respective wards,) shall prepare, on or before the first day of July of each year, full and complete lists of assessments upon all property, real or personal, within the said city; and the said board shall diligently prosecute said work by frequent meetings, at short intervals, until the same is complete; and it shall require a vote of three-fourths of the members of said board to establish, alter, or correct each and every valuation in said lists of assessments; when the valuations aforesaid are completed, the board of assessors shall give notice in the official paper published in said city, and said lists shall be open for examination for at least ten days thereafter, at the office of the city clerk, and said tax assessor shall be present at such time to hear objections to said valuations, which shall be made under oath and in writing, and each person taxed therein shall be at liberty to examine said lists, in reference to his or her own taxes, until the first day of October following; and the said board may, after hearing an application therefor, by a vote of three-fourths of the whole number of said board, revise and correct said assessment in such manner as they may consider just and proper; it shall be the duty of said board to assess upon the valuations in the aforesaid lists, a per centage sufficient to produce the amount necessary for state and county taxes, and for the sums required by ordinances to be raised for

Lists of assessments when and by whom to be prepared

When valuations completed, notice to be given.

May revise and correct assessment

city purposes; and the board of councilmen of said city shall in no case have power to remit or reduce any taxes so assessed in said city; the tax assessor aforesaid shall have power to administer oaths or affirmations in the discharge of his duty, or the duties of the said board, under this act, and all taxes so assessed for city purposes shall be collected by the collector of revenue, in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the city treasurer as soon as collected, and all taxes shall be paid to said collector at his office in said city, upon his giving notice through the official newspapers circulating in said city, and by notices posted in twenty public places, that such taxes are due and payable.

Tax assessor empowered to administer oath.

47. *And be it enacted*, That the collector of revenue in said city, in case of the non-payment of taxes on or before the twentieth day of December, in each year, shall make out a list of the names of all delinquents, with the sum due from them respectively, and shall deliver the same to the clerk of the city, on or before the thirtieth day of December in each year, except when said day shall fall on Sunday, and then on the next day following; and it shall be the duty of the said clerk to lay the same before the board of councilmen, at a meeting thereof held next after the same shall be delivered to him, and thereupon the said board shall deliver the same to a justice of the peace of the city, who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, which shall be directed and delivered to the collector of revenue, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law, but such collector shall, before he delivers such list to said clerk, take and subscribe an oath or affirmation before the mayor or city clerk, or a justice of the peace in said city, that the moneys in said list mentioned have been duly demanded, or due notice given at the usual places of residence of such delinquents who could be found, or may then reside in said city.

Duties of collector in case of non-payment of taxes.

48. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid after the twentieth day of December in each year, it shall be lawful for, and shall be the duty of the collector of revenue to charge, receive and collect in addition to the amount of said tax, interest thereon,

If tax not paid in certain time collector to charge interest at rate of twelve per cent.

to be computed at the rate of twelve per centum per annum from said twentieth day of December until the same is paid, and on all taxes due and payable which remain unpaid on the fifteenth day of February in any year, an additional penalty of five per centum shall be added, and such penalty shall be paid over by the said collector of revenue to the treasurer of the city, in like manner and at the same time as he may be required to pay over to said treasurer all taxes by him collected.

Taxes become lien.

49. *And be it enacted*, That personal taxes and taxes upon goods and chattels which shall hereafter be levied or assessed in the city of Belleville against any person or persons, shall be and remain a lien on all the lands and real estate of such person or persons within the said city; and all taxes and assessments which shall hereafter be levied, assessed or made upon any lands, tenements or real estate, situate in the city of Belleville, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereon; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the said board for the payment thereof, it shall and may be lawful for the said board to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest and penalty thereon, and all costs, charges and expenses, and to execute under the common seal of said city a declaration of such sale, to be signed by the mayor and 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 proper use against the owner or owners thereof and all persons claiming under him or them, until his said term shall be completed and ended; but said board shall first have caused said sale to be advertised for at least sixty days in at least two newspapers circulating in said city, and published in the county of Essex, and by advertisements put up in at least five public places in said city, which advertisements shall describe said lands, tenements or real estate, and specify the amount of the assessment or tax, and the recitals in such declaration of sale shall be prima facie

If not paid in certain time, property to be sold.

evidence in all courts and places of the assessment, advertising and sales; *provided*, 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 person for or on 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 assessments or for both, by paying to the treasurer of the city, for the use of the said purchaser, the purchase money, together with any other sums 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 fifteen per centum per annum in addition thereto, and the certificate of the treasurer of the city, stating such payment, and showing what lands, tenements or real estate such payment and showing what lands tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; a 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 taxes or assessments shall be affected by such sale, unless six months' notice in writing shall have given to him by the purchaser, or those claiming under him, either personally, or if not to be found in said city, directed to him at his last known place of residence, or at the post-office nearest thereto, but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale, that the said term of time for which any land, tenement or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him, have a right of possession to said land, tenement or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser or those claiming under him, shall at the expiration of such a declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereupon, natural wear and accidents excepted.

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Mortgage not to be effected without notice.

50. *And be it enacted*, That the said sale of any lands, tenements or real estate for assessments or taxes may be adjourned or postponed from time to time, or suspended, as said board may direct; and if at any sale the whole, or any part thereof, shall remain unsold for want of purchasers,

Sale may be adjourned.

then it shall be lawful for the said board to adjourn the sale not less than thirty days, nor more than sixty days; twenty days' notice, at least, shall be given, as aforesaid, of the adjournment of said sale; and if at the adjourned sale there shall be no purchaser of said lands, tenements or real estate, or any part thereof, then it shall be lawful for the treasurer of said city to purchase said lands, tenements or real estate for the use and benefit of the city of Belleville, subject to the redemption as herein provided for; and all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate for the amounts so paid, with interest at the rate of seven per centum per annum, and said lien shall have the preference over all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands, and on the sale of said lands under any such judgment, shall be paid out of the proceeds of the sale, and a complete record of all taxes and assessments shall be kept in the city clerk's office, 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 sale, to whom sold, and if redeemed, when and by whom.

Notice to be given of adjournment.

Moneys paid for redemption to be lien, &c.

Clerk to record all declarations of sales.

51. *And be it enacted*, That it shall be the duty of the city clerk to record in a book to be called "record of sales," all declarations of sales as aforesaid, to give certificate of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the city treasurer of such redemption, and to file such certificate in said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the said clerk's office.

Treasurer to make out two certificates for property redeemed.

Council to give notice of expiration of time for redemption.

52. *And be it enacted*, That it shall be the duty of the board of councilmen to give notice of the expiration of the time limited for the redemption of all lands sold for assessment and taxes as aforesaid, by virtue of this act, by advertising as aforesaid sixty days next preceding the expiration

of the time so limited for redemption, specifying the property unredeemed and the amount due thereon

What property liable to taxation.

53. *And be it enacted*, That all real and personal estate in said city shall be liable to taxation, except mortgages on real and personal property therein, which said mortgages shall be exempt from taxation in the hands of any citizens of this state, and the amount of such mortgage shall not be deducted from the value of the taxable property within said city.

Taxes how assessed and collected.

54. *And be it enacted*, That all taxes shall be assessed, levied and collected in said city in the manner prescribed in this act, and no act shall be deemed to repeal or modify this section unless expressed in such act to apply to the city of Belleville by name.

Commissioners of assessments for street improvements by whom appointed.

55. *And be it enacted*, That it shall be lawful, and it shall be the duty of the board of councilmen to appoint three persons, who shall be residents of different wards, and freeholders of said city, to be called commissioners of assessments for street improvements, and they shall take and subscribe the oath required by this act, and shall be appointed annually for the term of one year, as provided in section thirty-five of this act; and in case any one or more of the said board of commissioners of assessments shall be interested in any assessment or improvement, then the board of councilmen shall appoint some discreet and impartial freeholder or freeholders residing in said city, to serve with said board of commissioners of assessments in lieu of the commissioner or commissioners so interested, and the person so appointed shall take and subscribe the oath herein required.

Their powers and duties.

56. *And be it enacted*, That said board of commissioners for street improvements shall possess and exercise all the powers in this act prescribed, in all cases and matters referred to them by the board of councilmen under the control of the mayor and council of said city, but this act shall not affect any proceedings in cases of such improvements now in the hands of commissioners heretofore appointed under acts relating to street improvements in Belleville township, and all such proceedings heretofore referred shall be conducted and concluded by the commissioners to whom the same have been referred, the same as if this act had not been passed.

Acts of

57. *And be it enacted*, That all acts required by this act

commissioners, when valid.

to be done by said commissioners of assessments, shall be valid and effectual, if the same are approved by a majority of them, but each commissioner of assessment shall be notified of the time and place of meeting to consider the subject.

Council how to open, extend or widen streets.

58. *And be it enacted*, That it shall be lawful for the board of councilmen, by ordinance, to open, extend or widen any street or avenue, or any part thereof in the city, in the following manner and not otherwise: on application in writing to the said board of councilmen, setting forth accurately the improvement desired, and the petitioner or petitioners for such improvement shall deposit with the city treasurer such sum of money as said board shall direct, being sufficient to cover the expense to be incurred, in case such improvement shall not be ordered; if said board shall favor the application, the same shall be advertised by the board of councilmen in the official newspaper circulating in said city, for two weeks at least before the ordinance is passed to carry out the same, which ordinance shall be referred to the commissioners of assessments, and a city surveyor, not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property which, in the judgment of said commissioners, will be benefited thereby, designating each lot and parcel on said map by a number; said commissioners shall also ascertain, so far as practicable, the names of the owners of said real estate to be taken, and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estate are not known, they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same, considering in such appraisal the condition in which each owner's parcel of real estate will be left after taking so much thereof as will be required for the improvement; and where the estates in any plot of land are unknown, they shall appraise the value of, or the damage done to the fee simple; said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; *provided*, that

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where the line of such improvement would bisect any building, the said commissioners may determine, as shall seem to them most just, to take or to require the owner or owners

thereof to move it back from the line of improvement, in case the owner or owners thereof have land enough left for that purpose, and their appraisement shall be made accordingly; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings or parts of buildings to be taken on account of said improvement, and shall so determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the land to be benefited, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained, and of the appraisements, estimates, determinations and assessments made by them concerning said improvements, and shall file such report and map with the city clerk within twenty days after the reference to them, or within such further time as said board of councilmen shall grant; thereupon the said clerk shall give notice of the filing of said map and report, in the official newspaper circulating in said city, for the space of two weeks, and by at least five notices put up on the line of said improvement; and the city clerk shall mail a written or printed notice to each of the known owners of land to be assessed therefor, which notice shall contain a general description of the improvement intended, of the land to be taken and of the land to be assessed therefor, and shall state the time and place, when and where the said board of councilmen, or a committee thereof, will meet to hear and consider any objections to said report, or to the improvement, which may be presented in writing, the time appointed for such objections being not less than ten days after the expiration of said two weeks; and all objections made at such time and place, presented in writing, said board of councilmen shall consider and adjudicate upon, and the said report and map shall be returned to said commissioners of assessments, by resolution of the council, and the awards or assessment made in said report shall be corrected accordingly by said commissioners, and said report and map, when corrected, shall be filed with the city clerk within twenty days thereafter; if said board of councilmen shall then determine to make said improvement, notwithstanding any objection to the same, the said board shall confirm said awards, with the corrections, if any, and order the said improvement to be made and completed in such manner as said board may direct, under the supervision of said commissioners of as-

Proviso. sessments; *provided*, the said board of councilmen shall not proceed to make any such improvement if the owners of more than one-half of the property per lineal feet front to be assessed for the improvement, shall remonstrate against the same being made; said board of councilmen shall thereupon pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken, and damages sustained in making said improvements and the city treasurer shall tender and pay to the owner of said lands, if a resident of said city, the amount of such award due to him, but if such owner is not a resident of the said city, or if upon inquiry he cannot be found therein, or is a lunatic or idiot, or if, for any other lawful cause, he is incapacitated to receive the same, or if said owner shall not or will not accept the same and sign a proper receipt therefor when tendered, then the treasurer shall make affidavit of such facts, and file the same with the city clerk, and the board of councilmen shall after inquiry into the facts of the case, by resolution, direct the amount of such award to be placed either in the city treasury, or some bank or trust company, where the same shall draw interest at the rate of not less than five per cent. per annum, for the use of the person to whom it may be due; and upon filing such receipt of the owner, or the passing of such resolution by said board of councilmen, the lands so taken shall be vested in the said city of Belleville, and the city officers may proceed with such improvement, and the said money so deposited shall be paid by proper warrant to the person entitled thereto, on demand, with accrued interest thereon; *provided*, that

Proviso. where the commissioners shall have reported the names or estates of the owners of any plot as unknown, said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear; and any such owner or person interested in said land, may, by bill in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him or to her as law and justice may require; after the completion of said improvement, the said commissioners of assessment shall report to said board of councilmen the actual net cost thereof, and shall assess the same upon the land reported by said commissioners as benefited thereby, in the same proportions as the estimated net cost had been previously assessed in the map

and report of said commissioners, as corrected by the said board; the assessment so made, when filed with the city clerk and confirmed by the board of councilmen, shall constitute a lien upon each parcel of said lands for the amount assessed to the same.

When award equals assessment no payment to be made.

59. *And be it enacted*, That whenever, by the report and map of the said commissioners of assessments, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then, if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award exceed the assessment, only so much of the award as is in excess shall be paid, and the resolution of the board of councilmen ordering the award to be paid shall be framed accordingly; and when the amount to be assessed shall be finally determined, such amount shall be set off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the assessment shall be canceled, and such excess only shall be paid to the person to whom the award is made; and if the amount of the assessment be in excess, the award unpaid shall be canceled and such excess only shall be a lien upon the property assessed, the rest of the award or assessment, as the case may be, being also canceled.

When award exceed assessment, excess only to be paid.

In case of improvement, benefits how assessed.

60. *And be it enacted*, That whenever land, held by a tenant for life or years, and the fee in remainder or reversion, shall be taken for the opening, extending or widening of any street or avenue, or any part thereof, the benefits to be done to the residue of any lot or parcel of land, a part of which may be taken for such improvement, shall be estimated in the same manner as to other lands, and the commissioners of assessment shall include in their preliminary and final report, the value of the land taken for such improvements, and the value of the erections thereon, and the damages aforesaid, done by taking or removing the same, and to whom said lands belong, and the interest and estate of the several owners in the same, as far as practicable, and the commissioners shall in their report, apportion such value and damages between them; and in any case lands assessed as aforesaid, or for any other assessment and taxes, shall be held by a tenant for life or years, and such tenant

When land held by tenant for life or years who to pay assessment

shall pay such assessments or taxes, or the same may be made by a sale of his interest in said lands; said tenant or tenants, his or their legal representatives, shall, at the termination of his or their estate, be repaid such principal sum as well as the appraised value of all improvements made thereon by said tenant, by a reversioner, his heirs or assigns, and shall have a lien upon said lands for the same and may, by bill in chancery, have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof, and such lien shall have a priority over all other encumbrances.

Width of road to be laid out.

61 *And be it enacted*, That all streets, roads, or avenues to be laid out or opened, shall not be less than forty, nor more than one hundred feet in width, and all streets widened, extended or altered, not less than forty; nor more than one hundred feet in width; the sidewalks upon either side of any street, road or avenue, shall occupy one-fifth of the whole width of said street or avenue, and no stoop or step shall project, or enclosed area extend beyond the line of said street, road or avenue; and said board shall have power, by ordinance, to regulate the planting of shade trees upon said sidewalks, and to protect the same; and they shall have power to take any lands that may be necessary for opening, widening or altering of any street or avenue, or any part thereof in said city; but no lands shall be taken for the laying out, opening, widening, or alteration of any street or avenue, without allowing or paying to the owner or owners thereof, the fair value of the lands taken, and for the improvements and buildings thereon, and the damage done to any distinct lot or parcel of land or tenement by taking any part of it for that purpose.

Board to regulate the planting of shade trees.

Board empowered by ordinance to grade, pave, &c., streets and avenues on application

62. *And be it enacted*, That it shall be lawful for the board of councilmen, by ordinance, to grade, pave, curb, gutter, fill up, refill, macadamize, lay side and crosswalks in any street, road or avenue, or any part thereof in said city; to build sewers, drains and receiving basins in and upon any street, road, or avenues in said city, or any part thereof, on application in writing to said board of councilmen; and all such applications shall be advertised by the board of councilmen in the official newspaper, circulating in said city, for ten days at least before the or-

Applications to be advertised.

dinance is passed to carry out the same, which ordinance shall be referred to the commissioners of assessments, who shall examine into the whole matter impartially, and to the best of their skill, judgment and ability, and who shall cause a survey and preliminary map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, and they shall estimate the whole cost of said improvements according to the best of their judgment, and shall assess such estimated cost upon the lands and real estate benefited in proportion to the benefits received, and report the names of the owners of the lots or parcels, as far as practicable, with the amounts assessed to each, and shall file said report and map with the clerk of said city, within twenty days thereafter; the clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him in the official newspapers circulating in said city, and by five notices put up on the line of said improvement; *provided*, that when a petition for an improvement states that the property owners whose names are signed thereto, will pay all the expenses and costs of the improvement applied for, and that they consent that the amounts assessed against their property by the commissioners of assessments, shall be a lien thereon until paid, that then and in that case, the board of councilmen may, by ordinance, proceed forthwith to execute and carry out said improvement under said application; and it shall not be necessary to advertise said petition, make the preliminary map and report, or do any other matters required by this act. Proviso.

63. *And be it enacted*, That unless within twenty days after the filing of said report, as in the preceding section provided, the owners of a majority of the lands in lineal feet to be assessed for such improvement shall file with the clerk a remonstrance signed by them or their agents, lawfully authorized, said board of councilmen shall proceed forthwith to execute and carry out said improvement under said application, and all costs and expenses incurred in such proceedings shall be repaid to the said city by the petitioners for such improvements, in case such majority of owners remonstrating against the same, and the board of councilmen shall make regulations touching the receiving and proceedings upon such petition, and security for the expenses thereof, as they may deem proper, by resolution or otherwise, and the Board to carry out improvement unless remonstrance filed in certain time.

said board may refer back said report and map to said commissioners of assessments for alterations or corrections in matters of form or substance, when they deem the same necessary; *provided*, that whenever the owners of three-fourths of the property interested per lineal feet along the line of any street or avenue shall apply in writing to the board of councilmen for any of the improvements provided for in the sixty-second section of this act, the council shall have power to dispense with the preliminary map and estimate of the assessment, and to proceed by ordinance to cause said improvement to be made forthwith.

Proviso.

Expenses for improvement of streets by whom assessed.

64. *And be it enacted*, That all expenses and cost of proceedings for improvements in grading, paving, curbing, guttering, filling up, refilling, macadamizing, laying side or crosswalks, sewering, draining and building receiving basins in or upon any street, road or avenue in said city, or any part thereof, when the same shall be completed, shall be assessed by the commissioners of assessments upon and be paid by the lands and real estate benefited by the improvement so applied for, in proportion to the benefit received by said lands and real estate, and the said commissioners of assessment shall determine and report in writing to the board of councilmen what proportion of such expenses shall be assessed upon each separate lot or parcel of land, and shall accompany such report with a final map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, whereupon said clerk shall cause to be inserted in a newspaper circulated in said city, a notice of filing of said report; and the city clerk shall mail a written or printed notice to each of the known owners of land to be assessed therefor, and he shall also put up five notices on the line of said improvement in said city, and that the board of councilmen, or a committee thereof, will meet at a time and place to be designated in said notice, to be at least ten days from the date of filing of said report, to consider said assessment, and to receive and consider all objections thereto which may be presented in writing, and the said board of councilmen shall have power to return said map and report for correction, in matters of form and substance, before confirming the same, and when so returned for correction, the said commissioners of assessments shall have power to correct the same, and they shall refile it with the city clerk within ten

days after it shall have been so referred back to them, and if said board of councilmen shall by resolution confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment.

Assessment for public improvement when to be paid.

65. *And be it enacted*, That any assessment upon any property or any excess of assessment over any award as hereinbefore provided for any street or public improvement shall be due and payable, without interest, if paid within thirty days subsequent to the confirmation of the same by the city council, and subject to interest at seven per centum per annum if paid after thirty days and within sixty days from the date of said confirmation; and the parties assessed may, within the time provided for the payment of the same, and in lieu of a cash payment, deliver to the city collector a bond payable to the city treasurer, entered into by the owner or owners of the property assessed, conditioned for the payment of such assessment or excess thereof as aforesaid in five years from the date of the confirmation thereof by paying twenty per centum of the amount of said assessment or excess thereof in each and every year, with interest upon the amount of said assessment or excess thereof or such part thereof as may remain unpaid, at the rate of eight per centum per annum, payable annually, and the said bond shall be forthwith filed by the city collector of revenues in the office of the city treasurer, and when so filed shall be recorded in a book or books of assessment bonds, and the said bond, or a certified copy of the record thereof, under the hand and seal of the said city treasurer, shall be conclusive evidence in any court of the contents of the same and of the legality of the assessment for which the said bond was given, and of all the proceedings in relation thereto, up to, and including the date thereof; *provided*, that all public improvements commenced or contracted for before the passage of this act, shall be completed and paid for, and the assessments upon the land and real estate for the payment of the costs, damages and expenses thereof, shall be levied and collected in the manner prescribed by the laws and ordinances that were in force at the time the improvement was ordered to be made.

Parties assessed may give bond.

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If assessment not paid, or bond given in certain

66. *And be it enacted*, That in case the owner or owners of any land or real estate assessed for any public improvement, shall neglect or fail to pay the amount or to give the

time, the same shall bear interest.

bond required within the sixty days aforesaid, then such assessment shall bear interest at the rate of twelve per centum per annum until paid; and at the expiration of one year from the date of confirmation of the assessment, the said land and real estate shall be sold in the manner provided in this act for the sale of lands for taxes and assessments, for the amount of such assessment, with interest as above stated, costs and expenses; and in case any installment of a bond which shall have been given for an assessment as aforesaid, or any interest thereon, shall not be paid according to the terms thereof, the whole amount of said bond unpaid shall become immediately due and payable, and interest shall be charged thereon, at the rate of twelve per cent. per annum, from the date of its becoming due until paid; said land and real estate shall be sold in the manner provided in this act for the sale of lands for unpaid taxes and assessments, for the amount of such assessment, with interest as above stated, costs and expenses; and the amount thus due on the bond for the collection of which the sale has been made, shall be credited on the bond, which shall be held by the city until the same is paid in full and extinguished.

If installment not paid, at regular time, whole amount becomes immediately due.

Board of councilmen empowered to borrow amount of assessment in anticipation of its collection.

67. *And be it enacted*, That in all cases where the board of councilmen are authorized to make or levy an assessment for any improvement heretofore made, or hereafter to be made, under this act, they shall be authorized to borrow the amount of said assessment, or any portion thereof, in anticipation of the collection of said assessment, to be expended only in payment of such improvement, or loans for the payment thereof; and for that purpose to issue the bonds of the city to be called "Improvement Bonds of the City of Belleville," payable in ten years from the date thereof, with interest at the rate of not to exceed seven per centum per annum, and said city may sell these bonds at public or private sale, at not less than ninety per cent. of the par value thereof, or in lieu of said sale thereof, the said city may expend said improvement bonds at their par value in payment of such improvement, or any part thereof, in anticipation of the collection of said assessment; *provided*, that the said assessments and the assessment bonds of property owners aforesaid shall be held by the city as specially pledged for the payment of the city bonds issued as above authorized; and in case said assessments or said assessment bonds should be paid in faster than the improvement bonds mature, the

Proviso.

board of councilmen shall direct the city treasurer to purchase improvement bonds with the proceeds at such prices as they may determine; and the said improvement bonds of the city shall be receivable at par (and accrued interest) by the city in lieu of cash, in cancellation of the assessments for such improvements and such only as shall have been completed during the same year in which the said bonds were issued.

Assessment on improvements heretofore commenced by whom confirmed.

68. *And be it enacted*, That where any improvement directed to be paid for by assessments has been commenced before the passage of this act, but the final assessment therefor has not been confirmed, the board of councilmen shall on completion of said improvement, refer it to the commissioners of assessments, to make and report the final assessment for such improvement, upon the principles on which the final assessment was to be levied, according to the laws in force at the time when such improvement was ordered to be made, and upon the filing of said report and map of said assessment with the city clerk, the same proceedings shall be had with regard thereto, and with the same force and effect in all things as are provided for by this act.

Final assessments heretofore confirmed how collected.

69. *And be it enacted*, That all final assessments heretofore confirmed according to law, but not yet collected, except as hereinbefore otherwise provided, shall be collected in the manner provided for the collection of assessments made under this act, and all such assessments, where the time for the payment thereof is not now fixed according to law, as well as in all assessments made under this act, the said board of councilmen may by ordinance fix the time of payment of the same, from which time interest at the rate of twelve per centum per annum shall be collected on all sums unpaid, except as otherwise in this act provided.

Board of councilmen empowered to direct repairs in carriage ways, &c.

70. *And be it enacted*, That the board of councilmen may, by resolution passed at any meeting, direct any repairs in the carriage ways or crosswalks of any street, road or avenue within said city, whenever they shall deem such repairs necessary; in cases where such repairs or improvements are not applied for in the manner prescribed for by this title, such repairs shall be made by contract or otherwise, as said board shall direct, shall be superintended by the street commissioner, and shall be paid for by said board upon their approval of the work, out of the moneys raised by tax for repairs of streets, and that all repairs of sidewalks, and curbs and

gutters, shall be made by the owner or owners of the lands in front of which said repairs are necessary, upon the written notice of the street commissioner, and if said owner or owners shall be non-residents of said city, it shall be sufficient for the street commissioner to post such notice upon or near the lot or lots in front of which the sidewalk, and curb and gutter may require to be repaired or relaid, and if the same shall not be repaired within ten days from the serving or posting of said notice, then it shall be lawful for the said board, by resolution, to direct the street commissioner to cause the same to be made; the costs and expenses for repairing and relaying as aforesaid shall be assessed by the commissioners of assessment upon the lands directly in front of which such repairs shall be made, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessments for improvements.

Grade when established by provisions of this act, not to be altered.

71. *And be it enacted*, That the grade of any street, road or avenue, when established as provided in this act, shall be and remain the permanent grade thereof, and shall not be changed or altered except upon the application to said board of councilmen by the owners of at least three fourths of the land to be affected thereby, nor without paying to the owners of any buildings where damages are sustained by the alteration of such grade, the amount of the damage which shall be ascertained and determined by the commissioners of assessment making such assessment, and the costs and expenses of establishing and authenticating such grade shall be assessed upon the lands of those applying for said change, and the same shall be and remain a lien thereon, and the payment thereof enforced in the same manner and to the extent as other assessments in this act provided.

When owners of land fronting certain sewers not to be assessed.

72. *And be it enacted*, That when any sewer or drain heretofore constructed in said city by individuals, at their own expense, shall be adopted by the board of councilmen as a continuation or receiving sewer of or for any sewer or drain to be constructed under their direction, then the owner or owners of the land fronting on such sewer or drain heretofore made shall not be assessed for the same.

Board empowered to make certain improvements

73. *And be it enacted*, That the board of councilmen are hereby empowered to cause all or any of the improvements authorized by this act to be made in any of the streets, roads or avenues or railroads, that have been or shall here-

after be dedicated to public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of any such street, road or avenue in said city, and the said board shall have power to regulate the position and construction of all railroads to be laid in any street, road or avenue of said city.

Petition for improvement what may embrace.

74. *And be it enacted*, That the petition filed praying for any improvement contemplated by this act and the ordinance in reference thereto, may embrace any number of improvements upon the same street, road or avenue, or proposed street, road or avenue; but the commissioners of assessments shall return a separate map and report for such of said improvements embraced in said petition or ordinance, as may be directed by resolution of the board of councilmen, and in all other cases they shall return one map and report for all of said improvements embraced in said petition or ordinance.

Certain acts continued in force

75. *And be it enacted*, That all acts of the township committee of the township of Belleville, and the commissioners of the Bellevllle polling district, that may be in force when this act shall go into effect, so far as the same may be applicable to the city, and so far as is not inconsistent with this act, shall be and continue in force, until altered or repealed by the board of councilmen hereby created; and nothing in this act shall be construed to invalidate or affect any bonds, contracts, agreements or liabilities heretofore legally given, made or entered into, for any purpose whatever, by the commissioners of the Belleville polling district.

Debts, claims, &c., heretofore existing by whom collected.

76. *And be it enacted*, That all debts, claims, taxes and assessments due to the former township of Belleville, or the Belleville polling district, or the commissioners thereof which may have been, or for which there may be a liability, when this act takes effect, shall and may be collected by the mayor and council of the said city of Belleville, for the use and benefit of the said city, in the manner provided herein for the collection thereof, and the board of councilmen in reference to any tax or assessment due to the former township of Belleville, may sell the lands, tenements or real estate upon which the same was assessed or is a lien, in the manner prescribed in sections forty-nine and fifty of this act, and all the powers and provisions of sections forty-nine, fifty, fifty-one and fifty-two, of this act shall be applicable

to the said taxes and assessments due to the former township of Belleville, the same as if the terms of said sections had been made especially applicable thereto.

Who shall be deemed not incompetent in certain trials.

77. *And be it enacted*, That upon the trial of any issue, or upon any judicial investigation, to which issue or investigation the city of Belleville is a party, or in which said township is interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant thereof.

Firemen when exempt from taxation.

78. *And be it enacted*, That the firemen hereafter regularly enrolled and recognized by the constituted authorities of the city shall be exempt during the term of their service, and after having served seven years consecutively, shall forever thereafter be exempted from service on any jury, and also from serving in the militia, except in case of invasion or insurrection, and that certificates of the time that such persons have served as firemen in said city, signed by the mayor and city clerk, shall be evidence thereof, but no fireman of the city shall be exempted from jury duty unless he actually performs all the duties of a firemen in his company, and to entitle him to such exemption he shall present to the board of councilmen a certificate of the foreman or other chief officer of his company, that he is a faithful and acting member thereof.

Council empowered to purchase sites for parks, markets, &c.

79. *And be it enacted*, That the mayor and council are hereby authorized and empowered to purchase sites for parks, markets, public buildings and wharves in said city, and to erect suitable buildings or wharves, or other structures or improvements on said sites, and for said purposes or for the purpose of purchasing sites for school houses, the said mayor and council are hereby authorized and empowered to issue, in the name of "The Mayor and Council of the City of Belleville," coupon bonds, which may be made payable to bearer or registered in the name of the party holding the same, or registered bonds without coupons, according to the option of the holder thereof, and bonds of either of said classes may from time to time be converted into bonds of either of the other classes, at the option of the holder, to be denominated on the face thereof, "City of Belleville Bonds," to an amount not to exceed fifteen thousand dollars, bearing interest at a rate not over seven per centum per annum, payable half-yearly and the principal of said bonds shall be payable at periods not less than ten nor

more than thirty years from the date thereof, and the said bonds may be sold at public or private sale, at not less than ninety per centum of the par value thereof, at such times and in such amounts only as the proceeds may be required as aforesaid, and for the purpose of paying said bonds and the interest thereon, as the same may become due, the said mayor and council are hereby authorized to assess and collect annually a tax sufficient to pay the interest each year, and to constitute a proper sinking fund for any portion of said debt which may exist, which tax shall be in addition to any other tax authorized by this act; and the collector of revenue shall collect and pay the same to the city treasurer, in the same manner as other taxes; and said tax shall be kept separate and distinct from all other taxes.

Certiorari when to be allowed.

80. *And be it enacted*, That no certiorari shall be granted or allowed to stay any proceedings (except the collection of the final assessment,) for any street or sewer improvements, unless the writ be allowed before the filing with the city clerk of a copy of the resolution for the payment of awards, in case awards are to be paid, or before the making of the contract, in case a contract is to be made; *provided*, that if the applicant for such writ shall, before the filing of such resolution or the making of such contract, file with the clerk of the board a written notice of his purpose to apply for such certiorari, such writ may be granted or allowed, and served at any time within thirty days after the filing of such notice; and the filing of such resolution, or the making of such contract shall be delayed by said board until the expiration of said thirty days, and if any final assessment shall be changed or set aside on certiorari, the court changing or setting aside the same shall either specify the particulars in which said assessment shall be changed, or shall appoint three discreet and impartial freeholders, residents in the city of Belleville, to make a new assessment, which new assessment shall be made by said freeholders, as the commissioners of assessment should have made the same, and shall be of the same force as if so made by the commissioners of assessments.

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When location of street, lane or avenue changed or altered, what the commis-

81. *And be it enacted*, That whenever the map and grade commissioners mentioned in section forty of this act shall change or alter the location of any street, lane or avenue now laid on the map of said city, or now open for public use, or in cases where they may already have made changes

sioners of assessments to take into consideration.

or alterations in the same, the commissioners of assessment of the city shall have the power to take into consideration the land or premises which may be vacated and thus become the property of the front owner on said street, lane or avenue, in awarding benefits or damages to the property benefited or damaged by said alteration or location of said street lane or avenue so changed, and the lands so made, to become the property of the said front owners, shall be held by said front owners in fee, and the said map and grade commissioners shall file a description of the lands so vacated in the office of the county clerk of Essex county, which said description shall be deemed and taken to be a deed of conveyance to the said property owners, and this shall apply to all alterations heretofore made or hereafter to be made.

Certain provisions and regulations to be provided by ordinance.

82. *And be it enacted*, That whatever provisions and regulations, other than those herein specially authorized, may become requisite for the fuller organization, perfecting and carrying out of the powers and duties prescribed to any department by this act, shall be provided for by ordinance of the common council, who are hereby authorized to enact such necessary ordinances; and it shall be the duty of the common council to provide for the accountability of all officers and other persons, save as herein otherwise provided, to whom the receipt or expenditure of the funds of the city shall be intrusted, by requiring from them sufficient security for the performance of their duties or trusts, which security shall be annually renewed, but the security first taken shall remain in force until new security shall be given, and no bond or bondsman shall be cancelled or released from obligation until all liability shall cease on such bond.

When patent pavement not to be laid.

83. *And be it enacted*, That except for repairs, no patented pavement shall be laid, and no patented article shall be advertised for, contracted or purchased. except under such circumstances that there can be a fair and reasonable opportunity for competition, the conditions to secure which shall be prescribed by the common council; no patented article or pavement shall claim to be the lowest bidder, because it enjoys a monopoly, but the common council shall have the right to reject any and all bids that are not the most beneficial to the property owners on the line of proposed improvement.

When certain contracts not

84. *And be it enacted*, That no contract hereafter made, the expense of the execution of which is not by law or ordi-

nance, in whole or in part, to be paid by assessments upon the property benefited, shall be binding or of any force or effect, unless the treasurer shall endorse thereon his certificate that there remains unexpended and unapplied, as herein provided, a balance of the appropriation applicable thereto sufficient to pay the estimated expense of executing such contract as certified by the officer making the same, and he shall hold and retain such sum to pay the expenses incurred until the contract shall be fully performed. to be binding.

85. *And be it enacted*, That no bid shall be accepted from or contract awarded to any person who is in arrears to the corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the corporation, Who not to accept bids or contract.

86. *And be it enacted*, That all bonds issued as aforesaid shall be signed by the mayor of the city and by the city clerk, under the corporate seal of said city; the clerk shall keep a record of all bonds issued or disposed of, and copies of such record shall be made by him and delivered to the city treasurer; all moneys received from the sale or otherwise, upon said bonds, shall be paid to the city treasurer, who shall pay out the same in the manner that other moneys are paid out in said city. Bonds issued by whom signed.

87. *And be it enacted*, That whenever it shall be necessary for said city to make any conveyance of real estate, said conveyance shall be signed and executed under the seal of the city, by the mayor and by the city clerk, and the latter shall keep an accurate record of such conveyances. Conveyance made by city by whom signed and executed.

88. *And be it enacted*, That in all cases where an award for damages done, or land taken in the opening of any street, road or avenue in said city, is now due to any property owner, and property of such owner is also assessed for benefits arising from said opening, that then, and in that case, the council may offset one against the other, in the way and manner set forth in section fifty-nine of this act. When offset allowed in case of award for damages and assessment for benefits.

89. *And be it enacted*, That the council may at any time, by resolution, direct any street improvement to be made in any street, road or avenue in said city, where they direct, by resolution, that the city is to pay for the same by general tax, and when the expenditure therefor shall not exceed the sum of one thousand dollars, and in such case all the requisites of the city charter in case of improvements by ordinances may be dispensed with by said council, and they Council may direct street improvement to be made by resolution.

may proceed immediately to complete and finish said improvements.

Certain powers conferred.

90. *And be it enacted*, That all the powers and duties that are or may hereafter be conferred by law upon the members of the board of chosen freeholders in the Belleville polling district and the township of Belleville, shall and they are hereby conferred upon their successors, who shall be elected at the same time and place of other officers, at the April election of each year, as follows: one member from the first and second wards and one member from the third and fourth wards, hereinbefore described.

Trustees of board of education when elected.

School trustees and mayor by what name known.

91. *And be it enacted*, That one trustee of the board of education shall be annually elected in April of each year for the term of one year from each ward, and the school trustees so elected and the mayor of said city shall constitute and be called "The Board of Education of the City of Belleville;" they shall annually elect a president from their own body, and in his absence a president pro tempore, appoint the times and places of meeting, and determine the rules of their own proceedings; they shall also appoint a secretary, who shall keep a journal of their proceedings, and perform such other duties as the board may prescribe; a majority of the board shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole board; the president of the board shall have power to call special meetings whenever he shall deem it expedient; that said board shall prepare and transmit to the city council on or before the first day of June in each year, an estimate of the amount of moneys necessary for the support of public schools in the said city during the year, which estimate shall specify particularly, under the several heads of repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required by each branch of expenditures, and all moneys appropriated by said city counsel for the support of public schools, as well as other taxes or moneys devoted to that object, shall be expended by said board of education for the support of public schools in the city of Belleville; that said board of education shall take charge of the public school houses in said city, and shall cause all necessary repairs to be made to the same, and they

Majority shall constitute quorum.

To have charge of public school houses.

are also empowered to establish schools of different grades adapted to the age and progress of pupils, including evening schools for apprentices, to select and employ teachers, to provide school books, furniture and school libraries, to purchase stoves and fuel and incur such incidental expenses for the maintenance of the schools as may be necessary, to adopt rules and regulations for the admission of pupils, the visitation and inspection of the schools, and the government and studies to be pursued therein, and the board of education shall have power to purchase real estate for school purposes, and to erect buildings thereon, when appropriations for those purposes by the mayor and council of said city, and the real estate so purchased shall be vested in said city of Belleville; and all moneys so appropriated shall be expended by the board of education, in compliance with the laws of the state, and the said board shall, at the close of the fiscal year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in each school, and a full and true account of the expenditures of said board during the year, under the respective heads of repairs to school houses, salaries of teachers, school books, furniture, and libraries, stoves and fuel, and incidental expenses, and shall transmit the annual report to the city council, and a copy thereof to the county superintendent of common schools, and the treasurer of said city of Belleville shall credit said board of education with the sum or sums of money appropriated for the support of public schools in said city, and it shall be the duty of said treasurer to enter upon his book the sums so appropriated under the respective heads to which the same may be appropriated, and the treasurer of said city shall, to the extent of said appropriations, pay, on presentation, all drafts drawn upon him by order of said board of education and duly attested by the signatures of the president and secretary for the time being of said board, which drafts shall specify from which appropriation the same is to be paid; and all suits or proceedings brought against any person or persons or body corporate, for damages or injury to any school house or outbuilding, fences, trees or other improvements, or to any furniture or school books in any school under the charge of said board, shall be in the name of the treasurer of said city, and all damages

Moneys appropriated by whom and how appropriated.

In what name suit shall be brought.

received in such actions shall be paid in the city treasury, and shall be credited to the school fund of said city; and it shall be the duty of the assessor of said city to make out a list of the children capable of attending school, between the ages of five and eighteen years, within each of the wards, specifying the age of each child, with their names and the names of their parents or guardians, and to transmit the same under proper certificate, on or before the fifteenth day of August annually, to the secretary of the board of education, and the sum of five dollars for every one hundred names of children contained in said list, respectively, shall be allowed to the assessor duly making and transmiting the same; and the city of Belleville shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools, to be ascertained according to law, which shall from time to time be paid to the treasurer of said city, to be expended by the board of education for the support of public schools in said city.

Street when dedicated, by whom and how to be declared open to public.

92. *And be it enacted*, That whenever any street or avenue in said city, or any part of any street or avenue, has been or shall hereafter be dedicated by the property owners to the public as a public highway, to be used as such, that then and in such case the council may, by a simple resolution, and without any further or other proceedings whatever, declare such street or avenue, or part thereof, open to the public as such.

Ordinance embracing one subject, how approved.

93. *And be it enacted*, That in case an ordinance or resolution shall embrace more than one distinct subject, the mayor may approve the provisions relating to one or more subjects, and disapprove the others; in such case, those which he shall approve shall become effective, and those which he shall not approve shall be reconsidered by the board, and shall only become effective if again passed as above provided.

Money for certain expenses how expended.

94. *And be it enacted*, That no money shall be expended for any celebration, procession, funeral ceremonies, reception or entertainment of any kind, or any public occasion, unless by the votes of all the members elected.

Council not to have certain powers unless by act of legislature.

95. *And be it enacted*, That the common council shall have no power to impose taxes or assessments, or borrow money, or contract debts, or loan the credit of the city, or take or make a lease of any real estate or franchises save at a rea-

sonable rent, and for a period not exceeding five years, unless specially authorized so to do by act of the legislature.

Mayor to be member of tax assessors and education.

96. *And be it enacted*, That the mayor shall be a member of the board of tax assessors and education, and have equal powers in either board with other members.

Powers and duties therein conferred not to interfere with any and all general laws unless specially provided.

97. *And be it enacted*, That the powers and duties conferred by this act shall not interfere with any and all general laws passed by the legislature, unless it shall be specially provided in this act or amendments thereto.

Repealer.

98. *And be it enacted*, That all laws and parts of laws inconsistent with the provisions of this act, be and the same are hereby repealed; but this repeal shall not affect any lawful proceeding had or commenced under the same when this act takes effect, nor any rights, dues or privileges which the township of Belleville or the Belleville polling district, or any person or persons were entitled to by virtue thereof.

What shall not be affected by this repeal.

99. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXCVIII.

A supplement to an act entitled "An act to facilitate judicial proceedings in the county of Passaic," approved March twenty-eighth, one thousand eight hundred and seventy-one.

Salary to be paid president judge of inferior court of common pleas, in lieu of per diem and fees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first day of April, in the year one thousand eight hundred and seventy-four, there shall be paid to the president judge of the inferior court of common pleas of the county of Passaic, the sum of three thousand dollars, as provided for in the act to which this is a supplement, and no per diem or other fees whatsoever.

Repealer.

2. *And be it enacted*, That all acts or parts of acts in-

consistent with this act, be and the same are hereby repealed, in so far as they are inconsistent herewith.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCCXCIX.

An act to regulate and restrict expenditures by the Board of Chosen Freeholders of the County of Passaic.

Board of chosen freeholders to determine amount of money to be raised for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, in ordering in each year the amount of money to be raised for county purposes, "The Board of Chosen Freeholders of the county of Passaic" shall declare the amount necessary to be raised for,

For current expenses.

I. Current expenses, to wit: first, for court; second, for county jail; third, for support of lunatics; fourth, for chosen freeholders, their committees and officers; fifth, for coroners' inquests; sixth, for elections; seventh, for stationery, advertising, publishing and printing; eighth, for incidental expenses.

For debt and interest.

II. Debt and interest, to wit: first, for payment of principal of bonded debt, falling due in such year; second, for interest on such debt; third, for bank discounts.

For public works.

III. Public works, to wit: first, for expenditures in or upon the public buildings and grounds; second, for erections and repairs of bridges or culverts over natural running streams.

Appropriation or expenditures for public works not to exceed $30,000.

2. *And be it enacted*, That for the fiscal year beginning May, one thousand eight hundred and seventy-four, the appropriation or expenditure for "public works" shall be not more than thirty thousand dollars; the said board shall also make a special appropriation, for the same year, of forty thousand dollars, for the payment of any now existing liabilities or obligations; but, after the year one thousand eight hundred and seventy-four, the whole amount of money appropriated, contracted or expended in any one year by said

board shall not exceed one-half of one per centum of the gross valuation of taxable property in said county, as reported by the county board of assessors of said county for the next preceding year, and no more than thirty thousand dollars thereof shall be appropriated, contracted or expended for public works in or during such year.

Board empowered to make temporary loans in anticipation of taxes.

3. *And be it enacted*, That it shall be lawful for said board to make temporary loans in anticipation of taxes, such loans to be, with any renewals thereof, for a period not exceeding one year, and not to exceed the aggregate amount of the appropriations for such current year.

Collector to pay no bills on account of public works in excess of appropriation.

4. *And be it enacted*, That the collector of said county shall pay no bills on account of public works in excess of the appopriation therefor, and said board, or any committee or member thereof, shall order no work done after the said appropriation has been exhausted; and no suit, action, or proceeding in law, or in equity, shall be brought against said board, to recover any debt contracted, or compensation for, or in respect of any work done, or authorized to be done, or damages for violation of any contract, made contrary to the foregoing provisions of this section; *provided*, that in case of the sudden destruction, partial or entire, of any bridge or culvert for which said board is wholly or jointly with another board responsible, said board may, by the votes of four-fifths of all its members, order such bridge or culvert rebuilt or repaired, and may borrow money therefor, in anticipation of the next tax levy, and in the said tax levy there shall be incorporated a special appropriation to pay for such extra loan to meet such emergency.

Proviso.

Salary of freeholders

5. *And be it enacted*, That each of the members of the said board of chosen freeholders shall have and receive out of the moneys raised by order of such board, a salary, at the rate of one hundred and fifty dollars yer year for and during the time he shall serve as such member, and the same shall be in lieu of all other fees, compensation or emoluments whatever; *provided*, that the chairman of every regular committee of said board shall have and receive out of said moneys an additional compensation at the rate of twenty-five dollars per year for the time that he shall serve as such chairman.

Proviso.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed

so far as they conflict herewith; and that this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER D.

A supplement to an act entitled "An act to revise and amend the charter of the Town of Harrison," approved March the sixth, one thousand eight hundred and seventy-three.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-fifth of the act to which this is a supplement be amended by striking out the word "fifteen," and inserting in its place the word twenty.

Amendment.

2. *And be it enacted*, That the seventieth section of the act to which this is a supplement be amended by inserting after the words "sixty-seventh section," the words "and sixty-ninth section."

All personal property liable to taxation.

3. *And be it enacted*, That all personal property located within the corporate limits of said town shall be liable to taxation in the same manner that other property in said town is now taxed by the laws of this state, notwithstanding that the owner or owners thereof may not be actual residents of said town at the time fixed by law for the assessment of general taxes.

After expiration of term of office of present town clerk vacancy how filled.

4. *And be it enacted*, That immediately after the expiration of the term of office of the present town clerk of said town, said office shall be filled by the common council of said town by appointment (by a vote of the majority of the said members) and that the town clerk so appointed, shall hold office at the pleasure of said common council and shall receive the same compensation provided for and perform all the duties now imposed by the act to which this is a supplement

Certain ordinances to continue in

5. *And be it enacted*, That all ordinances of the town of Harrison, passed by the town council of said town

under and by virtue of the provisions of an act entitled "An act to incorporate the town of Harrison," approved March twenty-fifth, one thousand eight hundred and sixty-nine; or under and by virtue of a supplement thereto which supplement was approved April sixth, one thousand eight hundred and seventy-one, shall continue in force from the date of their passage and approval until altered or repealed by the common council of said town; and that all proceedings heretofore taken in behalf of said town or by or before any officer or magistrate thereof to enforce any of said ordinances are hereby declared to be legal and valid in all respects; *provided*, that said proceedings have been taken before the repeal of any of said ordinances by the common council of said town. force. Proviso.

6. *And be it enacted*, That there shall be chosen by the legal voters in each ward of said town at the next charter election and annually thereafter, one assessor for each ward who shall hold office for the term of one year and receive an annual salary of fifty dollars each; and who shall at the time of his election, be an actual resident of the ward in and for which he shall be elected and shall perform all the duties within the ward for which he may be elected required by the act to which this is a supplement to be performed by the assessor of the said town. Assessors how elected. Salary. Powers and duties.

7. *And be it enacted*, That the assessors of the several wards of the said town shall meet on the second Monday of May and on the second Monday in May in every year thereafter, and may from time to time adjourn, and when so met they shall constitute a board of assessors for the said town; and it shall then be their duty as such board of assessors to revise the several assessments made by the respective assessors of the several wards of the said town, and to diminish, increase or alter any such assessment in order that the assessments on property, whether real or personal, in the several wards of said town may be made as just and as nearly equal as possible; which assessments revised and approved by the said board shall be the assessments for the several wards of the town of Harrison, subject as heretofore to the action of commissioners of appeal in cases of taxation. Assessors time and place of meeting.

8. *And be it enacted*, That each one of the said assessors shall form a part of the board of assessors of the county of Hudson, and have the same powers as the assessors of other townships or cities in the county of Hudson have, or may To have same powers as assessors of other townships or cities.

hereafter have, and perform as a member of said board of assessors such duties and be subject as such to such requirements as or may hereafter be imposed by law upon them.

Common council may empower police justice to impose certain fines.

9. *And be it enacted*, That the common council of said town, in addition to the powers conferred by the twenty-fourth section of the act to which this is a supplement, may in such ordinance or ordinances empower such police justice in any such case either to impose such fine and sentence the offender or offenders to imprisonment for such term, or both as he in his discretion may see fit and the circumstances of the case may seem to him to require.

Court held by police justice declared to be a count of record.

10. *And be it enacted*, That the court held by the police justice in said town and mentioned in the act to which this is a supplement, shall be a court of record and have an official seal, and all persons shall be amenable to punishment for contempt of said court in the same manner as in other courts of record of this state, and licensed attorneys shall not be necessary in the prosecution or defence of any suit or proceeding in said court

Commissioners appointed when to commence to make assessment.

11. *And be it enacted*, That the commissioners appointed by the common council of said town, to make the assessment upon owners of land and real estate intended to be benefited by any proceeding heretofore taken or which may be hereafter taken, under the provisions of the act to which this is a supplement, shall commence as soon after their appointment as is practicable to make said assessment, and shall proceed with the same notwithstanding that an appeal has been taken by any party from the award or assessment made for damages in connection with said improvement, and present the same to the common council for ratification; and when the same shall be ratified the treasurer of said town shall proceed immediately to collect the same, in the manner provided by the act to which this is a supplement; and in case, by the final judgment of any court, any such award for damages shall be increased, the town surveyor shall thereupon in a summary manner proceed without notice to increase each of said assessments for benefits, pro rata, so that the whole amount of such increase, together with costs and expenses, shall be equitably distributed upon the owners so assessed; and upon the same being approved by the committee on streets of the common council, the treasurer shall immediately proceed to collect the same

To present assessment to common council for ratification.

in the manner provided by the act to which this is a supplement; in case by any such judgment any such assessment shall be reduced, the town surveyor shall in like manner adjust the same, and upon his filing his certificate in the office of the town treasurer, the said treasurer shall psy the same to the said owners on demand.

Treasurer when to collect assessment.

12. *And be it enacted*, That in case any assessment for benefits has been or shall be hereafter made in connection with any improvement, in the prosecution of which an award of damages has been or shall be made, said award shall not be payable (except as hereinafter mentioned) until the assessment for benefits has been ratified by the common council, and only the difference between the same shall be payable to or by (as the case may be) the owner at the time of such settlement of any lot or premises so assessed, and interest upon such award for damages shall commence on the date of the ratification of said assessment for benefits; in case the said town shall have taken possession of said lands and premises before the date of said ratification for benefits, said award shall be payable and said interest commence on the date of said possession.

When award for damages, not to be paid until assessment for benefits ratified.

13. *And be it enacted*, That whenever any work or improvement ordered by the common council, of the nature above described, has been fully completed upon any portion or section of a street, the assessment for benefits may be ordered to be made at once, by the common council in their discretion, upon said portion of said street and upon ratification of the same by the common council, the treasurer of the said town shall immediately proceed to collect the same, in the manner provided by the act to which this is a supplement.

When assessment for benefits may be ordered.

14. *And be it enacted*, That if any assessment shall be reduced in part by the common council, under the provisions of the seventy-first section of the act to which this is a supplement, the town surveyor, under the directions of the common council, shall increase the balance of said assessments pro rata so that the aggregate of said assessment shall remain the same, and the town treasurer shall proceed to collect the same in the manner provided by the act to which this is a supplement.

When one assessment reduced in part, balance to be increased pro rata.

15. *And be it enacted*, That whenever the common council are authorized by the act, to which this is a supplement, to appoint any officer of said town, a majority of

Majority of council required to make appointment.

the whole number of the members of said common council shall make said appointment, and in case from any cause said council shall fail to appoint such officer or officers, those then in office shall hold over until others are appointed.

Repealer. 16. *And be it enacted*, That section thirty-eight of the act, to which this is a supplement, be and the same is hereby repealed.

Amendment. 17. *And be it enacted*, That section sixty-two of the act, to which this is a supplement, be amended by striking out the word "sixty" and inserting in its place the word "ten."

Repealer. 18. *And be it enacted*, That the provisions of any act inconsistent with this act are hereby repealed, and that this act shall be a public act and take effect immediately.

Approved March 27, 1874.

CHAPTER DI.

A further supplement to an act approved April fourth, one thousand eight hundred and seventy-two, entitled "An act to improve Bull's Ferry Road in Hudson County, from the northerly line of the Township of Weehawken, to the Hackensack plank road, and also the Branch road leading from the Bull's Ferry Road, opposite Weehawken street in the town of Union, to Nineteenth street in the township of Weehawken," and the supplements thereto, approved April third, one thousand eight hundred and seventy-three.

Preamble. WHEREAS, It may not be necessary or expedient to construct that portion of the Bull's Ferry Road north of Union street in the town of Union; *and whereas*, it is desirable for the convenience of public travel that the construction of the branch road and that portion of the Bull's Ferry Road lying south of Union street, should not be delayed on that account.

1. BE IT ENACTED *by the Senate and General Assembly of the*

State of New Jersey, That the commissioners may, if they deem it advisable, construct in the same manner and under the same limitations as are provided in the original act and the supplements thereto, the branch road, and that portion of the Bull's Ferry Road south of Union street, and on completion of the same they may make an estimate of what would have been the cost of the improvements north of Union street, as proposed in the original act and the supplements thereto, and this act, and add thereto the actual cost of the improvement of the branch road, and said portion of the Bull's Ferry Road south of Union street, and shall then assess ten per centum of the sum of the said estimated and actual costs upon the town of Union, and ten per centum of the same upon the township of Weehawken; and the said town and township, respectively, shall pay the said sums respectively, to said commissioners, and the same shall be raised by said town and township, as the amount to be raised by said town and township was to be raised under the original act; the amounts to be collected from the town of Union and the township of Weehawken shall be applied to the relief of property on the same portions of the Bull's Ferry and Branch Roads, and in the same manner as is prescribed in section ten of the supplement entitled "A supplement to an act approved April fourth, one thousand eight hundred and seventy-two;" the assessment, however, to be made as provided in said section ten, and the credits shall be given and allowed as therein provided.

Commissioners empowered to construct certain roads.

Upon whom assessments shall be made.

2. *And be it enacted*, That the said commissioners shall have power to macadamize the said roads or such portions thereof as may seem to them desirable, as if such power had been given them by section seven of the said supplement of one thousand eight hundred and seventy-three; *provided*, that all the costs and expenses of macadamizing the same be assessed in the same manner as the other costs and expenses of said roads are to be assessed by section one of this supplement.

Empowered to macadamize certain roads.

Proviso.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be deemed a public act and take effect immediately.

Repealer.

Approved March 27, 1874.

CHAPTER DII.

An act to authorize and provide for a transcript of certain deeds, mortgages, and official records of land and real estate in the county of Union.

Board of chosen freeholders to cause certain writings to be transcribed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Union, in said state, and their successors in their said office be and they hereby are authorized and empowered to order and cause all deeds, mortgages, partitions, conveyances, and other instruments in writing, now on record in the office at Perth Amboy, of the surveyor general of East Jersey, and in the offices of the clerk and register of deeds respectively, in the counties of Essex and Middlesex in said state, which relate to or in any way affect the lands now situate, lying and being in said county of Union or in any part thereof, or which shall hereafter be annexed thereto, together with the acknowledgments and proofs of the execution thereof, and the entries of the time when the same were received to be registered or recorded, to be transcribed by the said surveyor general, registers and clerks, under the direction and supervision of the clerk of said county of Union, in a good, fair hand, in suitable books of record to be provided by the said board for that purpose; which said books shall each be certified by the said surveyor general, registers and clerks respectively, under their respective hands and official seals, to contain true and complete copies, from the records in their respective offices, of the deeds, mortgages, partitions, conveyances and other instruments in writing therein transcribed or contained.

To cause certain papers on file in Essex and Middlessex counties to be transcribed.

2. *And be it enacted*, That in all cases of title to any of the land and real estate aforesaid by settlement, devise, descent or otherwise, and not specifically mentioned in any of the provisions of this statute, it shall be lawful and proper for said board of chosen freeholders to order and cause such and so many of the wills and other records and files in the

offices, respectively, of the surrogates in said counties of Essex and Middlesex, and elsewhere, to be so transcribed as aforesaid, as shall be requisite and necessary to constitute and make a full and complete record of any and all titles to land and real estate in said county of Union, in the offices respectively of the clerk, register or surrogate of said county.

To cause certain mortgages to be transcribed.

3. *And be it enacted*, That the board of chosen freeholders aforesaid, of said county of Union, be and they hereby are authorized and empowered to order and cause any and all mortgages registered or recorded in the offices, respectively, of the clerks or registers of deeds for said counties of Essex and Middlesex, or elsewhere, which are uncancelled of record, and which relate to or in any way affect the land and real estate aforesaid in said county of Union or any part thereof, to be by the officers aforesaid, and under the direction and supervision aforesaid, transcribed at length, with the entry of the time when the same were left for such registry or record, in suitable books to be provided for that purpose by said board, each of which said books shall be certified by the officers aforesaid, respectively, to be true copies of the registry or record of said mortgages so transcribed; and the cancellation of any and all such mortgages so transcribed as aforesaid, may and shall be entered in such books by the clerk or register of deeds of the county of Union in the same way and manner and with the same effect as if the same had been originally registered or recorded in and upon the books of his said office; *provided, however*, that nothing in this act shall be held to interfere with, prohibit or prevent the cancellation of any such mortgage in and upon the original registry or record thereof.

Proviso.

Copy of record how made.

4. *And be it enacted*, That in all cases in which reference is made in any of the records or registries aforesaid so transcribed to any map, plot, or drawing of the premises therein described or mentioned, or of any part thereof, a copy of such map, plot or drawing, together with a transcript of the title of the same, and the numbers, letters, figures and marginal notes thereupon, and being a part thereof, shall be made and filed, first having been certified as aforesaid in the office of the clerk, register, or surrogate, as the case may be, of said county of Union, and in which said office a complete and convenient index of all such maps, plots and drawings,

and the numbers thereof shall at all times be provided and kept.

Transcript what to contain.

5. *And be it enacted*, That said transcripts of deeds, mortgages, conveyances and other matters of record as aforesaid, shall contain in the margin opposite thereto the designation of the office, and the book and page thereof from which the same shall have been taken; and such transcripts shall when completed be placed in the office and custody of the clerk, register, or surrogate aforesaid, and being the office in said county of Union in which all records of a like nature are deposited and kept, and the said clerk, register and surrogate shall at the proper expense and charge of said county cause, full and complete indexes of any and all such transcripts as may be deposited in their respective offices to be made and filed therewith in the offices aforesaid, and when so filed all persons shall be entitled at proper times to have access to the same, and shall be entitled to copies thereof upon paying for searches and copies, such fees as are allowed by law for similar services in searching, copying, and certifying the records of deeds, mortgages. and other instruments in writing registered or recorded in the offices aforesaid.

Transcript to be evidence.

6. *And be it enacted*, That said transcripts so certified as aforesaid, and the certified copies thereof, under the hand and official seal of the clerk of said county of Union, or other proper officer of said county, shall be evidence of the facts therein stated or contained in the same way and manner, and to the same extent as the original books and papers from which such transcripts were made, or copies certified by the officers aforesaid respectively, in whose custody such original books and records are kept, would be, if produced and used in lieu thereof, for the same object or purpose.

Officers in whose custody original records may be, when to furnish copies.

7. *And be it enacted*, That whenever the board of chosen freeholders of said county of Union shall order and require the aforesaid transcripts to be made, and shall furnish the proper books therefor, the officers aforesaid, in whose custody such original records may be, shall within two years then next ensuing cause such transcripts to be made, certified, signed and sealed in accordance with the provisions of this act, and delivered to the board of chosen freeholders aforesaid.

8. *And be it enacted*, That the said officers in whose cus-

tody such original records may be, shall be entitled to have and recover from the said county of Union the fees, per folio, allowed by law for furnishing copies from the records in their respective offices, and also such additional compensation for searches, certificates and maps as may be just and reasonable, or as shall be agreed upon and allowed by and between such officers and the board of chosen freeholders of said county of Union. Compensation for furnishing the same.

9. *And be it enacted*, That any and all charges, outlays and expenses, lawfully and properly contracted or incurred, under and by virtue of the provisions of this act, shall be a claim or claims against said county of Union, and shall be recovered and paid in the same way and manner and by the same processes and agencies, by which other claims for like amounts in law or equity are recovered, collected or paid; *provided nevertheless*, that nothing shall be paid under the provisions of this act as aforesaid, except for actual services or supplies, nor until after the claim or claims therefor shall have been duly audited and allowed by some proper officer or officers of said county of Union, or otherwise adjudicated by some court of competent jurisdiction for that purpose, and the amount of all such expenditures shall be levied and collected from time to time, under the direction of said board of chosen freeholders, as some part of the taxes of said county of Union; *provided nevertheless*, that nothing in the foregoing sections of this bill shall be construed or held to prohibit or prevent the said board of chosen freeholders from causing or procuring said work to be done, and such transcripts and copies to be made by such other officers and persons as they shall deem expedient, or as shall be for the interest and advantage of said county of Union. Charges and expenses to be claim against county, how recovered. Proviso. Proviso.

10. *And be it enacted*, That in the event the board aforesaid shall for any cause employ any person or persons, officer or officers, other than those designated in the preceding sections of this act, to make such transcripts, copies, and certificates, or any part thereof; such transcripts, copies, and certificates so made shall be signed, sealed and certified in accordance with the previous provisions of this act, or otherwise proved by the oath or affidavit of one or more persons competent to prove the same, and being so certified or proved shall be entitled to, and have the same authority and effect as hereinbefore provided for like copies, by the officers aforesaid. Board may employ persons other than those designated to make copy.

Copies where to be kept.

11. *And be it enacted*, That any and all transcripts, copies, maps and diagrams, so prepared as aforesaid, shall be deposited, indexed, preserved, kept, and used in the same way and manner, and in the same offices in said county of Union as before mentioned, and provided for the preservation and use of the official transcripts and copies of the records and files aforesaid.

Approved March 27, 1874.

CHAPTER DIII.

A further supplement to an act approved April fourth, eighteen hundred and seventy-two, entitled "an act to improve Bull's Ferry road, in Hudson county, from the northerly line of the township of Weehawken to the Hackensack plank road, and also the branch road leading from Bull's Ferry road opposite Weehawken street, in the town of Union, to Nineteenth street, in the township of Weehawken."

Preamble.

WHEREAS, it is manifest that a main sewer or sewers will be required to be built in the Bull's Ferry road and branch road, or in some portions thereof, and in such other places as will drain the contents thereof into the Hudson river; *and whereas*, the construction of said main sewer or sewers will be a benefit to the lands from which water can be economically drained thereinto, and the town and township in which the said lands lie, will receive advantage thereby adequate to the obligations that any one or more of them may assume under this act; *and whereas*, nearly the whole of said main sewer or sewers must be built on that portion of said roads now being widened, and about to be improved by the commissioners appointed under the said act; *and whereas*, it is desirable, if the same can be done, on the conditions hereinafter prescribed, that said main sewer or sewers should be constructed prior to,

or simultaneously with the improvement of the said roads; therefore—

Commissioners to make investigation prepare maps, plains, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That said commissioners shall have power to make a thorough investigation of the matter, and prepare plans, maps and estimates showing the position, sizes, extent and probable cost of said main sewer or sewers, including the cost of such parcels of land outside of said Bull's Ferry and branch roads as may be necessary to secure a proper outlet for said sewer or sewers, and the location and extent of the lands from which, with proper connections, water and other drainage matter will economically drain into said sewer or sewers (which lands shall be esteemed the drainage area hereinafter referred to), and lay before the town council and township committees of the town and townships in which said lands shall be, at a joint meeting of said town council and township committees to be called by the commissioners, the result of such investigation and said plans, maps and estimates with recommendations as to how much of said main sewer or sewers shall be built previous to the construction of the Bull's Ferry and branch roads or any part thereof, and upon any other points which may be of interest to the property owners or towns and townships concerned.

To submit the same to town council and township committees

When council or committees do not agree with recommendations, what to be done.

2. *And be it enacted,* That in case the said council or committees do not agree with the recommendations of said commissioners within thirty days from the date of said meeting, and no modification thereof is within that time agreed to, or if said town council and township committees do agree with said commissioners' views, or upon a modification thereof approved of by said commissioners, but the owners of a majority of lands within the drainage area shall disagree to said recommendations or said modification in the manner hereinafter provided, then the commissioners shall have no power (except as hereinafter provided,) to proceed with the construction of said main sewer or sewers, and in that case the plans, maps, estimates and recommendations of said commissioners shall be filed in the clerk's office of the town of Union, and the cost of the said investigation, and of all steps up to such disagreement shall be paid by the town and townships in which said lands lie which would be drainable into said proposed sewer or sewers, out of their incidental fund in accordance with an assessment levied as herein-

after provided, by the assessors appointed by the supreme court as hereinafter provided.

When council and committees agree to views of commissioners what to be done.

3. *And be it enacted*, That in case the said town council and all the township committees agree to the views of said commissioners, or to any modification thereof, approved of by said commissioners, or if said town council alone, or any one or more of said township committees agree thereto, or to any modification thereof as aforesaid, under the conditions hereinafter mentioned, and if the owners of a majority of the land within the drainage area in such agreeing town or township shall also agree thereto, as hereinafter provided, then the commissioners shall have power to purchase such plot or parcel of land as may be required to secure a proper outlet for said sewer or sewers, upon such terms as may be agreed upon between said commissioners and the owners of said land, and then to proceed with the construction of said main sewer or sewers by contract awarded to the lowest bidder, with adequate security, after advertisement for thirty days in one or more of the newspapers circulating in the neighborhood of said lands within the drainage area in the agreeing town or township; *provided, however*, that in case more than one town or township agrees with said commissioners, and the owners of a majority of the property in the drainage area of any one or more of town or townships so agreeing shall disagree, then said town or township shall be considered as not to have agreed, and the said commissioners shall not undertake said work without the assent of the town council or township committee, or committees of the remaining agreeing towns and townships to advance the necessary moneys as provided in section five of this act.

Proviso.

Maps, plans, &c., to be filed in office of town clerk.

4. *And be it enacted*, That to enable the owners of a majority of the property in the drainage area in the agreeing town or township to form an intelligent judgment on the question whether they shall disagree or agree, the said plans, maps and estimates of said commissioners, shall be filed in the office of the town clerk of the town of Union within ten days after the assent of any town council or township committee, and notice of such filing shall be given by publication in a newspaper circulating in the neighborhood of the lands in the drainage area in the agreeing town or township, which publication shall be made at least twice, and by posting like notice in ten conspicuous places in the said area

last mentioned, which posting shall be for at least two weeks; that the owners of a majority of the lands within the drainage area in each of the agreeing towns or townships shall have thirty days after the expiration of said two weeks within which to file their written dissent thereto in the office of the said clerk of the town of Union, directed to the said commissioners, and thereafter such town and township shall be deemed and taken as not agreeing to the building of said sewer and sewers.

Work not to be done unless town or township agree to furnish money.

5. *And be it enacted*, That in case all or only one or more of the towns and townships agree, as provided for in section three, the work shall not be done, unless said town or township so agreeing shall further agree with the commissioners, as they are hereby authorized to do, to advance all the moneys necessary for said work.

Commissioners empowered to issue improvement certificate.

6. *And be it enacted*, That in anticipation of the raising of the moneys by the towns, as hereinafter provided for, the commissioners may issue improvement certificates, which shall bear interest at seven per cent., from the date of issue, shall be receivable in payment for assessment, and shall be transferable by endorsement for all expenses they may incur in executing this act, setting forth the amount due to the holder, and that the same shall be payable out of moneys to be deposited in the First National Bank of the city of Hoboken, by the towns and townships, as hereinafter provided, or convertible into bonds, as hereinafter provided for, at the rate for which the bonds may be sold.

When agreement cannot be made Supreme Court to appoint assessors.

7. *And be it enacted*, That in case the town and townships cannot agree with said commissioners as to the sewer or sewers to be built, or upon the mode of payment thereof, then upon application of the commissioners, the supreme court shall appoint three assessors, non-resident, and holding no property in either town or township, who shall examine into the whole matter, and ascertain the whole cost of said investigation, and estimate such other expenses as must necessarily be incurred and assess upon the town or townships at large as hereinbefore provided in section two of this act, the proportion of benefit that town or township receives in proportion to the whole cost of said investigation, but if said main sewer or sewers are built, then on application of the commissioners, when said main sewer or sewers shall be completed, the supreme court shall appoint three persons, non-resident and holding no property in either

Assessors to take oath.

of the townships, to be assessors under this act; said assessors shall take an oath before any justice of the peace or master in chancery faithfully to perform their duties under this act; it shall be the duty of the said assessors to ascertain the whole cost of the execution of this act, and estimate the cost of any expense that must necessarily be incurred including interest payable on all moneys, the commissioners' compensation and their own compensation, which shall be fixed by said court, and ascertain how much of the sum of the said amounts is the benefit received by the property in each town and township in the drainage area, in order that each town and township may know the amount of this benefit, in order that bonds may be issued therefor as previously agreed to by them under the provisions of this act; said assessors shall then make an assessment on each separate lot or parcel lying within the drainage area of said main sewer or sewers, according to the benefit actually received by said lot or parcel; said assessors shall then make a map, showing by careful delineation each plot and parcel assessed, and the amount assessed against that plot or parcel, and the owner or owners' name or names as far as the same can be ascertained; they shall also make a report explanatory of their assessments and said assessment map and report shall be filed in the clerk's office of the town and township in which said land lies; the filing of said assessment shall then be advertised by publication in one or more newspapers published in Hudson county and circulating in the neighborhood, and notice thereof shall be posted in ten conspicuous places in said town or townships; at the expiration of thirty days from the date of said filing said assessors shall receive and consider all objections that may be presented to them in writing and thereupon shall review said assessment and make such corrections as they may find necessary, and finally adopt the same, and the said assessment in the town and townships thus agreeing shall become a lien on said property, and shall be collected with interest thereon, in such annual installments as each separate town or township shall for itself decide as provided in section eight of this act.

Assessors to make assessment on each separate lot.

To make a map, &c.

To make report which shall be filed together with map.

Township committee empowered to issue bonds.

8. *And be it enacted*, That in order to raise the money to redeem the improvement certificates issued by said commissioners to pay the expenses of said investigation, and the construction of said main sewer or sewers, and to pay

the owners of such land as may be required to secure an outlet for said sewer or sewers outside of the Bull's Ferry road and branch roads; such compensation as may have been agreed upon between said commissioners and said owners, and the incidental expenses relating thereto in case an agreement is arrived at between said commissioners and town and township as heretofore provided; the town council and township committees of the town and township so agreeing, are hereby empowered to issue bonds in sufficiently large amounts to meet the assessment against the respective town and township, as provided in section seven of this act, and also bonds to pay the assessment which shall have been made against the town or townships not agreeing as provided for in section three and five of this act; the bonds thus issued to bear interest at seven per cent. per annum from their date of issue, and shall run for as many years as each individual, town or township shall decide for itself, and the credit and property of each individual, town or township shall be pledged for the redemption of the bonds issued by that town or township; said bonds may be sold at ninety-five per cent of their par value, and the proceeds thereof deposited in the First National Bank of the city of Hoboken, and said bank shall use the moneys thus received in redeeming the improvement certificates issued by said commissioners as hereinbefore provided or said bonds may be exchanged directly for said improvement certificates, as provided in section five of this act; the interest and a certain per centage of the bonds issued by any town or township to pay the said assessment levied against property in that town or township, as provided in section seven of this act, said per centage of the principal to be determined by each individual town and township shall be annually repaid to the respective town and township issuing the same out of the aforesaid property within its limits, lying within the drainage of the sewer or sewers, as provided in section seven of this act, and the per centage of principal collected from property assessed as above provided for, shall be applied by the town council or township committee to the redemption and cancellation of the bonds so issued in each and every year that said per centage shall be collected, to the extent of such per centage; and in case of the non-payment of this assessment, then the property aforesaid shall be sold for the

Proceeds for sale of bonds where to be deposited.

When assessment not paid property to

be sold.

assessment thereon, in the same manner as other lands are sold for unpaid taxes, in each respective town and township; the interest and principal of the bonds issued to pay the assessment against the town or township not agreeing, as heretofore provided, shall be paid by the town or township at large issuing said bonds, but before any town or township which has refused to agree, as heretofore provided, or any property therein, shall in any way use said sewer or sewers, or make connections therewith, said town or township shall repay the aforesaid assessment advanced by the agreeing town or township, together with the discount at which the bonds were sold, and interest on said assessment at the rate of ten per cent. per annum from the date of the payment of the assessment.

Town council of the town of Union, and township committee of Weehawken empowered to issue bonds.

9. *And be it enacted*, That the town council, of the town of Union, and the township committee of the town of Weehawken, be and they are hereby empowered to issue bonds bearing interest at the rate of seven per cent. per annum from their date of issue which they may dispose of at ninety-five per cent. of their par value, to raise money to pay the assessment heretofore or hereafter levied against said town and township at large, for the widening and improvement of the Bull's Ferry and branch roads, as provided for in said act, and the supplements thereto, and said bonds shall be redeemed by the town or township at large issuing the same.

Repealer.

10. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 27, 1874.

CHAPTER DIV.

A supplement to the act entitled "An act to authorize certain townships, towns, and cities, to issue bonds and to take the bonds of the Montclair Railway Company.

1. BE IT ENACTED *By the Senate and General Assembly of the State of New Jersey*, That hereafter the township committees, for the time being, of the township of Montclair, in the county of Essex, the township of Kearney, in the county of Hudson, and the township of Pompton, in the county of Passaic, respectively, shall be the commissioners provided for in the first section of the act to which this is a supplement, and shall discharge all the duties, and be subject to all the liabilities of such commissioners under said act. Who shall constitute commissioners.

2. *And be it enacted*, That so much of said act as is inconsistent herewith, is hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 27, 1874.

CHAPTER DV.

A supplement to an act entitled "An act to improve Bergen Line Road, in Hudson county," approved April fourth, eighteen hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the commissioners, duly appointed under the authority of said act, shall have completed the widening and straightening of said road, and shall have made their awards for the property taken and damages, as provided for in this act and in section three of said act, which awards and damages, however, shall be determ- After work done commissioners to make report and assessment

ined without any reference to benefits received by the balance of said property by reason of said widening and straightening, that in order to raise the money to pay said awards and damages, and to redeem the certificates of indebtedness which may have been issued under the authority of section five of said act, to property owners whose lands have been taken or damaged, and to themselves and their employees, for services rendered and incidental expenses incurred in relation thereto, the commissioners may make a report and assessment of said costs and expenses upon the lands benefited by said widening and straightening, in proportion to the benefit received, which report and assessment shall be open to the inspection of property owners for at least thirty days, and due notice of which shall be given in one or more of the newspapers published in Hudson county, and said notice shall be also posted in twenty conspicuous places along the line of the improvement; at the end of said thirty days the commissioners shall receive and consider any and all objections presented in writing to said commissioners, and shall also review said assessment, and if necessary, correct the same, and when finally approved by the commissioners said assessment, shall become a lien on the lands on which it is laid until paid, and copies of said report and assessment list shall be filed in the offices of the clerks of the townships through which the road passes.

When to receive and consider objections.

Assessments how collected.

2. *And be it enacted*, That said assessment shall be collected by a collector who shall be appointed by the commissioners, and who shall give bonds in an amount to be approved by said commissioners for the faithful performance of his duties, and shall receive as compensation for his services one and one-half per cent. on all cash collections made by him.

Rate of interest to be added if assessments not paid in certain times.

3. *And be it enacted*, That in case any owner or owners of land assessed as aforesaid shall fail to pay the assessment laid thereon within thirty days from the date of the final review, interest at the rate of seven per centum per annum shall be added, and if not paid within three months, then interest at the rate of twelve per centum per annum shall be added, and the lands advertised for sale, and if not paid within six months after the final review, then said lands shall be sold at public auction by said commissioners in the same manner that land is now authorized to be sold for unpaid assessments in the town of Union, to any person who will

When lands to be sold.

pay the assessment on the same with interest and costs for the least number of years, but the owner or encumbrancer of any lands sold under the provisions of this act, may redeem said land from the purchaser by paying to him, within two years from the day of sale, the amount for which sale was made, with interest at twelve per centum per annum from the date of the sale and all costs and expenses of such sale, and in the absence of said purchaser, or his or her incapacity to receive the same, said owner or incumbrancer may deposit said amount in the court of chancery, on such terms as said court may direct, and upon the owner or encumbrancer producing a certificate of deposit from the clerk of said court to the commissioners, the clerk of said commissioners will be authorized to issue a redemption certificate to said owner or encumbrancer.

Moneys received where to be deposited.

4 *And be it enacted*, That all moneys received by the collector for assessments levied by said commissioners under said act or this act, shall be deposited within three days after the same or any part thereof shall have been received in the First National Bank of Hoboken, and said bank shall, with the moneys so received, redeem the certificates drawn by said commissioners in payment for services rendered, work done and materials furnished; *provided*, no certificates shall be redeemed by said bank except upon written authority of said commissioners expressed on the back of the certificate so to be redeemed.

Proviso.

Commissioners empowered to establish monuments

5. *And be it enacted*, That after the widening and construction of said road, the commissioners are hereby empowered and directed to establish monuments locating the new lines of the same, and the relative position of these monuments to the original property lines established in seventeen hundred and sixty-four, shall be clearly set forth in a report and on maps made by said commissioners after said monuments are fixed.

Certain provisions not to apply to a portion of Bergen line road.

6. *And be it enacted*, That the provisions of section thirteen of said act shall not apply to that portion of Bergen line road between the northerly line of the town of Union and the southerly line of the Weehawken Ferry Company's property, and in addition to the other powers given to the commissioners in said act, and without the restrictions mentioned in said section thirteen, the commissioners shall have power to flag, curb, gutter and build receiving basins and culverts on said portion of said road, and make the as-

Commissioners empowered to

flag, curb, gutter, &c.

sessment therefor in the same manner as assessments for other improvements are authorized in said act.

When lands sold commissioners to give declaration of sale.

7. *And be it enacted*, That when any lands shall have been sold for unpaid assessments, under the provision of said act or this act, the said commissioners shall give a declaration of sale for the same, signed by them, and by the clerk of the commissioners, with the seal of the commissioners affixed, and that the clerk shall procure a suitable book for the purpose of entering the said sales, if any, and shall keep a true and correct record of the time of sale, date of redemption, &c., and upon the redemption of any land, he shall give a redemption certificate, signed by him, with the seal of the commissioners affixed.

Commissioners empowered to open and extend Bergen line road as far as Bull's Ferry Road.

8. *And be it enacted*, That said commissioners are hereby empowered to open and extend said Bergen line road, in and through the county of Bergen, as far as the Bull's Ferry road, and that the provisions of said act and this act, in relation to the opening, widening and improving of said road, and assessing the costs and expenses thereof, and collecting the same, shall, in all respects, apply to the opening and improving of said extension, said commissioners shall not, however, be required to file affidavits or bonds with the clerk of the township through which said road shall extend in the county of Bergen.

Certain portions declared to be vacated.

9. *And be it enacted*, That all such parts of Bergen line road as may have been surveyed and laid out, but not opened, shall be and the same are hereby vacated, and the land included within the boundaries thereof shall revert to and become the sole property of the former owner or owners.

Commissioners empowered to construct drains.

10. *And be it enacted*, That the said commissioners may dig and construct open or covered drains, whenever necessary, to lead the water from any part or parts of said road, and assess the costs thereof upon the section of said road in which said drain shall be made; *provided*, that such drains shall not be made by said commissioners until the expiration of one year from the passage of this act, unless upon application in writing to said commissioners by the owners of all the property to be affected thereby; if, however, the owners of property to be drained by the opening and improving of said Bergen line road shall not have drained said road at the expiration of said one year from the passage of

Proviso.

this act, then said commissioners shall proceed to drain the same as is hereinbefore provided.

11. *And be it enacted*, That all acts or parts of acts, inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 27, 1874.

CHAPTER DXVII.

A supplement to an act entitled "An act relative to taxes in certain counties of this State," approved April second, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled, "An act relative to taxes in certain counties of this state," approved April second, one thousand eight hundred and sixty-nine, be and the same are hereby extended to the township of Raritan, in the county of Middlesex. Certain provisions extended.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER DXVIII.

A supplement to an act entitled, "A further supplement to an act entitled, 'An act to establish the Long Branch Police, Sanitary and Improvement Commission,'" approved April eleventh, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Long Branch Police, Sanitary Long Branch Police, Sani-

New Jersey State Library

tary and Improvement Commission empowered to authorize the construction of horse railroad.

and Improvement Commission shall have power to authorize the Sea Shore Land Company of New Jersey, incorporated by an act of the legislature of New Jersey, approved March seventeenth, one thousand eight hundred and seventy-four, and such other parties as may be associated with them, to construct a horse railroad within the corporate limits of Long Branch, New Jersey, and extending beyond said limits to the waters of Pleasure Bay, at or near a wharf near Price's hotel, subject to the provisions of an act entitled, "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, so far as the same may be applicable to the formation and operation of horse railroads; *provided*, that the amount of capital stock necessary to be subscribed shall not be less than four thousand dollars per mile; *and provided*, that the route and extent of said horse railroad shall be first defined by the authorities of the said corporation of Long Branch; *and provided*, that said horse railroad need not be operated except during the months of June, July, August and September; *and provided further*, that the charge for passengers shall not exceed five cents per mile, and for freight ten cents per ton per mile.

Proviso.

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 27, 1874.

CHAPTER DXXVI.

A further supplement to an act entitled "An act to improve Bergen Wood Road, in Hudson County," approved April ninth, one thousand eight hundred and sixty-eight.

Preamble.

WHEREAS, John Brinkerhoff, John Reid, and Charles Roe, three commissioners appointed by the supreme court of New Jersey, have made a new assessment in the matter of section one of Bergen Wood Road, in Hudson county; *and whereas*, objections have been made to said assessment for various reasons, and among others that the amount

assessed is too large, there being included therein certain items which are claimed to be irregluar and illegal; and writs of certiorari have been or are about to be applied for to remove said assessment, and the proceedings of said commissioners to the supreme court of New Jersey for review.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if said court shall be of the opinion that said assessment is in any respect irregular or defective, it shall be lawful for said court to refer the said assessment back again to said commissioners to make a new assessment or for correction and revision in such particulars and matters as said court shall order; and said commissioners are hereby authorized and empowered to make a new assessment or revise, alter, and correct said assessment accordingly; and the report thereof shall be made and filed, and assessment collected as now provided by law in case of a new assessment on said road. If assessment irregular or defective, to be referred back to commissioners.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall be taken and deemed to be a public act shall take effect immediately. Repealer.

Approved March 27, 1874.

CHAPTER DXXVII.

An act to widen, grade and improve River Road, in the Townships of Saddle River and Lodi, in the County of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Van Winkle, Isaiah Rynders and Henry McDanolds be authorized to give notice of a meeting to be held for the purpose of electing ten commissioners, five in each district, to lay out and grade a public road in the said townships of Saddle River and Lodi as hereinafter mentioned; such notice shall specify the time, place and object of the meeting and shall be posted at five Road commissioners by whom elected.

places on the line of the proposed improvement and a copy thereof left at each dwelling house on the line of said improvement at least five days before the time appointed for such meeting.

Election to be held by ballot.

2. *And be it enacted*, That at said meeting an election shall be held by ballot, and the owners of land on the line of the proposed improvement shall be entitled to one vote for each foot of land owned by them respectively and fronting on said improvement, and at such meeting there shall be elected by said voters in each district five commissioners in each district.

Commissioners elected to improve certain road.

3. *And be it enacted*, That it shall be lawful for the commissioners elected as aforesaid or a majority of them to widen, grade and improve that part of the river road in the said townships of Saddle River and Lodi, beginning at the southerly side of the Midland railway and ending at the Paterson and New York plank road; that part of the same lying north of the centre line of Van Winkle avenue to be denominated for the purposes of this act, "the first district," and the part lying south of said centre line "the second district;" the width of the road bed in each district shall be forty-two feet, and a sidewalk eight feet in width.

Certain portion of present river road not included in new road, to be vacated.

4. *And be it enacted*, That the said commissioners may include in said road such portions of the present river road as they may deem advantageous, and the parts of said present river road which shall not be included in the new road, when opened, shall be and the same are hereby vacated, and said vacated parts of said road shall revert again to the persons now owning the land from which it was originally taken.

Commissioners, agents, &c., their powers and duties.

5. *And be it enacted*, That the said commissioners, their agents, surveyors, and others in their employ, shall have full power to enter at all times upon lands for any of the purposes contemplated by this act; and said commissioners may appropriate any lands necessary to be taken and appropriated for widening and opening said road as aforesaid, upon issuing to the owners certificates of indebtedness, as provided in section eight of this act, for the excess of damage, if any sustained by such owners, over and above the benefits which will accrue to such owners by reason of opening and widening said road.

Commissioners to fix grade, &c.

6. *And be it enacted*, That the said commissioners shall fix the grade of said road, determine the courses of the

same, and the character of the work to be done; *provided*, that they shall not incur for work in either district, and including any amounts awarded in either district for damages, a cost exceeding thirty-seven and one-half cents per lineal foot for the number of feet fronting on the improvement in that district; and when the said commissioners shall proceed to grade and improve the said road, they shall do the two districts separately; they shall prepare plans and specifications of the work to be done, which shall be at all times open to the inspection of parties liable to be assessed for the cost of the work; and the said commissioners may, if they deem best, cause the said work, or any part thereof, to be done by contract, and in all cases contractors shall be required to give sufficient security for the faithful performance of the work agreed to be done by them; *provided*, that it shall not be lawful for any of said commissioners to be interested directly or indirectly in any contract given out by them under this act. Proviso. Proviso.

7. *And be it enacted*, That the said commissioners shall keep separate accounts of the costs and expenses incurred in the two districts; and expenses incurred for the two districts jointly, if any, shall be apportioned between the two districts by the said commissioners in such manner as shall be just. Commissioners to keep separate accounts.

8. *And be it enacted*, That the commissioners may issue certificates of indebtedness for damages awarded for lands taken for the widening of said road, and the like certificates to the surveyors, workmen and agents, for services rendered; and upon the certificates of the surveyor of the amount of work done, to issue like certificates of indebtedness to the contractor or contractors for work done, in sums of not less than fifty dollars, as the work progresses, and on the completion of the work for the balance due; which certificates shall bear interest from their dates, respectively, and shall be payable at the times to be specified therein, by the commissioners; and such certificates shall be receivable in payment for assessments laid by said commissioners, as hereinafter provided. To issue certificates of indebtedness.

9. *And be it enacted*, That when the commissioners shall have completed the widening and improving of said road, they shall assess in each district upon the land in that district fronting on the said road, the cost and expense of said improvement incurred in that district, including the dama- To assess cost and expense after work completed.

ges awarded for lands taken in that district, and the proportion of the joint costs apportioned to that district, pursuant to section seven of this act, together with the fees of the collector, for collecting the assessments, as hereinafter provided; and also such further sum as they may deem necessary to meet any other expenses that they may incur in that district, in carrying out the provisions of this act, such further sum not to exceed for each district, one hundred dollars; and said commissioners shall make the said assessment on said lands in proportion to the benefit received, in their judgment, by the owners thereof; and they shall make a map showing the boundaries of the lands so assessed, and the course, length, and location of the road opened and widened; and shall mark the amount of the assessment to any owner upon the plot of his land, and shall make a certificate of the whole amount of the assessment, and the amount assessed to each owner; whereupon the said commissioners shall give ten days' notice, by posting the same at five conspicuous places on the line of the improvement, that they will meet at a time and place, to be specified in said notice, to hear and consider all objections to said assessments, and to correct and finally confirm the same; and notwithstanding any error in said certificate in not naming the true owner or owners of any lot or parcel, the said assessment shall remain valid and effectual against such lot or parcel and be collected in the manner hereinafter prescribed; and if in said assessments or certificate any errors be made in not dividing any plot according to its actual ownership, such errors shall not defeat or impair the aasessments; but the commissioners shall, upon application to them, divide said assessments, and apportion them to such lots.

To make assessments in proportion to benefits received.

To give notice of meeting for hearing objections.

Assessment to be valid notwithstanding certain errors.

Map and certificate when completed, where to be filed.

Commissioners to deliver copies of the same to collectors.

Collectors to collect assessment

10. *And be it enacted*, That the said map and certificate, when finally completed and confirmed, shall be filed in the office of the clerk of the county of Bergen, from which time the said assessments shall be liens on the lands on which they are respectively made; and the said commissioners shall deliver copies of said map and certificate to the collectors of taxes for the time being of the townships of Lodi and Saddle River; and thereupon it shall be the duty of the said collectors to collect the said assessments assessed in their respective townships, within sixty days from the time they receive said maps and certificates, in the same

manner in which township taxes are collected, and to pay the same over to one of the said commissioners, who shall have been chosen by them as their treasurer; and the said collectors shall proceed in all things as by the laws of this state township collectors are bound to proceed, where not otherwise herein specified, and shall be liable to the same pains and penalties prescribed in such cases.

Rate of interest of assessment not paid in certain time.

11. *And be it enacted*, That in case any owner or owners of lands shall fail to pay the assessment laid thereon, within sixty days from the time the collectors received the said maps and certificates, said assessments shall draw interest at the rate of twelve per centum per annum, until paid, and the collectors shall return the same in the same manner, and all subsequent proceedings, including the sale of lands so assessed, shall be the same as if they were to be had for any unpaid taxes; and the moneys made by virtue of the sale of lands or chattels shall be paid over to the treasurer of said commissioners.

Vacancy how filled.

12. *And be it enacted*, That if the office of any of said commissioners shall become vacant by death, refusal to act, or otherwise, the remaining commissioners may choose a person to fill such vacancy; and the said commissioners, before they enter upon the performance of their duties, shall take and subscribe an oath, before a justice of the peace, that they will faithfully and impartially perform the duties required of them by this act.

13. *And be it enacted*, That this act shall be a public act, and take effect immediately.

Approved March 27, 1874.

CHAPTER DXXXV.

An act to repeal "An act to provide courts of summary jurisdiction in the city of Jersey City," passed April second, eighteen hundred and seventy-three.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to provide courts of summary jurisdiction in the city of Jersey City," passed April second, eighteen hundred and seventy-three, be and the same is hereby repealed; and all acts and parts of acts repealed by said act are hereby revived.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER DXXXVIII.

An act for the relief of the Township of Milburn.

Road board to proceed with certain work.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the Essex county public road board, and they are hereby directed and required to proceed with and complete the laying out, opening and construction of the avenue known as Springfield avenue, through the township of Milburn to the boundary line of the county of Essex, so that the same shall be constructed and completed on or before the first day of January, one thousand eight hundred and seventy-seven.

If said work not completed in certain time, who exempt

2. *And be it enacted*, That in case the said Springfield avenue shall not be constructed and completed in and through said township of Milburn, that then and thereafter, that is to say, from and after the said first day of January, one thou-

sand eight hundred and seventy-seven, the said township of Milburn, and the inhabitants thereof, and all property in said township shall be exempt from all liability to taxation or assessment, or contribution, on account of any expenditures, indebtedness, or outlay made and created, or which shall be hereafter made and created by the said Essex county public road board, or for or by reason of any work or expenditure under their supervision. from taxation.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed and this act shall take effect immediately. Repealer.

Approved March 27, 1874.

CHAPTER CIV.

A further supplement to an act entitled "An act to incorporate the Washington Fire Company, Number One, of Matawan Township, Monmouth County," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters embraced in what is known as the fire district in the said township of Matawan, are hereby authorized to raise by taxation, to be assessed and collected as other taxes are assessed and collected, a sum of money not to exceed one thousand dollars, and to be voted for by the legal voters of the said fire district at the next annual election. Voters in certain district empowered to raise certain sum by taxation.

2. *And be it enacted*, That so much of the act to which this is a supplement as conflicts with the provisions of this act be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1874.