# ACTS

OF THE

# One Hundred and Thirty-Fifth Legislature

OF THE

## STATE OF NEW JERSEY

AND

## Sixty-Seventh Under the New Constitution.




New Jersey State Library

PATERSON, N. J.
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1911.

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

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

S. D. DICKINSON,
*Secretary of State.*



New Jersey State Library

# MEMBERS

OF THE

# One Hundred and Thirty-Fifth Legislature

## OF NEW JERSEY.

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*Bergen* ..... JAMES A. C. JOHNSON.
*Burlington* ..... GRIFFITH W. LEWIS.
*Camden* ..... WILLIAM J. BRADLEY.
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*Salem* ..... WILLIAM PLUMMER.
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*Sussex* ..... JACOB C. PRICE.
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| | PETER H. JAMES. |
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| | JAMES C. AGNEW. |
| | JAMES H. CHRISTIE. |
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| | THOMAS F. A. GRIFFIN. |
| | JAMES J. McGRATH. |

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| | ALLAN B. WALSH. |
| | GEORGE W. ADAMS. |
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| | CALVIN E. BRODHEAD. |
| | HUGH J. McLOUGHLIN. |
| *Warren* | GEORGE B. COLE. |

# LAWS.

(9)

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# ACTS

PASSED BY THE

# One Hundred and Thirty-Fifth Legislature.

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## CHAPTER 1.

An Act to amend an act entitled "An act to provide who shall act as mayor in case of the death of the mayor of any city," approved April twenty-eighth, one thousand nine hundred and five.

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

Section 1 amended.

1. Section one of the above-entitled act is hereby amended so as to read as follows:

In case of death who may act; duties.

1. In the event of the death of the mayor of any city, the president of the board of aldermen or common council shall act as mayor until the next general election; shall be known as acting mayor; shall have all the powers and privileges; be entitled to the same salary, and be chargeable with the same duties and obligations as the mayor of such city.

2. This act shall take effect immediately.

Approved February 27, 1911.

WOODROW WILSON,
*Governor.*

## CHAPTER 2.

An Act to provide for the purchase of land and the erection and furnishing of buildings for county purposes in counties of the first class, and to issue bonds for the payment of the cost incurred hereunder.

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

Additional lands and buildings.

1. In any county of the first class in this State the board of chosen freeholders, in the exercise of its judgment, may purchase lands, situated and located near the court house in said county, and proceed from time to time to erect thereon buildings for county purposes and to furnish the same.

Bond Issue.

2. In order to pay the cost of said lands and to provide for the erection and furnishing from time to time of such buildings thereon, the board may issue

Amount.

the bonds of such county to an amount not exceeding in the aggregate a sum equal to one-tenth of one per centum of the amount of taxable property in said county, as ascertained by the last annual assessment

Proviso.

of taxes before the issue of such bonds; *provided, however,* that such bonds shall bear interest at a rate not exceeding four per centum per annum, shall run for a period not exceeding forty years and are hereby expressly authorized to be sold at public or private

Disposition of bonds.

sale or delivered in payment for such lands. Said bonds, however, shall not be sold or delivered for less than their par or face value and accrued interest, and it shall be the duty of the board of chosen freeholders

Sinking fund.

to create a sinking fund and place an amount in the annual tax levy and deposit the same in said sinking fund, which will be sufficient, with its accumulations, to discharge said bonds at their maturity.

Law not affected.

3. Nothing in this act shall alter, impair or repeal any existing statute.

4. This act shall take effect immediately.

Approved February 28, 1911.

## CHAPTER 3.

An Act to amend an act entitled "An act concerning the militia of the State," approved May sixteenth, one thousand nine hundred and six.

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

Section 95 amended.

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

Retirement with brevet rank.

95. The Governor and Commander-in-Chief may, upon the application in writing of any citizen of this State who is a member of the National Guard, and who shall have faithfully served therein for a period of more than twenty years, or who shall be incapacitated by reason of military duty, place him upon the retired list, and by and with the advice and consent of the Senate may confer upon him a brevet rank of not more than one grade higher than the highest rank held by him during his term of service.

2. This act to take effect immediately.

Approved March 1, 1911.

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## CHAPTER 4.

An Act to amend the act entitled "A supplement to an act entitled 'An act to provide for the erection of monuments commemorative of the services of the soldiers and sailors of the late war and authorizing appropriations for such purposes,' approved May ninth, one thousand eight hundred and eighty-nine," which supplement was approved April third, one thousand eight hundred and ninety-seven.

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

Section 1 amended.

1. Section one of said supplement is hereby amended so as to read as follows:

Veteran associations to file statement of proposed monument and location.

1. Whenever any organization or association of veterans in any county in this State shall hereafter file with the board or body having control of the finances of any city, town, borough, village, township or other municipality, a statement, duly verified by the

oath of at least three members of said organization or association, setting forth that said organization or association proposes to erect within or near the boundary of any said municipality a monument commemorative of the services of the soldiers and sailors of the United States forces in the late Civil War of 1861-1865, with a general description of such proposed monument and the location thereof, and such description and location is approved of by said board or body having control of the finances of any said municipality, such board or body may appropriate a sum sufficient to pay the cost of a pedestal and foundation for such monument.

Municipal appropriation.

Section 2 amended.

Provision for payment

2. Section two of said supplementary act is hereby amended so as to read as follows:

2. The board or body having control of the finances of such municipality, including township committees in townships, may pay the amount of such appropriation out of any moneys not otherwise appropriated, or may borrow a sum sufficient to cover the same and include such sum in the next tax levy raised in any such municipality, including townships.

3. This act shall take effect immediately.

Approved March 1, 1911.

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## CHAPTER 5.

An Act confirming the title to certain real estate of which Perry Malone died seized and to which real estate the State of New Jersey is entitled by escheat.

Preamble.

WHEREAS, Perry Malone, a resident of the city of Atlantic City, in the county of Atlantic and State of New Jersey, died intestate, on or about the twelfth day of August, one thousand eight hundred and ninety-one, seized of certain real estate, leaving no lawful heirs who can inherit said estate, and which said real estate is situated in the city of Atlantic City, in the county of Atlantic and State of New Jersey; and

WHEREAS, John R. Wilson, a resident of Atlantic City aforesaid, was appointed administrator of the said Perry Malone on the nineteenth day of October, eighteen hundred and ninety-one, by the Surrogate's Court of the county of Atlantic, and having filed his bond, took upon himself the administration of said estate; and

WHEREAS, There was presented to the said administrator a large number of claims duly verified, and it appearing that the personal estate in the hands of the said administrator was insufficient to pay the said claims; and the said administrator having applied to the Orphans' Court of Atlantic County for an order to sell said land for the payment of said debts, and an order to sell having been made on the thirteenth day of April, one thousand eight hundred and ninety-two, and the administrator, as directed by said order, having filed his additional bond in the sum of four thousand dollars, the said administrator did, in due and legal manner, sell the said land on the ninth day of July, one thousand eight hundred and ninety-two, to Clarence L. Cole for the sum of seventeen hundred and fifty dollars; and the report of sale and proofs of posting and publication having been filed, an order confirming said sale was made on the fifteenth day of July, one thousand eight hundred and ninety-two, and the said Clarence L. Cole having assigned his bid to Albert Beyer, Jr., and the said Albert Beyer, Jr., having taken title from the said administrator; and

WHEREAS, The title to the said land by sundry mesne conveyances has passed to B. Frank Harris; and

WHEREAS, It has been suggested that the said land hereinafter described has escheated to the State of New Jersey.

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

Order confirmed and title vested.

1. The said order confirming the sale of the said land hereinafter more particularly described to Clarence L. Cole for the sum of seventeen hundred and fifty dollars, and the assignment thereof by him to Albert Beyer, Jr., be and the same is hereby confirmed and in all respects made valid, legal and effectual to the same extent as if the said land had not escheated to the State of New Jersey; that the State of New Jersey hereby releases and relinquishes all of its right, title, estate and interest of, in and to the following described land and premises, situated in the city of Atlantic City, in the county of Atlantic and State of New Jersey: Beginning at a corner in the north side of Arctic avenue, one hundred and seven feet from the northwest corner of Delaware avenue; thence (1) northwardly, parallel with Delaware avenue, one hundred and fifty feet; thence (2) westwardly, parallel with Arctic avenue, sixty-eight feet; thence (3) southwardly, parallel with Delaware avenue, one hundred and fifty feet to the north side of Arctic avenue; thence (4) eastwardly, along Arctic avenue, sixty-eight feet to the place of beginning; and that the title of, in and to the said land be vested in the said B. Frank Harris, his heirs and assigns forever, free and clear of all claim, demand, estate or interest of the State of New Jersey.

Administrator's account investigated by attorney-general.

2. That the Attorney-General of the State of New Jersey shall be charged with the duty of investigating the account of the said administrator for the purpose of having whatever balance shall be in his hands paid to the Treasurer of the State of New Jersey, and to that end he shall institute such legal proceedings as need be for the collection in any court of competent jurisdiction.

3. This act shall take effect immediately.

Approved March 7, 1911.

## CHAPTER 6.

An Act to amend an act entitled "An act to amend an act entitled 'An act respecting the fees of surrogates, registers of deeds and mortgages, county clerks and sheriffs, in certain counties of this State, and providing salaries for such officers,' approved March thirtieth, one thousand nine hundred and six," approved April twenty-first, one thousand nine hundred and nine.

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

Section 4 amended.

1. Section four of the act entitled "An act respecting the fees of surrogates, registers of deeds and mortgages, county clerks and sheriffs in certain counties of this State, and providing salaries for such officers, approved March thirtieth, one thousand nine hundred and six," approved April twenty-first, one thousand nine hundred and nine, is hereby amended so as to read as follows:

Salaries of county officers.

4. The said surrogates, registers of deeds and mortgages (wherever such office now is or may hereafter be created), county clerks and sheriffs shall receive in lieu of all other compensation annual salaries as follows: In counties having between one hundred and twenty-five thousand and three hundred thousand inhabitants, six thousand five hundred dollars; in counties having between one hundred thousand and one hundred twenty-five thousand inhabitants, five thousand five hundred dollars; in counties having between sixty-five thousand and one hundred thousand inhabitants, four thousand five hundred dollars; in counties having between fifty thousand and sixty-five thousand inhabitants, three thousand five hundred dollars; in counties having between twenty-five thousand and fifty thousand inhabitants, two thousand five hundred dollars; in counties having less than twenty-five thousand inhabitants, two thousand dollars; to be paid by the proper disbursing officer of their repective counties, in equal monthly payments. Such salaries shall be determined and paid upon the basis of population shown by the latest State or national census

Salaries based on latest census.

promulgated, without regard to the date of election or appointment of such surrogates, registers of deeds and mortgages, county clerks and sheriffs. Said surrogates, county clerks, registers of deeds and mortgages and sheriffs in any county of this State shall select and employ the necessary deputies and assistants for said offices respectively, who shall receive such compensation, to be paid monthly by the proper disbursing officers of said counties, as shall be approved by the judge of the court of common pleas of their respective counties on warrants approved by said judge.

Assistants.

2. This act shall take effect immediately.

Approved March 7, 1911.

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## CHAPTER 7.

An Act to amend an act entitled "An act to amend an act entitled 'An act to provide for assistant prosecutors in the several counties of this State,'" approved April third, one thousand nine hundred and two, passed March fifteenth, one thousand nine hundred and five.

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

Section 3 amended.

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

Classification of counties for salaries of assistant prosecutors.

3. In counties which now have or hereafter may have a population of more than eighty thousand and not more than ninety-five thousand inhabitants, the assistant prosecutor shall receive an annual salary of one thousand five hundred dollars; in counties which now have or hereafter may have a population of more than one hundred thousand and not more than one hundred and fifty thousand inhabitants, the assistant prosecutor shall receive an annual salary of two thousand five hundred dollars; in counties which now have or hereafter may have a population of more than one hundred and fifty thousand and not more than three

hundred thousand inhabitants, the assistant prosecutor shall receive an annual salary of three thousand dollars; and in counties which now or hereafter may have a population of not more than three hundred thousand inhabitants, the assistant prosecutor shall receive an annual salary of five thousand dollars; *provided,* that nothing in this act shall apply to counties where there are two judges of the Court of Common Pleas and to counties bordering on the Atlantic ocean. Proviso.

2. This act shall take effect immediately.

Approved March 7, 1911.

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## CHAPTER 8.

An Act to amend an act entitled "An act to amend an act entitled 'An act for the classification of counties of this State for all purposes of legislation in relation thereto,' approved February seventh, one thousand eight hundred and eighty-three," approved March twenty-second, one thousand nine hundred and one.

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

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

2. "Counties of the first class" shall consist of all counties in this State that have within their territorial limits a population exceeding three hundred thousand inhabitants; "counties of the second class" shall consist of counties in this State that have a population within their territorial limits of not less than fifty thousand nor more than three hundred thousand inhabitants; "counties of third class" shall consist of counties in this State that have a population within their territorial limits of not less than twenty thousand nor more than fifty thousand inhabitants; and that "counties of the fourth class" shall consist of all counties in this State not embraced within either the first, second or third class, as herein distinguished. Classification of counties.

2. This act shall take effect immediately.

Approved March 7, 1911.

## CHAPTER 9.

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

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

Section 16 amended.

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

Salaries of county judges.

16. The annual salary of the judges of said court in counties containing more than three hundred thousand inhabitants shall be seven thousand five hundred dollars; in counties having between one hundred and fifty thousand and three hundred thousand inhabitants, six thousand five hundred dollars; in counties having between one hundred thousand and one hundred and fifty thousand inhabitants, six thousand dollars; in counties having between eighty thousand and one hundred thousand inhabitants, four thousand dollars; in counties having between seventy thousand and eighty thousand inhabitants, three thousand five hundred dollars; in counties having between thirty-five thousand and seventy thousand inhabitants, three thousand dollars; in counties having less than thirty-five thousand inhabitants, one thousand eight hundred dollars. Such salaries shall be paid by the collector, or treasurer of the respective counties in equal monthly payments, and shall be in lieu of all fees and compensation whatsoever for the service of said judges in the Courts of Common Pleas, Orphans' Court, Courts of Oyer and Terminer, Quarter Ses-

How paid.

sions, and all other services required to be performed by said judges by virtue of their offices. Such salaries shall be determined and paid upon the basis of population shown by the latest State or national census promulgated, without regard to the date of appointment of such judge; *provided*, such judge shall consent thereto in writing, filed in the office of the county clerk; *and provided*, that this act shall only apply to those judges of the Court of Common Pleas whose term of office shall hereafter commence, or to those now in office, who shall file their assent in writing, under their hands, to this act in the office of the county clerk of the county for which they are appointed; and all fees which at any time heretofore were paid to or divided among the judges, or paid to any judge of the Court of Common Pleas, are hereby abolished, and shall not hereafter be taxed or collected.

Based on latest census.

Proviso.

Proviso.

All fees abolished.

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

Certain acts not affected.

3. This act shall take effect immediately.

Approved March 7, 1911.

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## CHAPTER 10.

An Act to confirm certain oaths, affirmations and affidavits taken by deputy county clerks and deputy surrogates, and certain records heretofore made.

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

1. All oaths, affirmations and affidavits, and certificates thereof heretofore taken or made before or by anyone of the deputy county clerks or deputy surrogates

Certain oaths, etc., validated.

of any of the counties of this State are hereby confirmed and made valid and legal and effectual as if such deputy county clerk or deputy surrogate had been given full power and lawful authority to take such oaths, affirmations and affidavits by virtue of an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act relative to oaths and affidavits (Revision)," approved March twenty-seventh, one thousand eight hundred and seventy-four,'" which supplement was approved March twelfth, one thousand eight hundred and eight.

Record of such oaths valid in evidence.

2. The record of any oath, affirmation or affidavit, or certified as mentioned in the next preceding section, is hereby made good and effectual in law, and the same or a certified copy thereof may be used and given in evidence in the same manner and with like effect as if the said oath, affirmation or affidavit had been made before and certified by an officer then having full power and lawful authority to take the same.

3. This act shall take effect immediately.

Approved March 7, 1911.

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## CHAPTER 11.

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

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

Appropriation for inaugural expenses.

1. The sum of four thousand seven hundred and forty-one dollars and eighty-seven cents ($4,741.87) is hereby appropriated to defray the incidental expenses incurred by the joint committee of the Legislature upon the inauguration of the Governor.

Approval and payment of bills.

2. All bills for expenses shall be approved by the committee, or a majority thereof, and when audited

by the Comptroller, shall be paid out of the Treasury of this State on the warrant of such Comptroller.

3. This act shall take effect immediately.

Approved March 7, 1911.

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## CHAPTER 12.

An Act to authorize the construction and maintenance of bridges and approaches thereto over navigable streams which mark the dividing line between counties in this State, and to provide for the issue of bonds to pay for the same.

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

Joint county bridges.

1. Where a navigable stream marks the dividing line between two counties of this State, and the respective boards of chosen freeholders of such counties have resolved, or may hereafter resolve, that a bridge across such stream at any point or points, or between any points, is a public necessity, it shall and may be lawful for such boards jointly to construct and maintain such bridge and the approaches thereto, and the expense thereof shall be borne by the said counties equally.

Draws provided.

2. In case such bridge, when constructed, will interfere with the navigation of such stream, then the same, when constructed, shall be provided with a suitable draw, the width of said draw to be determined by the said boards of chosen freeholders, and to be placed as nearly as practicable at right angles with the channel of such stream, and of sufficient width to allow vessels used thereon to pass through the same freely, and the expense of operating such draw and caring for such bridge shall be borne by such counties equally.

Care and operation of bridges.

3. The boards of chosen freeholders of said counties, or the joint committees having charge of said bridge, may make such regulations not inconsistent with the provisions of this act as they shall deem

necessary for the protection of said bridge and the accommodation of passengers crossing the same, and may place the said bridge in the special care or charge of such suitable persons as they may appoint for that purpose, and may thereupon apply to the Governor of this State to commission such person or persons to act as policemen in respect to the said bridge and the enforcement of the provisions of this act, and of such regulations as shall be made as aforesaid.

Provision for funds.

4. For the purpose of furnishing the moneys necessary for building and maintaining any such bridge and the approaches thereto it shall and may be lawful for said boards of chosen freeholders to use any moneys of their respective counties not otherwise appropriated, and to raise money from time to time by taxation, and for the purpose of building and rebuilding such bridge and the approaches thereto they may also issue the bonds of their respective counties for any sum not exceeding three-twenty-fifths (3/25ths) of one per centum of the ratables of each of such counties as ascertained for the then current year, and may negotiate and sell the same at any price not less than par; such bonds, if issued, shall be made payable in not more than thirty years from the date of their issue, and shall bear interest at a rate not greater than five per centum per annum, and it shall be the duty of each of such boards of chosen freeholders to place in the annual tax levy of each county a sufficient amount to pay the interest on said bonds, and it shall also be the duty of each of such boards of chosen freeholders to create a sinking fund and place an amount in the annual tax levy of each county and deposit the same in said sinking fund which will be sufficient, with its accumulations, to discharge said bonds at maturity.

Bond issue.

Amount.

Time.

Rate.

Sinking fund.

5. This act shall take effect immediately.

Approved March 14, 1911.

## CHAPTER 13.

An Act to vest the title and fee of certain lots of land in the city of Elizabeth, known as lots numbers thirty-three, thirty-five and thirty-seven, on block number fifty, and laid down on the "Map of the New Manufacturing Town of Elizabethport, New Jersey," in the city of Elizabeth.

Preamble.

WHEREAS, An act of the Legislature entitled "An act to authorize trustees to dispose of the property belonging to the Industrial District," was duly passed by said Legislature and approved February twenty-seventh, one thousand eight hundred and seventy-three, authorizing the trustees named therein to sell and convey certain lands, situate, lying and being in the city of Elizabeth, and more particularly known, numbered and designated on a map entitled "Map of the New Manufacturing Town of Elizabethport, New Jersey," as lots numbers thirty-three (33), thirty-five (35) and thirty-seven (37), on block fifty (50), as laid down on said map, which had theretofore been purchased from moneys raised by taxation for school purposes in the said district of the said city of Elizabeth; and

WHEREAS, The said act further provided that the mayor of the city of Elizabeth should make appointments to the trustees annually, but has for several years neglected and failed to do so; and

WHEREAS, Said lands have never been used or occupied for the purposes for which they were purchased, and have not been sold and disposed of by said trustees; therefore,

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

Title vested in city.

1. All the right, title, fee and interest in and to the said lands, situate, lying and being in the city of Elizabeth, and designated on the "Map of the New

Manufacturing Town of Elizabethport, New Jersey," as lots numbers thirty-three (33), thirty-five (35) and thirty-seven (37), on block fifty (50), shall vest in the city of Elizabeth, and this act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 14.

An Act to amend an act entitled "An act to provide funds to be used for opening, widening and vacating streets and highways in cities of the first class in this State," approved March fifteenth, one thousand nine hundred and nine.

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

Section 1 amended.

1. That section one of the act entitled "An act to provide funds to be used for opening, widening and vacating streets and highways in cities of the first class in this State," approved March fifteenth, one thousand nine hundred and nine, be amended so as to read as follows:

Funds for street improvements.

1. It shall be lawful for the common council or other body having control and management of the finances of cities of the first class in this State, in their discretion, at the request of the board or body having the control and management of streets and highways in such city, to provide funds for the opening, widening and vacating of streets and highways therein, not

Amount.

to exceed in all the sum of one million dollars ($1,000,000), and to place from time to time such sum or sums as may be necessary for such purposes, at the disposal of the board or body having the control and management of streets and highways, to be used by such board or body for the opening, widening or vacating of any particular street or streets, or parts thereof, under the conditions and limitations hereinafter specified.

Section 3 amended.

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

3. In order to provide the money necessary and required for such opening, widening or vacating, and appropriated from time to time for such purposes, the common council, or other board or body having control of the finances of such city, shall issue, or cause to be issued, from time to time, as may be necessary, the temporary loan bonds or certificates of the city, bearing interest at a rate not to exceed five per centum per annum, which temporary loan bonds or certificates may be renewed from time to time until the assessments for benefits for such improvements are paid; *provided,* that the total amount of temporary loan bonds or certificates issued under the authority of this act shall not exceed in all the sum of one million dollars ($1,000,000). Should the total cost of opening, widening or vacating any street exceed the amount of money appropriated therefor in the first instance as provided in section two of this act, the said common council, or other board or body having control of the finances of such city, shall appropriate such excess cost over the first appropriation to the board or body having control of the streets and highways, upon their requisition, and provide for the same by the issue of temporary loan bonds or certificates as hereinbefore in this section provided.

Temporary loan bonds.

Rate.

Proviso.

In case of deficiency.

3. This act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 15.

An Act to amend an act entitled "An act to amend the title and body of and to supplement an act entitled 'An act to permit the retirement on pension from public office or position, after forty years' continuous service therein, of honorably discharged Union soldiers, sailors and marines who served in the War of the Rebellion,' approved May seventeenth, one thousand nine hundred and six," which amendatory and supplementary act was approved April eighth, one thousand nine hundred and ten.

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

Section 3 amended.

1. Section three of the act referred to in the title of this act is hereby amended to read as follows:

Who eligible for pension.

3. In case of such retirement, or in case of the retirement prior to the enactment of this act or voluntary resignation heretofore of any such Union soldier or sailor, the person so retired, or resigned, shall be entitled, for and during his natural life, to receive by way of pension, one-half the compensation then being received by him for such service, the same to be paid in the same way and the same installments in which such compensation has heretofore been payable; *provided*, that in case of retirement with pension from office or position under any other law of this State, the person retiring shall waive either his pension under such law or his pension under this act.

Proviso.

2. This act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 16.

A Further Supplement to an act entitled "An act respecting conveyances" (Revision), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Validating certain conveyances.

1. All deeds of conveyances for lands in this State heretofore duly signed, delivered and recorded, the signing thereof being certified to by an officer of any foreign kingdom, state or nation, after the lapse of ten years from the date of such signing, notwithstanding the certificate of such official fails to show or certify that such deed was duly acknowledged by the person so signing the same, shall be taken and held to be good and effectual in law.

Act how construed.

2. This act shall be construed to apply to all deeds of conveyances so signed, delivered, certified and recorded heretofore given by any married woman, and

a deed of any married woman so executed shall be sufficient to convey her estate in the lands therein described, although the same was not acknowledged by such married woman in the manner provided by law; *provided,* that every deed in this act described shall have been recorded for a period of ten years. Proviso.

3. This act shall take effect immediately.

Approved March 14, 1911.

## CHAPTER 17.

An Act to amend "An act to further amend and supplement an act entitled 'An act to create a Board of Railroad Commissioners for the State of New Jersey, and to prescribe its powers and duties,' approved May fifteenth, one thousand nine hundred and seven, by enlarging the powers of said commission and extending its jurisdiction over the other public utilities of the State," approved March twenty-fourth, one thousand nine hundred and ten.

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

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

9. Any public utility, as herein defined, may appeal to said board from any order or regulation made under existing law by any local, municipal or county governing body, and said board is hereby given jurisdiction to hear said appeal and to determine the matter in question on the merits, and make such order in the premises as may seem just and reasonable; and no such public utility, as herein defined, shall hereafter give, grant or bestow upon any local, municipal or county official any discrimination, gratuity or free service whatsoever, but nothing herein contained shall prevent the free transportation of uniformed public officers while engaged in the performance of their Appellate jurisdiction. No favors bestowed.

Police on duty to ride free.

public duties, or police officers of whatever grade or rank acting as detectives, whose duties require police duty to be performed without uniform.

2. This act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 18.

An Act to authorize the return of money paid as fines in certain cases.

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

Return of fine when appeal decided in favor of defendant.

1. In any case where a defendant in any proceeding before the recorder or other police magistrate in any city or other municipality of this State, has paid a fine on being found guilty of any offense and has appealed from said judgment and obtained a decision in his favor terminating the case of the city or municipality against him, it shall be lawful for the board of finance, or other body in control of the finances of the said city or municipality wherein such trial was had, to return to the said person the amount of the fine so paid by him.

2. This act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 19.

An Act to amend an act entitled "A supplement to an act entitled 'An act for the establishment of forest park reservations by and in the State of New Jersey, and for the appointment of a State Board of Forest Park Reservation Commissioners and defining its powers and duties,' approved March twenty-second, one thousand nine hundred and five," which

supplement was approved March twenty-fourth, one thousand nine hundred and six.

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

Section amended.

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

Contract for forestry purposes.

1. The State Board of Forest Park Reservation Commissioners shall have power to enter into contracts with the governing body of any city, town or other municipality, or with any municipal board or commission owning, holding or having control of any lands suitable for forest growth, or with any individual personal or bodies corporate owning lands suitable for forests, for the control and management of such lands for forestry purposes, for the establishment of an arboretum for experiments in forest culture, or for the planting and care of shade trees.

2. This act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 20.

An Act to amend an act entitled "An act for the establishment of forest park reservations by and in the State of New Jersey, and for the appointment of a State Board of Forest Park Reservation Commissioners, and defining its powers and duties," approved March twenty-second, one thousand nine hundred and five.

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

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

Appointment and power of fire wardens.

5. The said board may appoint a warden, or wardens, for each forest reserve, and any such warden shall have power, within any forest reserve, to arrest without warrant any person or persons taken by him

in the act of violating any provision of this act, or any rule of the forest commission made under the authority of this act. Such wardens shall also have power to acquire any male person who may live or be within any township adjacent to a forest reserve, and who is between eighteen years and fifty years of age and physically able, to help him extinguish a fire on a forest reserve. He may also require the use of horses or other property needed, and any person so summoned who refuses or neglects to assist a warden, or to allow the use of the property required, shall be liable to a penalty of ten dollars. Anyone who serves as a fire fighter on a forest reserve shall be entitled to the same pay as is provided by law for those who assist township and district firewardens. Bills for such service shall be rendered to the forest commission by the reserve warden in charge of the fire and shall be paid by the State Treasurer as are other bills of said board.

Pay of fire fighters.

Bills how paid.

2. This act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 21.

An Act to amend an act entitled "An act to provide for the government of the police forces in cities of this State," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

32-1
A-12-142

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

Section 1 amended.

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

Patrol and linemen members of force.

1. In all cities of this State the drivers and attendants of police vans and patrol wagons used in connection with the police department, also all telegraph linemen of the police department of such city, shall be appointed by the board or body having charge of the police department therein and shall be members of the police force of such city.

Section 2.

2. Section two of said act be and the same is hereby amended to read as follows:

Transferred to force hereby.

2. All such drivers, attendants, telegraph linemen now in the employ of such city are hereby transferred to and made a part of the police force thereof without further appointment or action, in addition to the number of policemen limited by law, for such city.

33-2
A-12-142

3. This act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 22.

33-C-22
Cf.-16-565
Cf.-16-573

A Supplement to an act entitled "An act to prevent the introduction into and the spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of State Entomologist, to authorize inspection of nurseries, and to provide for certificates of inspection," approved April fourteenth, one thousand nine hundred and three.

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

Certificate of validity attached to nursery stock offered for shipment.

1. It shall be the duty of every railroad, steamship or express company, or other carrier for hire, maintaining within this State any office or offices, station or stations for the receipt of nursery stock for transportation to points within or without the State, and of the servants and agents of such railroad, steamship or express company, or other carrier for hire, to determine, before accepting the same for transportation to points within or without the State, that the stock so offered for shipment at any station or office within the State is properly provided with a certificate as required by the act of which this is a supplement, signed by the State Entomologist for the State of New Jersey, and valid by its terms at the date at which it is offered for shipment. It shall also be the duty of every such railroad, steamship, express company or other carrier for hire, and of his or their servants or

Refusal of stock not certified.

agents, to refuse for transportation in and delivery at points within this State all boxes, bales, packages or parcels of nursery stock which are not accompanied by a certificate of inspection as required by section eleven of the act to which this is a supplement. And for every violation of this act, and for every bale, box, parcel or package accepted or transported without such certificate, the railroad, steamship, express company or other carrier for hire shall be liable to a penalty of fifty dollars, to be recovered as prescribed in section fifteen of the act of which this is supplementary, as said section was amended by chapter forty-seven of the laws of one thousand nine hundred and four; *provided, however,* that nothing in this act shall be construed as requiring a certificate for stock specifically excepted in section six of the act to which this is a supplement; *and provided, also,* that shipments of nursery stock from countries foreign to the United States, and bearing a certificate signed by a proper official of the country from which such stock was received, may be accepted at any port of entry within the State for transportation to points within or without the State; *and provided, also,* that nothing in this act shall prevent the delivery within this State of nursery stock bearing a proper certificate of inspection valid at the point where the shipment originated.

Penalty.

Proviso.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 23.

An Act to provide for the furnishing, equipping and arranging of a building known as the entomology building and of a laboratory known as the physics laboratory in the building known as geological hall, at the State Agricultural College.

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

Building for entomological work.

1. The trustees of the State Agricultural College of New Jersey be, and they are, hereby required to arrange a building known as the entomology building at the State Agricultural College, and provide suitable equipment, apparatus and furniture for the same building, in order that proper facilities may be offered for the entomological work of the State and College, and for the education of such students as may elect to pursue a course of study in entomology.

Physical laboratory.

2. The trustees of the State Agricultural College be and they are hereby required to arrange a laboratory known as the physics laboratory at the State Agricultural College, and provide suitable equipment, apparatus and furniture for the same laboratory, in order that proper facilities may be offered for the education of such students as may elect to pursue a course of study in physics.

Appropriation.

3. There shall be appropriated out of the general revenues of the State for the current year the sum of ten thousand dollars, to be expended in the arranging, furnishing and equipping of said building and said laboratory as provided for in sections one and two of this act; *provided,* that no payments shall be made until the amount thereof shall have been included in the annual or supplemental appropriation bill.

Proviso.

4. This act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 24.

An Act to amend an act entitled "An act regulating the employment, tenure and discharge of certain officers and employes of this State, and of the various counties and municipalities thereof, and providing for a Civil Service Commission and defining its powers and duties," approved April tenth, one thousand nine hundred and eight.

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

Section 14 amended.

1. From and after the passage and approval of this act, section fourteen of the act referred to in the title of this act is hereby amended to read as follows:

Competitive class.

14. The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examinations, and shall include all positions and employments now existing or hereafter created, of whatever functions, designations or compensations, in each and every branch of the classified service, except such positions as are in the exempt class, the non-competitive class or the labor class.

Selection from certified list.

Appointments shall be made to or employment shall be given in all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction under the provisions of this act and the rules made in pursuance thereof, by appointment from among those certified to the appointing officer in accordance with the provisions of section twenty-one of this act. The term of eligibility of an applicant shall be fixed for each list by the Civil Service Commission at not less than one nor more than three years.

Appointments from eligible list.

Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created for a stated position only when there is no appropriate list existing from which appointment may be made.

Sectional eligible lists prepared.

In cases of positions in the service of the State, where in the judgment of the Civil Service Commission a special acquaintance with a municipality or section of the State may be necessary, the Civil Service Commission may from those eligible for appointment after competitive examination make up separate eligible lists from which certification may be made for appointment, according to the municipalities or sections of the State with which such special acquaintance is necessary.

Service appropriate to position.

2. No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall be assigned to perform the duties other than those properly pertaining to the position which he legally holds.

Repealer.

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

Approved March 14, 1911.

# CHAPTER 25.

A Supplement to an act entitled "An act to provide for the summary investigation of county and municipal expenditures," passed February sixth, one thousand nine hundred and seven.

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

Issue of subpoenas.

1. Whenever any justice of the Supreme Court may have ordered, or shall hereafter order, a summary investigation into the affairs of any incorporated village, borough, town, city, township or county in this State, pursuant to the power and authority conferred upon him by the act of which this is a supplement, such justice may, in his discretion, make order awarding process of subpœna, or subpœna duces tecum, out of the Supreme Court for any witness or witnesses within this State whose attendance upon the said investigation may be considered necessary or advisable by such justice, or by such attorney as may have been, or shall be, designated by said justice to conduct such investigation, or to prepare and present the evidence on the part of the applying freeholders; and upon filing such order in the clerk's office of the Supreme Court, it shall be the duty of the clerk thereof, under the seal of said court, to issue process of subpœna for such witness or witnesses, to appear before said justice, or before such person as may have been or shall be designated by such justice, at a time and place named therein, and so from day to day until the examination of such person shall be completed, in the same manner and with like procedure and effect as in actions pending and on trial in the Supreme Court; and said subpœna may contain a direction that such witness bring with him to such examination any books, papers or documents therein mentioned; and it shall also be the duty of the clerk of the Supreme Court, to issue under the seal of said court, such other or further order in reference to the examination, appearance, production of books, papers or documents upon such examination, as said justice shall direct; and in case any person so summoned by subpœna issued by said clerk as aforesaid, not being the husband or wife of the person

Issued by clerk of Supreme Court.

Presentation of books, etc.

Penalty.

under investigation, shall refuse to obey such subpœna or any direction therein, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required; or in case any such person shall refuse to obey any order made by said justice as aforesaid, it shall be lawful for such justice, upon satisfactory proof of such refusal to issue an attachment directed to the sheriff of the county, or to any constable or police officer of such municipality, for the arrest of such person, and upon his being brought before him, to proceed to a hearing of the case; and the said justice shall have power to enforce, by imprisonment in the county jail, obedience to such subpœna, and the answering of any question that may be proper, and the production of any book, paper or document that the witness would be compelled to produce in a court of law, and also to compel such witness to pay the costs of said proceeding, to be taxed by said justice; and any person who shall willfully and corruptly testify falsely to any material matter, upon oath or affirmation administered by said justice or the person designated by him, upon such investigation, shall be guilty of perjury.

**Testifying falsely deemed perjury.**

**Fees and mileage.**

2. Witnesses subpœnaed by virtue of the preceding section shall be entitled to receive the like fees and mileage as witnesses in civil actions, which fees when paid shall be taxed as part of the costs incurred under the act to which this is a supplement.

3. This act shall take effect immediately.

Approved March 14, 1911.

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## CHAPTER 26.

A Supplement to an act entitled "An act to facilitate the acquirement of lands and the erection of buildings for county purposes," approved March nineteenth, one thousand nine hundred and one.

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

Term of county building committee terminated.

1. Whenever in any county of this State a county building committee, constituted pursuant to the act to which this is a supplement, shall have been in existence for a period of more than seven years, on the expiration of thirty days from the aproval of this act, and hereafter on the expiration of thirty days from the completion of said period of seven years, the office, functions, powers and authority of such building committee, its counsel, architect and clerk, and of its servants, agents and employes engaged or employed in the erection or furnishing of a court house or other building, shall cease and determine, and the justice of the Supreme Court presiding in the Circuit Court of such county shall thereupon, if the work of said building committee be unfinished, by appointment in writing under his hand, and to be filed with the clerk of the board of chosen freeholders, designate three freeholders and residents of the county, who shall proceed speedily and with such time as may be limited by such justice, to complete and finish all acts and things unfinished and remaining to be done in the erection and furnishing of said court house and other buildings. The three freeholders so appointed by the justice of the Supreme Court shall have all the powers and be entitled to the same compensation as is given to the county building committee by the act to which this is a supplement.

Completion of unfinished work by committee.

Powers, etc.

2. This act shall take effect immediately.

Approved March 15, 1911.

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## CHAPTER 27.

An Act to amend an act entitled "Supplement to an act entitled 'An act concerning roads (Revision)' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April twentieth, one thousand nine hundred and nine.

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

Section amended.

1. That section one of the above-recited act be amended to read as follows:

All vehicles drawn by animals must display light at night.

40-1
A-16-230

40-1
A-17-89

1. Every vehicle drawn by horse, horses or other beasts shall carry during the period from thirty minutes after sunset and thirty minutes before sunrise, and whenever fog renders it impossible to see a long distance, at least one lighted lamp, which said light shall be of such nature and so displayed that it may be seen both from a point at least two hundred feet distant in the direction towards which the vehicle is proceeding and from a point at least two hundred and fifty feet in the direction from which the vehicle is proceeding.

Penalty.

Any person or corporation violating the provisions of this act shall be subject to a fine in any amount not less than two and a half dollars and not exceeding five dollars, recoverable before any justice of the peace, magistrate or recorder or other proper officer having

Procedure.

jurisdiction thereof. Magistrates and officers in proceedings under under this act shall be entitled to the fees provided by an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof, fixing rules regulating the use and speed of motor vehicles, fixing the amount of license and registration fees, prescribing the proceedings for the violation of provisions of the act and penalties for said violations," approved April twelfth, one thousand nine hundred and six.

Disposition of fines.

Money received in accordance with the provisions of this act shall be accounted for and forwarded to the treasurer or collector of taxes of the municipality within which the proceedings are taken for the punishment of the violation of this act.

2. This act shall take effect immediately.

Approved March 15, 1911.

## CHAPTER 28.

An Act to ratify, confirm and continue the incorporation of the borough of Collingswood, in the county of Camden, and to fix the boundaries and corporate name thereof.

Preamble.

WHEREAS, The inhabitants of that part of the township of Haddon, in the county of Camden, within the boundaries hereinafter mentioned, were organized as a borough commission by the name of the "Borough Commission of Collingswood," under and by virtue of the provisions of an act of the Legislature of the State of New Jersey entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two, and the acts amendatory thereof and supplementary thereto; and

WHEREAS, A statement of the results of an election, for the purpose of incorporation under the aforesaid act, held in the borough of Collingswood, on the twenty-second day of May, one thousand eight hundred and eighty-eight, cannot be found in the files of the office of the clerk of the county of Camden; and

WHEREAS, By virtue of the provisions of an act of the Legislature of the State of New Jersey entitled "An act relating to boroughs and borough commissions," approved April twenty-first, one thousand eight hundred and ninety-six, every borough commission theretofore established and formed under the provisions of the aforesaid act was created a borough and a body corporate in fact and in law by its corporate name; and

WHEREAS, By virtue of the provisions of an act of the Legislature of the State of New Jersey entitled "A general act relating to boroughs (Revision of 1897)," approved April twenty-fourth, one thousand eight hundred and ninety-seven, the inhabitants of every borough theretofore established, form-

ed or organized under the provisions of any law of this State, were created a body corporate and politic in fact, deed, name and law by the corporate name by which they were then known; and

WHEREAS, Doubt exists as to the incorporation and corporate name of the borough of Collingswood;

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

Collingswood declared a Borough.

1. The inhabitants of the borough of Collingswood, and of that territory formerly a part of the township of Haddon, in the county of Camden, and now known as the borough of Collingswood, and contained within the limits hereinafter set forth, are hereby continued and declared to be a body corporate and politic in fact and in law by the name of the borough of Collingswood, and the creation, organization and incorporation of said borough is hereby ratified and confirmed, and the said borough of Collingswood shall be governed by the general laws of this State relating to boroughs.

Boundaries defined.

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

Beginning at southeast corner of the old Newton graveyard wall, and at the outside face of same; thence north sixty-four degrees sixteen minutes east, one hundred and thirty-three and fifteen-hundredths feet to the west rail of the track of Philadelphia and Atlantic City railroad; thence south forty-three degrees fifty-three minutes east, along said rail three hundred and seventy-six feet to a point on the bridge over the center of Newton creek; thence along the middle of Newton creek north seventy-five degrees thirty-four minutes east, eighteen hundred and twenty-one and seven-hundredths feet, and to a fence-post over the center of the arch of the western side of bridge where the White Horse turnpike crosses said creek; thence still along said creek north seventy-eight degrees fourteen minutes east, twenty-five hundred and seventy-eight and sixty-seven hundredths feet to a point; thence still along said creek, the four following courses and distances to wit: south thirty-nine degrees forty-five minutes east, seven hundred and fifty-one and two-tenths feet, south eight degrees

fifty minutes east, two hundred and thirty-five and ninety-eight hundredths feet, south one degree west, ten hundred and forty-five feet, north eighty-two degrees twenty-five minutes east, seven hundred and sixteen and thirty-five hundredths feet to a nail in center of bridge over said creek, where Lee's lane crosses the same; thence along the centre of said lane north twenty-one degrees three minutes west, two hundred and sixteen and seven-tenths feet to a turn in said lane from which point, northeast corner of an old frame house, bears south thirty-two degrees twenty-six minutes east, and northwest corner of a white frame house, bears south forty-eight degrees fifty-three minutes east; thence still along said lane north twenty degrees fifteen minutes east, eight hundred and sixty-six and one-tenth feet to a stone standing at the end of a private lane and sixteen and five-tenths feet northwest of an old range stone at the end of fence, from which stone "Old Frame House" bears south five degrees forty-nine minutes west, and "White House" south four degrees eleven minutes east; thence still along said lane north thirty-two degrees twelve minutes east, five hundred and sixty-nine and fifty-eight hundredths feet to a point distant one hundred and thirty-two hundredths feet southerly from a stake in line at a turn of lane; thence south seventy-seven degrees nineteen minutes east, twenty-one hundred and forty-three and two-tenths feet to a point in the middle of Mill road, twenty-three and nine-tenths feet southeast of a two-fork cedar, twenty-two and thirty-five hundredths feet southwest of a cedar nineteen and forty-one hundredths feet from west side of gate-post; thence along middle of road north twenty-eight degrees fourteen minutes east, fifteen hundred and four and sixty-eight hundredths feet to a centre of Haddonfield turnpike, crossing the centre of the north rail of south track of Camden and Atlantic railroad, at the distance of nine hundred and twenty-two and four-tenths feet; thence south sixty-four degrees east, two hundred and thirty-five feet to a point opposite west line of a private lane; thence by said lane north twenty-two degrees fifteen minutes west, seven hundred and ninety-two and sixty-six hundredths feet to a stone;

thence with same course twenty-one hundred and seventy and six-tenths feet to another stone, corner to French and Morgan, standing fifteen feet west of fence and about three feet from a blazed tree; thence the same course two hundred and six and nine-tenths feet to a point; thence south sixty-seven degrees and forty-five minutes west twenty-one and sixty-five hundredths feet to a stone corner to Morgan and Tatem; thence north twenty-two degrees and forty-six minutes west, eighteen hundred and eighty-three and sixty-four hundredths feet to a stone in edge of meadow land, crossing a stone at nine hundred and eighty-seven and fifteen-hundredths feet; thence the same course one hundred and ninety-three and four-tenths feet to the meadow banks on south side of Cooper's creek; thence down said bank turning one hundred and twenty-three degrees fifty-six minutes to the left, fifty feet; thence to the right twenty-eight degrees and twenty minutes, one hundred and eighty-two and forty-one hundredths feet; thence to the right seventy-eight degrees and three minutes, two hundred and sixty-five and twenty-four hundredths feet; thence to the right forty degrees and nineteen minutes, two hundred and fifty-four and forty-four hundredths feet; thence to the left ninety-three degrees and fifty-five minutes, two hundred and five feet; thence to the left eighty-seven degrees and nine minutes, three hundred and twenty-six and eight-tenths feet; thence to the right thirty-seven degrees and six minutes, three hundred and eighty and ninety-three hundredths feet; thence north sixty-two degrees and eighteen minutes west, nine hundred and fifty-three and three-tenths feet; thence north three degrees twenty-three minutes west, four hundred and thirty-six and seventy-five hundreds feet; thence north twenty-five degrees and fifty-one minutes west, one hundred and seven and fifteen-hundredths feet; thence north fifty-eight degrees and forty-two minutes west, one hundred and fourteen and eight-tenths feet; thence south eighty-three degrees and eleven minutes west, two hundred and forty-nine and sixty-five hundredths feet; thence south sixty-six degrees and fifty-seven minutes west, one hundred and seventy-six and forty hundredths

feet; thence south seventy-four degrees and ten minutes west, seven hundred and forty-nine and two-tenths feet; thence south seventy-nine degrees and thirty-nine minutes west, two hundred and sixty-eight and seven-tenths feet; thence south eighty-nine degrees and eight minutes west, five hundred and seven and eighty-five hundredths feet to a point on the west side of Browning road; thence along said road and centre line of Quaker bridge north thirty-four degrees and ten minutes east, one hundred and seventy-one and nine-tenths feet to a point in the centre of said bridge over Cooper's creek; thence south eighty-five degrees and forty-eight minutes west, fourteen hundred and ninety-three and seventy-nine hundredths feet to a point in the meadow bank and centre of City Line avenue (if extended); thence along said line south sixty-three degrees and thirteen minutes west, fourteen hundred and eighty and forty-five hundredths feet to a marble stone (Camden city survey) on the north side of Haddonfield turnpike; thence south sixty-three degrees and one minute west along City Line avenue, twelve hundred and seventy-four and forty-three hundredths feet to a point on the eastern side of said avenue; thence south seven degrees and forty-three minutes west, eleven hundred and twenty-nine and thirteen-hundredths feet to a nail in an old bridge over a branch of Newton creek; thence along the centre of said creek the four following courses and distances; south fifty-eight degrees and twenty minutes east, five hundred and eighty-two and five-tenths feet to a point on a cross bank of said creek, distant south eight degrees and forty-five minutes west, sixty-six and twenty-five hundredths feet from a nail in a knot of a willow tree; thence south eight degrees and forty-five minutes west, nine hundred and sixteen and seven-tenths feet, south fifty-six degrees and thirty-two minutes west, six hundred and seventy-one and six hundredths feet, north seventy-nine degrees and thirty-seven minutes west, ten hundred and eighty-four and seven hundredths feet; thence south twenty-seven degrees and three minutes east, seventeen hundred and seventy and twenty-one hundredths feet to a stone; thence north sixty-two degrees and fifty-seven

minutes east, one hundred and fifty-three and sixty-hundredths feet to a point; thence south twenty-seven degrees and three minutes east, party along outside face of Newton graveyard wall, fourteen hundred and twenty-six and forty-two hundredths feet to the place of beginning. Containing twelve hundred and fifty-seven and eleven hundredths acres of ground, be the same more or less.

3. This act shall take effect immediately.

Approved March 15, 1911.

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## CHAPTER 29.

A Supplement to an act entitled "An act concerning police in municipalities," approved May fourteenth, one thousand nine hundred and seven.

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

Village police.

1. In every village in this State in which there is, or shall be, a police force, it shall be lawful for the appointing body or officer thereof to appoint as many policemen as in the judgment of such appointing body or officer shall be deemed necessary for the proper enforcement of the law and the protection and safety of the lives and property of the inhabitants of such village, notwithstanding any restriction now imposed by the charter of such village or other statute; and all appointments of policemen heretofore made in any such village are hereby ratified, legalized and confirmed; *provided,* that nothing herein contained shall restrict or diminish the number of policemen now serving in any such village, or affect the appointment of officers of the force above the rank and file thereof by whatever name designated.

Proviso.

2. This act shall take effect immediately.

Approved March 15, 1911.

## CHAPTER 30.

An Act to amend an act entitled, "An act to amend 'An act to secure to mechanics and others payment for their labor and materials in erecting any building,'" (Revision of one thousand eight hundred and ninety-eight), approved March twenty-second, one thousand nine hundred and one.

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

Section 19 amended.

1. Section nineteen of the act entitled "An act to amend an act to secure to mechanics and others payment for their labor and materials in erecting any buildings" (Revision of one thousand eight hundred and ninety-eight), approved March twenty-second, one thousand nine hundred and one, be, and the same is hereby, amended so as to read as follows:

Amending lien claims.

19. At any time before judgment on a lien claim, a justice of the Supreme Court or any judge of the Circuit Court, on application of the lien claimant, and on reasonable notice to all parties interested, may order such lien claim to be amended, in matter of substance as well as in matter of form, whenever it shall appear to him that such amendment can be justly made; and whenever such amendment shall be ordered the same shall be put in writing and signed by said justice or judge and shall be then filed in the office of the county clerk.

2. This act shall take effect immediately.

Approved March 15, 1911.

## CHAPTER 31.

An Act to amend an act entitled "An act to amend an act entitled 'An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations,' approved April twelfth, one thousand nine hundred and six," approved April sixteenth, one thousand nine hundred and eight.

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

Section 28 amended.

1. Section thirty-eight of the act referred to in the title of this act is hereby amended to read as follows:

Cautionary signs.

38. The Commissioner of Public Roads is authorized and full power and authority are hereby given to him to erect at such points throughout the State as to him shall seem necessary, cautionary warnings of dangerous crossings, steep declivities or other irregularities or perils of the roadway, at a cost, however, not to exceed in the aggregate one thousand dollars per annum; and is further authorized and full power and authority is hereby given to him to erect and maintain appropriate and proper guiding signs upon the highways throughout the State at such points as to him shall seem necessary or advantageous for the guidance and direction of parties using such highways, so as to enable such parties to ascertain whither such highways lead and the distances from such signs to such other points as to the said Commissioner of Public Roads shall seem desirable to be so indicated, and for this purpose the said Commissioner of Public Roads shall expend two thousand dollars per annum for at least three years from the date of the approval of this act, and thereafter such sum in excess of two thousand

Cost.

Sign boards.

Expenditure allowable.

dollars per annum as to the said Commissioner of Public Roads shall seem necessary and advisable.

Repealer.

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

Approved March 15, 1911.

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## CHAPTER 32.

An Act to amend the title of an act entitled "An act concerning the term of office of certain officers in cities of the second class in this State," approved March twenty-fifth, one thousand nine hundred and four.

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

Title amended.

1. The title of the act to which this act is an amendment is hereby amended so as to read as follows: An act concerning the term of office and appointment of certain officers in cities of the second class of this State.

2. This act shall take effect immediately.

Approved March 15, 1911.

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## CHAPTER 33.

An Act to amend an act entitled "An act to amend an act entitled 'An act to increase the efficiency of the public school system of the State by providing for additional free scholarships at the State Agricultural College,' passed March thirty-first, one thousand eight hundred and ninety," approved March thirty-first, one thousand nine hundred and five.

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

New Jersey State Library

Section 2 amended.

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

Payment per student on scholarship.

3. Each student so appointed and admitted to said college shall be regarded as holding a State scholarship, and for each State scholarship so held there shall be due from the State to the college, on the first day of November, in each year, the sum of one hundred and sixty dollars.

2. This act shall take effect immediately.

Approved March 15, 1911.

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## CHAPTER 34.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Use of insurance money.

1. Whenever any of the school buildings and furnishings thereof in any school district shall have been partially or totally destroyed by fire, the moneys received by the board of education for insurance on said building and furnishings and contents thereof may be paid out by the custodian of the school moneys of the district for the repairing, reconstruction or rebuilding of said building and the purchase and repairing of the furnishings and contents thereof; *provided,* that insurance money shall not be used by the board of education, without the authority of the appropriating power, for a building to be erected on a site other than that occupied by the building destroyed by fire; and *provided further,* that the board of education shall not enter into a contract for the construction of a building to cost more than the amount of insurance money received until the additional amount required has been regularly appropriated.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 15, 1911.

# CHAPTER 35.

An Act relating to the tenure of office of superintendents of buildings in cities of the first class.

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

Tenure of building superintendent.

1. The superintendents of buildings appointed or elected by municipal boards in cities of the first class in this State shall hold office during good behavior and shall not be removed, discharged or reduced in pay or position except for inefficiency, incapacity, conduct unbecoming an employe or other just cause, and until the said officials shall have been furnished with a written statement of the reasons for such removal, discharge or reduction, and shall have been given a reasonable time to make written answer thereto. Nor shall such removal, discharge or reduction be made until the charge or charges shall have been examined into and found true in fact by the board of officials appointing the said superintendent at a hearing, upon reasonable notice to the person charged, at which time he may be represented by counsel and offer testimony of witnesses or other evidence in his behalf.

Removal for cause.

Repealer.

2. All acts or parts of acts, either general or special, inconsistent with the provisions of the foregoing are hereby repealed.

3. This act shall take effect immediately.

Approved March 15, 1911.

## CHAPTER 36.

An Act to amend an act entitled "An act for the appointment of firewardens, the prevention of forest fires and the repeal of sundry acts relating thereto," approved April eighteenth, one thousand nine hundred and six, and an amendment thereof, approved April thirteenth, one thousand nine hundred and eight.

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

Section 1 amended.

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

State and division firewardens.

1, The State Forest Park Reservation Commission shall have power to appoint a State firewarden, and not more than six division firewardens, and to fix their salaries. Each shall give his whole time to the forest fire service and shall hold office during the pleasure of the commission. Members of said commission and such of its officers as it may designate shall be ex officio firewardens, but shall receive no compensation in virtue thereof.

Section 3 amended.

2. Section three of said act, as amended by the act approved April thirteenth, one thousand nine hundred and eight, be and the same is hereby further amended so as to read as follows:

Supervision.

3. The State firewarden and division firewardens shall have all the powers herein granted to the township firewardens. Under the direction of said commission the State firewarden shall administer the forest fire service. Division firewardens shall perform such service and have such authority as shall be determined by the State Firewarden.

Section 4 amended.

3. Section four of said act be and the same is hereby amended so as to read as follows:

Enforcement of law.

4. Township and district firewardens shall enforce all statutes of this State now in force, or that may hereinafter be enacted for the protection of forest and timber land from fire, and shall carry out the direc-

tions of the State firewarden or division firewardens regarding the prevention and extinguishing of forest fires. They shall have control and direction of all persons and apparatus engaged in extinguishing forest fires. They may plow land, or, in an emergency, set back fires to check any fire. They may summon any male person between the ages of eighteen years and fifty years who may live or be within the jurisdiction of such firewardens to assist in extinguishing fires, and may also require the use of horses and other property needed for such purpose. Any person so summoned who is physically able, who refuses or neglects to assist, or to allow the use of horses, wagons or other material required, shall be liable to a penalty of ten dollars. If, in the judgment of a firewarden, a forest fire in an adjoining township shall imperil the safety of any property in his own township, he may, with assistants summoned as aforesaid, take such measures to extinguish the fire, or to prevent its spread, as he would take were it in his own municipality; *provided,* that if any firewarden of the township in which the fire is located be present at the fire, all work shall be done under his direction. If the State firewarden or any division firewarden be present at any fire he shall ex officio have complete control. When a serious fire occurs the State firewarden or any division firewarden may summon to his aid firewardens from surrounding townships with their assistants, and in such case the State shall bear the whole expense of paying the firewardens and assistants who reside in townships which were not threatened. In every other case in which a fire is fought by men from two or more townships the cost shall be apportioned by the State firewarden among the townships in which the fire burned, or which were directly threatened. If any township shall fail to appoint a firewarden when directed by the forest commission to do so, as provided by section two of this act, or shall fail to make an appropriation sufficient to pay its share of the firewarden's salary and bills incurred in fighting fires, assistance may be summoned by any firewarden as provided in this act, and any person so summoned shall receive for his services only the amount that the State would

Extinguish forest fires.

Summon assistance.

Act in adjoining district.

Proviso.

Control at fire.

Assistance from adjoining townships.

As to joint cost.

Failure to appoint warden or to pay share of expenses.

pay as its share under section six of this act. Bills for this service shall be rendered by the firewarden in charge of the fire directly to the forest commission, and shall be paid as are other bills of said commission. No action for trespass shall lie against any person crossing or working upon lands of another to extinguish fire.

As to trespass.

Section 6 amended.

4. Section six of said act, as amended by the act approved April thirteenth, one thousand nine hundred and eight, be and the same is hereby further amended so as to read as follows:

Compensation.

6. Township and district firewardens and helpers shall be paid at the following rates, unless other rates shall be fixed by the township committee, or other governing body, and notice thereof filed with the State Firewarden. Each township firewarden shall be paid at the rate of twenty dollars a year, and each district firewarden, appointed as provided in section two as amended, at the rate of ten dollars a year. Said sums shall be in lieu of all allowances for making reports, for postage, for posting fire warning notices, and for issuing permits. For special services in investigating fires, and the causes thereof, and for all time in actual fire fighting, firewardens and their helpers shall be paid at the following rates:

Annual amount.

In service.

Firewardens.

Firewardens, while engaged in fighting fires, two dollars for five hours or less, and thirty cents per hour thereafter.

Firewardens, while otherwise employed, twenty-five cents per hour.

Helpers.

Helpers, fighting fire, one dollar for five hours or less, and twenty cents per hour for more than five hours.

Helpers, on patrol or employed otherwise than fighting fire, twenty cents per hour.

Presentation of bills.

Firewardens shall render to the governing body of the township in which the fire occurred a statement of the services rendered by them and by the men, teams and other apparatus employed by them as provided in this act, within one month of the date of such service, which said bill shall show in detail the amount and character of the services performed, the exact duration thereof, the name of each person employed, and

all disbursements made by said firewardens. If said bill be duly approved, it shall be paid in such manner, and by such official, as other bills of said township are paid. A certified copy of each bill paid in accordance with this section, with evidence of payment, shall be made on a blank provided by the Forest Commission, and filed with the State Firewarden. Upon the approval of said bill by the State Board of Forest Park Reservation Commissioners, one-half of the amount shall be repaid said township by the State Treasurer upon warrant of the State Comptroller; *provided, however,* the State shall pay the entire cost of extinguishing fires originating on and restricted to State forest reservations, and such bills shall not be presented to the township committee but certified to the State Firewarden directly; *and provided further,* that in no case shall the State's share of any bill be based upon a higher rate for services than as fixed above.

Certified copy.

One-half repaid by State.

Proviso.

Proviso.

5. Section nine of said act, as amended by the act approved April thirteenth, one thousand nine hundred and eight, be and the same is hereby further amended so as to read as follows:

Section 9 amended.

9. In any township or part thereof for which firewardens have been appointed under the provisions of this act, waste, fallows, stumps, logs, brush, dry grass or fallen timber shall not be burned unless the written permission of the State Firewarden, or a division firewarden, or of the township or district firewarden of the township or district in which such fire is set has been first obtained. Such permission shall not be granted by any firewarden if, in his opinion, any forest or woodland will be endangered thereby, nor shall such permission, if granted, relieve or exonerate any person from any penalties under this act, in case, by reason of such fire, any forest, brushland or woodland be burned; *provided, however,* permits shall not be necessary for burning said materials when the fire is set in a public road, garden or plowed field at a distance of not less than two hundred feet from any woodland, brushland or field containing dry grass or other inflammable material.

Permission to burn brush, etc.

Proviso.

6. Section eleven of said act, as amended by the act approved April thirteenth, one thousand nine hundred

Section 11 amended.

and eight, be and the same is hereby further amended so as to read as follows:

Back firing allowed.

11. No person shall set fire to or burn, or cause to be burned, any wasteland, brushland or forestland, but nothing in this section shall be interpreted to forbid any person from setting a back fire, or ground fire, or a surface fire, upon his own property to protect the same; *provided, however,* if such fire be permitted to escape, or does escape, to adjoining property, then the person setting such fire, or causing it to be set, shall be deemed to have violated the provisions of this section. Any firewarden, however, shall have the power to set, or direct to be set, any back fire. In any township in which a fire service is established any person who shall find a fire burning in the forest, or where forest is endangered, shall immediately extinguish the same, or being unable so to do, shall notify a firewarden.

Proviso.

Notice given in case of fire.

Section 12 amended.

7. Section twelve of said act, as amended by the act approved April thirteenth, one thousand nine hundred and eight, be and the same is hereby further amended so as to read as follows:

Penalties.

12. Every person who shall violate any of the provisions of this act, and every person who shall obstruct or in anywise interfere with any firewarden, his deputies and assistants, in the performance of any duty under this act, shall be liable to a penalty of not less than fifty dollars nor more than two hundred dollars, except as otherwise provided in this act; *provided, however,* that where there are mitigating circumstances the Forest Commission may, in its discretion, permit the person or persons who may have violated the law to pay the cost of extinguishing the fire, or other expense incurred, or such part thereof, or such sum less than the minimum fine herein imposed, at such time and in such manner as said commission shall determine. Such payment when finally made shall relieve the person or persons making it of the penalty for such violation imposed by this act. All payments on account of penalties under this act shall be made to the executive officer of the Forest Commission, who shall promptly disburse the same in such manner as will relieve in equal degree the township, or townships, concerned and the State of the

Proviso.

Payment of penalties.

expense incurred. If a penalty paid shall exceed the costs in any case the excess shall be paid to the treasurer of the township in which the fire, or other violation of law, occurred. Any firewarden, or deputy acting in the absence or disability of a firewarden, may arrest, without warrant, any person or persons taken by him in the act of violating any of the provisions of this act, and shall proceed against such person or persons in the manner prescribed by this act.

Right to arrest without warrant.

8. Section sixteen of said act, as amended by the act approved April thirteenth, one thousand nine hundred and eight, be and the same is hereby further amended so as to read as follows:

Section 16 amended.

16. The officers to serve and execute any process or execution issued as aforesaid shall be the sheriff or any constable of the county, and within the jurisdiction of any district court, shall include the sergeant-at-arms thereof, which service and execution shall in all cases be made in the same manner and under the same liabilities that other processes and executions issued out of the district court of this State are served and executed under and by virtue of the provisions of the act entitled "An act concerning districts courts," approved June fourteenth, in the year one thousand eight hundred and ninety-eight. The costs taxable and recoverable in any case prosecuted as aforesaid shall be the costs allowed by the act last above mentioned in cases prosecuted in district courts. The penalty recoverable in any such action shall be paid to the prosecutor therein, who shall disburse it as provided in section twelve of this act. The judge of the district court, justice of the peace, police justice or recorder before whom any case is prosecuted under the provisions of this act may adjourn the hearing thereof from time to time, not exceeding thirty days from the return day of the summons, or warrant; and in any case where a warrant shall have been issued, may require the defendant to enter into a bond with sufficient surety to the plaintiff in the penal sum of two hundred dollars, conditioned to appear at the time and place of the hearing or trial, and in default of such bond may commit the defendant to the common jail

Officers to serve process or execution.

Procedure.

Costs.

Disposition of penalty.

Adjournment of case.

Bond demanded.

In default, commitment to jail.

of the county, to be there detained until the hearing or trial of the complaint, and if any defendant shall fail to appear at the time and place to which the hearing or trial shall be so adjourned, the bond shall be delivered to the prosecutor, who may sue thereon, and all moneys recovered in such suit shall be paid by the prosecutor into the State Treasury.

9. This act shall take effect immediately.

Approved March 15, 1911.

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## CHAPTER 37.

An Act to repeal "A further supplement to an act entitled 'An act for the appointment of firewardens, the prevention of forest fires, and the repeal of sundry acts relating thereto,' approved April eighteenth, one thousand nine hundred and six," which said supplement was approved April twentieth, one thousand nine hundred and nine.

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

Act repealed.

1. The act entitled "A further supplement to an act entitled 'An act for the appointment of firewardens, the prevention of forest fires, and the repeal of sundry acts relating thereto,' approved April eighteenth, one thousand nine hundred and six," which further supplement was approved April twentieth, one thousand nine hundred and nine, is hereby repealed.

2. This act shall take effect immediately.

Approved March 15, 1911.

## CHAPTER 38.

An Act authorizing municipalities in this State to enact ordinances or regulations relating to the operation of motor boats within this State, providing regulations for the suppression of noise in the operating of said boats and penalties for violations thereof.

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

Additional powers.

1. The governing body of any municipality in this State shall have power to pass ordinances or regulations for the following purposes:

Compel use of mufflers on motor boats over 10 H. P.

(a) To prohibit the use within the limits of such municipality, and upon thoroughfares or waterways lying within this State forming a boundary of any municipality, of a boat propelled in whole or in part by gas, gasoline, or naphtha burned or consumed in an engine exceeding ten horsepower, unless the same is provided with efficient underwater exhaust or muffler so constructed and used as to muffle, in a reasonable manner and to a reasonable extent, the noise of explosion.

On motor boats under 10 H. P.

(b) To prohibit the use within the limits of such municipality, and upon thoroughfares or waterways lying within this State forming a boundary of any municipality, of a boat propelled in whole or in part by gas, gasoline or naphtha burned or consumed in an engine having ten or less horsepower, unless the same is provided with an efficient muffler or similar contrivance so constructed and used as to muffle, in a reasonable manner and to a reasonable extent, the noise of explosion.

Penalty.

(c) To by such ordinances provide that any person who shall be convicted of violating any of the provisions of this act shall be subject to a fine of any amount not less than ten dollars or more than fifty dollars, and in default of the payment of such fine there shall be imposed an imprisonment in the municipal or county jail for a period not exceeding ten days. Fines levied

hereunder shall be paid to the municipality in which such conviction is had.

Jurisdiction.

Any magistrate of the county, or recorder, or police magistrate of any municipality in which the offense is committed shall have jurisdiction in all cases of arrest made by any of such officers or by virtue of a warrant issued upon complaint filed with such magistrate or recorder or police magistrate.

Effective.

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

Approved March 17, 1911.

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## CHAPTER 39.

An Act concerning the revision, alteration, adjustment, settlement and collection of arrearages of unpaid taxes and assessments in cities of this State.

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

Settlement of unpaid taxes when lien of city questioned.

1. In any city of this State where taxes or assessments, or both, levied and assessed upon or on account of any lands or real estate, or personal property, remain unpaid, and where the lien of the city for such taxes or assessments so levied and assessed shall be for any reason questioned or impaired, or shall be in litigation, it shall be lawful for the common council or the board or body having charge and control of the finances of such city, upon application and petition in writing presented to it by or on behalf of any person or persons interested in said lands or real estate, or personal property, to make a revision, alteration, adjustment or settlement of the taxes or assessments or both so levied and assessed and remaining unpaid, and also of any and all interest or penalties which may have accrued thereon, and to fix and determine an amount to be accepted by such city in full satisfaction thereof.

Action when payment is made.

2. When any such revision, alteration, adjustment or settlement of taxes or assessments, or both, so levied or assessed, and remaining unpaid, and interest or penalties thereon, shall be made, and the person or persons making such application shall, within thirty days after such revision, alteration, adjustment or settlement, pay the amount fixed or determined by such revision, alteration, adjustment or settlement, then, and in such event, the collector of taxes, or such person as may be authorized by law to receive the same, shall make and deliver to the person so paying the same a receipt therefor, and shall forthwith cancel the record of such taxes or assessments, or both, together with all interest and penalties which may have accrued thereon, and such taxes or assessments, or both, together with all interest and penalties which may have accrued thereon, shall thereupon cease to be a lien upon the lands or real estate upon which they were levied or assessed, or to affect said personal property or its owner, and shall be deemed and taken to have been fully paid, satisfied and discharged.

Cancelation of record.

3. This act shall take effect immediately.

Approved March 17, 1911.

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## CHAPTER 40.

An Act to amend an act entitled "An act to amend an act entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sale thereof' (Revision of 1907), approved May twentieth, one thousand nine hundred and seven," approved April fourteenth, one thousand nine hundred and eight.

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

Section 6 amended.

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

Standard milk.

6. No person shall distribute or sell, or have in his possession with intent to distribute or sell, any milk which contains less than eleven and one-half per centum of milk solids, or more than eighty-eight and one-half per centum of watery fluids, or less than three per centum of milk fats; *provided, however,* that it shall not be unlawful for any person to distribute or sell, or have in his possession with intent to distribute or sell, in a container having a capacity of not more than twelve fluid ounces, milk especially prepared for infant or invalid feeding by adding thereto pure water, lime water, milk sugar, cereal starches or other substances which shall not differ in purity, quality or strength from the standard fixed by this act, or by removing therefrom the sugar or any part thereof, if every such container have blown or moulded in it the words "modified milk" in letters which shall not be less than one-quarter inch in height and the several lines of which shall not be less than one-sixteenth of an inch in width; *and provided also,* that the milk in such container before modification shall have been milk of the standard fixed by this act.

Proviso.

"Modified milk."

Proviso.

Approved March 17, 1911.

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## CHAPTER 41.

An Act to validate conveyances made by virtue of wills of non-residents.

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

Validating conveyances made under will of non-resident.

1. That any and all conveyances of land in this State, or any estate, right, title and interest therein, heretofore made by any executor or executors, administrator or administrators with the will annexed, trustee or trustees or the survivor of them, or by any person claiming under such devises by virtue of the power so conferred in any will or codicil of a decedent not resident in this State at the time of his or her

death, shall be deemed as good, valid and effectual to pass title to lands in this State as though such will had been duly probated in this State, notwithstanding the proof of the due execution of such will in the State where probated, does not show that said will was signed, sealed, published and declared by the testator in the presence of two witnesses, who, in the presence of the testator and of each other, subscribed their names as witnesses thereto; *provided,* such will has been admitted to probate in some State or Territory of the United States or the District of Columbia or foreign state or kingdom, and a copy thereof and of the order or certificate of probate and of grant of letters of administration thereon exemplified and authenticated according to the act of Congress, if it be the record of any State or Territory of the United States or the District of Columbia, or certified in the manner required by the laws of the foreign state or kingdom in which such will shall have been proved and recorded to make it legal evidence in such foreign state or kingdom, has been or shall be filed and recorded in the office of the surrogate of the county where such lands lie; *and provided further,* that said exemplified copy of said will so filed and recorded shall have an attestation clause showing that said will was signed, sealed, published and declared by the testator in the presence of two witnesses who were present at the same time and subscribed their names as witnesses in the presence of the testator and each other; *and provided further,* that such conveyances so made by virtue of said will shall have been executed in the manner required by the laws of this State. Proviso. Proviso. Proviso.

2. This act shall take effect immediately.

Approved March 17, 1911.

## CHAPTER 42.

An Act to amend an act entitled "An act to regulate the keeping of employment agencies in this State," approved May twenty-eighth, one thousand nine hundred and seven.

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

Section 2 amended.

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

Agencies licensed.

2. *License.*—No person shall open, keep or carry on any such employment agency unless every such person shall procure a license therefor from the common council or other governing body of the municipality in which such person intends to conduct such agency. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct such an employment agency without first procuring said license shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than fifty dollars and not more than two hundred and fifty dollars, or by imprisonment for a period of not more than one year, or both, at the discretion of the court. Such license shall be granted upon the payment to the treasurer of such municipality, or other similar officer, of a fee of not exceeding twenty-five dollars annually for such employment agency, the amount of such fee to be fixed by said common council or other governing body of such municipality. The common council, or other governing body, may remit said license fee on application of any charitable or benevolent association.

Penalty for not securing license.

License fees.

Statement in license.

Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued, or any place other than that desig-

Not transferable.

nated in the license, and shall not be transferred or assigned to any other person. No such agency shall be located in rooms used for living purposes, or where boarders or lodgers are kept, or where meals are served, or where persons sleep, or in connection with a building, or on premises where intoxicating liquors are sold to be consumed on the premises, excepting cafes and restaurants in office buildings. If said licensed person shall conduct a lodging-house for the unemployed, separate and apart from such agency, it shall be so designated in the license. The application for such license shall be filed not less than one week prior to the granting of said license, and the common council, or other governing body, shall act upon such application within thirty days from the time of such application. Every such applicant shall be required to furnish satisfactory proof, by affidavits, of good moral character, and any person may protest against the issuance or the transfer of any license. The names and addresses of all applicants for licenses, or for transfers of licenses, shall be posted daily in the office of the clerk of said municipality. The license shall run to the first day of January next ensuing the date thereof, and no longer, unless sooner revoked by the common council, or other governing body granting the same.

Location of agencies.

Application for license.

Proof of character.

Names posted.

Duration of license.

2. This act shall take effect immediately.

Approved March 17, 1911.

## CHAPTER 43.

An Act to defray the arrears of salaries of the members of the commission appointed to make a revaluation of the railroad and canal property in this State pursuant to Joint Resolution No. 3 entitled "Joint Resolution concerning an inventory and appraisal of railroad and canal property, including franchises, in the State of New Jersey," approved April fifth, one thousand nine hundred and nine.

Preamble.

WHEREAS, By Joint Resolution No. 3, approved April fifth, one thousand nine hundred and nine, the Governor was authorized to appoint three competent persons to make a revaluation of all railroad and canal property in the State, and a true and complete inventory and appraisal thereof, and to fix the salaries of the members of such commission; and

WHEREAS, Samuel Whinery, Frank Stevens and Charles Hansel were duly appointed ad interim by the Governor as the members of the said commission, and did enter upon and engage in the work contemplated by the said joint resolution; and

WHEREAS, The compensation of the members of the said commission was fixed by the Governor at the sum of one thousand dollars per month each, but the appropriation made for the salaries of the said commission and the expenses in connection with the performance of their duty was insufficient for the purpose, so that the salaries of the said commission for the months of September and October, one thousand nine hundred and nine, were not paid and are still due to the members of the said commission.

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

Appropriation for salaries of commission on revaluation.

1. The sum of six thousand dollars is hereby appropriated for the purpose of defraying the arrears of salaries of the members of the commission appointed pursuant to Joint Resolution No. 3 entitled "Joint Resolution concerning an inventory and appraisal of railroad and canal property, including franchises, in

the State of New Jersey," approved April fifth, one thousand nine hundred and nine, for the months of September and October, one thousand nine hundred and nine, at the rate of one thousand dollars per month, to be paid as follows:

To whom paid.

To Samuel Whinery, two thousand dollars; to Frank Stevens, two thousand dollars; to Charles Hansel, two thousand dollars; which money shall be paid by the State Treasurer, upon the warrant of the Comptroller, from any funds of the State not otherwise appropriated.

2. This act shall take effect immediately.

Approved March 17, 1911.

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## CHAPTER 44.

An Act regulating the employment and discharge of public school janitors of the various municipalities and school districts in this State.

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

Regulating employment of janitors.

1. In every municipality or school district of this State the board of education shall make such proper rules and regulations as may be necessary for the employment, discharge, management and control of the public school janitors employed by such board not inconsistent with the provisions of this act.

Removal of janitor.

2. No public school janitor in any municipality or school district shall be discharged, dismissed or suspended, nor shall his pay or compensation be decreased, except upon sworn complaint for cause, and upon a hearing had before such board. Upon the filing of such sworn complaint, a copy thereof, certified by the secretary or clerk as a true copy, shall be served upon such person at least five days before the hearing, and at such hearing such janitor shall have the right to be represented by counsel. If upon such hearing it shall appear that the person charged is

Hearing and determination.

guilty of the neglect, misbehavior or other offense set forth in said complaint, then said board may discharge, dismiss or suspend such janitor or reduce his pay or compensation, but not otherwise.

3. This act shall take effect immediately.

Approved March 20, 1911.

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## CHAPTER 45.

An Act to authorize the acquisition of lands and premises and the erection, construction or reconstruction of a battalion armory thereon in the city of Orange.

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

Armory in Orange.

1. The State Military Board is hereby constituted a commission to select, purchase or otherwise acquire on behalf and in the name of the State of New Jersey lands and premises, with or without buildings erected thereon, and the appurtenances thereto belonging, in the city of Orange, and to cause to be erected, constructed or reconstructed on said premises a battalion armory, for the use of the First Battalion of the Fifth Infantry of the National Guard of the State of New Jersey, which has headquarters in said city, and to suitably equip the same with all necessary fittings and furnishings and apparatus for heating the same; *provided, however,* the State of New Jersey shall not be obliged to pay more than one hundred thousand dollars for the entire cost thereof.

Proviso; limit of cost.

Payments, how made.

2. For the payment of the expenditures herein authorized the Comptroller of the Treasury shall draw his warrant on the State Treasurer, and the State Treasurer shall pay the same from time to time as the said commission shall certify to the Comptroller to be necessary and to such persons as they may designate, but not more than fifty thousand dollars shall be drawn from the State treasury in one year for the

purchasing or other acquisition of such lands and premises and for the erection, construction or reconstruction of such armory as aforesaid; *provided, however,* no money shall be paid from the State treasury for the purchase or other acquisition of such lands and premises and the erection, construction or reconstruction and equipment of such armory until the amount determined to be necessary for the purchase or other acquisition of such lands and premises and the erecting and equipping of such armory shall be determined, and the whole or part thereof shall be appropriated by the Legislature for such purpose, but nothing in this act contained shall prevent said commission from ascertaining the amount necessary for the purposes aforesaid, or from causing plans and specifications to be prepared and the bids or proposals to be made thereon for the purpose of ascertaining the necessary amount of money to be appropriated. Proviso.

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

Approved March 21, 1911.

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## CHAPTER 46.

An Act to amend an act entitled "An act to encourage the propagation of fish and to regulate the catching, taking and destruction of fish in the Delaware river below Trenton falls, within the jurisdiction, respectively, of the Commonwealth of Pennsylvania and the State of New Jersey, and providing penalties for violation of its provisions, and to repeal acts inconsistent therewith," approved April twenty-first, one thousand nine hundred and nine.

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

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

Prohibited hours for fishing.

9. It shall be unlawful for any person to catch and take, or attempt to catch and take, fish of any kind or description from the Delaware river below Trenton falls, by means of a net, or to use a net of any character in the waters aforesaid between Saturday at two P. M. and twelve o'clock midnight Sunday night in each week. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats and other appliances used.

Penalty.

When effective.

2. This act shall take effect immediately, but shall not be considered as valid or operative until a similar act has been enacted by the Commonwealth of Pennsylvania.

Approved March 21, 1911.

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## CHAPTER 47.

Supplement to an act entitled "An act concerning idiots, lunatics, habitual drunkards and persons alleged to be lunatics by reason of their minds being so unsound as to render them incapable of controlling themselves and their property," approved March twenty-third, one thousand eight hundred and eighty-seven.

Preamble.

WHEREAS, The present laws of this State requiring, first, the sale of personal property of idiots, lunatics and habitual drunkards, before the sale of any of his or her real estate, for the payment of debts, often causes great inconvenience and injury to the estate of such idiot, lunatic or habitual drunkard, by compelling the sale or disposal of stocks, bonds and other securities, yielding a good income, and the retention of real estate, yielding but a small income, and expensive to hold because of taxes and other burdens; therefore,

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

1. If any such idiot, lunatic or habitual drunkard is justly indebted to any person or persons, or if any person or persons shall have advanced moneys, purchased necessaries or rendered services on account of any such idiot, lunatic or habitual drunkard, for his or her care, support or maintenance, or for the preservation or benefit of his or her estate, beyond the ability of any such idiot, lunatic or habitual drunkard to pay the same out of the income of the estate, real and personal, of such idiot, lunatic or habitual drunkard, or in case the income of such idiot, lunatic or habitual drunkard, including the profits of his or her personal and real property, shall be insufficient for his or her support and comfortable maintenance, and that of his or her household, if any he or she shall have, it shall and may be lawful for the Chancellor of this State or the Orphans' Court of the county in which the lands and tenements of any such idiot, lunatic or habitual drunkard shall be situate, on full investigation of the situation and circumstances of the idiot's, lunatic's or habitual drunkard's real and personal estate, and of the just debts owing by him or her, and of the advances that have been made on his or her account, and of the services rendered for him or her or for his or her estate, from time to time, to order the guardian of said idiot, lunatic or habitual drunkard to sell so much of the timber, growing or being upon the lands of said idiot, lunatic or habitual drunkard, or to sell such parts of the said idiot's, lunatic's or habitual drunkard's lands, tenements, hereditaments or real estate, or to use so much of any money or proceeds of sale received from the sale, already made, of any real estate or personal property of said idiot, lunatic or habitual drunkard, as the Chancellor or said Orphan's Court shall direct and judge sufficient to pay his or her just debts, and the advances as above mentioned, and proper and necessary for his or her support and maintenance, and for the support of his or her household, if any he or she have.

Provision for meeting indebtedness.

Investigation by court.

Sale of real estate.

Proceeds of sale.

2. This act shall take effect immediately.

Approved March 21, 1911.

## CHAPTER 48.

An Act to amend an act entitled "A supplement to an act entitled 'An act relative to oaths and affidavits' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March twelfth, one thousand eight hundred and eighty.

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

Section 1 amended.

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

Who authorized to take oaths, etc.

1. All oaths, affirmations and affidavits required to be made or taken by any statute of this State, or necessary or proper to be made, taken or used in any court of this State, or for any lawful purpose whatever, may be made and taken by and before any one of the following officers of this State, viz: (a) the Chancellor, or any judge of a court of record, (b) or any Master in Chancery, (c) or any justice of the peace, (d) or any mayor, recorder or alderman of any city or borough or any Supreme Court commissioner, or the city clerk of any city, or the clerk or surrogate of any county, or a deputy county clerk, or a deputy surrogate of any county, or the clerk of any court of record, or any notary public, or any commissioner of deeds or any attorney-at-law of the State of New Jersey; *provided*, that nothing herein contained shall apply to the official oath or affirmation required to be made or taken by any of the officers of this State, nor to any oath, affirmation or affidavit required to be made and taken in open court, nor to cases where it shall be necessary for the party making or procuring such oath, affirmation or affidavit to give notice to any person interested, of the taking of such oath, affidavit or affirmation.

Proviso.

2. This act shall take effect immediately.

Approved March 21, 1911.

## CHAPTER 49.

An Act to extend the territorial boundaries of the borough of Rumson, in the county of Monmouth, by an annexation of a portion of the township of Shrewsbury in said county.

Preamble.

WHEREAS, The borough of Rumson is located on the waters of the North and South Shrewsbury rivers, and its present boundary line extends only to high water mark, and it is desirable that the borough should have jurisdiction for police, fire and taxation purposes over the islands and upland lying contiguous to said borough; therefore,

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

Portion of Shrewsbury township annexed to Rumson.

1. All that land and real estate situate, lying and being in the township of Shrewsbury, in the county of Monmouth aforesaid, adjoining said borough, containing or included within the following described boundaries, to wit:

Boundaries of annexed portion.

Beginning at a point in the high water mark of the North Shrewsbury river where the same is intersected by the center line of the Oceanic bridge; thence (1) in a northerly direction along the center line of the Oceanic bridge eleven hundred seventy-eight feet (1178); thence (2) in an easterly direction in a straight line to a point ten feet (10) due north from the intersection of the two government dykes at the meeting of the North and South Shrewsbury rivers; thence (3) on a direct prolongation of the last course, in an easterly direction, six hundred feet (600) to a point; thence (4) in a southerly direction in a straight line to the center of the draw of the Sea Bright draw-bridge; thence (5) as the needle now points south twenty-three (23) degrees fifty (50) minutes west, two thousand (2,000) feet to a point; thence (6) south fifty-seven (57) degrees twenty (20) minutes west, six hundred and fifty feet (650) to a point; thence (8) in a southerly, southeasterly, and easterly direction, following the center line of the channel lying between the island owned by the estate of William E. Strong

and the island owned by Washington L. Connor to a point on the dyke adjoining said island on the southeast; thence (9) in a due easterly direction four hundred feet (400) to a point; thence (10) in a southwesterly direction in a straight line to a point distant five hundred feet (500) from the high water mark of the South Shrewsbury river measured on a course of south six (6) degrees thirty (30) minutes west from the southeast corner of the club house building of the Rumson Country Club; thence (11) in a westerly direction in a straight line to a point in the prolongation of the center line of Oakes Lane; thence (12) in a northwesterly direction along the direct prolongation of the center line of said Oakes Lane three hundred feet (300) to a point where the center line of said Oakes Lane intersects the high water mark of the South Shrewsbury river, said last mentioned point being the most southwesterly corner of the lands of the borough of Rumson as now incorporated; thence (13) in a northeasterly, northerly, westerly, and southwesterly direction along the present boundary lines of said borough to the place of beginning.

Be and the same is hereby separated from the township of Shrewsbury, and be and the same is hereby annexed to the said borough of Rumson, so that the same shall be hereafter a part of and within the territorial limits of said borough of Rumson.

2. This act shall take effect immediately.

Approved March 21, 1911.

## CHAPTER 50.

An Act for the maintenance of detention homes for juveniles in cities of the first class.

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

1. In any city of the first class which now has an institution designated by resolution of the board of police commissioners as the "Detention Home for Juveniles of the Police Department," it shall be lawful for the board of finance or other body having control of the finances of said city to appropriate annually a sum not exceeding two thousand dollars for the maintenance of such detention home for Juveniles of the police department, said appropriation to be expended under the direction of the board of police commissioners or other body having charge of the police department of said city.

Maintenance of juvenile home.

Appropriation.

2. It shall be lawful for the board of finance, or other body having charge of the finances of said city, in order to carry out the provisions of this act to appropriate annually the sum of two thousand dollars and collect the same as other municipal expenses are collected, and for the balance of the fiscal year, after this act takes effect, the board of finance, or other board having charge of the finances of any city in which such home is located, may borrow an amount proportionate for the balance of the said fiscal year and issue temporary loan bonds therefor, to be placed in a subsequent tax levy of said city.

Provisions to meet expenses.

3. This act shall take effect immediately.

Approved March 21, 1911.

## CHAPTER 51.

An Act granting to religious, educational or charitable corporations, associations, officers or trustees thereof, power to sell, convey or otherwise dispose of lands and tenements which have heretofore been or may hereafter be granted, conveyed or devised to them upon a trust or trusts for specific uses or purposes, or devoting the rents, issues and profits thereof to specific uses and purposes.

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

Reference to master in chancery to determine advisability of altering conditions of trust.

1. Whenever any lands and tenements shall have heretofore been or may hereafter be granted, conveyed or devised by deed, will or otherwise, to any religious, educational or charitable corporation or association, or to any officers or trustees thereof, upon a trust or trusts that the same shall be held and used for specific uses and purposes, or appropriating the rents, issues and profits of any such lands and tenements to specific uses and purposes, but without power to sell, convey or otherwise dispose of the same, then whenever any corporation, association, officers or trustees shall make it appear to the satisfaction of the Chancellor of this State, that a sale of the whole or any part of such lands and tenements will promote and benefit the trust upon which the same is held; or, whenever it shall be made to appear that such trust will be benefited by devoting the said lands and tenements, or any part thereof, to some use or purpose other than the specific use or trust upon which the same was granted, conveyed or devised; the Chancellor, upon the presentation of a petition showing that a sale or other disposition of such lands and tenements, or any part thereof, will benefit such trust, may, in a summary manner by reference to a Master, proceed to inquire into the merits of such application; and if it shall

satisfactorily appear to the said Chancellor that a sale of said lands and tenements, or any part thereof, will benefit said trust, or the proceeds of any such sale will, when invested, increase and enhance the income of such trust, or that by the devoting of such lands and tenements, or any part thereof, to other uses and purposes will promote the interests of such trust, the Chancellor may order such lands and tenements, or any part thereof, to be sold by such corporation, association, officer or trustee, free from the limitations of said trust, which sale when made shall be reported to and confirmed by the Chancellor, and the proceeds of said sale shall be held upon the same or like conditions, limitations or trusts as were declared in the original trust, or shall be devoted to some use not inconsistent therewith, as the Chancellor shall order; or the Chancellor may authorize such corporation, association, officers or trustees thereof to use or devote any such lands and tenements, or any part thereof, to some use or purpose other than and not inconsistent with the uses and purposes of the trust upon which the same were granted, conveyed or devised to them.

Order made by chancellor.

Proceeds.

Change of purpose.

2. The Chancellor may order such corporation, association, officers or trustees thereof to invest the proceeds of any sale made pursuant to the provisions of this act in such securities as trustees are authorized to invest trust funds; or may, upon due cause shown, order and direct the whole or any part of the proceeds of any sale of such lands and tenements had or to be had by virtue of this act, to be reinvested in other more desirable lands and tenements, the same to be held by such corporation, association, officers or trustees in the same manner and subject to the same conditions, limitations and trusts as were the lands and tenements originally granted, conveyed or devised to them.

Reinvestments.

3. This act shall take effect immediately.

Approved March 23, 1911.

## CHAPTER 52.

An Act to establish a department of poultry husbandry at the Agricultural Experiment Station and to provide for the equipment and maintenance thereof.

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

Department of poultry husbandry.

1. The State Agricultural Experiment Station is hereby authorized to establish and maintain a department of poultry husbandry in connection with and as a part of the work of said Experiment Station, and to employ such assistants as may be necessary to carry out the purposes of this act.

Buildings, etc.

2. The board of managers of said Experiment Station may erect for the use of such department, upon land to be set aside for that purpose by the trustees of the State Agricultural College, such buildings as may be appropriate or necessary and may purchase and acquire such poultry, incubators, brooders and other supplies as are requisite or necessary for the proper equipment of such department.

Objects to be studied.

3. Said department shall conduct such investigations and experiments in the breeding and care of poultry as may be deemed necessary or important to the poultry interests of the State, and the results of such investigations shall be published in the bulletins and reports of said station as are the results of other departments in said station.

Results published.

Poultry defined.

4. The term poultry as used in this law shall include chickens, turkeys, pea fowl, guineas, geese, ducks and pigeons, as well as such other birds as may be at any time domesticated for farm use or propagation.

Appropriations.

5. The sum of ten thousand dollars ($10,000) is hereby appropriated to the State Agricultural Experiment Station for buildings appropriate to the housing of said department and the stock and equipment thereof; the further sum of five thousand dollars ($5,000)

is hereby appropriated to said station for the purchase of equipment, stock and supplies necessary for the establishment of said department; and the further sum of three thousand dollars annually is hereby appropriated to said station for the maintenance and operation of said department; *provided,* that no part of the sums hereby appropriated shall become available until the amount thereof has been included in either a supplemental or regular appropriation bill.

Proviso.

6. This act shall take effect immediately.

Approved March 23, 1911.

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## CHAPTER 53.

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

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

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

Section 19 amended.

19. Every stockholder shall have a certificate, signed by the president or a vice-president, and either the treasurer or an assistant treasurer, or the secretary or an assistant secretary, certifying the number of shares owned by him in such corporation. All certificates heretofore issued, which are signed as aforesaid, shall be as valid and effectual for all purposes as if signed by the president and treasurer of the corporation.

Certificates of stock; by whom signed.

2. This act shall take effect immediately.

Approved March 23, 1911.

## CHAPTER 54.

80-C-54
Cf.-16-566
Cf.-16-574

An Act to prevent the introduction into and the spread of dangerous plant diseases in New Jersey, to authorize the inspection of nurseries and plantations, to provide for certificates of health and a method for compelling the destruction of infested plants.

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

Plant pathologist.

1. The executive committee of the State Board of Agriculture is hereby authorized to employ a competent plant pathologist, who, for the purpose of this act, shall be known as the State Plant Pathologist, and to fix his salary; said committee may also authorize the employment of such permanent or temporary assistants to the State Plant Pathologist as may be necessary and fix the compensation of the same.

Assistants.

Distribution of infested plants unlawful.

2. It shall be unlawful for anyone to import into the State or to distribute by sale, gift or otherwise within the State, any plant material, cuttings, seeds, bulbs, tubers, trees, shrubs or vines known to be infested with any disease which by transmission to another plant would cause the death or mutilation of the latter; and the keeping or maintenance, sale, gift or distribution of any plant material, cuttings, seeds, bulbs, tubers, trees, shrubs or vines after notice of such infestation is hereby declared to be a nuisance subject to abatement as herein described, and an offense punishable as hereinafter provided.

Examination of nurseries.

3. It shall be the duty of the State Plant Pathologist to examine as often as may be necessary all nurseries and other establishments or places within the State where plants are grown for sale, or from which plant material of any kind is distributed, to determine the condition as to freedom from disease of the plant stock grown for sale or distribution. If he

shall find evidence of the presence of any disease dangerous to plants commonly grown within the State he shall at once notify the owner or manager of such nursery, establishment or place of the character of such disease and shall forthwith require the spraying, fumigation or other treatment necessary to free the plants of such disease, and he may prohibit the shipment of any diseased or suspected plants until he shall be satisfied that the disease no longer exists in dangerous form. If he shall discover in a nursery, or elsewhere within the State, any plant infested with a virulent disease that cannot be eradicated by spraying, fumigation or other treatment, he shall forthwith order it to be destroyed. All notices, orders or directions by the State Plant Pathologist shall be in writing, supplemented by such printed matter as may be needed to explain the written orders, and they shall be served personally upon the owner or manager of the nursery or other establishment or place where the diseased plants are found, or, if no owner or manager can be found in such nursery, establishment or other place where such diseased plants are found, such notice may be delivered to any person found on the place, or may be attached to some conspicuous object on such nursery, place or establishment. Said notice or order shall also specify a time, not less than three days from its date, within which it must be complied with, and any person or persons considering himself or themselves aggrieved by such notice or order may have the same right of appeal to the committee of appeal appointed by the State Board of Agriculture as is given in section fourteen, chapter two hundred and forty-nine of the laws of one thousand nine hundred and three, approved April fourteenth, one thousand nine hundred and three, and the proceedings on such appeal shall be as prescribed in said act.

Treatment of diseased stock required.

Plants with incurable disease destroyed.

Notices.

Compliance with notice.

Right of appeal.

4. It shall be the duty of every nurseryman, or other person who imports plant material of any kind from without the State, and every transportation company or other carrier for hire that brings plant material from without the State for delivery to any person, persons, firm or corporation within the State, to notify the State Plant Pathologist of such shipment prior to,

Pathologist notified of incoming shipments.

or within twenty-four hours after, its arrival. Such notice shall state the kind and quantity of plant material, the name and address of the shipper, the date of shipment, and, if from a foreign country, the name of the country or district in which the shipment originated, the port of entry and the approximate date of arrival at said port. If the State Plant Pathologist has any reason to suspect the presence of a dangerous disease, he may order the examination of every package of such material, in transit or at the point of delivery, and shall not authorize its acceptance or delivery until he is satisfied that no dangerous disease is present.

What notice to set forth.

Examination.

Certificate of shipment.

5. Unless he have knowledge of the presence of a dangerous disease that would not justify such action, the State Plant Pathologist is hereby authorized and required to issue to any nurseryman or other grower of plants who may request the same, and who may wish to ship plants from one part of the State to another, or from the State of New Jersey to outside territory, a certificate stating that the specific nursery or other plantation is, in general, apparently free from dangerous disease or that it is apparently free from specific diseases which might affect the plants in question, or that a specific shipment is apparently free from dangerous disease; and such certificate shall be accepted by any transportation company or other carrier for hire as his or its warrant for transporting and delivering the material for shipment.

Prompt inspections.

6. It shall be the duty of the State Plant Pathologist to make any necessary inspections of material in transit or at point of destination as promptly as possible after receiving notification of the arrival of such material within the State, and if no inspection is considered necessary he shall at once notify the transportation company or other carrier for hire, and the consignee, to that effect, which notice shall serve as an authority for the delivery and receipt of such material. In case inspection is considered necessary he shall at once notify the transportation company or other carrier for hire to that effect, which said company or carrier shall thereupon hold the said material subject to the further order of said State Plant Pathol-

ogist. And said State Plant Pathologist may in his discretion authorize the delivery of any plant material to the consignee, subject to inspection at unpacking. Inspection at unpacking.

7. For the purpose of making the inspections, investigations and examinations provided for in this act and to enforce the provisions of the same, the State Plant Pathologist and his assistants, appointed as provided in section one of this act, may enter upon lands open or enclosed, upon which such inspections, examinations or investigations are necessary, or where any nuisance as defined in section two of this act is maintained or charged, or into any storehouse or building containing plant material, cuttings, seeds, bulbs, tubers, trees, shrubs or vines, which he is herein directed or authorized to inspect, and any interference with or obstruction made to said State Plant Pathologist or his assistants while engaged in the performance of the duties herein imposed, shall subject the offender to punishment as a disorderly person under the general laws of this State upon a charge made against him by the officer interfered with. Legal rights of inspectors. Interference declared disorderly conduct.

8. Any person, firm or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and subject to a fine of fifty dollars for every sale, shipment, delivery or failure to obey the order or direction of the State Plant Pathologist made under the authority of section three of this act. Penalty.

9. Proceedings to enforce the provisions of this act shall be the same as those provided by chapter two hundred and forty-nine of the laws of one thousand nine hundred and three, as amended by chapter forty-seven of the laws of one thousand nine hundred and four, to enforce the provisions of the law relating to the introduction and spread of dangerous insects. Enforcement.

10. The sum of three thousand dollars annually is hereby appropriated to the State Board of Agriculture for the purposes of this act; *provided,* that no payment shall be made pursuant to this act until the amount shall have been included in the supplemental or regular annual appropriation bill. Appropriation. Proviso.

11. This act shall take effect immediately.

Approved March 23, 1911.

## CHAPTER 55.

An Act to enable certain towns to regulate the salaries of certain officers.

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

Salaries of town officers fixed by ordinance.

1. Any town now or hereafter having a population of twenty thousand or more, may, through its town council, or other legislative or governing body, by ordinance, fix the annual salaries of the town clerk and the collector of taxes of such town.

2. This act shall take effect immediately.

Approved March 23, 1911.

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## CHAPTER 56.

An Act to change the name of the stream Cooper's creek, in the county of Camden, to Cooper river.

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

Change of name.

1. The stream now known and designated as Cooper's creek, in the county of Camden, shall hereafter be known and designated as Cooper river; and any and all general or special acts relating thereto shall remain in effect as if the name of the stream had not been changed.

Effective.

2. This act shall take effect on the filing with the clerk of the county of Camden a copy hereof, certified under the hand and seal of the Secretary of State.

Approved March 28, 1911.

## CHAPTER 57.

An Act providing for the keeping of books by auctioneers and the inspection thereof.

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

1. Every auctioneer or person engaged in the business of selling goods at auction in cities of the first, second and third class, whether acting in his own behalf or as the officer, agent or representative of another, shall, upon the receipt or acceptance by him of any goods for the purpose of sale at auction, and before offering the same or any part thereof for sale at auction, write or cause to be written in a book to be kept by him for that purpose, the name and address of the person who employed him to sell such goods at auction, the name and address of the person for whose benefit, behalf or account such goods are to be sold at auction; the name and address of the person from whom such auctioneer received or accepted such goods; the name and address of the person who was the owner of such goods immediately prior to the receipt or acceptance for the purpose of sale at auction of the same by such auctioneer; the location, with street number, if any, of such goods immediately prior to the receipt or acceptance of same by such auctioneer for the purpose of sale at auction; the date of the receipt or acceptance by such auctioneer of such goods for the purpose of sale at auction; the place, with street number, if any, in which such goods are to be held, kept or stored until sold or offered for sale at auction; the place, with street and number, if any, in which such goods are to be sold or offered for sale at auction; a description of such goods, the quantity thereof and the distinctive marks thereon, if any; the terms and conditions upon which such auctioneer receives or accepts such goods for sale at auction. The expression "goods," as used in this act, signifies any goods, wares, works of art, commodity, compound or thing, chattels, merchandise

Record to be kept.

What to set forth:

"Goods" defined.

"Person" defined.

or personal property which may be lawfully kept or offered for sale. The work "person," as used in this act includes a corporation, joint stock association or copartnership. Nothing herein contained shall apply to the sale of real property at auction.

Books open to inspection.

2. The said book and the entries therein, made as provided by the preceding section of this act, shall, at all reasonable times, be open to the inspection of the mayor and head of the police department of the city in which the auctioneer conducts his business, the prosecutor of the pleas of any county in which said city is located or which is a part of such city, and any person who shall be duly authorized in writing for that purpose by any or either of them and who shall exhibit such written authorization to such auctioneer.

Penalty.

3. Any person who violates or does not comply with the provisions of this act, or any auctioneer or person engaged in the business of selling goods at auction who shall fail, neglect or refuse to permit or allow an inspection as required by the provisions of this act, of the book which he is required to keep according to the provisions of this act, shall be guilty of a misdemeanor.

4. This act shall take effect immediately.

Approved March 28, 1911.

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## CHAPTER 58.

An Act to amend an act entitled "A supplement to an act entitled 'An act to provide assistant prosecutors in the several counties of this State,' approved April third, one thousand nine hundred and two," which supplement was approved April sixth, one thousand nine hundred and eight.

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

Section 3 amended.

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

Attendance on grand juries by assistants.

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

2. This act shall take effect immediately.

Approved March 28, 1911.

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## CHAPTER 59.

An Act to amend an act entitled "A supplement to an act entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved March twenty-first, one thousand nine hundred and one," approved April twentieth, one thousand nine hundred and six.

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

Section 1 amended.

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

Cleanliness of buildings and creamery utensils.

1. No person or corporation buying or receiving milk or cream for the purpose of selling the same as such, or for manufacturing the same into butter, cheese, condensed milk, ice cream or other food for human beings, shall place, keep or store the same in any vat, tank, can, bottle, vessel, utensil or other receptacle which is unclean, and every building or structure in which milk or cream is received, and which milk or cream is intended for sale or for manufacturing into food for sale for human beings, shall be provided with an abundant supply of pure and wholesome water, and shall be provided with adequate facilities for the cleansing of all receptacles and utensils employed in handling milk or cream. The interior surfaces of the walls and ceilings of such buildings and

structures shall be smooth and be kept free from dust. The floors of all rooms in such buildings in which milk is received or kept or handled shall be impervious to water, and the surfaces shall be so graded that waste fluids will flow into a water-tight drain, and be finally disposed of in a manner which will not create a nuisance. No portion of any creamery building shall be used as a dwelling nor as a laundry or kitchen; *provided, however,* that the prohibition last mentioned shall not apply to any creamery or ice cream factory which at the time of the taking effect of this act is located in a building, a portion of which is, at said time, used as a dwelling, if the sanitary conditions and arrangements of such ice cream factory and of such dwelling are approved by the Board of Health of this State.

Creamery not used as dwelling.

Proviso.

Section 2 amended.

2. Section two of the act of which this act is amendatory be and the same hereby is amended so that the same shall read as follows:

Creameries licensed by State board of health.

2. No person or corporation shall operate or conduct any creamery for the reception of any milk or cream intended for sale or distribution, or for the manufacture of the same into butter, cheese, condensed milk, ice cream, or other food for human beings, unless a license shall first have been granted by the Board of Health of the State of New Jersey to such person or corporation, authorizing such person or corporation to engage in said business at the place designated in said license. Said license shall be granted by the said board under such rules and regulations as the said board may from time to time adopt.

Section 5 amended.

3. Section five of the act of which this act is amendatory be and the same hereby is amended so that it shall read as follows:

Penalty.

5. Any person or persons who shall operate or conduct a creamery or establishment for receiving milk or cream for sale or distribution, or for manufacturing the same into butter, cheese, condensed milk, ice cream or other food for human beings, without holding a license as provided for in section two of this act, shall be liable to a penalty of two hundred dollars, said penalty to be recovered in the same way and manner as

similar penalties are recovered under the provision of the act to which this act is a further supplement.

Section 6 amended.

4. Section six of the act of which this act is amendatory be and the same hereby is amended so that it shall read as follows:

"Creamery" defined.

6. The word "creamery" as used in this act shall be construed to mean any establishment where milk or cream is received or stored for sale or distribution by wholesale, or for the manufacture of the same into butter, cheese, condensed milk, ice cream or other food for human beings.

5. This act shall take effect immediately.

Approved March 28, 1911.

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## CHAPTER 60.

89-C-60
S-15-163

89-C-60
Cf.-16-565
Cf.-16-574

An Act to supplement an act entitled "An act to prevent the introduction into and the spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of State Entomologist, to authorize inspection of nurseries and to provide for certificates of inspection," approved April fourteenth, one thousand nine hundred and three; to provide for the inspection of apiaries and for the suppression of contagious or infectious diseases among bees.

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

Unlawful to keep diseased bees.

1. It shall be unlawful for any person, firm or corporation to have or keep in his or their possession or in any apiary, any colony of bees infested by the diseases known as American foul brood or European foul brood or by any other disease which is contagious or infectious in its nature and injurious to honey bees in their egg, larval, pupal or adult stages, and any person, firm or corporation so having in his or their keeping

or in his or their possession any colony of bees so infested, after notice of the existence of such disease given as hereinafter provided, shall become and be subject to a penalty of twenty-five dollars, to be collected as hereinafter provided.

Penalty.

Inspection of apiary for queen-bees.

2. It shall be the duty of any person, firm or corporation in the State of New Jersey who is engaged in the rearing of queen-bees for sale, to have his or their apiary inspected at least twice during each summer, and it shall be unlawful to ship from such queen-rearing apiaries any package or parcel containing queen-bees without having attached to it a certificate from the State Entomologist, giving the date of the last inspection, and containing the statement that the apiary in which such queen-bees were reared was, at the time of such inspection, free from American or European foul brood, or other discoverable contagious or infectious disease. Any person violating the provisions of this section shall be liable to a penalty of fifty dollars, recoverable as hereinafter provided.

Certification.

Penalty.

Investigation of diseases.

3. It shall be the duty of the State Entomologist, designated as provided in the act to which this is a supplement, by himself or by a deputy appointed as provided in said act, to investigate, or cause to be investigated, all apiaries or other places where bees are kept or raised in New Jersey, and to study and investigate, or cause to be studied and investigated, outbreaks of bee disease and other conditions unfavorable to the development of bees within the State. It shall also be the duty of said entomologist to investigate all complaints of the existence of disease of any kind in apiaries or other places where bees are kept, and to inspect or cause to be inspected at least twice in each season, when requested by the owner, all apiaries where queen-bees are reared for sale. It shall further be the duty of said State Entomologist, whenever he finds any apiary where queen-bees are raised free from foul brood or other discoverable infectious or contagious disease, to furnish the owner of such apiary with a certificate stating that fact, and such certificate shall state the date beyond which it will not be effective.

Certificate of health.

Bee keepers notified of disease.

4. Whenever in the course of the inspections or investigations made or carried on as provided in this

act by the State Entomologist or under his direction, said State Entomologist shall become aware of the existence of American or European foul brood or other infectious or contagious disease in any apiary or colony of bees, it shall be his duty to notify forthwith the owner or owners or manager of such infested or diseased apiary or colony, of the character of the infection and of the means to be taken to treat the same for the eradication of such disease. Said notice and order for treatment shall be in writing, and the directions for treatment may be written or printed, and may consist of a bulletin or other publication of the New Jersey State College Experiment Station. Said notice and order for treatment shall also specify the time within which the prescribed treatment must be made, which shall not be less than eight days after service of the notice or order upon the owner, owners or manager of the apiary or colony. And in case of doubt, where the presence of disease is suspected but cannot be definitely determined because of the character of the hives used, said State Entomologist may, in his discretion, order any owner of bees in box hives without movable frames, to transfer such bees to movable-frame hives to facilitate inspection and supervision. It shall thereupon be the duty of the owner, owners or manager upon whom such a notice and order is served, to comply with it in all respects within the time limited in said notice and order, and in case of a failure so to comply, such owner, owners or manager shall be liable to a penalty of twenty-five dollars, recoverable as hereinafter specified.

Notice how given.

Treatment.

Observation of suspected cases.

Penalty.

5. It shall be unlawful for any owner or other person having diseased bees or their larvæ, or infested hives or combs, or other appliances or utensils for keeping bees, to expose, sell, barter or give away or allow the same to be moved, until after treatment as prescribed by the State Entomologist, and it shall be unlawful to expose, sell, barter or give away such infested bees, larvæ, hives or combs or other appliances after treatment, until such materials are declared safe and permission is given by the State Entomologist or his deputy. Any person offending against the requirements and provisions of this section shall be liable to a penalty of fifty dollars.

As to removal of diseased stock.

Penalty.

Order destroying infested bees.

6. In case the State Entomologist or his deputy shall find any apiary or colony of bees, in his opinion, so badly infested by American or European foul brood or other infectious or contagious disease that he shall deem it necessary to order the destruction of some or all of the hives, combs, bees, larvæ or other material as part of the treatment, and the owner, owners or manager of such infested apiary or colony shall dispute the diagnosis made by the State Entomologist or his deputy, or the necessity for the destruction of the hives, combs, bees, larvæ or other material, it shall be the privilege of such owner, owners or manager to appeal within three days after the service of the notice and order upon him or them, to the committee of appeal provided for in section twelve of the act to which this is a supplement, and the proceedings on such appeal shall be in all respects as provided in said section. Said committee of appeal shall have the same power to reverse, modify or confirm the order of the State Entomologist made under this act, that is conferred upon them in the act to which this is a supplement.

Appeal may be taken.

Enforcement of penalties.

7. Any person who offends against the provisions of this act and becomes liable to the penalties prescribed in any of its sections shall be prosecuted as prescribed in section fifteen of the act to which this is a supplement, as amended by chapter forty-seven of the laws of one thousand nine hundred and four, approved March twenty-second, one thousand nine hundred and four, and if the order of the State Entomologist commanded the destruction of any bees, larvæ, hives or combs, or other utensils or material used in keeping bees, the judgment of the court imposing the fine shall include also an order to the officer enforcing its judgment to seize and destroy the specified colonies of bees, larvæ, hives or combs or other utensils or material used in keeping bees, in accordance with said order, which the said officer shall thereupon be fully authorized to do.

Right of entry for examination purposes.

8. For the purpose of making the investigations and inspections specified in this act and to enforce the provisions of the same, the State Entomologist or his deputy shall have free entry upon or into any apiaries or premises where bees are kept, or infested hives or

combs are stored, and any interference with or obstruction made to the entomologist or his deputy while engaged in the performance of the duties herein imposed, shall subject the offender to punishment as a disorderly person under the general laws of the State, upon a charge made against him by the officer interfered with.

Appropriation.

9. The sum of two thousand dollars annually is hereby appropriated to the State Board of Agriculture for the purposes of this supplementary act; *provided,* that no payment shall be made pursuant to this supplementary act until the amount thereof shall have been included in the annual appropriation bill.

Proviso.

10. This act shall take effect immediately.

Approved March 28, 1911.

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## CHAPTER 61.

An Act to amend an act entitled "A further supplement to the act entitled 'An act to incorporate trustees of religious societies,'" approved April fourth, one thousand eight hundred and seventy-three.

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

Section 1 amended.

1. Section one of the act entitled "A further supplement to the act entitled 'An act to incorporate trustees of religious societies,'" approved April fourth, one thousand eight hundred and seventy-three, is hereby amended to read as follows:

Preamble.

1. WHEREAS, It is represented that it is in accordance with the customs and usages of the Baptist churches that such churches should possess the right to determine as to the acquisition, use and disposition of their property, and that the trustees of the same should be elected by the members of such churches, and that in other respects the foregoing provisions of this act are not in accordance with the usuages

Notice to incorporate. and customs of Baptist churches, into a Baptist church, shall desire and intend to form themselves into a body corporate, notice shall be given of such intention by an advertisement, signed by the clerk, or clerk pro tempore of such church, and set up in open view, at least ten days previous to the day named therein, at or near the place where the members of such church usually assemble for public

Meeting. worship, and designating the day and hour when and the place where they design to meet for such purpose; upon the day and hour so named in said notice, the members of said church shall assemble at such place so named, and by a majority of the

Name. votes of such members so present may adopt a corporate name, and may also, by a similar vote, elect

Trustees. any number of persons, not less than three, being members of such church or of the congregation meeting therewith for public worship, to be a board

Organization. of trustees of the said church; at such meeting the pastor or any member of said church called to the chair shall preside, and the clerk of such church shall be the secretary of said meeting, and shall record the proceedings of the same; in the absence of any regulation upon the subject previously adopted

Quorum. by such church, five of the members thereof shall constitute a quorum at such meeting, but a smaller number may adjourn the same from time to time, and where such regulation exists, the number of members necessary to constitute a quorum shall be determined by such regulation.

2. This act shall take effect immediately.

Approved March 28, 1911.

## CHAPTER 62.

A Supplement to an act entitled "An act respecting the Orphans' Court (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Reduction of bond of executor, etc.

1. Whenever upon the allowance by the Orphans' Court of the intermediate account of any executor, administrator, guardian or trustee it appears from said account, to the satisfaction of said court, that the bond given by such executor, administrator, guardian or trustee is in a larger sum than is necessary for the proper protection of the property and assets of said estate, the Orphans' Court shall have full power and authority to order that the said executor, administrator, guardian or trustee give a new bond in such sum as the court may determine is sufficient for the proper protection of the property and assets of such estate remaining in the hands of such executor, administrator, guardian or trustee.

Discharge of sureties.

Upon the filing of said bond with conditions and sureties approved by the Orphans' Court, the said court may order that the sureties upon the original bond be discharged from all liability thereunder from and after the date of such order. All such proceedings shall be commenced by petition verified by the oath of the petitioner and shall be upon such notice as the court may direct.

2. This act shall take effect immediately.

Approved March 28, 1911.

## CHAPTER 63.

A Supplement to an act entitled "An act respecting the Orphans' Court (Revision of 1898)," approved June fourteenth, one thousand nine hundred and eight.

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

Order to compel production of purported will.

1. Whenever application shall be made to the Orphans' Court of any county of this State, by any person in interest, alleging that he believes that any person or corporation has in his, her or its possession, or has knowledge of the existence or whereabouts of any paper writing purporting to be the last will and testament of any decedent, who during his lifetime was a resident of the county wherein such application may be made, and further alleging that the person in whose possession such paper writing is alleged to be, refuses or neglects to produce the same to the surrogate of such county for probate, the court may, by order, require such person to appear before it and make discovery as to his possession of or knowledge of the existence or whereabouts of any paper writing purporting to be the last will and testament of any decedent who during his lifetime was a resident of the county wherein such application may be made, by the examination of such person and other witnesses, and may order any such person having in his possession any paper writing purporting to be the last will and testament of a decedent a resident in such county during his lifetime, to lodge the same with the surrogate of the said county for probate, and may compel obedience to such order or decree by the same process and in the same manner as orders or decrees of the Court of Chancery are enforced.

2. This act shall take effect immediately.

Approved March 28, 1911.

## CHAPTER 64.

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

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

Sheriff to set out on summons place of service.

1. In all suits begun by summons in the Supreme Court or in the Circuit Courts of the counties of this State against any individual or individuals, or a partnership firm or any individual or individuals in addition to a partnership firm, it shall be the duty of the sheriff of the county serving such process to set out at length, as a part of the return or written evidence of service, the place at which such service was made. No appearance will be required of, nor can any judgment be taken against any individual or partnership firm, upon failure on the part of the sheriff to so indicate the place of such service, unless a judge of the court wherein said action is commenced shall otherwise direct.

Sheriff may amend return.

2. If any sheriff shall fail to set out in his return the place of service as herein required, he may thereafter file an amended or additional return, in order to comply with the requirements of this act.

3. This act shall take effect immediately.

Approved March 28, 1911.

## CHAPTER 65.

A Supplement to an act entitled "An act concerning building and loan associations," approved April eighth, one thousand nine hundred and three, being chapter two hundred and eighteen of the laws of one thousand nine hundred and three.

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

Payment to survivor of man and wife a discharge.

1. When shares shall have heretofore been issued or shall hereafter be issued by any building and loan association, in the name of husband and wife, and one of them shall die, the amount due thereon, with all earnings, profits or interest, may be paid by said association to the survivor, and the receipt or acquittance of the person so paid shall be a valid and sufficient release and discharge to the said association for any payment so made.

2. This act shall take effect immediately.

Approved March 28, 1911.

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## CHAPTER 66.

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

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

Salary of judges in counties along ocean.

1. Whenever the population of any county in this State bordering on the Atlantic Ocean, as ascertained by the last State or Federal census, is more than seventy thousand and not more than eighty-five thou-

sand, the judge or judges of the Court of Common Pleas of such county shall receive an annual salary of forty-five hundred dollars; such salary to be payable in monthly installments, and shall be in lieu of all fees and other compensation, which fees shall be paid into the county treasury.

How construed.

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

Repealer.

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

Approved March 28, 1911.

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## CHAPTER 67.

An Act to amend an act entitled "An act to provide for the permanent improvement of public roads in this State (Revision of 1905)."

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

Section 3 amended.

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

Proposals invited.

3. Within thirty days after approval of the plans, cross sections, and specifications by the Commissioner of Public Roads, it shall be the duty of the board of chosen freeholders to advertise for bids for said work in two or more of the public papers printed in said county, for three weeks successively, at least once in each week. This advertisement shall state the place where bidders may examine said plans, cross sections

and specifications, and the time and place where bids for said work will be received by the board of chosen freeholders, or committee of said board. Each bidder must accompany his bid with a certified check, payable to the director of the board of chosen freeholders, for one thousand dollars, as a guarantee that if said work is awarded to him he will enter into a contract with said board for the same. This contract must be executed, together with a bond of the successful bidder, in the penal sum of at least the estimated cost of said work, with two or more sureties, freeholders of the county, or a surety or trust company created by this State, or a surety or trust company of another State, authorized to transact business within this State, to be approved by the director of the board of chosen freeholders, conditioned for the faithful performance of said work in strict conformity with the plans, cross sections and specifications for the same, within thirty days from the awarding of the contract. The contract, before any work is done thereunder, must be exhibited to the State Commissioner of Public Roads for his approval, in writing, thereon, and said commissioner is hereby authorized, whenever, in his judgment, the best interests of the county require him so to do, to reject the same, in which case he shall write upon said contract the word "rejected" and append thereto his signature and official title of office, and said contract and the bond required to accompany the same shall, from the time of such rejection, be absolutely null and void, but such rejection shall in nowise operate to prevent said board from readvertising for bids and proceeding thenceforth under the provisions of this act; *provided,* such action is taken within four months after such rejection, otherwise said approval shall be null and void. The time and manner of payment for work done under any contract awarded under this act shall be set forth in said contract, and at least five per centum of the contract price shall not be paid to the contractor until after the expiration of one year from the completion of the work and acceptance thereof in writing by the Commissioner of Public Roads.

Bidder's guarantee.

Contract and sureties.

Contract approved by commissioner.

May reject contract.

Proviso.

As to payments.

Approved March 28, 1911.

# CHAPTER 68.

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

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

Salaries of judges in certain counties.

1. Whenever the population of any county in this State, as ascertained by any State or federal census, is more than twenty-five thousand and less than thirty thousand inhabitants, the annual salary of the judges of the Court of Common Pleas of said county shall be two thousand seven hundred dollars; such salary shall be paid in monthly installments by the county collector or treasurer of such county, and shall be in lieu of all fees and compensation whatsoever for the services of said judges in the Courts of Common Pleas, Orphans' Court, Court of Oyer and Terminer and Court of Quarter Sessions, and all other services required to be performed by said judges by virtue of their offices. Such salary shall be determined and paid upon the basis of population shown by the latest State or federal census promulgated without regard to the date of appointment of such judge; *provided,* such judge shall consent thereto in writing filed in the office of the county clerk.

How determined.

Proviso.

Act how construed.

2. This act shall not be interpreted or construed as repealing or affecting the provisions of chapter one

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

3. This act shall take effect immediately.

Approved March 28, 1911.

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## CHAPTER 69.

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

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

Use of unexpended balance of appropriation for revaluation of railroads.

1. The sum of twelve thousand, eight hundred ninety-nine dollars and three cents, being the unexpended balance of the moneys appropriated by Item eighty-seven, of Chapter two hundred sixty-seven of the Laws of one thousand nine hundred and ten, which said chapter is a supplement to the Annual Appropriation Act for the fiscal year ending October thirty-first, one thousand nine hundred and ten, is hereby appropriated, in addition to any moneys now available, for the purpose of carrying out the provisions of an act entitled "An act concerning an inventory and appraisal of railroad and canal property, including franchises, in the State of New Jersey," approved April twelfth, one thousand nine hundred and ten.

2. This act shall take effect immediately.

Approved March 28, 1911.

## CHAPTER 70.

An Amendment to an act entitled "A supplement to an act entitled 'An act relative to the compensation of prosecutors of the pleas in certain counties of this State,' approved March sixth, one thousand nine hundred, which said supplement was approved April sixteenth, one thousand nine hundred and nine."

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

Section 1 amended.

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

Salary of prosecutors in certain counties.

1. Whenever the population of any county bordering on the Atlantic ocean, in this State, as ascertained by any State or federal census, is more than eighteen thousand and not more than twenty thousand, the prosecutor of the pleas of such county shall receive an annual salary of fifteen hundred dollars; such salary shall be paid in monthly instalments in lieu of all fees, which fees shall be paid into the county treasury.

2. This act shall take effect immediately.

Approved March 29, 1911.

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## CHAPTER 71.

An Act to enable cities of the first class in this State to provide for a City Plan Commission and to provide funds for the same.

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

Commission appointed.

1. It shall be lawful for the mayor of any city of the first class of this State to appoint a commission, consisting of not more than nine citizens of such city,

to prepare a plan for the systematic and future development of said city, which said commission shall be known as the "City Plan Commission" and the members of which shall hold office for one year, and shall serve without pay. Such commission shall have the power and authority to employ experts and to pay for their services and for such other expenses as may be necessary, to an amount not exceeding the appropriation as hereinafter provided.

Powers.

Annual appropriation.

2. It shall be lawful for the board having charge of the finances of any city of the first class as aforesaid, to appropriate any amount not exceeding ten thousand dollars the first year and not exceeding ten thousand dollars any subsequent year that such commission may remain in existence, and to raise the money so authorized the first year by appropriating for that purpose any moneys in the treasury of such city not otherwise appropriated, or by issuing and selling temporary loan bonds or certificates of indebtedness, provided that such bonds or certificates shall be sold at public or private sale, after due advertisement, at not less than par, and bearing interest at not more than five per centum, and any subsequent year by providing in the annual tax budget for the sum appropriated.

Bond issue.

Rate.

3. This act shall take effect immediately.

Approved March 30, 1911.

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## CHAPTER 72.

104-C-72
S-16-298

104-C-72
A-17-55

An Act providing for the pensioning of police officers and policemen in certain municipalities of this State.

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

Retirement on pension.

1. In all municipalities of this State, other than cities of the first class, any member of the police force thereof who shall have honorably served on such force

for a period of twenty years and shall have attained the age of sixty (60) years may be retired upon half pay, or, upon his application, shall be retired upon half pay. Age and service.

2. Any member of the police force of any such municipality in this State who shall have attained the age of fifty-five (55) years and shall have honorably served on such force for a period of twenty-five years shall, upon his application, be retired upon half pay. Age and service.

105-2
A-15-563

3. Any member of such police force who shall have received permanent disability in the performance of his duty, shall, upon the certificate of the police surgeon or other physician designated for that purpose by the common council or other governing body and with the approval of such governing body, be retired upon a pension equal to one-half of his salary at the time of his retirement. Retirement by disability.

105-3
A-12-669

4. The widow or children of any member of such police force who shall have lost his life in the performance of his duty shall, so long as such widow remains unmarried or so long as such children or any of them remain under the age of sixteen years, receive a pension equal to one-half of the amount of the salary of such member of said police force at the time of his death; *provided, however,* that if such police officer leaves a widow and children, said pension shall be paid to the widow so long as she remains unmarried, and in case such member of said police force shall leave children and no widow, then such pension shall be paid to such of said children who have not attained the age of sixteen years in equal shares. Provision for widow and children. Proviso.

5. A fund shall be created in the following manner for the purpose of paying such pensions, to wit: There shall be deducted from every payment of salary to each member of the police force in such municipality one per centum of the amount thereof. There shall also be added to such fund the following moneys: All fines imposed upon any member of the police force; all moneys given or donated for the purpose of such fund; one-half of all rewards paid to the said police force or any member thereof for the apprehension of criminals or for other purposes. In case at any time there shall not be sufficient money in such pension fund Pension fund; how maintained. Deficiency met by city.

created as provided in this act to pay such pensions, the common council or other governing body shall include in any tax levy a sum sufficient to meet the requirements of said fund, and such sum shall be raised by tax levy no longer than is necessary to meet the requirements of such pension fund. Whenever such pension fund shall exceed an amount which the common council or other governing body shall by resolution from time to time determine to be adequate for such pension fund, no moneys, except the one per centum of salaries, and the fines, donations and rewards specified in this act, shall be paid into such fund unless and until the amount of such fund shall fall below the amount thus determined to be adequate.

If fund excessive.

Police pension commission.

106-6
A-12-669

6. There shall be appointed by the mayor or chief executive officer, with the advice and consent of the common council or other governing body having charge of the police department of such municipality, a police pension commission consisting of four members, one of whom shall be a superior officer of such police force and one a patrolman, and two citizens who are not members of such police force. The members of such police pension commission shall serve for a term of four years or until their successors are appointed and duly qualified and shall not receive any compensation for their services. Each person so appointed to such police pension commission shall take an oath of office before the mayor or other chief executive officer of such municipality to the effect that he will faithfully discharge the duties of the office.

Terms.

Oath.

Duties of commission.

7. The said police pension commission shall have the management and control of said fund and is hereby empowered to make all necessary rules and regulations not inconsistent with this act. All moneys belonging to said police pension fund shall be paid over to the treasurer of such municipality, who shall give bond in such amount from time to time as the common council or other governing body of such municipality shall determine. All moneys not needed for the immediate payment of such pensions shall be invested by such police pension commission in interest-bearing bonds of such municipality or in other interest-bearing securities in which savings banks of this State are

authorized to invest their funds. No moneys shall be paid out of said fund by such treasurer except upon the warrant of such police pension commission, such warrant to be signed by such member or members of such police pension commission as shall be designated by such commission.

Act adopted by ordinance.

8. The board of aldermen, common council, or like governing body of any such municipality of this State may adopt the provisions of this act by an ordinance duly adopted by the board of aldermen, common council, or other like governing body of any such municipality.

107-8
A-12-670

107-8
A-1914-219

Approved March 30, 1911.

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## CHAPTER 73.

An Act to amend an act entitled "An act to amend an act entitled 'A supplement to an act to amend an act entitled "An act to incorporate the chosen freeholders in the respective counties of this State,"'" approved April second, one thousand nine hundred and two, approved February twenty-sixth, one thousand nine hundred and three.

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

Law books at court houses.

1. It shall be lawful for the board of chosen freeholders of any county to provide for the use of the county, at the court-house, full and complete sets or parts of sets of the reports of this and other States and countries, and the statutes of this State, and such text-books as may be designated by the judge of the Circuit Court or the presiding judge of the Court of Common Pleas; the amount to be expended in counties of the first class not to exceed one thousand dollars, and to be expended in all other counties not to exceed five hundred dollars in any one year.

Expenditure.

2. This act shall take effect immediately.

Approved March 30, 1911.

## CHAPTER 74.

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

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

Section 40 amended.

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

Dividends.

40. The managers of every saving bank shall regulate the rate of interest or dividends, not to exceed five per centum per annum, upon the deposits therewith, in such manner that the depositors shall receive, as nearly as may be, all the profits of such bank, after deducting necessary expenses and reserving such amount as the managers may deem expedient as a surplus fund for the security of depositors, which, to the amount of fifteen per centum of their deposits, the managers of any such bank are hereby authorized gradually to accumulate and to hold, to meet any contingency or loss in its business, from the depreciation of its securities or otherwise; *provided,* the managers of any savings bank may classify their depositors according to the character, amount and duration of their dealings with the bank, and regulate the interest or dividends allowed in such manner that each depositor shall receive the same ratable proportion of interest or dividends as all others of his class, and may declare and pay upon so much of the deposit of each depositor as does not exceed one thousand dollars a dividend at a greater rate per annum than that which they shall declare and pay upon so much of the deposit of any such depositor as does exceed one thousand dollars; the managers of any savings bank shall not declare or allow interest on any deposits for a longer period than the same has been deposited, except that deposits, made not later than the third business day of any monthly interest period, or the tenth business day of the month commencing any quarterly interest period,

Surplus fund.

Proviso.

When deposit draws interest.

may have interest declared upon them for the whole of the period or month when so deposited; no dividends or interest shall be declared, credited or paid, except by the authority of a vote of the board of managers duly entered upon their minutes; the managers of any savings bank whose surplus amounts to fifteen per centum of its deposits shall, at least once in three years, divide equitably the accumulation beyond such authorized surplus, as an extra dividend to depositors, in excess of the regular dividends hereinbefore authorized.

Declaration of dividends.

Extra dividend.

2. This act shall take effect immediately.

Approved March 30, 1911.

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## CHAPTER 75.

An Act to amend an act entitled "An act to amend an act entitled 'An act to establish the office of register of deeds and mortgages in certain counties of this State,' approved March seventh, one thousand nine hundred and four," which act was approved April twentieth, one thousand nine hundred and six.

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

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

Section 1 amended.

1. In every county of this State having a population of over one hundred and forty thousand there shall be a register of deeds and mortgages in and for such county, 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 date on the Tuesday next after the annual election at which he may be elected.

Register of deeds in certain counties.

Term.

Repealer.

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

Approved March 30, 1911.

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## CHAPTER 76.

An Act to abolish the office of register of deeds and mortgages in certain counties of this State.

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

Office abolished in certain counties.

1. The office of register of deeds and mortgages in any county of this State having a population, by the last census, of less than one hundred and forty thousand, is hereby abolished, and the term of any register of deeds and mortgages heretofore elected and holding office in any such county, having a population, by the last census, of less than one hundred and forty thousand, is hereby terminated and ended, and all the powers, rights, privileges and duties heretofore imposed by law upon any such register of deeds and mortgages, shall be assumed and performed by the clerk of the Court of Common Pleas of such county, in the same manner and to the same extent as if the office of register of deeds and mortgages in such county had never existed.

Duties, etc. transferred.

Repealer.

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

Approved March 30, 1911.

## CHAPTER 77.

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

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

Not apply to armories in East Orange and Elizabeth.

1. Nothing in section three of the above entitled act shall be construed to apply to the moneys appropriated in items one hundred and thirteen and one hundred and fourteen of the above entitled act.

2. This act shall take effect immediately.

Approved March 30, 1911.

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## CHAPTER 78.

A Supplement to an act entitled "An act concerning police in municipalities," approved May fourteenth, one thousand nine hundred and seven.

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

Application.

1. The first section of the act to which this act is a supplement shall not apply to cities of the fourth class containing less than twelve thousand inhabitants.

2. This act shall take effect immediately.

Approved March 30, 1911.

## CHAPTER 79.

An Act to amend an act entitled "An act to authorize cities of this State to make annual appropriations to incorporated dental associations of this State conducting and maintaining dental clinics in such cities for the free treatment of indigent persons," approved April ninth, one thousand nine hundred and ten.

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

Section 1 amended.

1. Section one of an act of the Legislature of this State, entitled "An act to authorize cities of this State to make annual appropriations to incorporated dental associations of this State conducting and maintaining dental clinics in such cities for the free treatment of indigent persons," approved April ninth, one thousand nine hundred and ten, be amended so that the said section shall read as follows:

Free dental clinics in cities.

1. Whenever any dental association regularly incorporated under the laws of this State shall maintain and conduct in any city of this State a dental clinic or clinics where indigent persons residents of such city may receive treatment and relief without charge or fee therefor, it shall be lawful for the board or body having control of the finances of such city to appropriate and pay to such association, each year, such sum or sums, not exceeding in all the sum of five thousand dollars, as it shall deem advisable, to be used and applied by such association only for the support, maintenance and equipment in such city of a dental clinic or clinics, for the free treatment of indigent persons, residents of such city, and for no other purpose whatsoever.

Expenditure.

2. This act shall take effect immediately.

Approved March 30, 1911.

113-Ch.-80
R-12-38

## CHAPTER 80.

An Act further relative to fishing in the Rancocas creek, in the county of Burlington.

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

Regulating net fishing in Rancocas creek.

1. It shall be unlawful for any person or persons to catch and take, or attempt to catch and take, fish of any kind or description from the Rancocas creek, or any of its branches or tributaries, in the county of Burlington, with a stake net, parallel net, or a net of any character or description, excepting an eel pot or a fyke net, which is anchored or staked or fastened down in any manner, permanently or otherwise.

Penalty.

2. Any person or persons who shall offend against the provisions of this act shall forfeit and pay the sum of fifty dollars for each and every offense.

Repealer.

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

Approved March 30, 1911.

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## CHAPTER 81.

An Act concerning boards of health of the cities of second class in this State, and empowering them to send delegates to medical conventions.

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

Representative at health convention.

1. Boards of health in all cities of the second class of this State may have the power to appoint and send its health officer to any medical convention meeting for the purpose of discussing the improvement of the health and sanitary condition of municipalities, and

to pay the expenses of said health officer while attending said convention.

2. This act shall take effect immediately.

Approved March 30, 1911.

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## CHAPTER 82.

An Act to amend an act entitled "An act constituting a commission for ameliorating the condition of the blind, and defining its powers and duties," approved April sixteenth, one thousand nine hundred and nine.

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

Section 1 amended.

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

Commission.

1. The Governor of this State shall appoint five citizens thereof to constitute a commission for the purpose of ameliorating the condition of the blind, at least one of whom shall be a blind person.

Term.

Each of the members of said commission shall hold office for a term of three years and until their successors are appointed and qualified.

Vacancy.

Any vacancy occurring in said commission shall be filled by the Governor for the unexpired term only.

No pay, but expenses.

The members of said commission shall receive no salary, but shall receive their actual and necessary expenses incurred in carrying out the provisions of this act.

Approved March 30, 1911.

## CHAPTER 83.

An Act to annex to the village of South Orange, in the county of Essex, a portion of the township of South Orange, in the county of Essex.

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

1. All that portion of the township of South Orange, in the county of Essex, lying within the following boundaries, to wit:

Portion of South Orange township annexed to village of South Orange.

Boundaries defined.

Beginning at the intersection of the southerly line of the village of South Orange with the easterly line of the township of South Orange, which point is also intersected by the westerly line of the city of Newark, thence (1) running along the boundary line between the village of South Orange and the township of South Orange, in a westerly direction, for a distance of eighteen hundred and fifty-five (1855) feet, more or less, to a point where the said boundary line is intersected by the southerly line of the property known as "Tuxedo Park" (formerly known as the "Kilburn Farm"); thence (2) running in an easterly direction, along the said southerly line of said Tuxedo Park property, for a distance of twelve hundred and seventy (1270) feet, more or less, to a point where said boundary line is intersected by the boundary line between the said township of South Orange and the said city of Newark; thence (3) running in a northeasterly direction, along said boundary line between said township of South Orange and said city of Newark, for a distance of sixteen hundred and five (1605) feet, more or less, to the point or place of beginning;

Is hereby set off from said township of South Orange, in the county of Essex, and annexed to and made a part of the village of South Orange, in the county of Essex.

2. This act shall take effect immediately.

Approved March 30, 1911.

## CHAPTER 84.

An Act concerning the pay or salary of certain employes of paid fire departments in cities of the first class in this State.

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

Salaries of employes of fire department.

1. It shall be lawful for the board or body having charge and control of the fire department in any first class city of this State, wherein the annual pay or salary of all officers and employes of said fire department are now regulated by law, to fix and determine the annual pay or salaries of certain employes, as follows:

To the secondary firemen or stablemen, who now or hereafter act in the capacity of training hospital and veterinarian attendants, the same annual pay or salary that is now being paid to engineers, stokers, drivers, tillermen, hosemen, truckmen, and telegraph linemen, based on the same length of service.

2. This act shall take effect immediately.

Approved March 30, 1911.

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## CHAPTER 85.

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

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

Causing indecencies in publications a misdemeanor.

1. Any person who shall maliciously set or cause to be set in type to be used in the printing of a newspaper, magazine or other current publication, or change

or cause to be changed any piece or pieces of type in any form or forms from which a newspaper, magazine or other current publication is to be printed, for the purpose of causing to appear in print in any such publication any indecent or lascivious word or words, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved March 30, 1911.

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## CHAPTER 86.

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

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

Section 17 amended.

1. Section seventeen of the act to which this is a further amendment is hereby amended so as to read as follows:

Desertion of family a disorderly act.

17. Any husband or father who deserts or willfully refuses or neglects to provide for and maintain his wife or other family, and any mother who deserts or willfully refuses or neglects to provide for and maintain her child or children, or other family, shall be deemed and adjudged a disorderly person, and whenever any overseer of the poor of the township or city within which any such husband or father or mother resides, or the overseer of the poor of the place of legal settlement of such husband or father, or mother, or the overseer of the poor of the township or city where the wife or other family reside at the time of desertion, believes that such person does desert or willfully refuse or neglect to provide for and maintain his or her said family, and that by reason thereof such family may become chargeable to such township or city, it shall be his duty to make complaint thereof, under

Complaint by overseer of poor.

New Jersey State Library

oath, before any magistrate of the county where said disorderly person resides or the place of his or her legal settlement, or the place where his wife or other family resides.

Approved March 30, 1911.

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## CHAPTER 87.

An Act to amend an act entitled "An act concerning cities, providing for the officers, government and powers of cities adopting the same," approved April fourteenth, one thousand nine hundred and eight.

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

Section 5 amended.

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

City officers enumerated.

5. The city officers of the city shall be:

A mayor,

A city council consisting of two members from each ward,

A city clerk,

A city counsel,

A city auditor,

A collector of taxes,

A city treasurer,

A board of assessors, consisting of five members,

A board of health, consisting of five members,

A board of assessments, consisting of three members,

A board of sinking fund commissioners, consisting of five members,

A recorder,

An overseer of the poor,

A city physician,

A chief of police,

A chief of the fire department,

A board of excise commissioners, consisting of three members,

A city engineer,

An engineer of the water department,

The members of the board of water commissioners, if and when appointed.

The members of the board of fire commissioners, if and when appointed.

The members of the board of police commissioners, if and when appointed.

And such other officers as may be provided for by law, or be provided for by ordinance and thereby declared to be such officers.

Must be citizens.

No person shall be eligible to any city office unless he be a citizen of the United States.

Residents.

No person shall be eligible to any elective city office unless he be an actual resident of the city.

Officials to reside in city.

All city officers, during their term of office, shall be actual residents of the city and if any such officer remove from the city his office shall thereby become vacant.

Section 40 amended.

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

Ordinances for proposed improvements certified to board of assessment.

40. Whenever the city council determines as herein provided, to construct any sewer or drain, or to lay out or open a public street, road, highway, alley, park or other public place, or to cause any public street, road, highway or alley to be vacated, straightened, widened, extended or otherwise changed as to its boundaries or location, the city council shall, upon the adoption of an ordinance for such purpose, cause a certified copy thereof to be delivered to the board of assessments.

Map made.

Upon receipt thereof, it shall be the duty of the board of assessments to procure a map to be made, by the city engineer, or under his direction, showing the land to be taken therefor, if any, and the property which in the judgment of the said board will be specially benefited by such improvement, designating each lot and parcel on said map by letter or number. Said board shall also ascertain, so far as practicable, the names of the owners of said land to be taken and of all persons having any interest therein or liens thereon,

Owners' names.

Appraise and assess damages.

and when such names or estates or interests are not known they shall so report. They shall also appraise the value of the interest of each owner of said land and of all others interested therein, and assess the damage of such persons by reason of the taking of the same; and where the estate or interest in any of the land to be taken is unknown, they shall appraise the value of or the damage done to the fee simple. Said board shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; said board shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, required to be taken on account of said improvement, and shall so determine the probable net cost of making such improvement, this probable net cost they shall then assess upon the lands to be specially benefited, to the extent of such benefits received, in proportion to the benefit to be received.

Assessment for benefits.

Report.

Thereupon they shall make a report, signed by them, or any two of them, of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and their map with the city clerk. Thereupon the city clerk shall cause a notice of the filing of said map and report to be printed in two successive weekly issues of the official newspapers, which notice shall contain a general description of the proposed improvement, and shall state the time and place when and where the city council will meet to consider any objections to said report or to the improvement. The city clerk shall also, within said period, mail a copy of such notice to all persons whose names and addresses appear upon the tax books of the city as owning land affected by such improvement, but the failure of the city clerk to mail such notice shall not invalidate any of the proceedings; and all objections made at such time and place the city council shall then consider; *provided,* that if written objection to such improvement shall be made by the owners of three-fourths or more of the land in lineal feet frontage thereon, assessed for such improvement, no further proceedings shall be taken under such resolution or ordinance.

Notice of hearing objections to map and report.

Proviso.

At such time the city council may correct the awards, and shall confirm said awards, with the corrections, if any, and shall pass a resolution or ordinance ordering said improvement to be made and completed in such manner as the city council may direct; and the city council shall direct that the said report, with the corrections, if any, shall be filed with the city clerk, and the said city council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for the lands taken, and upon the passage of such resolution the fee simple of said lands shall be vested in the city; *provided,* that where the said board shall have reported the names or estates of the owners of any plot as unknown, the said resolution shall direct the amount of the award on account of such plot to be paid to the persons entitled thereto when and as their interest may appear, and any such owner or person interested in said plot of land may, by bill in chancery, according to the practice of that court, have the said amount awarded distributed in whole or in part and paid over to him, as law and justice require.

Hearing and action.

Resolution directing awards.

Proviso.

After the completion of any such improvement the board of assessments shall ascertain and determine the actual cost and expense thereof, and such cost and expense they shall assess upon the lands specially benefited by the improvement, so far as the same are so benefited, in proportion to the benefits received. The said board shall make a report of such assessments and shall file the same with the city clerk, which report shall be accompanied by a map showing what lots or parcels of land are specially benefited by the improvement, the amount assessed as such benefits upon each lot or parcel of land and the names of the owners of the several lots or parcels of land assessed, so far as the board can ascertain the same, and no assessment shall be defective by reason of any mistake or omission in the names of the owners of any land assessed. Upon the filing of such report and map the city clerk shall notify the city council, and thereupon the city council shall fix a day and time, not less than fifteen and not more than thirty days distant, when it will meet to consider such report and map, and the

Assessment upon completion of improvements.

Notice of hearing.

city council shall cause a notice to be published in the official newspapers at least two weeks prior to the date of such meeting, stating that the final report and map of the board of assessments with respect to the improvement (designating it in general terms) has been received, and that the city council will meet on the certain day and time, fixed as aforesaid, to consider the same and hear objections thereto. After considering such report and map, and after hearing such objections thereto as may be presented, the city council at any time thereafter may confirm said report and map as presented, or with corrections made by it or said board, to whom the same may be referred by the city council for revision or correction.

Confirmed report certified to collector of taxes.

After such confirmation the said report and map, together with a copy of the resolution confirming the same, certified to be correct by the city clerk, shall be delivered to the collector of taxes; and the assessments so levied upon the lands specifically benefited shall thereupon be due and payable and shall become liens upon the lands assessed as hereinafter provided.

Right of appeal to circuit court.

Any person aggrieved by any such award or damages or assessment may, within thirty days from the date of the confirmation of the same, appeal therefrom to the Circuit Court of the county, in which such city is located; any person desiring to make any such appeal shall present a petition of appeal, which shall contain a concise statement of the award or assessment appealed from and of the reasons relied upon by the appellant for the setting aside or modification thereof.

Hearing on appeal.

Upon the presentation of any such petition of appeal the said Circuit Court shall proceed to hear and determine the said appeal in a summary manner, and shall have power to affirm, increase or otherwise modify any award of damages, to set aside, reduce or otherwise modify any assessment, or to affirm the same.

Action by court.

Such notice of the presentation and filing of any such petition of appeal and of the hearing thereon shall be given as the said Circuit Court shall direct; at the hearing of such appeal the parties and their witnesses shall be heard, or the court may direct that the testimony to be used at the hearing shall be taken before a master in chancery or Supreme Court com-

missioner, and fix the terms and directions with respect to the taking of such testimony.

Judgment.

The judgment of said court upon any such appeal shall be entered on the minutes of the court and a certified copy thereof shall be served upon the city clerk of the city; and thereupon the award of damages, or assessment appealed from, shall be set aside, changed, modified or affirmed as in such judgment directed.

If award increased city to pay.

In the event that any award of damages is increased by the judgment of said court on appeal, it shall be the duty of the governing body of the city to pay such increase on demand to the person to whom such increase is awarded thereby.

Effect of appeal.

No award of damages or assessment shall be in anywise affected by an appeal therefrom except as to the award made in favor of, or assessment against, the person taking an appeal as herein provided.

Assessments payable in installments.

Such assessment shall be payable in ten equal instalments; the first instalment shall be due and payable at or before the expiration of thirty days after the confirmation of the assessment, and the others in one, two, three, four, five, six, seven, eight and nine years after the date of such confirmation, respectively; to the second and each subsequent instalment shall be added interest at the rate of five per centum per annum on the unpaid balance of the assessment computed from the date of the confirmation of the assessment to the date when such instalment is made payable as above provided; in case any instalment of such assessment be not paid when the same is due and payable, then interest upon such instalment shall thereafter be computed, paid and collected at the rate of seven per centum per annum. Each instalment of such assessment, with the interest, shall be a first lien upon the land assessed from and after the date when such instalment of the assessment is due and payable, as herein provided, and shall remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof, and shall be enforced and collected, by the sale of the land, in the same manner as is provided by law for the enforcement and collection of taxes by the sale of the land

Interest added.

Assessments a lien.

against which the same are levied or assessed; *provided, however,* that the owner of any property assessed may, at his option, pay the whole of the assessment, without interest, within thirty days from the date of its confirmation, or thereafter may pay the whole of the assessment or the entire balance thereof then remaining unpaid, with interest to the day of payment, in satisfaction of such assessment.

Proviso.

Section 41 amended.

3. Section forty-one of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Improvement of streets, etc.

41. Whenever the city council determine to cause the whole or any part of any street, road, highway, alley or other public place to be graded or regraded, paved or repaved, curbed or recurbed, guttered or reguttered, flagged or reflagged, drained or underdrained, or the roadway or sidewalk thereof to be otherwise improved, the city council shall, after the completion thereof, cause a certified copy of the ordinance adopted providing for such improvement to be delivered to the board of assessments.

Cost ascertained.

The board of assessments, upon the receipt of such ordinance, shall ascertain and determine the actual cost and expense of such improvement, and such cost and

Assess for benefits.

expense they shall assess upon the lands specially benefited by the improvement, so far as the same are so benefited, in proportion to the benefit received. The said board shall make a report of such assessments and

Report and map.

shall file the same with the city clerk, which report shall be accompanied by a map made by the city engineer, or under his direction, showing what lots or parcels of land are so benefited by the improvement, the amount assessed as such benefits upon each lot or parcel of land and the names of the owners of the several lots or parcels of land assessed, so far as the board can ascertain the same, and no assessment shall be defective by reason of any mistake or omission in the names of the owners of any land assessed. Upon

Notice of hearing objections.

the filing of such report and map the city clerk shall notify the city council, and thereupon the city council shall fix a day and time, not less than fifteen and not more than thirty days distant, when it will meet to consider such report and map; and the city council

shall cause a notice to be published in the official newspapers at least two weeks prior to the date of such meeting, stating that the report and map of the board of assessment with respect to the improvement (designating it in general terms) has been received, and that the city council will meet on the certain day and time, fixed as aforesaid, to consider the same and hear objections thereto. After considering such report and map, and after hearing such objections thereto as may be presented, the city council, at any time thereafter, may confirm said report and map as presented, or with corrections made by it or said board, to whom the same may be referred by the city council for revision or correction.

Action by council.

After such confirmation the said report and map, together with a copy of the resolution confirming the same, certified to be correct by the city clerk, shall be delivered to the collector of taxes; and the assessments so levied upon the lands specially benefited shall thereupon be due and payable and shall become liens upon the lands assessed as hereinafter provided.

Assessment delivered to collector of taxes.

Any person aggrieved by any such assessment may, within thirty days from the date of the confirmation of the same, appeal therefrom to the Circuit Court of the county in which such city is located; any person desiring to make any such appeal shall present a petition of appeal, which shall contain a concise statement of the assessment appealed from and of the reasons relied upon by the appellant for the setting aside or modification thereof.

Right of appeal to circuit court.

Upon the presentation of any such petition of appeal the said Circuit Court shall proceed to hear and determine the said appeal in a summary manner and shall have power to increase, set aside, reduce or otherwise modify any assessment or to affirm the same.

Summary action by court.

Such notice of the presentation and filing of any such petition of appeal and of the hearing thereon shall be given as the said Circuit Court shall direct; at the hearing of such appeal the parties and their witnesses shall be heard, or the court may direct that the testimony to be used at the hearing shall be taken before a master in Chancery or Supreme Court commissioner,

May order testimony taken.

and fix the terms and directions with respect to the taking of such testimony.

Judgment certified.

The judgment of said court upon any such appeal shall be entered on the minutes of the court and a certified copy thereof shall be served upon the city clerk of the city; and thereupon the assessment appealed from shall be set aside, reduced, modified or affirmed as in such judgment directed.

Effect of appeal.

No assessment shall be in anywise affected by an appeal therefrom except as to the assessment against the person taking an appeal as herein provided.

Assessments payable in installments.

Such assessment shall be payable in ten equal instalments; the first instalment shall be due and payable at or before the expiration of thirty days after the confirmation of the assessment, and the others in one, two, three, four, five, six, seven, eight and nine years after the date of such confirmation, respectively; to the second and each subsequent instalment shall be added interest at the rate of five per centum per annum on the unpaid balance of the assessment computed from the date of the confirmation of the assessment to the date when such instalment is made payable as above provided; in case any instalment of such assessment be not paid when the same is due and payable, then interest upon each instalment shall thereafter be computed, paid and collected at the rate of seven per centum per annum. Each instalment of such assessment, with the interest, shall be a first lien upon the land assessed from and after the date when such instalment of the assessment is due and payable, as herein provided, and shall remain a first lien thereon, until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof and shall be enforced and collected, by sale of the land, in the same manner as is provided by law for the enforcement and collection of taxes by the sale of the land against which the same are levied or assessed; *provided, however,* that the owner of any property assessed may, at his option, pay the whole of the assessment, without interest, within thirty days from the date of its confirmation, or thereafter may pay the whole of the assessment of the entire balance thereof then remaining unpaid, with the interest to the day of payment, in satisfaction of such assessment.

Interest added.

Assessment a lien.

Proviso.

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

Approved March 30, 1911.

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## CHAPTER 88.

An Act to regulate the payment of salaries of county employes in counties of the first class.

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

1. All county employes in counties of the first class of this State shall be paid semi-monthly. Semi-monthly payments.

2. This act shall take effect immediately.

Approved March 30, 1911.

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## CHAPTER 89.

An Amendment to "A further supplement to an act entitled 'An act for the government and regulation of the State Prison,' and approved March twenty-second, one thousand eight hundred and eighty-eight."

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

1. Section one of a further supplement to an act entitled "An act for the government and regulation of the State Prison," and approved March twenty-second, one thousand eight hundred and eighty-eight, be amended to read as follows: Section amended.

1. The Board of Inspectors of the State Prison, when in their judgment it shall be necessary, shall be authorized to employ for such time and at a compensa- Moral instructors; compensation.

tion of not more than twelve hundred dollars a year, clergymen of good repute and standing to act as moral instructors to the convicts in the said prison; the total compensation of such instructors, however, shall not exceed three thousand dollars a year.

2. This act shall take effect immediately.

Approved March 31, 1911.

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## CHAPTER 90.

A Supplement to an act entitled "An act authorizing the banking and improving certain meadows and swamps in the county of Cape May," passed January eighteenth, one thousand eight hundred and fifteen.

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

As to banks along swamps, etc., their maintenance.

1. The managers elected by the owners and possessors of the marsh, meadows and swamp, lying in the Upper township of the county of Cape May, on Cedar Swamp creek, as described in section one of the act to which this is a supplement, shall, in addition to the powers and duties prescribed in said act, have full power, right and authority at any time to remodel, alter, rebuild, repair, raise, lower, modify, discard, abandon, raze, or replace any part or parts of the bank, sluices, ditches or other works pertaining to said marsh, meadows or swamps, as the said managers shall from time to time find necessary or advisable to meet the changed conditions and needs thereof, and as the public or private interests shall require; *provided,* that before any action or resolution of said managers by them taken under the provisions of this act shall become operative or binding on the owners and possessors of said marsh, meadows and swamps, the said action or resolution shall first be approved by the votes of a majority of the said owners and possessors who shall be present and vote thereon at a meeting regularly

Proviso.

called, pursuant to the notice and in the manner provided for in section one of the act to which this is a supplement.

2. This act shall take effect immediately.

Approved March 31, 1911.

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## CHAPTER 91.

An Act relative to dower assigned and in possession of the doweress.

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

Relinquishment of land held by doweress who is incapacitated to act.

1. Whenever it shall appear to the satisfaction of the Chancellor that any person having an estate in dower assigned, whether in possession or not, of any lands and premises is incapacitated by mental infirmity or disease from executing a valid release or relinquishment of the same, and that the interests of the owners of said land and premises, as well the remaindermen as those in possession, require and would be promoted by the sale of the same, it shall be lawful for the chancellor to direct such release or relinquishment to be made by any master of the Court of Chancery, whose deed or deeds executed in behalf of such person shall release and bar all the rights and interests to which such person may be entitled in the lands and premises therein mentioned by reason of the dower therein assigned.

Inquire into merits of petition.

2. Upon a petition filed for the purpose aforesaid, the Chancellor may in a summary manner proceed to inquire into the merits of the application by reference to a master or otherwise, and in case a release is ordered by him in conformity with the prayer of said petition, a bond shall be given to the Chancellor or to the guardian of such person, in such penalty and with such surety as he may direct, to secure to the guardian of such person so entitled to dower the enjoyment during her life of a fund equal to one-third of the

Bond given.

whole proceeds of sale of the land and premises, which bond, if forfeited, may be prosecuted in any court having cognizance of the same, or in lieu of said bond, if it shall appear satisfactory to the Chancellor, the said sum of one-third of the whole proceeds of sale shall be invested under the direction of the Chancellor and the interest thereon shall go to the widow during her life, or a gross sum may be fixed in lieu thereof, and the Court of Chancery shall have full power to make all orders and decrees relative to the final disposition of the bond or fund aforesaid and as may be necessary to give complete relief to the parties, their heirs, devisees and assigns.

Investments.

3. This act shall take effect immediately.

Approved March 31, 1911.

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## CHAPTER 92.

An Act to repeal an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act concerning townships (Revision of 1899),'" approved March twenty-fourth, one thousand eight hundred and ninety-nine,'" approved April ninth, one thousand nine hundred and two, which amendment was approved April twenty-first, one thousand nine hundred and six, and the further act amendatory thereof, approved April thirteenth, one thousand nine hundred and nine.

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

Acts repealed.

1. The act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act concerning townships (Revision of 1899)," approved March twenty-fourth, one thousand eight hundred and ninety-nine,'" approved April ninth, one thousand nine hundred and two, which amendment was ap-

proved April twenty-first, one thousand nine hundred and six, and the further act amendatory thereof, approved April thirteenth, one thousand nine hundred and nine, are hereby repealed.

2. This act shall take effect immediately.

Approved March 31, 1911.

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## CHAPTER 93.

An Act to authorize the board of chosen freeholders of any county of this State to construct roads connecting other roads in such county, to acquire lands therefor, and to issue bonds for the payment of the cost of such construction and acquisition.

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

Connecting road built at county expense.

1. Whenever the board of chosen freeholders of any county of this State shall deem it proper and necessary for public travel that a road should be constructed connecting other roads in such county, and that the same should be constructed at the expense of the county at large, and shall so declare by resolution, then it shall and may be lawful for such board of chosen freeholders to construct the same at the expense of such county.

Surveys, plans, proposals.

2. If such board should conclude to construct such road, it shall cause surveys to be made, and fix the location thereof, and cause drawings, plans and specifications to be made therefor, and shall advertise in one or more newspapers in such county, and in such other manner as such board may direct, for at least two weeks, the time and place of the reception of bids and the terms of bidding, which said bids shall be enclosed in sealed envelopes and presented in open meeting at the time and place appointed, and the several bids publicly announced, and the contract shall be awarded to the lowest responsible bidder who shall furnish security satisfactory to such board.

Contract.

Acquire lands.

3. If it shall become necessary to acquire lands for the construction of any such road, such board of chosen freeholders is authorized to acquire such lands by gift, grant, purchase or in the manner set out and under the act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use," approved March twentieth, one thousand nine hundred, and the supplements thereto and amendments thereof, and the title to the land shall be taken in the name of such board.

Expense limited.

4. The total expense of any single road constructed under this act shall not exceed the sum of one hundred and fifty thousand dollars.

May issue bonds.

5. If in the opinion of the board of chosen freeholders of such county to place the entire cost of constructing such road and the acquisition of the lands therefor in the tax levy for any one fiscal year would be too burdensome to the taxpayers of such county, it shall and may be lawful for such board to issue the bonds of the county to defray the expense thereof, which said bonds shall be of the denomination of one thousand dollars each, and be registered or coupon, as such board may determine, and shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and shall run for a period not exceeding thirty years, and shall be signed by the director and clerk of such board, and countersigned by the county collector, and shall be sold at public sale, on bids duly advertised for, to the highest bidder, for not less than par; and such county shall annually thereafter place in the tax levy a sum sufficient to pay the interest on such bonds as it matures, and shall likewise create a sinking fund for the payment of said bonds at maturity, and place in the tax levy annually thereafter a sum sufficient with the accumulations thereof to pay off and discharge said bonds at maturity.

Rate.

Time.

Sinking fund.

6. This act shall take effect immediately.

Approved March 31, 1911.

# CHAPTER 94.

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

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

Misdemeanor to influence improperly a labor representative.

1. Any person who gives or offers to give any money or other thing or things of value to any duly appointed representative of a labor organization, with intent to influence him in respect to any of his acts, decisions or other duties as such representative, or to induce him to prevent or cause a strike by the employes of any person or corporation, or any such representative who accepts or agrees to accept any money or other thing or things of value for such purpose or purposes, shall be guilty of a misdemeanor.

Improperly influencing foreman a misdemeanor.

2. Any person employed by any individual or corporation in this State as foreman, or in a similar capacity, having other workmen or employes under his control or authority, who shall accept from any such workman or employe any sum of money or any thing or things of value for the purpose of influencing such foreman or person in authority to retain such workman or employe in his position; or for the purpose of procuring employment in the business of such individual or corporation, or to avoid being discharged from such employment; or any person who shall agree or offer to accept a sum of money or any thing or things of value for the purposes mentioned in this section, or any person who shall give or offer to give to any such foreman or person in control or authority, any money or any thing or things of value for the purposes mentioned in this section, shall be guilty of a midemeanor.

As to witnesses in case of indictment.

3. On the trial of any indictment against any person or persons for violation of any of the provisions of this act, all witnesses sworn on any such trial shall

truly answer all questions put to them which the court shall decide to be proper and pertinent to the issue involved; and no witness shall be excused from answering any such question on the ground that to answer the same might or would incriminate him, or might or would tend to criminate him; but no answer or answers made by any witness to any such question shall be used or admitted in evidence in any proceeding against said witness, except in case of a criminal proceeding for perjury in respect to his answers to such questions.

Repealer.

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

Approved March 31, 1911.

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134-C-95
Cf.-16-97

134-Ca.-95
S-11-763
S-13-230
S-13-617

134-C-95
*Minors*
S-15-101
*Judgments*
S-15-364

134-C-95
Cf.-17-522
Cf.-17-878

## CHAPTER 95.

An Act prescribing the liability of an employer to make compensation for injuries received by an employe in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder.

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

SECTION 1. COMPENSATION BY ACTION AT LAW.

Employe entitled to compensation for accident or injury.

1. When personal injury is caused to an employe by accident arising out of and in the course of his employment, of which the actual or lawfully imputed negligence of the employer is the natural and proximate cause, he shall receive compensation therefor from his employer, provided the employe was himself not willfully negligent at the time of receiving such injury, and the question of whether the employe was willfully negligent shall be one of fact to be submitted to the jury, subject to the usual superintending powers

Fact determined by jury.

of a court to set aside a verdict rendered contrary to the evidence.

Certain pleas abolished.

2. The right to compensation as provided by section I of this act shall not be defeated upon the ground that the injury was caused in any degree by the negligence of a fellow employe; or that the injured employe assumed the risks inherent in or incidental to or arising out of his employment or arising from the failure of the employer to provide and maintain safe premises and suitable appliances; which said grounds of defense are hereby abolished.

Contract not to bar liability.

3. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract, written or verbal, with a subcontractor to do all or any part of such work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer under this act for injury caused to an employe of such contractor or subcontractor by any defect in the condition of the ways, works, machinery or plant if the defect arose or had not been discovered and remedied through the negligence of the employer or some one entrusted by him with the duty of seeing that they were in proper condition. This paragraph shall apply only to actions arising under section one.

Application of act in case of death.

4. The provisions of paragraphs one, two and three shall apply to any claim for the death of an employe arising under an act entitled "An act to provide for the recovery of damages in cases where the death of a person is caused by wrongful act, neglect or default," approved March third, eighteen hundred and forty-eight, and the amendments thereof and supplements thereto.

Burden of proof on defendant.

5. In all actions at law brought pursuant to section I of this act, the burden of proof to establish willful negligence in the injured employe shall be upon the defendant.

Claim against compensation.

6. No claim for legal services or disbursements pertaining to any demand made or suit brought under the provisions of this act shall be an enforceable lien against the amount paid as compensation, unless the same be approved in writing by the judge or justice

presiding at the trial, or in case of settlement without trial, by the judge of the circuit court of the district in which such issue arose; *provided*, that if notice in writing be given the defendant of such claim for legal services or disbursements, the same shall be a lien against the amount paid as compensation, subject to determination of the amount and approval hereinbefore provided.

Proviso.

SECTION II. ELECTIVE COMPENSATION.

Compensation under agreement.

7. When employer and employe shall by agreement, either express or implied, as hereinafter provided, accept the provisions of section II of this act, compensation for personal injuries to or for the death of such employe by accident arising out of and in the course of his employment shall be made by the employer without regard to the negligence of the employer, according to the schedule contained in paragraph eleven, in all cases except when the injury or death is intentionally self-inflicted, or when intoxication is the natural and proximate cause of injury, and the burden of the proof of such fact shall be upon the employer.

Exceptions.

Agreement deemed surrender of rights to other method.

8. Such agreement shall be a surrender by the parties thereto of their rights to any other method, form or amount of compensation or determination thereof than as provided in section II of this act, and an acceptance of all the provisions of section II of this act, and shall bind the employe himself and for compensation for his death shall bind his personal representatives, his widow and next of kin, as well as the employer, and those conducting his business during bankruptcy or insolvency.

Employment subject to this act.

9. Every contract of hiring made subsequent to the time provided for this act to take effect shall be presumed to have been made with reference to the provisions of section II of this act, and unless there be as a part of such contract an express statement in writing, prior to any accident, either in the contract itself or by written notice from either party to the other, that the provisions of section II of this act are not intended to apply, then it shall be presumed that the parties have accepted the provisions of section II

of this act and have agreed to be bound thereby. In the employment of minors, section II shall be presumed to apply unless the notice be given by or to the parent or guardian of the minor.

Termination of contract.

10. The contract for the operation of the provisions of section II of this act may be terminated by either party upon sixty days' notice in writing prior to any accident.

Schedule of payments.

11. Following is the schedule of compensation:

Temporary disability—

(a) For injury producing temporary disability, fifty per centum of the wages received at the time of injury, subject to a maximum compensation of ten dollars per week and a minimum of five dollars per week; *provided,* that if at the time of injury the employe receives wages of less than five dollars per week, then he shall receive the full amount of such wages per week. This compensation shall be paid during the period of such disability, not, however, beyond three hundred weeks.

137-11
A-13-302

Proviso.

Complete disability.

(b) For disability total in character and permanent in quality, fifty per centum of the wages received at the time of injury, subject to a maximum compensation of ten dollars per week and a minimum of five dollars per week; *provided,* that if at the time of injury the employe receives wages of less than five dollars per week, then he shall receive the full amount of wages per week. This compensation shall be paid during the period of such disability, not, however, beyond four hundred weeks.

Proviso.

Partial disability.

(c) For disability partial in character but permanent in quality, the compensation shall be based upon the extent of such disability. In cases included by the following schedule the compensation shall be that named in the schedule, to wit:

Thumb.

For the loss of a thumb, fifty per centum of daily wages during sixty weeks.

First finger.

For the loss of a first finger, commonly called index finger, fifty per centum of daily wages during thirty-five weeks.

Second finger.

For the loss of a second finger, fifty per centum of daily wages during thirty weeks.

Third finger.

For the loss of a third finger, fifty per centum of daily wages during twenty weeks.

Fourth finger. For the loss of a fourth finger, commonly called little finger, fifty per centum of daily wages during fifteen weeks.

Phalange. The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb, or finger, and compensation shall be one-half the amounts above specified.

More than one phalange. The loss of more than one phalange shall be considered as the loss of the entire finger or thumb; *providing, however,* that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

Proviso.

Great toe. For the loss of a great toe, fifty per centum of daily wages during thirty weeks.

Other toes. For the loss of one of the toes other than a great toe, fifty per centum of daily wages during ten weeks.

Phalange of toe. For the loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

More than one phalange. The loss of more than one phalange shall be considered as the loss of the entire toe.

Hand. For the loss of a hand, fifty per centum of daily wages during one hundred and fifty weeks.

Arm. For the loss of an arm, fifty per centum of daily wages during two hundred weeks.

Foot. For the loss of a foot, fifty per centum of daily wages during one hundred and twenty-five weeks.

Leg. For the loss of a leg, fifty per centum of daily wages during one hundred and seventy-five weeks.

Eye. For the loss of an eye, fifty per centum of daily wages during one hundred weeks.

Both hands, etc. The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of clause (b).

In other cases. In all other cases in this class the compensation shall bear such relation to the amounts stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule. Should the employer and employe be unable to agree upon the amount of compensation to be paid in cases not covered by the schedule, the amount of compensation shall be

settled according to the provisions of paragraph twenty hereof.

The amounts specified in this clause are all subject to the same limitations as to maximum and minimum as are stated in clause (a). Maximum and minimum amounts.

12. In case of death compensation shall be computed but not distributed on the following basis: Basis of compensation in case of death.

(1) Actual dependents.

If orphan or orphans, a minimum of twenty-five per centum of wages of deceased, with ten per centum additional for each orphan in excess of two, with a maximum of sixty per centum.

139-12
A-13-305

If widow alone, twenty-five per centum of wages.

139-12
A-1914-499

If widow and one child, forty per centum of wages.

If widow and two children, forty-five per centum of wages.

If widow and three children, fifty per centum of wages.

If widow and four children, fifty-five per centum of wages.

If widow and five children or more, sixty per centum of wages.

If widow and father or mother, fifty per centum of wages.

If grandparents, grandchildren, or minor, or incapacitated brothers or sisters, twenty-five per centum of wages.

Compensation in case of death shall be computed on the basis of the foregoing schedule, but shall be distributed according to the laws of this State providing for the distribution of the personal property of an intestate decedent, unless decedent has in fact left a will. Distribution of compensation in case of death.

(2) No dependents.

Expenses of last sickness and burial not exceeding two hundred dollars. Sickness and burial.

In computing compensation to orphans or other children, only those under sixteen years of age shall be included, and only during the period in which they are under that age, at which time payment on account of such child shall cease. Orphans and minors.

The compensation in case of death shall be subject to a maximum compensation of ten dollars per week Weekly compensation.

Proviso.

and a minimum of five dollars per week; *provided,* that if at the time of injury the employe receives wages of less than five dollars per week, then the compensation shall be the full amount of such wages per week. This compensation shall be paid during three hundred weeks.

Duration.

Aliens excepted.

Compensation under this schedule shall not apply to alien dependents not residents of the United States.

No compensation first two

140-14
A-13-306
Add 14a
A-13-306

13. No compensation shall be allowed for the first two weeks after injury received, except as provided by paragraph fourteen, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in paragraph fifteen.

Medical and hospital services supplied first two weeks.

14. During the first two weeks after the injury the employer shall furnish reasonable medical and hospital services and medicines, as and when needed, not to exceed one hundred dollars in value, unless the employe refuses to allow them to be furnished by the employer.

As to notification of employer.

15. Unless the employer shall have actual knowledge of the occurrence of the injury, or unless the employe, or some one on his behalf, or some of the dependents, or some one on their behalf, shall give notice thereof to the employer within fourteen days of the occurrence of the injury, then no compensation shall be due until such notice is given or knowledge obtained. If the notice is given, or the knowledge obtained within thirty days from the occurrence of the injury, no want, failure, or inaccuracy of a notice shall be a bar to obtaining compensation, unless the employer shall show that he was prejudiced by such want, defect or inaccuracy, and then only to the extent of such prejudice. If the notice is given, or the knowledge obtained within ninety days, and if the employe, or other beneficiary, shall show that his failure to give prior notice was due to his mistake, inadvertence, ignorance of fact or law, or inability, or to the fraud, misrepresentation or deceit of another person, or to any other reasonable cause or excuse, then compensation may be allowed, unless, and then to the extent only that the employer shall show that he was prejudiced by failure to receive such notice. Unless knowledge be obtained, or notice given, within ninety days after

the occurrence of the injury, no compensation shall be allowed.

Service of notice.

16. The notice referred to may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in a civil action, or by sending it through the mail to the employer at the last known residence or business place thereof within the State, and shall be substantially in the following form:

Form of notice.

To (name of employer):

You are hereby notified that a personal injury was received by (name of employe injured), who was in your employ at (place) while engaged as (nature of employment), on or about the ( ) day of ( ), nineteen hundred and ( ), and that compensation will be claimed therefor.

Signed,

( ).

Sufficiency of notice.

but no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employe, by name, received an injury in the course of his employment on or about a specified time, at or near a certain place. Notice served at the office of, or on the person who was the employe's immediate superior, shall be a compliance with this act.

Examination of employe as to physical condition.

17. After an injury, the employe, if so requested by his employer, must submit himself for examination at some reasonable time and place within the State, and as often as may be reasonably requested, to a physician or physicians authorized to practice under the laws of this State. If the employe requests, he shall be entitled to have a physician or physicians of his own selection present to participate in such examination. The refusal of the employe to submit to such examination shall deprive him of the right to compensation during the continuance of such refusal. When a right to compensation is thus suspended no compensation shall be payable in respect of the period of suspension.

In case of dispute question submitted to court.

18. In case of a dispute over, or failure to agree upon, a claim for compensation between employer and employe, or the dependents of the employe, either party may submit the claim, both as to questions of fact,

the nature and effect of the injuries, and the amount of compensation therefor according to the schedule herein provided, to the judge of the court of common pleas of such county as would have jurisdiction in a civil case, or where there is more than one judge of said court, then to either or any of said judges of such court, which judge is hereby authorized to hear and determine such disputes in a summary manner, and his decision as to all questions of fact shall be conclusive and binding.

Payment in case of death.

19. In case of death, where no executor or administrator is qualified, the said judge shall, by order, direct payment to be made to such person as would be appointed administrator of the estate of such decedent upon like terms as to bond for the proper application of compensation payments as are required of administrators.

Procedure in dispute.

20. Procedure in case of dispute shall be as follows:

Petition to court.

Either party may present a petition to said judge setting forth the names and residences of the parties and the facts relating to employment at the time of injury, the injury in its extent and character, the amount of wages received at the time of injury, the knowledge of the employer or notice of the occurrence of said injury, and such other facts as may be necessary and proper for the information of the said judge, and shall state the matter or matters in dispute and the contention of the petitioner with reference thereto. This petition shall be verified by the oath or affirmation of the petitioner.

142-20
A-13-307

Notice of hearing.

Upon the presentation of such petition the same shall be filed with the clerk of the court of common pleas, and the judge shall fix a time and place for the hearing thereof, not less than three weeks after the date of the filing of said petition. A copy of said petition shall be served as summons in a civil action and may be served within four days thereafter upon the adverse party.

Answer filed.

Within seven days after the service of such notice the adverse party shall file an answer to said petition, which shall admit or deny the substantial averments of the petition, and shall state the contention of the defendant with reference to the matters in

dispute as disclosed by the petition. The answer shall be verified in like manner as required for a petition.

Hear witnesses.

At the time fixed for hearing or any adjournment thereof the said judge shall hear such witnesses as may be presented by each party, and in a summary manner decide the merits of the controversy. This determination shall be filed in writing with the clerk of the common pleas court, and judgment shall be entered thereon in the same manner as in causes tried in the court of common pleas, and shall contain a statement of facts as determined by said judge. Subsequent proceedings thereon shall only be for the recovery of moneys thereby determined to be due, provided that nothing herein contained shall be construed as limiting the jurisdiction of the Supreme Court to review questions of law by certiorari. Costs may be awarded by said judge in his discretion, and when so awarded the same costs shall be allowed, taxed and collected as are allowed, taxed and collected for like services in the common pleas court.

Determination.

Subsequent proceedings.

As to costs.

Amount may be commuted.

21. The amounts payable periodically as compensation may be commuted to one or more lump sum payments by the judge of the court of common pleas having jurisdiction as set forth in the preceding paragraph, upon the application of either party, in his discretion, provided the same be in the interest of justice. Unless to approved, no compensation payments shall be commuted.

143-21
A-13-309
Add 21a
A-13-310

Agreement or award may be modified.

An agreement or award of compensation may be modified at any time by a subsequent agreement, or at any time after one year from the time when the same became operative it may be reviewed upon the application of either party on the ground that the incapacity of the injured employe has subsequently increased or diminished. In such case the provisions of paragraph seventeen with reference to medical examination shall apply.

Compensation a preferential lien.

22. The right of compensation granted by this act shall have the same preference against the assets of the employer as is now or may hereafter be allowed by law for a claim for unpaid wages for labor. Claims or payments due under this act shall not be assignable, and shall be exempt from all claims of creditors and from levy, execution or attachment.

Claim not assignable.

144-23
A-13-311

SECTION III. GENERAL PROVISIONS.

What constitutes willful negligence.

23. For the purposes of this act, willful negligence shall consist of (1) deliberate act or deliberate failure to act, or (2) such conduct as evidences reckless indifference to safety, or (3) intoxication, operating as the proximate cause of injury.

Use of certain words.

Wherever in this act the singular is used the plural shall be included: where the masculine gender is used, the feminine and neuter shall be included.

Synonyms.

Employer is declared to be synonymous with master and includes natural persons, partnerships and corporations; employe is synonymous with servant and includes all natural persons who perform service for another for financial consideration, exclusive of casual employments.

As to amputations.

Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of a hand, and amputation between the knee and the ankle shall be considered as the equivalent of the loss of a foot.

As to constitutionality of any provision.

24. In case for any reason any paragraph or any provision of this act shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other paragraph or provision of this act, except that sections I and II are hereby declared to be inseparable, and if either section be declared void or inoperative in an essential part, so that the whole of such section must fall, the other section shall fall with it and not stand alone. Section I of this act shall not apply in cases where section II becomes operative in accordance with the provisions thereof, but shall apply in all other cases, and in such cases shall be in extension of the common law.

Relation of sections of act.

Right of action in previous cases.

25. Every right of action for negligence, or to recover damages for injuries resulting in death, existing before this act shall take effect, is continued, and nothing in this act contained shall be construed as affecting any such right of action, nor shall the failure to give the notice provided for in section II, paragraph fifteen of this act, be a bar to the maintenance of a suit upon any right or action existing before this act shall take effect.

Repealer.

26. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

27. This act shall take effect on the fourth day of July next succeeding its passage and approval. Effective.

Approved April 4, 1911.

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## CHAPTER 96.

A Supplement to an act entitled "An act for the prevention of blindness in the State of New Jersey," approved March eleventh, one thousand eight hundred and ninety-five.

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

1. The State Board of Health shall furnish, free of cost, to physicians and midwives, registered under the laws of this State, such prophylactic remedies as it may deem best for the prevention of ophthalmia neanatorum, together with such instructions as it may deem necessary for the proper administration of the same. Midwives supplied with certain eye remedies.

2. The sum of two thousand dollars is hereby appropriated for the purpose of carrying out the provisions of this act when included in the annual or supplemental appropriation bill. Appropriation.

3. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 97.

A Supplement to an act entitled "An act to regulate the use of business names," approved May seventeenth, one thousand nine hundred and six.

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

Dissolution of partnerships.

1. Whenever a certificate setting forth the name under which a partnership has been carried on, the business which has been conducted or transacted, the true or full names of the persons who have conducted or transacted the same, with the post-office addresses of said persons, and a statement setting forth facts showing the dissolution of said partnership, duly executed and sworn to by the persons who have conducted or transacted said business, is filed in the office of one of the several county clerks of this State, in which office the partnership certificate has been filed in accordance with the provisions of the act to which this act is a supplement, the said county clerk shall file such certificate and record the dissolution. The record of dissolution shall be made by writing the word "dissolved," together with the date of the certificate of dissolution, in the margin of the book or books now used for the filing of partnership certificates at or near the respective partnership certificate.

Record made.

Fee for filing.

2. For the filing of such certificate and recording the dissolution of the partnership the clerk shall charge the sum of twenty-five cents.

3. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 98.

An Act to amend an act entitled "An act to amend an act entitled 'An act relating to the management of the New Jersey Reformatory,' approved March twenty-first, one thousand nine hundred and one," which amendatory act was approved March sixteenth, one thousand nine hundred and nine.

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

1. Amend section one to read as follows:

Section 3 amended.

1. Section three of the act entitled "An act relating to the management of the New Jersey Reformatory," approved March twenty-first, one thousand nine hundred and one, be and the same is hereby amended so as to read as follows:

Government, rules, etc.

3. They may establish a system of government for the reformatory, and make all needful rules and regulations for the management thereof and for the care, support, discipline, detention and discharge of the inmates; they may use any method of education and employment which, in their judgment, will best promote the interests of the inmates and secure their reformation; they shall appoint, subject to removal by the commission for cause, a superintendent who shall hold office for a term of five years; the salary of the superintendent shall be four thousand dollars per year, and, in addition, there shall be provided free maintenance and a house of residence for the said superintendent and his family. The commissioners shall fix and determine the number of subordinate officers, the amount of compensation to be paid to them and the amount and sufficiency of their bonds if any; *provided, however,* that no salary greater than one thousand five hundred dollars per year shall be given to any subordinate officer except as otherwise provided.

Superintendent; salary and term.

Assistants.

Proviso.

2. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 99.

An Act authorizing the Board of Managers of the New Jersey Reformatory to cancel any contracts for the services of inmate labor, and authorizing the compounding of any claim for such services.

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

Cancellation of contracts.

1. The Board of Managers of the New Jersey Reformatory is hereby authorized to cancel any contracts for the labor of inmates with the consent of the contractor or contractors, and to adjust and compound any claim which such board or contractor or contractors may have each against the other by reason of such contracts.

2. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 100.

A Supplement to an act entitled "An act relating to, regulating and providing for the government of cities of the second class which now have or may hereafter have a population of less than twenty thousand," approved April twenty-third, one thousand nine hundred and seven, which said act was amended by an act entitled "An act to amend an act entitled 'An act relating to, regulating and providing for the government of cities of the second class which now have or may hereafter have a population of less than twenty thousand,' " which amendatory act was approved April thirteenth, one thousand nine hundred and eight.

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

Use of water found in parks, etc.

1. It shall be lawful for all cities of the second class of this State which now have or may hereafter have a population of less than twenty thousand, that may have adopted or may hereafter adopt the provisions of the act to which this act is a supplement, owning park property or recreation grounds upon which may be found potable waters, either surface or subterranean, to use the said waters for the water-supply of said city or cities; and to erect and maintain suitable intakes, wells, pipe lines and conduits on said park property or recreation grounds, and to erect and maintain pumping station or pumping stations, filter beds and storage basin or basins thereon, to provide for the water-supply of such city or cities, and to occupy such portions of said park as may be necessary for the purpose as appurtenant to said stations, beds and basins; *provided, however, the* consent of the State Water-Supply Commission for the diversion of any such water has first been obtained as now required by law.

Pumping plant, etc.

Proviso.

Council to designate location, etc.

2. That the city council of said city shall designate, by ordinance, the location of said intake or intakes, pipe lines, conduits, pumping station or stations, filter beds and storage basin or basins, and grounds appurtenant thereto upon said park property.

3. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 101.

An Act authorizing the conveyance of certain lands now in the ownership of the State of New Jersey to the United States of America.

Preamble.

WHEREAS, The State of New Jersey is the owner of a tract of land in the city of Burlington, in the county of Burlington, on which is located a building used as an office by the Surveyor-General of the Council of Proprietors of West New Jersey; and

WHEREAS, The United States of America is desirous of acquiring the said land as a part of a larger tract now owned or about to be acquired by the said United States of America, on which it is proposed to erect a Federal building in said city, and the said United States of America has offered to the State of New Jersey the sum of twenty-five hundred dollars for the land on which aforesaid building is located, and which land is hereinafter particularly described;

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

State to purchase property of Proprietors of West Jersey.

Appropriation.

1. The Treasurer of this State is hereby authorized to purchase from the Council of Proprietors of West New Jersey the building now owned and occupied by it, located upon the tract of land belonging to the State of New Jersey, hereinafter particularly described, paying therefor the sum of twenty-five hundred dollars in order to recompense the said Council of Proprietors of West New Jersey for the loss of their said building and the expense necessarily involved in the erection of a new building and the removal of their records to such new building; and that the Treasurer of the State of New Jersey is hereby authorized, in the name of the State, to convey to the United States of America, for the sum of twenty-five hundred dollars, the tract of land hereinbefore referred to and described as follows:

Same property conveyed to federal government.

Description of property.

Beginning at a station in the southerly edge of Broad street, in the city of Burlington, New Jersey, seventy-

seven feet ten inches from the easterly edge of Locust avenue, and runs (1) along said street north seventy-two degrees east, thirteen feet and six inches to a station corner to lands late of the estate of Frederick Peter, deceased; thence (2) south eighteen degrees east, twenty feet to a station, a corner to said Peter; thence (3) south seventy-two degrees west, thirteen feet and six inches to a station in line of lands of Edward Rigg, deceased; thence (4) along said line north eighteen degrees west, twenty feet to the beginning, being the same lands conveyed to the State of New Jersey by deed of conveyance from and under the hands and seals of Samuel Cogswell and wife, bearing date May second, A. D. one thousand eight hundred and twenty-five, and recorded in Book T-2 of Deeds, folio 234, etc., in the clerk's office of Burlington county, at Mount Holly, reference thereto the antecedent title will more fully appear.

2. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 102.

An Act relative to the construction of water mains in cities of the first class, and to provide for the payment thereof by the issuance of bonds or otherwise.

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

Construction and maintenance of water pipes.

1. The board having charge and control of the water supply in cities of the first class shall have power to replace any water mains in said city, which in the judgment of said board shall be worn out or insufficient, with new mains of the same or larger size, and also to lay new mains and feeders with the appurtenances for the more efficient distribution of the water supply therein; the cost of such water mains shall be paid out of the revenues of the water department of said city, if the same shall be sufficient, after meeting

other existing charges against the same, to cover the cost thereof.

May issue bonds.

2. In case the board having charge and control of the water supply in such city shall find that the revenue of the water department is insufficient, after meeting other existing charges against the same, to cover the cost of such mains, feeders and appurtenances, then they shall certify from time to time such fact to the board having charge and control of the finances of such city, together with the estimated cost of such new mains, feeders and appurtenances proposed at that time to be constructed, whereupon such financial board may issue and sell the bonds of the city to the amount aforesaid, and place the proceeds of the sale thereof under the control of the board having charge and control of the water supply, for the purposes specified in said certification.

Time.

Rate.

Sinking fund.

3. The said bonds shall be made payable at periods not to exceed thirty years from the date of issuance; they shall bear interest at not exceeding four and one-half per centum per annum, payable semi-annually; they shall be executed under the corporate seal of such city, and the signature of the mayor and comptroller, or other proper financial officer thereof, and may be either registered or coupon bonds, as said financial board may direct; in order to redeem said bonds at maturity, it shall be the duty of the board having charge and control of the finances of said city to establish a sinking fund, into which it shall be the duty of the board having charge and control of the water supply to pay annually in the month of July, in each year, out of the income derived from water supply, a sum equal to two per centum of the bonds then issued under the provisions of this act, which sinking fund shall be under the charge and control of the sinking fund commissioners of said city, by whatever name they may be called; *provided, however,* that the total amount of bonds to be issued under the provisions of this act shall not exceed the sum of two hundred thousand dollars ($200,000) in any one year nor more than five hundred thousand dollars ($500,000) in the aggregate.

Proviso.

4. The interest on the bonds hereby authorized to be issued shall be paid semi-annually out of the collections for water rents in such city for said year. Interest.

5. The board having charge and control of the finances of such city shall dispose of the bonds hereby authorized, from time to time, at public sale, at not less than par and accrued interest. Sale of bonds.

6. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 103.

A Supplement to an act entitled "An act relating to life insurance companies doing business in the State of New Jersey and to the representatives of such companies," approved March nineteen, one thousand eight hundred and ninety-five.

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

1. Nothing in the act to which this act is a supplement shall be so construed as to forbid a company transacting industrial insurance on a weekly payment plan from returning to policyholders who have made premium payments for a period of at least one year, directly to the company at its home or district offices, a percentage of the premium which the company would have paid for the weekly collection of such premium. Rebate for making payments at office.

2. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 104.

An Act making appropriation for the purpose of marking the channels of the inland waterway along the Atlantic coast from Cape May to Bay Head, and the waters connected therewith and adjacent thereto.

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

Mark channel of inland waterway.

1. The Commissioner of Inland Waterways is authorized to mark by stakes, buoys, day and night signals, range marks, or otherwise, as in his judgment is necessary and expedient, the channels of the inland waterway along the Atlantic coast from Cape May to Bay Head, and the waters connected therewith and adjacent thereto.

Appropriation.

2. For this purpose the sum of fifteen hundred dollars is hereby appropriated annually, when included in any annual or supplemental appropriation bill.

154-2
A-12-526

3. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 105.

An Act validating proceedings for the issuance and sale of bonds in cities of this State.

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

Bond issue validated.

1. The failure of any city of this State to lawfully accept the provisions of an act applicable thereto and providing for the government thereof shall not be held, taken or construed to invalidate any proceedings, otherwise legal, heretofore had in any such city auth-

orizing the issuance and sale of bonds, and all such proceedings are hereby ratified, validated, approved and confirmed, notwithstanding any such omission or defect as aforesaid, and all bonds issued and sold by any such city are likewise validated.

2. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 106.

An Act providing for the payment of certificates, notes or other evidences of indebtedness, issued by commissioners appointed under an act entitled "An act to provide for the drainage of any pond, artificial reservoir, marsh, swamp, bog, meadow, low or wet lands, where the same is necessary for the public health," approved March thirty-first, one thousand nine hundred and three, and the various supplements and amendments thereto, for the purpose of providing for the payment of the costs, damages and expenses of any drainage undertaken by them under the provisions of said acts.

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

Payment of certificates of indebtedness.

1. Whenever any certificates, notes or other evidences of indebtedness may have been issued by commissioners appointed under an act entitled "An act to provide for the drainage of any pond, artificial reservoir, marsh, swamp, bog, meadow, low or wet lands, where the same is necessary for the public health," approved March thirty-first, one thousand nine hundred and three, and the various supplements and amendments thereto, for the purpose of providing for the payment of the costs, damages and expenses of any drainage undertaken by them under the provisions of said acts, and said certificates, notes or other

evidences of indebtedness have not been paid, the said certificates, notes or other evidences of indebtedness, with the interest due thereon, shall be considered to be, and are a lawful indebtedness of the municipality or municipalities in which the drained district lies. And if the said drained district lies wholly in one municipality said municipality shall be liable therefor and shall pay the same with the interest due thereupon; and if the said drained district lies in more than one municipality, then such municipalities shall be liable therefor and shall pay the same with the interest due thereupon, in the proportion that the taxable ratables of each of said municipalities bear to the taxable ratables of all of the municipalities in which the drained district lies, as shall appear from the list of ratables for such municipalities last made for the purpose of taxation in such municipalities.

Interest added.

Liability for payment.

2. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 107.

An Act to validate certificates of indebtedness and bonds issued by any municipality to pay the costs, damages and expenses of draining lands and premises in said municipality under an act entitled "An act to provide for the drainage of any pond, artificial reservoir, marsh, swamp, bog, meadow, low or wet lands, where the same is necessary for the public health," approved March thirty-first, one thousand nine hundred and three, and the various supplements and amendments thereto.

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

Issue of certificates of indebtedness validated.

1. Any certificates of indebtedness and any bonds of any municipality which have heretofore been issued to raise the necessary funds to pay the cost, damages

and expenses of draining any lands and premises in such municipality in accordance with an act entitled "An act to provide for the drainage of any pond, artificial reservoir, marsh, swamp, bog, meadow, low or wet lands where the same is necessary for the public health," approved March thirty-first, one thousand nine hundred and three, and the various supplements and amendments thereto, or any bonds which may hereafter be issued by any municipality to pay any certificate of indebtedness heretofore issued and assumed by such municipality, as directed by law for such purpose, are hereby ratified, confirmed and validated and shall be taken and held in all courts and places to be the legal and valid obligation of the municipality which has issued or may issue the same, notwithstanding that said acts or any part thereof under which said drainage was performed has been or shall be declared to be unconstitutional.

2. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 108.

An Act authorizing any city of the first class in this State to appropriate money to be expended in the designing, constructing, erecting and completing of a monument to commemorate the founding of a village, town or settlement forming part of such city.

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

**City may appropriate money and erect monument to commemorate its founding.**

1. Whenever the board having charge of the finances of any city of the first class in this State, shall determine upon the erection therein of a monument to commemorate the founding of a village, town or settlement now included within the limits of such city, such board is hereby authorized to appropriate

a sum of money not exceeding ten thousand dollars, which sum so appropriated shall be used for the payment, in whole or in part, for the designing, constructing, erecting and completing of such monument, and shall be paid out in such manner and at such times as said board may by resolution direct.

Bond issue.

2. The board having charge of the finances of any such city may raise the money authorized by this act by appropriating for that purpose any money in the treasury of such city not otherwise appropriated, or by issuing and selling temporary loan bonds, or certificates of indebtedness, to run for a period not exceeding one year, which bonds or certificates shall be sold at public or private sale after due advertisement, at not less than par, and shall bear interest at a rate not exceeding five per centum.

Time.

Rate.

3. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 109.

An Act defining the dividing line where two or more municipalities are separated by any public road, avenue or highway, and providing for the maintenance, macadamizing and improvement of such a road, avenue or highway jointly by such municipalities.

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

Dividing line of municipalities.

1. That where two or more municipalities in this State are separated by any public road, avenue or highway, the center line of such road, avenue or highway shall be deemed to be the dividing line between such municipalities for the purpose of maintaining, macadamizing and improving such road, avenue or highway.

Joint care of roads, etc.

2. That any two or more municipalities separated by any such road, avenue or highway are hereby authorized to make and execute by or through their re-

spective governing bodies, any joint agreement or joint contract for the maintenance, macadamizing or improving of any such road, avenue or highway, upon such terms as may be agreed by the governing bodies of such municipalities.

Sidewalks.

3. That any one of such municipalities, so separated by any public road, avenue or highway, is hereby authorized to order or cause to be constructed, levelled, graded and paved with flag or cement pavement or such other materials as may be determined by the governing body of any such municipality, a sidewalk along the whole or any portion of such road, avenue or highway on the side adjacent to any such municipality. The proceedings for the levelling, grading and paving of any such sidewalk and for assessing the cost thereof shall be taken and had pursuant to the laws governing such municipality for the making of like improvements therein; *provided, however,* that the width of any such side walk shall not exceed one-fifth of the width of any such road, avenue or highway; *and provided further,* that this act shall not affect any road, avenue or highway in this State under the control of any board of chosen freeholders.

Proviso.

Proviso.

4. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 110.

An Act to provide for the transfer of inmates from the State Home for Boys to the State Reformatory and for the transfer of inmates from the State Reformatory to the State Prison.

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

**Transfer from boys' home to reformatory.**

1. Whenever in the judgment of the board of trustees of the New Jersey State Home for Boys it becomes expedient to transfer any inmate from said institution to the State Reformatory at Rahway by reason

of the age or continued misconduct of said inmate, the said board of trustees shall thereupon make application to the Commissioner of Charities and Correction for such transfer, and authority is hereby given to said Commissioner of Charities and Correction to direct that such transfer be made if, after an investigation of the facts, he shall consider such transfer to be for the best interests of the said State Home for Boys or of said inmate; and the order of said Commissioner of Charities and Correction when accompanied by a certified copy of the original commitment of said inmate to said State Home for Boys, together with all the facts concerning said inmate previous to and following his commitment to said State Home for Boys as they appear upon the records of the said State Home for Boys, shall be a sufficient warrant to the superintendent of the said reformatory at Rahway to receive the said inmate into said reformatory. Any inmate so transferred shall come under the jurisdiction and control of said State Reformatory until paroled or discharged therefrom as provided for in the case of other commitments to said reformatory.

Certificate of transfer and original commitment.

Jurisdiction.

2. Whenever in the judgment of the board of commissioners of the State Reformatory at Rahway it becomes expedient to transfer any inmate from said institution to the State Prison at Trenton by reason of the age or continued misconduct of the said inmate, the said board of commissioners shall thereupon make application to the Commissioner of Charities and Correction for such transfer; and authority is hereby given to said Commissioner of Charities and Correction to direct that such transfer be made if, after an investigation of the facts, he shall consider such transfer to be for the best interests of said State Reformatory or of said inmate; and the order of said Commissioner of Charities and Correction when accompanied by a certified copy of the original commitment of such inmate to said State Reformatory, together with all the facts concerning said inmate previous to and following his commitment to said State Reformatory as they appear upon the records of the said State Reformatory, shall be sufficient warrant to the principal keeper of the State Prison at Trenton to receive the said inmate

Transfer from reformatory to state prison.

Original certificate to accompany transfer.

into said prison. Any inmate so transferred shall come under the jurisdiction and control of the said State Prison until paroled for the full maximum period provided for in his original commitment to said State Reformatory. Jurisdiction.

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

Approved April 6, 1911.

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## CHAPTER 111.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to incorporate the chosen freeholders in the respective counties of this State' (Revision), approved April sixteenth, one thousand eight hundred and forty-six," which supplement was approved April eleventh, one thousand eight hundred and eighty-nine.

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

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

1. The board of chosen freeholders in any county of the first class within this State and in which there is or may hereafter be established by law a county board of health, shall appropriate and set apart a sum not to exceed six thousand dollars annually for the construction, maintenance and repair of a public hospital for such county, for the treatment of cases of a contagious nature other than small-pox. County hospital for contagious diseases.

161-1
A-17-873

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

2. It shall and may be lawful for such board of chosen freeholders to render annually to such county Allowance.

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A-17-873

board of health the said sum not to exceed six thousand dollars, to be by said board of health expended for the purposes aforesaid.

3. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 112.

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

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

Clerk to mayor.

1. The mayor of any city of the first class in this State shall have power to appoint a clerk, to be paid such compensation as shall be fixed by resolution, by the board or body having control of the finances of such city; said clerk shall serve during the pleasure of the mayor.

Repealer.

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

Approved April 6, 1911.

## CHAPTER 113.

An Act to validate and confirm any election heretofore held in any borough under the authority of an act entitled "An act relating to boroughs (Revision, 1897)," approved April twenty-fourth, one thousand eight hundred and ninety-seven, and acts amendatory thereof and supplemental thereto, for the adoption of a proposition to issue bonds and to validate and confirm all bonds, contracts or other obligations issued, authorized or made pursuant to any such proposition so adopted.

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

Election on bond issue validated.

1. Whenever heretofore under the authority of an act entitled "An act relating to boroughs (Revision, 1897)," approved April twenty-fourth, one thousand eight hundred and ninety-seven, and acts amendatory thereof and supplemental thereto, an election has been called and held in any borough for the adoption of a proposition to issue bonds, and a majority of the votes cast at such election have been in favor of the adoption of such proposition, said election and the proposition so adopted are hereby validated and legalized, notwithstanding any defect, omission or irregularity in the manner of submitting such proposition or other proceeding calling such election, or in the giving of notice or the conduct of such election or in the canvass or filing of the result thereof. All bonds, contracts or other obligations issued, authorized, made or entered into pursuant to the proposition so adopted are hereby validated, legalized and confirmed.

Bonds validated.

2. This act shall take effect immediately.

Approved April 6, 1911.

164-Ch.-114
S-13-300

# CHAPTER 114.

A Further Supplement to an act entitled "An act constituting a State Highway Commission and defining its powers and duties," approved March thirtieth, one thousand nine hundred and nine.

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

River drive planned.

1. The State Highway Commission shall designate a route for a continuous highway, to be known as the Delaware River Drive, commencing at the boundary line between the States of New York and New Jersey, in Montague township, in the county of Sussex, and continuing thence to the city of Trenton, in the county of Mercer, following, so far as practicable, the available and convenient improved roads now constructed, which route shall be as near the Delaware river as practicable, and shall, under the supervision of the Commissioner of Public Roads, have a survey made thereof, from which survey a map shall be prepared, showing the proposed route, grades and estimated cost of construction of said Delaware River Drive, which map, approved by the said Commission, shall be filed in the office of the Commissioner of Public Roads.

Survey, map, etc.

Expenditure for preliminaries.

2. The Commissioner of Public Roads is hereby authorized to expend for the purposes of this act, with the approval of the State Highway Commission, the sum of fifteen thousand (15,000) dollars, or so much thereof as may be necessary, from moneys coming into the hands of the said Commissioner of Public Roads under the provisions of an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fee; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said viola-

tions," approved April twelfth, one thousand nine hundred and six, and the amendments thereof and supplements thereto.

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

Approved April 6, 1911.

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## CHAPTER 115.

A Supplement to an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven.

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

1. In all cases where the complainant shall be a deputy fish and game warden of this State for violation of any of the laws relating to the protection of game and fowl, the deputy fish and game warden, if the prosecution be successful and the penalty paid, shall be entitled to receive from said penalty the sum of five dollars in each and every case; said sum to be paid by the justice of the peace before remittance is made to the Treasurer of the State, or the Board of Fish and Game Commissioners, as the case may be; the justice of the peace shall in each case forward to the Board of Fish and Game Commissioners a copy of the complaint, stating thereon if the defendant was convicted, acquitted or the case appealed; *provided,* that nothing in this act contained shall apply to the provisions of an act entitled "An act to license citizens of this State to pursue wild animals and fowl," approved April twenty-first, one thousand nine hundred and nine. **Payment for successful prosecution.** **Proviso.**

Repealer.

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

Approved April 6, 1911.

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## CHAPTER 116.

A Supplement to an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and providing open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

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

Permits to rear game.

1. The Board of Fish and Game Commissioners is hereby authorized to issue, in its discretion, to properly accredited persons, permits to keep or rear game birds or animals in captivity for propagating purposes. Before any permit shall be issued the applicants shall satisfy the Board of Fish and Game Commissioners that they intend in good faith to increase the supply of game in this State, and shall furnish a description and location of the land on which such game is to be kept or reared.

2. This act shall take effect immediately.

Approved April 6, 1911.

# CHAPTER 117.

An Act to amend an act entitled "An act to authorize cities of this State through which any river, stream or creek runs, and into which the sewage of any city empties, to build and construct intercepting sewers to receive all such sewage to be disposed of in such manner as shall be deemed proper, and to provide for the alteration of a general system of sewerage and drainage in cities, and to cleanse and otherwise improve such rivers, streams or creeks, and to issue bonds to meet the expense of such work," approved April twenty-fifth, one thousand nine hundred and seven.

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

1. Section four of the act to which this is an amendment be and the same is hereby amended to read as follows: **Section 4 amended.**

4. It shall be lawful for the city council, board of aldermen, or board or body having the control of the finances in any city aforesaid, to issue bonds for the purpose of paying for the cost of building and constructing an intercepting sewer or a general system of sewerage and drainage, in pursuance of the provisions of this act, on the general credit of the city, to an amount not exceeding two hundred and seventy-five thousand dollars, to be made payable in fifty years from the time of issuing the same, and to bear interest at a rate not exceeding four per centum per annum, said bonds to be signed by the mayor and comptroller, and countersigned by the city clerk, under the seal of such city, and there shall be placed in the tax levy of any city issuing such bonds, each year after their issue, and raised by taxation, a sum of money sufficient to pay the annual interest thereon, **Issue bonds to pay for sewer.** **Amount.** **Time.** **Rate.**

Sinking fund.

and such further sum for a sinking fund as will meet and pay said bonds at maturity.

2. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 118.

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

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

Act repealed.

1. An act entitled 'A supplement to an act entitled 'An act concerning the government of certain cities in this State, and constituting a municipal board of fire and police commissioners therein, and defining the powers and duties of such board, and vesting in such board certain powers of management and appointment now vested in other departments or offices in such cities, and providing for the maintenance of such board,'" approved April thirteenth, one thousand nine hundred and seven, and which supplement was approved April first, one thousand nine hundred and eight, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 119.

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

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

Act repealed.

1. An act entitled "A supplement to an act entitled 'An act concerning the government of certain cities in this State, and constituting a municipal board of public works, and other officers therein, and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such board, and providing for the maintenance of such board,'" approved April thirteenth, one thousand nine hundred and seven, and which supplement was approved April second, one thousand nine hundred and eight, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 120.

An Act concerning the assessment of taxes and validating certain assessments heretofore made.

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

Assessment by one commissioner binding.

1. In any city in this State wherein taxes are assessed by commissioners of assessment of taxes, and which city has been divided into assessment districts, any assessment of taxes heretofore made by any one of said commissioners in a district assigned to him shall be as binding and valid an assessment as if such assessment had been made by the entire board of commissioners of assessment of taxes or a majority thereof.

As to future assessments.

2. Hereafter in any city wherein assessments of taxes are made by commissioners of assessment of taxes and wherein by the charter of such city or by any statute provision is made for dividing the city into assessment districts the enumeration and assessment of all taxable property in any such district shall be made by the commissioner assigned to such district.

3. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 121.

An Act concerning the collection, removal and disposal of ashes and garbage in boroughs and townships of this State, and providing for the payment of the cost thereof.

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

1. It shall and may be lawful for the common council, board of aldermen or other governing body having charge of the streets of any borough or township of this State to enter into and make a contract or contracts, not exceeding the term of five years at a time, with any corporation or individual for the collection or removal of ashes, and the collection, removal and disposal of garbage, and it shall be the duty of such common council, board of aldermen or other governing body of such borough or township, during the continuance of such contract or contracts, to annually raise, by taxation, the sum needed to defray the expenses of such collection and removal of ashes, and such collection, removal and disposal of garbage for the fiscal year then next ensuing; *provided*, such contract or contracts shall be entered into and made only after bids therefor have been advertised for in one or more newspapers published or circulating in said borough or township for at least two weeks prior thereto, and then only with the lowest responsible bidder or bidders who shall give satisfactory bond or security for the faithful performance of the work.

May contract for removal of ashes and garbage.

Proviso.

2. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 122.

An Act to incorporate the borough of Point Pleasant Heights, in the county of Ocean.

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

Corporate name.

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

Boundaries defined.

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

All that territory situate in the township of Brick, county of Ocean and State of New Jersey, beginning at the northwest corner of the borough of Point Pleasant Beach; thence (1) running westerly along the northerly line of Brick township, being the line between Ocean and Monmouth counties to the bridge across the Manasquan river, known as Osborn's bridge; thence (2) southerly in a direct line to the bridge known as Burnt bridge; thence (3) easterly along the North Beaver Dam creek and the head of Barnegat bay to the westerly line of the borough of Bay Head; thence (4) northerly along the westerly line of the borough of Bay Head and the westerly line of the borough of Point Pleasant Beach to the place of beginning:

Be and the same is hereby set off from the township of Brick, and which portion so set off from the township of Brick shall hereafter be called and known as "The Borough of Point Pleasant Heights," in said county.

Collection of taxes due Brick township.

3. All taxes now due and in arrears assessed upon the persons or property in that portion of the township of Brick which is hereby created and formed

into a new borough to be called the borough of Point Pleasant Heights shall be collected by the collector of the township of Brick for the benefit of said township of Brick, and all proceedings for the enforcement thereof, by sale of land or otherwise, shall be taken by the said collector of the township of Brick in the same manner and with the same effect as if this had not been passed; *provided, however*, that all past taxes collected by the collector of the township of Brick shall be considered as assets, and as such shall be subject to any subsequent division or apportionment hereafter made in accordance with the statute in such case made and provided. Proviso.

4. This act shall take effect immediately; *provided*, it shall not operate to effect the incorporation of the territory above described as a borough of this State until it shall have been accepted by a vote of a majority of the legal voters of the said described territory voting thereon, at a special election to be held within said territory within thirty days from the approval of this act and within the hours of six A. M. and six P. M. of the day fixed for election, at a place within said territory, to be fixed by the clerk of the township of Brick. The clerk of said township shall cause public notice of the time and place of holding said election to be given by advertisements signed by himself and set up in at least ten public places within said described territory and published in one or more newspapers printed or circulating therein, at least ten days prior to such election; and said clerk shall provide for each elector voting at such election, ballots to be printed or written, or partly printed and party written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot it shall not be counted either

Referendum.

Special election.

Notice of election.

Ballots.

Election, how conducted.

as a vote for or against such acceptance. Such election shall be held at the time and place so appointed, and be conducted by the officers of the election district of said township of Brick, except that no special form of ballot or envelope need be used. The officers holding such election shall make return to the township committee of said township of Brick of the result thereof by a statement in writing, under their hands, and the same shall be entered at length on the minutes of said township committee; and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

Returns.

Registry of voters.

5. The register of voters of the voters within said described territory used at the general election next preceding the holding of such special election shall be used for the purpose of conducting such special election. It shall not be necessary for the board of registry and election in said described territory to make a new registry of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said board shall meet at such place within said described territory as shall be designated by the clerk of said township of Brick at least one week preceding said election. Notice of the place so designated shall be given by the clerk by posting in at least five of the most public places in said described territory. Said meeting of the boards of registry and election shall begin at one o'clock in the afternoon and continue until nine o'clock in the evening of that day, for the purpose of revising and correcting the register and adding thereto the names of all persons entitled to vote within said described territory at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote at said election, or who shall be sworn by a written affidavit of a voter residing in said described territory to be entitled so to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; and on the following day one copy thereof shall be delivered to the chairman of the county board

Correction of registry.

of election of Ocean county to be filled by said board, and one copy shall be retained for the use of the said board of election at such special election.

Result filed with county clerk.

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

Approved April 6, 1911.

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## CHAPTER 123.

A Supplement to an act entitled "An act concerning an inventory and appraisal of railroad and canal property, including franchises in the State of New Jersey," approved April twelfth, one thousand nine hundred and ten.

Preamble.

WHEREAS, the work of revaluation, inventory and appraisal authorized by the said act referred to in the title of this act is practically complete and ready to be filed, but it is essential in order to obtain the most efficient and valuable results from such revaluation work, that the officials charged with the duty of putting into operation the revaluation schedules ascertained by such work, should have in connection therewith and for purposes of consultation and advice the services of the expert in charge of such work.

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

Time for revaluation extended.

1. The time limited for the completion of the work of revaluation and appraisal is hereby extended for one year, but the report of such revaluation and appraisal shall be filed as soon as practicable, and during the continuance of the said period of one year the services of the expert in charge of such work shall be at the disposal of the State officers for purposes

of consultation, advice and assistance in putting into operation most effectively the results of the revaluation work.

Appropriation.

2. For the purpose of this act the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

3. This act shall take effect immediately.

Approved April 6, 1911.

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## CHAPTER 124.

An Act to amend an act entitled "An act concerning the government of certain cities in this State and constituting a municipal Board of Fire and Police Commissioners therein and defining the powers and duties of such board, and vesting in such board certain powers of management and appointment now vested in other departments or offices in such cities and providing for the maintenance of such board," approved April twelfth, one thousand nine hundred and seven.

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

Section 6 amended.

1. The sixth section of the act referred to in the title hereof be and the same is amended to read as follows:

Exclusive right to appoint sundry officers.

6. The board appointed under this act shall have exclusive power and shall be substituted for and be vested with all the powers of appointment, management and control of the board of aldermen, common council or any other governing body in any such city, by whatsoever name called, in regard to the appointment of such officers or employes as may be necessary to carry into effect the powers granted to them in this act, including a building inspector, a city weigher, an inspector of weights and measures, a city physician,

an assistant city physician, a city pharmacist, a city veterinary surgeon, and recorder or police justice for such city, and upon the expiration of the terms of the said officers holding such offices in any such city when this act goes into effect therein, the said board shall appoint a building inspector and an inspector of weights and measures, a city physician, a city veterinary surgeon and a recorder or police justice, who shall be an attorney-at-law, and who shall be commissioned in the manner provided by law in any such city, each to hold office for a term of three years from the first day of January in the year in which they are respectively appointed, and thereafter said officers as their terms expire shall each be appointed for a term of three years and to hold their offices until their successors are appointed and qualified; any vacancy arising in any of the offices herein provided for shall be filled by said board for the unexpired term only; the said officers holding said offices or hereafter appointed to the same shall be invested with and shall possess all the powers and duties that are now vested in or exercised by any such officers in such cities; and after the organization of said Board of Fire and Police Commissioners, said officers shall be governed by and be subject to the rules and regulations prescribed by the said board; *provided,* the same be not contrary to existing law.

Term of appointees.

Vacancies.

How governed.

Proviso.

2. The act referred to in the title be and the same is amended so that the eleventh section therein shall read as follows:

Section 11 amended.

11. Any such board shall have full power and authority in the city where the same is constituted.

Powers enumerated.

To regulate or prohibit the manufacture of gunpowder, nitroglycerin or any other explosive material.

Explosives and weapons.

To regulate the storage and sale of gunpowder, nitroglycerin, or other explosive material.

To regulate the storage and sale of waste, petroleum, benzine, kerosene, or other oil or like combustible material.

To regulate and prohibit the sale or use of guns, pistols, firearms and fireworks of all descriptions.

To regulate and prohibit the use of soft coal in factories, power-houses and locomotives.

Soft coal.

Weights and measures. To regulate weights and measures; to cause the same to be examined by some person appointed for that purpose.

Building. To regulate and control the manner of building dwelling houses, stables, factories, theatres and all other buildings or structures, and the material to be used in the construction thereof.

Fire limits. To prohibit the building within certain limits the building or erection or alteration of any dwelling house, store, stable or other building of wood or other combustible material and to cause any building or structure which shall have become dangerous to human life or health to be destroyed.

Public halls, etc. To regulate the use of public halls, schools, churches, theatres, opera houses and all buildings used for public instruction, entertainment or amusement; to compel the owners or lessees or any person operating or controlling the same to provide ample and sufficient exits and fire escapes therefrom and to prevent the obstruction thereof; to cause all lights and electric wires therein to be properly guarded; and regulate the use of moving picture machines, scenery and all other apparatus and appliances used in such buildings.

Penalties. To prescribe penalties not exceeding two hundred dollars for the violation of any ordinance or regulation which said board is empowered to make and which penalties may be sued for and enforced in the same manner as ordinances of the board of aldermen or common council in said city were or are enforced.

3. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 125.

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

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

Section 2 amended.

1. The second section of the act referred to in the title hereof be and the same is hereby amended so as to read as follows:

Powers and duties.

2. The said board of public works shall be in the place of and be substituted for, and shall be invested with all the powers and duties now vested in or exercised by any board of aldermen, common council or committee thereof, relating to and in respect of the management, control, maintenance and operations of the roads, streets, alleys and sewers, and of the laying out and construction of roads, streets, alleys and sewers within such city; and it shall also have the charge, control and management of the construction and maintenance of lamps, wells, pumps, water works, and of the water-supply of such city, and of the distribution, sale and use of water therein, and also shall have the charge, control and management of the public buildings of such city, and the grounds contiguous thereto, except school buildings and buildings used in connection with the fire department, the police department and the department of charities and corrections, the board of health, and the library and park buildings.

Clerk of board to give notices.

Any notice required by existing law to be given by any city clerk in the course of any proceedings or work

that shall or may be undertaken or done by said board of public works as provided for in this act, shall hereafter be given by the clerk of said board of public works exclusively, and any advertisement required to be given in the prosecution of any work or proceeding connected with any of the subject-matters of this act shall be made by said board of public works; and all applications or petitions for the doing of any public works in such city shall be made and addressed to said board, it being the intention of this act to entirely supersede the common council, board of aldermen or other governing bodies of such cities, or their power or authority thereunder in the several departments of streets, sewers and water-works, and to place the same under the power, authority and control of the board of public works as herein provided for in the same manner and with like power and authority as the same are now vested in or under the authority or control of any such common council, board of aldermen or other governing body of such city, or their power or authority therein, and this act shall be so construed. All the powers now vested in any such city, either by its charter or by general law, for the construction, operation, maintenance and regulation of streets, sewers and public water-supply, including the power to make, alter and amend rules, regulations, resolutions and ordinances relating thereto, is hereby vested in said board of public works. For greater certainty it is hereby specified that, in addition to the other powers hereby conferred upon said board, are the following:

Petitions addressed to board.

Council superseded by board.

All powers concerning streets, sewers, water-supply vested in board.

Powers enumerated.

Boundaries. To ascertain and establish the boundary lines of rivers and streams within such city.

Streets and numbers. To regulate the naming of streets, avenues and public places and the numbering of the houses and lots thereon.

Noises. To regulate and to prohibit advertising, ringing of bells in the streets and other noises in the streets and public places.

Street regulation. To regulate and control the use of the streets of such city by all persons and corporations; by the regulation of traffic by pedestrians, wagons, cars, motors and vehicles of all kinds; by the regulation or prohibition

of the depositing of ashes, dirt, offal or garbage in such streets.

Obstructions. To prevent and remove obstructions and encumbrances in and upon any street.

Building line. To regulate or prevent the erection or construction of any stoop, step, platform, sign or any other projection in, over or upon any such street.

Signs and wires. To regulate the erection of any post, pole, sign, or wire upon or through or across any such street.

Flags. To regulate the exhibition of placards or flags in, across or over the streets.

Lighting. To provide for lighting the streets and public places in such city with gas, electricity, oil or other illuminating substances.

Wells and pumps. To regulate or prohibit the use of wells, pumps and cisterns in public streets and public places.

Bathing. To regulate or prohibit swimming or bathing in the waters in or bounding the city.

Ashes and garbage. To provide for the removal and disposition of offal, garbage and all other refuse matter.

Marketing. To prescribe and regulate the streets and public places to be used for market purposes.

Market house. To provide, maintain and regulate a public market place and the building or buildings necessary and suitable therefor.

Penalties. To prescribe penalties not exceeding two hundred dollars for the violation of any ordinance or regulation which said board is empowered to make and which penalties may be sued for and enforced in the same manner as ordinances of the board of aldermen or common council in said city were or are enforced.

Section 4 amended. 2. The fourth section of the act referred to in the title hereof be and the same is hereby amended to read as follows:

Board to elect certain officers. 4. Whenever a board of public works shall be established in any city under the provisions of this act, such board shall have the sole power and authority to elect the street commissioner, the city engineer and surveyor.

Assistants. Such board may also employ, from time to time, such assistant engineers or surveyors as the work of the city may require, and all necessary inspectors, supervisors, clerks and employes to aid in the execution or discharge of its duties under this act, and

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for the carrying out and performance of the work and labor of the public works or affairs of said city, which, by the provisions of this act, are placed or intended to be placed under the government, control and management of such board. The said board shall have power to fix the compensation or salary to be paid to such officers, and the compensation of such assistants and employes, and may, in their discretion, require satisfactory bonds for the faithful performance of their official duties. The salary of any officer appointed pursuant to the provisions of this section shall not be increased or diminished during the term for which he is appointed. The terms of the city officers in this section specified shall be three years and until the appointment and qualification of their respective successors; *provided, however,* this act shall not be construed to terminate or abridge the term of office of any officer holding office in said city at the time this act becomes operative therein, but all such officers shall serve out the term for which they were originally elected or appointed, and the said board shall have power only to appoint a successor at the end of such term for which any officer was originally elected or appointed, or to fill any vacancy that may occur. Any vacancy in any of the offices mentioned in this section shall be filled for the unexpired term only.

Compensation.

Terms.

Proviso.

Vacancies.

3. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 126.

A Supplement to an act entitled "An act to reorganize the boards of chosen freeholders of the several counties of this State, reducing the membership thereof, fixing the salaries, and providing for the election and terms of office of the members, and also for the appointment and terms of office of officers appointed by such boards," approved March twenty-sixth, one thousand nine hundred and two.

183-2d-1
R-11-711

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

Membership to be seven.

1. The boards of chosen freeholders in all counties of this State which have adopted or shall hereafter adopt the act to which this is a supplement having between one hundred and fifty thousand and three hundred thousand inhabitants shall consist of seven members.

1. The boards of chosen freeholders in all counties of this State having between one hundred thousand and three hundred thousand inhabitants shall consist of seven members.

Repealer.

2. All acts or parts of acts, in so far as they are inconsistent herewith, are hereby repealed, and this act shall take effect immediately.

Approved April 7, 1911.

## CHAPTER 127.

A Further Supplement to an act entitled "An act to amend the title and body of an act entitled 'An act to provide for the purchase of sites for and the erection and equipment of armories in counties of the third class, and making appropriations therefor, and to provide for the taking of real estate for such sites by a commission in case same cannot be purchased by agreement, approved June eighteenth, one thousand nine hundred and seven,'" which said amendment was approved April seventh, one thousand nine hundred and nine, and is known as Chapter fifty-two, page seventy-four, of the Pamphlet Laws of one thousand nine hundred and nine.

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

Appropriation for armory at Asbury Park.

1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and the same hereby is appropriated out of the State fund, when included in any annual or supplemental appropriation bill, for the erection and construction of an armory at Asbury Park, Monmouth county, pursuant to chapter two hundred and fifty-four, page six hundred and forty-four, of the laws of one thousand nine hundred and seven, as amended by chapter fifty-two, page seventy-four, of the laws of one thousand nine hundred and nine.

2. This act shall take effect immediately.

Approved April 7, 1911.

## CHAPTER 128.

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

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

Silencer on gun forbidden.

1. It shall be unlawful to use any silencer, when hunting for game or fowl, on any gun, rifle or fire arm, under a penalty of twenty dollars for each offense.

2. This act shall take effect immediately.

Approved April 7, 1911.

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## CHAPTER 129.

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

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

Section 40 amended.

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

State officials entitled to passes.

40. The Governor, Chancellor, Vice-Chancellors, the justices of the Supreme Court and the judges of the Court of Errors and Appeals, judges of the Circuit Court, Attorney-General, Secretary of State, State Treasurer, Deputy State Treasurer, State Comp-

troller, Deputy State Comptroller, Clerk in Chancery, Deputy Clerk in Chancery, Clerk of the Supreme Court, Deputy Clerk of the Supreme Court, Adjutant-General, Quartermaster-General, the Secretary to the Governor, the Executive Clerk, Clerk to the School Fund, State Librarian, Custodian and Assistant Custodian of the State Capitol, State Prison Keeper, Supervisor of the State Prison, the Superintendent of the New Jersey Reformatory, State Superintendent of Public Schools, the members of the Board of Fish and Game Commissioners, its secretary and protectors, Assistant State Superintendent of Public Schools, Commissioner of Banking and Insurance, Commissioner of Charities and Corrections, Parole Agent of New Jersey State Prison, Chief Parole Officer of New Jersey State Home for Boys, Chief Parole Officer of New Jersey Reformatory, Field Parole Officer of New Jersey Reformatory, Parole Officer of New Jersey State Home for Girls, State Prison Inspectors, general agent and agents of the State Board of Children's Guardians, State Geologist, Commissioner of Public Roads, State Supervisor of Public Roads, Commissioner of Motor Vehicles, Chief of the Bureau of Labor and Statistics, Deputy Chief of the Bureau of Labor and Statistics, Commissioner of Labor, Assistant Commissioner of Labor, the members and Clerk of the State Board of Equalization of Taxes, the members and secretaries of the State Board of Assessors and the Board of Railroad Commissioners, its secretary and inspectors, the members of the State Water Supply Commission, its secretary and engineer, the members of the Public Utilities Commission, its secretary and inspectors, members of the Civil Service Commission, and the secretary and chief examiner thereof, Commissioner of Inland Waterways, Chief of the Bureau of Shell Fisheries, the secretary and members of the State Board of Health, the members of the Riparian Commissions and the secretary and engineer thereof, the members and officers of both Houses of the Legislature of this State and the members of Congress and United States Senators, during their various respective terms of office shall pass and

repass free of charge on all railroads now or hereafter operated in this State.

2. This act shall take effect immediately.

Approved April 7, 1911.

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## CHAPTER 130.

An Act to provide for the erection of greenhouses and the equipment of the same for floriculture for the use of the New Jersey State Agricultural Experiment Station.

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

Greenhouses at experiment station.

1. The board of managers of the New Jersey State Agricultural Experiment Station be and they are hereby required to erect suitable greenhouses upon land to be set aside for that purpose by the trustees of the State Agricultural College and equip the same for investigation in floriculture, for which purpose said board of managers may employ such competent person or persons as may be required to carry out the purposes of this act.

Appropriation.

2. There shall be appropriated out of the revenues of the State the sum of twenty thousand dollars to be expended in the erection and equipment of said greenhouses as provided for in section one of this act, and there shall be appropriated the further sum of three thousand dollars per annum for the purpose of maintaining and carrying on the work hereby provided for, said appropriation to go to the State Agricultural Experiment Station and to be expended in the same manner as other appropriations to said station are expended; *provided,* that no payment shall be made pursuant to this act until the amount thereof shall be included in the annual or supplemental appropriation bill.

Proviso.

3. This act shall take effect immediately.

Approved April 7, 1911.

## CHAPTER 131.

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

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

Section 4 amended.

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

Amount allowable for roads.

4. The estimated amount of all contracts for road improvements awarded in any one year by the board of chosen freeholders, together with the estimated cost of repairs of roads already constructed, shall not exceed in excess of the amount which any county may raise in any one year one-fifth of one per centum of the ratables of the county, as reported to the State Comptroller for the preceding year, exclusive of the State appropriation for road purposes apportioned to any county, except when the two-thirds estimated cost of any road under contract is paid for by a bond issue as provided for by section nine of this act.

Exception.

2. This act shall take effect immediately.

Approved April 7, 1911.

## CHAPTER 132.

An Act for the protection of lobsters.

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

Minimum size.

1. From and after the passage of this act it shall be unlawful for any person or persons to take from the salt waters of this State, by means of boats, pots or otherwise, or to have in their possession, or to buy or sell, or to offer to buy or sell, any lobster the length of which from the tip of the horn to the end of the tail shall measure less than eight inches, or any spawning lobster, under a penalty of twenty dollars for each lobster so taken, offered for sale or had in possession, said penalty to be paid to the Board of Fish and Game Commissioners for the use of the commission.

189-1
A-13-266

Enforcement of act.

2. The procedure for enforcing the provisions of this act shall be the same in all respects as provided for in an act of the Legislature entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven.

3. This act shall take effect immediately.

Approved April 7, 1911.

## CHAPTER 133.

An Act to authorize the issuing of licenses to exempt members of any volunteer fire department, volunteer fire engine, hook and ladder, hose, supply company, or salvage corps of the cities, towns, boroughs, townships and fire districts in this State, for hawking, peddling and vending of merchandise within this State.

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

Exempt firemen may peddle without license.

1. Every exempt member of any volunteer fire department, volunteer fire engine, hook and ladder, hose, supply company, or salvage corps, of any city, town, borough, township, or fire district in this State, holding an exemption certificate issued to him as an exempt member of any such company or corps, who is a resident of this State, shall have the right to hawk, peddle and vend any goods, wares or merchandise or solicit trade within this State by procuring a license for that purpose, to be issued as herein provided.

Free license issued.

2. On the presentation to the clerk of any county in which any such exempt member may be or reside, of such exemption certificate, such county clerk shall issue without cost to such exempt fireman a license certifying him to be entitled to the benefits of this act.

3. This act shall take effect immediately.

Approved April 7, 1911.

## CHAPTER 134.

A Supplement to an act entitled "An act concerning marriages (Revision of 1910)," approved April eleventh, one thousand nine hundred and ten.

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

Deputy registrar.

1. Any official authorized to issue a marriage license under the act to which this act is a supplement, may designate a deputy to issue licenses during the absence of the official authorized so to do under the provisions of the act to which this act is a supplement, and any such license when issued by any such deputy shall be as good and effectual as a license issued by any of the officials named in the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved April 7, 1911.

## CHAPTER 135.

An Act authorizing and regulating the use for water-supply and sewer purposes, including proper house connections, by any municipality in any county of this State, of any streets, avenues, roads, parkways, or other highways situate within the territory of any such municipality now or hereafter under the control of any county board or commission, and providing for the payment of the cost of water pipes and storm-water and sanitary sewers, including proper house connections, laid down under the authority of this act.

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

Use of streets for water and sewer pipes.

1. Any municipality in any county of this State may use for water-supply and sewer purposes, including proper house connections, any street, avenue, road, parkway or other highway situate within the territory of any such municipality now or hereafter under the control of any county board or commission, and to that end may lay down therein and maintain water pipes, with proper house connections to the property line, and may construct therein and maintain storm-water and sanitary sewers, with proper house connections to the property line, or any or all of them; and any such municipality may, by resolution and without notice, cause proper house connections to the property line of the number, character and location determined by it, to be laid down and constructed in any street, avenue, road, parkway or other highway within such municipality now or hereafter under the control of any county board or commission, connecting any water pipes or sewers heretofore or hereafter laid down or constructed therein, whether house connections have been made to the property line or not at the time of

192-1
A-1914-221

Authorize house connections.

laying down or construction of such water pipes or sewers; *provided, however,* that no such municipality shall lay down any water pipes or storm-water or sanitary sewers or any house connections thereto to the property line without first having secured the approval of the plans for, and location of, the same by the county board or commission now or hereafter having control of the street, avenue, road, parkway or other highway in which the work is to be done; *and provided further,* that any such municipality opening for any purpose authorized by this act the surface of any street, avenue, road, parkway or other highway under the control of any county board of commission, shall restore the surface of the same to the same condition in which it was before such opening, and, on failure to so restore for a period of ninety days after notice from any county board or commission requiring such restoration, such county board or commission may itself undertake the work and recover the expense of such restoration from the municipality failing to so restore by action at law in any court of competent jurisdiction.

Proviso.

Proviso.

2. Any municipality which shall, under the authority of this act, lay down or construct any water pipe or pipes, storm-water sewers or sanitary sewers with proper house connections to the property line, or any house connection to the property line to any water pipe or sewer heretofore or hereafter laid down or constructed with which house connections were or shall not have been made to the property line at the time of laying down or construction of said water pipes or sewers, is hereby empowered to assess the cost of any such water pipe or pipes, storm-water sewers, sanitary sewers or house connections, so laid down or constructed under the authority of this act, upon the property abutting upon the line of the street, avenue, road, parkway or other highway in which the same may be laid down or constructed, to the extent of benefits actually received by such abutting property, and any difference between the amount so assessed and the total cost shall be borne and paid by the municipality.

Assess cost.

Collection of assessments.

3. The cost of such work and the assessment of benefits conferred thereby shall be ascertained, fixed, assessed, levied and collected in the same manner as other assessments for like or similar improvements in the streets of any such municipality are in such municipality ascertained, fixed, assessed, levied and collected.

Assessments a lien.

4. Any and all assessments which may be levied under and by virtue of the provisions of this act shall be and remain liens upon the land and real estate so assessed until the same shall be fully paid, together with interest from the date of such assessment at the rate of seven per centum.

Additional authority conferred.

5. Nothing herein contained shall prevent any municipality from exercising any powers which are now conferred on it by law, but this act shall confer authority additional to any now existing for carrying out the purposes herein specified.

6. This act shall take effect immediately.

Approved April 7, 1911.

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## CHAPTER 136.

An Act regulating the age, employment, safety, health and work hours of persons, employes and operatives in mercantile establishments.

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

Minimum age for child labor.

1. No child under the age of fourteen years shall be employed, allowed or permitted to work in any mercantile establishment during any of the hours in which the public schools are in session in the district in which such child resides; any corporation, firm or individual who shall employ, allow or permit to work in any mercantile establishment any child under the age of fourteen years during the time prohibited by this section shall incur a penalty of fifty dollars.

194-1
A-1914-529

Penalty.

Hours of employment.

195-2
A-1914-530

2. No child under the age of sixteen years shall be employed, allowed or permitted to work in or in connection with any mercantile establishment more than fifty-eight hours in any one week, or before seven o'clock in the morning or after seven o'clock in the evening of any day (excepting one day in the week, when such minors may be permitted to work until nine o'clock in the evening). The provisions of this section shall not apply to the employment of such minors between the fifteenth day and the twenty-fifth day of December, inclusive, when such minors may be permitted to work until ten o'clock in the evening; any corporation, firm or individual who shall violate any of the provisions of this section shall be liable to a penalty of fifty dollars.

Exception.

Penalty.

Inspection of establishments.

195-3
A-1914-530

3. It shall be the duty of the Commissioner of Labor, the assistant commissioner, or the inspectors of the Department of Labor, or truant officers or other person empowered by law to compel the attendance of children at school, and they shall have power to investigate and inspect all mercantile establishments coming under the intent and provisions of this act.

Record of children employed kept in office of employer.

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A-1914-531

4. A corporation, firm or person owning or operating a place or places coming under the provisions of this act, and employing, allowing or permitting children actually or apparently under sixteen years of age to work therein, shall keep or cause to be kept in the main office of such place in the town or city in which such place is located, a register or record in which shall be recorded the name, place of residence and time of employment of all such minors employed therein, together with a transcript of the record of birth of such minors duly attested by an officer having by law the authority to keep records of birth in the State, county or city in which such child was born; if no such birth certificate can be obtained, and the child was baptized, then a certified copy of the baptismal record of the church or parish in which such baptism took place, duly certified as a true copy under the hand of the person having the custody of such church or parish records, which shall set forth the age of the child at the time of baptism.

In the case of foreign-born children, the same transcript of the record of the birth or baptismal certificate shall be required as is required of a native-born child, in addition to the passport under which such child was admitted to this country, or a true copy of the same. The Commissioner of Labor shall have power to issue permits of employment to children, upon the production of evidence of the child's age, satisfactory to the commissioner; *provided,* that he shall first be satisfied that the child cannot obtain a transcript of the birth record or passport or a baptismal certificate as above provided; such registers, certificates and transcripts shall be produced for inspection upon demand of the commissioner, assistant, or any of the inspectors, or any truant officer or other person empowered by law to compel the attendance of children at school; any corporation, firm or person failing to keep such registers, or refusing to permit the persons herein, authorized to inspect the same, or the certificates, transcripts and passports, shall be liable to a penalty of fifty dollars for each offense.

Permits.

Proviso.

Penalty for making false certificate.

5. Anyone who shall swear falsely to any affidavit or present any certificate or passport which he or she knows to be false, and any person or persons who shall aid, assist or advise the making of a false affidavit or the obtaining of a false certificate or passport, shall be liable to a penalty of fifty dollars for each offense.

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A-1914-531

Right of entry for inspection.

6. The Commissioner of Labor, his assistant, or any inspector, or truant officer, or other person empowered by law to compel the attendance of children at school, is hereby empowered to enter into and inspect at any reasonable time and without notice or request for permission all mercantile establishments coming under the provisions of this act and to demand of any parent, custodian or guardian proof of the age of a child satisfactory to the commissioner, and such parent, parents, custodian or guardians shall, within five days after such demand is made, furnish to such officer proof of such child's age; and in the event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing, signed by the com-

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missioner, and shall not be reemployed until such proof of age shall have been furnished to the commissioner.

PROTECTION OF EMPLOYES.

Protection of openings in floor.

7. The openings of all hoistways, hatchways, elevators and well-holes upon every floor of any place coming under the provisions of this act shall be protected by good and sufficient trap-doors or self-closing hatches and safety catches, or strong guard-rails at least three feet high, and shall be kept closed and protected at all times except when in actual use by the occupant of the building having the use and control of the same.

VENTILATION.

Proper ventilation.

8. The owner, agent or lessee of a place coming under the provisions of this act, or employer, shall provide in each mercantile establishment proper and sufficient means of ventilation; in case of failure, the commissioner shall order such ventilation to be provided; such owner, agent, lessee or employer shall provide such ventilation within twenty days after the service upon him of such order in writing, and in case of failure shall be liable to a fine of ten dollars for each day after the expiration of the time given by such order to make the change.

Penalty.

SANITARY.

Toilet facilities.

9. Every mercantile establishment shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also, if ordered by the Commissioner of Labor, a suitable and convenient wash-room; the water-closets used by women shall have separate approaches; if women or girls are employed, a dressing-room shall be provided for them when ordered by the commissioner.

POSTING LAW.

Abstract of law supplied and posted.

10. An abstract of this law shall be prepared and furnished upon request by the commissioner to every

corporation, firm or person in this State who is affected thereby, and every such corporation, firm or person to whom a copy of such abstract is sent or delivered shall post such abstract of this law and keep it posted in plain view, in such place that it can be easily read by the employes or operatives in coming in or going out from said mercantile establishment.

OBSTRUCTING OFFICERS.

Officers not to be hindered.

11. No person shall interfere with, delay, obstruct or hinder, by force or otherwise, the commissioner, the assistant commissioner, inspectors or truant officers while in the performance of their duties, or refuse to answer, in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

PENALTIES.

Orders to enforce provisions.

12. For the purpose of carrying into effect the provisions of sections seven, nine, ten and eleven of this act the commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employes and operatives and the enforcement of this act, in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person violating any of the provisions of sections seven, nine, ten and eleven, shall, for each offense, be liable to a penalty of fifty dollars.

Penalty.

PROCEDURE.

Procedure to enforce act.

13. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner, to be instituted in any district court of a city, recorder's court of cities, or before any justice of the peace having due jurisdiction, and the

first process shall be by summons returnable in not less than five nor more than ten days, which process shall be served on the owner or owners, person or persons, or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons as aforesaid, do not so reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business or place; service upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside without the limits of the county, then service of the process may be made upon the agent in charge of said building, but if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution he shall not be discharged under the insolvent laws of the State but shall only be discharged by the court making the order for the body execution, one or more of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Service of summons.

Findings.

Execution.

Act construed to give additional powers.

14. Nothing herein contained shall be construed to repeal in whole or in part the act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on and to the establishment of a department for the enforcement thereof, approved March twenty-fourth, one thousand nine hundred and four, or the amendment thereof and supplements thereto, but the provisions of this act shall be held to be in addition thereto.

Definition.

15. "Mercantile establishment" as used in this act shall be construed to apply to any employment of labor other than a factory, workshop, mill or other place where the manufacture of goods of any kind is carried on.

16. This act shall take effect immediately.

Approved April 7, 1911.

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## CHAPTER 137.

An Act relating to female guards in county jails and county penitentiaries.

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

Sexes separated.

1. In county penitentiaries and county jails in counties of the first class in this State the female prisoners shall be, as far as the construction of the jail or penitentiary will permit, removed from the quarters occupied by the male prisoners; and it shall be the duty of the board of chosen freeholders, in the case of such county penitentiary, and of the sheriff of the county, in the case of such county jail, to appoint one or more female guard or guards over said female prisoners at all hours during the night, the salary of such female guard or guards to be fixed and paid in the same manner as the salaries of the male guards are now fixed and paid. No woman appointed to be

Female guards.

Age.

such guard shall be under the age of twenty-five years or over the age of forty years when so appointed; *provided,* that nothing in this act shall be construed as authorizing the removal because of her age of any woman over the age of forty years who shall be employed as a guard when this act shall take effect. Proviso.

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

Approved April 7, 1911.

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201-Ch.-138
S-12-764
R-13-22

## CHAPTER 138.

An Act for the maintenance, treatment and support of indigent patients suffering from locomotor ataxia, chronic rheumatism, paralysis, and other similar incurable diseases, inhabitants of this State.

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

1. An annual sum, not exceeding three hundred and sixty-five dollars, for each patient be appropriated out of any moneys in the Treasury, not otherwise appropriated, to be applied under the direction of the Commissioner of Charities and Corrections, for the maintenance, treatment and support of indigent patients, inhabitants of this State, in institutions in this State, suffering from locomotor ataxia, chronic rheumatism, paralysis, and other similar incurable diseases, as may be designated by the Commissioner of Charities and Corrections. Allowance to indigents with incurable diseases.

2. The Commissioner of Charities and Corrections shall have power to decide upon all applications which may be made for benefits under this act, as to the diseases and the institution to which they shall be assigned. Commissioner of charities to determine.

3. All applications for the admission of such patients shall be accompanied by a certificate of two Applications.

respectable freeholders, residents of the towns or townships in which the patient resides, attested by a magistrate, and said certificate shall clearly set forth the age, circumstances and capacity of such patient, and of the ability or inability of such patient to pay any part of the expense of his or her treatment and maintenance.

Yearly statement.

4. It shall be the duty of the Commissioner of Charities and Corrections to request the principals of the several institutions to which such patient shall be sent to transmit to him every year statements in writing of number of patients so maintained in their institution.

Part payments.

5. Whenever the Commissioner of Charities and Corrections shall be satisfied that the resources of any person applying for the benefits of this act are sufficient to bear a part of the expense of such maintenance and treatment, and not sufficient to defray the whole of such expense, then the Commissioner of Charities and Corrections may cause to be paid such proportion, as to him shall seem just and equitable, of the annual expense of maintaining and treating such patient.

6. This act shall take effect immediately.

Approved April 10, 1911.

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## CHAPTER 139.

An Act to incorporate the borough of Mantoloking, in the county of Ocean.

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

Corporate name.

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

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

All those certain premises situated in the township of Brick, county of Ocean, and State of New Jersey, beginning at a point in the Atlantic ocean, which said point is the intersection of the exterior line established by the Riparian Commission of the State of New Jersey with the southerly boundary line of the borough of Bayhead, or the extension of the same to said exterior line; thence southerly along said exterior line to a point in the Atlantic ocean, which said point is distant three hundred feet southerly from the southerly line of the United States Life Saving Station No. 11, or said line extended into the Atlantic ocean; and thence extending in a westerly direction parallel with the said southerly line of said United States Life Saving Station to the exterior line established by the Riparian Commission of the State of New Jersey in Barnegat bay; thence in a northerly direction along said exterior line in Barnegat bay to a point where the same intersects the southerly line of the borough of Bayhead, or the southerly line of the borough of Bayhead extended to said exterior line; and thence in an easterly direction along the southerly line of the borough of Bayhead, or said line extended to the place of beginning; the lands above described being a portion of lands within the limits of the township of Brick, in the county of Ocean aforesaid, and in the Atlantic ocean.

3. This act shall take effect immediately.

Approved April 10, 1911.

## CHAPTER 140.

An Act to incorporate The Borough of Port Norris, in the county of Cumberland.

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

Corporate name.

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

Boundaries defined.

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

Beginning at the mouth of Bowker's run; thence, following the various course thereof in a northwesterly direction to a point in the center of said run and the Haleyville and Port Norris road; thence, in a northwesterly course, to a point one hundred feet northeast of Milton Tribbet's house, said point being in the center of the road leading from Dragston to Port Norris; thence, following the same course to the line dividing Commercial and Downe townships; thence, following said dividing line, its various courses to the bay shore; thence, along the bay shore following the various courses to the mouth of Maurice river; thence, along the said Maurice river, following the various courses thereof to the place of beginning.

Referendum.

3. This act shall take effect immediately, but shall remain inoperative until the same shall have been submitted to the legal voters within the above described territory at a special election to be called for that purpose, and until the same shall have been accepted by a majority vote of the legal voters of the said described territory voting at the special election to be called for that purpose.

Special election.

At such special election the only question submitted shall be "for the adoption of the act to incorporate

the borough of Port Norris, in the county of Cumberland," or "against the adoption of the act to incorporate the borough of Port Norris, in the county of Cumberland."

Notice.

One week's notice of such special election shall be given by the clerk of the township of Commercial, by publication in a newspaper circulating in the said township of Commercial, and by advertisement posted in five conspicuous places within the territory above described.

Ballots and election officers.

Said election shall be by ballot, and shall be held by the same election officers of the township as held the last election for members of the General Assembly in the election districts lying wholly or partly within the above described territory upon the day and at the place to be appointed by the county board of elections of the county of Cumberland.

Election how conducted.

The polls shall be open for the time provided by law for general elections in such township and such election shall be, in all respects, conducted and the votes canvassed in the manner provided by law for such general election. There shall be no registration for such election, but the board of elections shall procure and use at such election a certified copy of the register of voters used at the last preceding election, and no person shall be entitled to vote whose name does not appear on the said register and who shall not reside within the territory above described; *provided,* that any person who shall appear in person before said local board of elections of said township shall satisfy said board, either by affidavit or otherwise that he is entitled to vote at said election, shall be entitled to cast his vote, and the name of such person shall be placed on a separate list, and a copy thereof forwarded to the county clerk within five days after the date of such election.

Proviso.

Majority to determine.

If a majority of ballots cast at such election shall contain the words "for the adoption of the act to incorporate the borough of Port Norris, in the county of Cumberland," then this act shall be deemed to be operative, and the said borough of Port Norris incorporated.

4. This act shall take effect immediately.

Approved April 6, 1911.

## CHAPTER 141.

An Act to amend an act entitled "An act to promote the horticultural interests of the State of New Jersey," approved March twenty-second, one thousand eight hundred and ninety-nine.

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

**Section amended.**

1. Section one of the act referred to in the title of this act is hereby amended to read as follows:

**Appropriation.**

1. The sum of twenty-five hundred dollars be and the same is hereby appropriated annually out of any moneys in the State Treasury not otherwise appropriated; **Proviso.** *provided*, that the said sum of twenty-five hundred dollars, or so much thereof as may be deemed necessary, shall be included in the annual appropriation law.

2. This act shall take effect immediately.

Approved April 11, 1911.

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## CHAPTER 142.

Supplement to an act entitled "An act providing for the formation, establishment and government of towns" (Chapter 113, Laws of 1895).

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

**Fee for searches.**

1. The council of every town governed under the provisions of the act to which this act is a supplement may, by ordinance, fix the amount to be paid by persons requiring certificates of searches as to what taxes, assessments or other municipal liens appear against

any real estate in such town; such fees shall be paid into the treasury of such town by the officer receiving the same.

2. This act shall take effect immediately.

Approved April 12, 1911.

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## CHAPTER 143.

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

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

Minimum age for minors in dance halls.

1. Any person, owning, keeping or having the management or control of any public dance house or hall, or any concert saloon, whether licensed as such or not, his agent or servants, who shall admit thereto, or permit or suffer to be or remain therein any child under the age of eighteen years, unaccompanied by a parent or guardian, shall be guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars.

Minimum age for children in amusement places.

2. Any person having the management or control of any theatre, or place wherein theatrical, acrobatic or vaudeville performances are given by paid performers, or wherein any moving picture show is given, his agents, or servants, who shall admit thereto, or permit or suffer to be or remain therein any child under the age of sixteen years, unaccompanied by a parent, guardian, or adult friend, shall be guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars.

Penalty.

3. This act shall take effect immediately.

Approved April 12, 1911.

## CHAPTER 144.

An Act authorizing cities to appropriate the sum of twenty-five hundred dollars for the purchase and erection of a firemen's monument.

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

May appropriate money for firemen's monument.

1. The common council, board of aldermen, or other body having control of the finances of any city of this State, in which the provisions of this act shall be adopted as hereinafter provided, out of the sum raised by the next tax levy after such adoption, shall appropriate and pay to a commission appointed for the purpose as herein provided, the sum of twenty-five hundred dollars, to be used either alone or in conjunction with any fund collected by popular subscription or donated for the same purpose, for the purchase and erection in any public highway, square, park or place as shall be designated by said commission of a monument or statute commemorative of the services of the volunteer firemen of the said city, to be known as "Firemen's Monument.

Referendum.

2. The provisions of this act shall be submitted to the voters of any city of this State at the next general election following the filing with the city clerk of such city of a petition, signed by at least one hundred of the voters and residents of such city, requesting that the provisions of this act shall be submitted to the voters at the then following general election; *provided,* such petition shall be filed at least thirty days prior to the time fixed by law for the holding such general election; and this act shall become operative upon the adoption of the same by a majority of the voters voting for or against such adoption at such election; *and provided further,* that the submission of this act to the voters at any general election shall not preclude its resubmission at any future general election, upon the filing of a new petition as above provided for.

Proviso.

Proviso.

Mayor to appoint commission.

3. Within thirty days after the adoption of the provisions of this act by the voters of any city, the mayor of such city shall appoint three members to constitute a commission to receive the fund aforesaid and to select the site and purchase and arrange for the erection of said monument, to serve without compensation, one of which commission shall be the president of the exempt firemen's association of such city, or, should there be no such association in any city in which this act may be adopted, then one member of such commission shall be the president of the firemen's relief association of such city.

4. This act shall take effect immediately.

Approved April 12, 1911.

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## CHAPTER 145.

An Act to amend an act entitled "An act to prevent trespassing with guns," approved March fourteenth, one thousand eight hundred and ninety-five.

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

Section 1 amended.

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

Damages may be awarded for trespassing on posted land.

1. Any person trespassing on any lands, except fresh-meadow land over which the tide has ebbed and flowed continuously for twenty years or more, carrying a gun after public notice on the part of the owner, occupant, lessee or licensee thereof forbidding such trespassing, such notice being posted conspicuously adjacent to the highway binding on said lands, or adjacent to any usual entrance way to said lands, shall be deemed guilty of trespass at the suit of such owner, occupant, lessee or licensee, and in an action of trespass or tort (which action shall be conducted in all respects as actions of trespass or tort are usually con-

ducted) the damages awarded for any such trespass shall not be less than ten dollars.

Section 2 amended.

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

Action in forbidden cases.

2. Any person trespassing on any lands, except fresh-meadow land over which the tide has ebbed and flowed continuously for twenty years or more, carrying a gun, after being forbidden so to trespass by the owner, occupant, lessee or licensee thereof, shall be deemed guilty of trespass, at the suit of such owner, occupant, lessee or licensee, and in an action of trespass or tort (which action shall be conducted in all respects as actions of trespass or tort are usually conducted) the damages awarded for any such trespass shall not be less than ten dollars.

Repealer.

3. Add the following section to the act of which this act is amendatory:

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

Approved April 15, 1911.

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## CHAPTER 146.

210-Ch.-146 R-12-48

A Supplement to an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof (Revision of 1907)," approved March twentieth, one thousand nine hundred and seven.

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

Inspection of oyster and clam beds by state board of health.

1. It shall be the duty of the Board of Health of the State of New Jersey to inspect, or cause to be inspected, as often as said board may deem necessary, the various oyster and clam beds and other places

within the jurisdiction of or forming a part of the State of New Jersey from which oysters, clams or other shellfish are taken to be distributed or sold for use as food, for the purpose of ascertaining the sanitary conditions of such oyster and clam beds and other places, and the fitness of the oysters, clams or other shellfish in such places, or which are taken therefrom, for use as food.

Condemnation of unhealthy beds.

2. If the State Board of Health discovers that any oyster or clam bed, or other place from which oysters, clams or other shellfish are or may be taken for use as food, is subject to pollution, or to any other condition which may render the oysters, clams or other shellfish in such places, or which may be taken therefrom, dangerous to health, it shall be the duty of said board to immediately condemn such oyster or clam bed or other place, and to prohibit the taking of oysters, clams or other shellfish from such place for distribution or sale as food, and also to prohibit the sale, distribution, offering for sale or having in possession with intent to distribute or sell any such oysters, clams or other shellfish.

Evidence of intent.

3. For the purpose of this supplement, the distribution, sale, offering for sale, or having in possession with intent to distribute or sell any oysters, clams or other shellfish shall be prima facie evidence that such oysters, clams or other shellfish were intended for use as food.

Penalty.

4. Any person who shall gather with intent to sell or distribute for use as food any oysters, clams or other shellfish from any oyster or clam bed or other place which has been condemned by the Board of Health of the State of New Jersey, in accordance with the provisions of section two of this supplement, or any person who shall distribute, sell, offer or expose for sale, or have in his possession with intent to distribute or sell any oysters, clams or other shellfish taken from any oyster or clam bed or other place which has been condemned by said board, shall be liable to a penalty of one hundred dollars, such penalty to be recovered by an action of debt by and in the name of the Board of Health of the State of New Jersey in the manner prescribed for the recovery of penalties in the act to which this is a supplement.

Injunction to restrain violations.

5. Whenever any person shall violate any of the provisions of this supplement, it shall be lawful for the Board of Health of the State of New Jersey, either before or after the institution of proceedings for the collection of the penalty imposed by this supplement for such violation, to file a bill in the Court of Chancery in the name of the State, at the relation of said board, for an injunction to restrain such violation and for such other and further relief in the premises as the Court of Chancery shall deem proper, but the filing of such bill, nor any of the proceedings thereon, shall not relieve any party to such proceedings from the penalty or penalties prescribed by this supplement for such violation.

Act repealed.

6. An act entitled "A further supplement to an act entitled 'An act for the preservation of clams and oysters,' approved April fourteenth, one thousand eight hundred and forty-six," approved April sixth, one thousand nine hundred and ten, be and the same is hereby repealed.

7. This act shall take effect immediately.

Approved April 15, 1911.

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## CHAPTER 147.

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

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

Town comptroller.

1. In any town in this State wherein the voters shall have adopted the provisions of this act, as hereinafter provided, it shall be lawful to elect a comptroller.

Resident.

2. The said comptroller shall be a resident of the town and shall be elected at the same time and in the same manner as are other officers under the provisions

of the act to which this is a supplement; he shall hold office for three years, and until his successor has been elected and has qualified. Term.

3. The said officer, before entering upon the duties of his office, shall take and subscribe before any officer authorized to administer oaths and affirmations in this State, an oath or affirmation faithfully to execute the duties of his office to the best of his knowledge, skill and ability, which oath or affirmation shall be filed in the office of the town clerk; and he shall give a good and sufficient bond for the faithful performance of the duties of his office in such sum as the council shall direct, which shall be approved by the council; and he shall receive as compensation for his services such salary as the council of such town shall by ordinance prescribe, not exceeding one thousand dollars per annum. The salary of such comptroller shall not be increased or diminished during his term of office. Oath. Bond. Salary.

4. It shall be the duty of such officer to sign all warrants on the town treasury; to superintend all fiscal concerns of the town in such manner, and to report thereon at such times as the council shall by ordinance direct, to keep separate accounts of all appropriations made by the council to each and every department of the town government and to require all warrants on the treasury to state particularly against which appropriation the said warrant is drawn; the said officer, on receiving a bill or warrant, shall examine the same, and if it be for any purpose for which there is no appropriation, or the appropriation for which is exhausted, or to which for any other cause he cannot give his approval, he shall report the fact to the town council and the warrant in such case shall not be signed except by special authority from or directed by the council; he shall, upon the death, resignation, removal or expiration of the term of office of any officer or person who, by law, may be authorized to receive or disburse the moneys of such town, for which said comptroller is acting as aforesaid, audit and examine the accounts of such officer or person and report the condition of his business to the common council; he shall first audit the bill containing or mak- Duties. Audit certain accounts.

ing up such claim, with a view to ascertain whether the supplies charged to such town, or the services alleged to have been rendered, have been furnished and rendered as stated, and whether the sum or sums demanded therefor are proper, and after so auditing, shall return said bills to the officer or department having control of the appropriations against which said claim is made and against which the warrant is to be drawn; he shall, as often as he may deem necessary, or as the council may require, suggest plans to the said council for the improvement, advantage and better management of the finances of such town; he shall have the control of the fiscal concerns of all departments and officers of the town, and may require at any time, from any and all of its departments and officers, a full exhibit of their business and a statement and account in writing of any or all moneys and property of said town within the control or in the hands of said department and officers, and the said comptroller shall immediately, in case of any default, delinquency or official misconduct, report the same to the council; and in order that he may fulfill his duties and make complete audits of the accounts, he shall have power, whenever he shall see fit, to examine all books, papers and vouchers pertaining to any and all departments of the town's business, and shall have free and unrestricted access to them for the purposes aforesaid; and the said officer shall be authorized, whenever in his judgment the interests of the town shall require, to examine, under oath, any person presenting a bill or claim against such town for the payment of moneys; and also to examine witnesses and to investigate, by other evidence and inquiry, all facts relating to each claim which, in his opinion, are necessary to establish the accuracy and good faith of such claim, and to ascertain the town's liability therefor; that it shall be deemed a misdemeanor for such officer to sign any warrant or order or otherwise procure the payment of any money from the town treasury not authorized by law.

Suggest methods in finances.

Access to records.

Investigate claims.

Referendum.

5. This act shall take effect immediately, but shall remain inoperative in any town until the same shall have been submitted to the legal voters thereof at a

special election, to be called for that purpose, and until the same shall be approved by a majority of the said voters voting at the said special election upon the question of the adoption or rejection of this act.

Question submitted.

At such special election the only question submitted shall be "for the creation and establishment of the office of comptroller" or "against the creation and establishment of the office of comptroller."

Notice of special election.

Notice of the said special election and its purpose shall be given by the town clerk, by publication in the official newspaper of the town, if there be one, or if not, in some newspaper of the county circulating in said town, and by advertisement posted in five conspicuous places within the town at least thirty days before the day fixed for the holding of the said election.

Election how conducted.

Said election shall be by ballot and shall be conducted by the same election officers as conducted the last preceding election for members of the General Assembly in the several election districts of the town, upon a day and at the places to be appointed by the town council.

Polls open.

The polls shall be open for the time provided by law for general elections in such towns, and said election shall be in all respects conducted and the votes canvassed in the manner provided by law for said general election. There shall be no registration for said election, but the board of election shall procure and use at such special election a certified copy of the register of voters used at the last preceding election, and no person shall be entitled to vote whose name does not appear on the said register and who shall not reside within the town.

Register.

When effective.

If the majority of the ballots cast at said election shall contain the words, "for the creation and establishment of the office of comptroller," then this act shall be deemed to be operative in that town.

Approved April 15, 1911.

## CHAPTER 148.

An Act to amend an act entitled "An act regulating the employment, tenure and discharge of certain officers and employes of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight.

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

Section 18 amended.

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

Character of examinations.

18. All examninations required to be held by the provisions of this act both for positions in the competitive class and the non-competitive class, or any other class where examinations are required to be held, shall be free to all citizens of the State of New Jersey within the limitations specified in the rules of the commission as to residence, age, sex, health, habits and moral character. The commission may, when in its judgment the position for which an examination is to be held is of such a character as to require special technical training and specialization in a line of work for which candidates are not readily obtainable, and when advertisement in the manner provided for in this act shall have failed to produce from among the citizens of New Jersey persons eligible to the position to be filled, admit to examination citizens of other States.

When non-residents admitted.

Statement.

The commission shall state in its annual report the reason for its action in the case of each examination of this character.

Examinations.

Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and may include tests of physical qualifications and health, and when

appropriate, of manual skill. No question in any examination shall relate to the political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable person or persons either in or not in the official service of the State, to be examiners, and it shall be the duty of such examiners, and if in the official service it shall be part of their official duty, without extra compensation, to conduct such examinations as the commission may direct, and to make return or report thereof to said commission; and the said commission may at any time substitute any other person, whether or not in such service, in the place of anyone so selected, and the commission may themselves at any time act as such examiners and without appointing examiners. Such examinations shall be held in such locality or localities as will most readily provide equal opportunity for all citizens of the said State with reference to position in the service of the State, or to all citizens of any municipality that may hereafter adopt the provisions of this act with reference to positions in the service of the said municipality. Due and sufficient notice thereof being given in such manner that all persons interested in the said examinations may have an opportunity of learning of the time, place and conditions of the said examinations. Such notice of the time and place and general scope of every examination shall be given by the commission, by publication, for two weeks preceding such examination, in such newspapers of general circulation throughout the State as the commission shall prescribe, and such notice in printed form shall also be sent by the commissioners to the county clerks of each county, and by them promptly posted in a conspicuous place in the clerk's office of the said county.

Control of examinations.

Where held.

Notice of examination.

2. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 149.

An Act to amend an act entitled "An act concerning the sale of municipal bonds," approved April ninth, one thousand nine hundred and ten, and validating sales of bonds made thereunder.

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

Section amended.

1. Section one of an act entitled "An act concerning the sale of municipal bonds," approved April ninth, one thousand nine hundred and ten, be and the same hereby is amended so as to read as follows:

Not less than par at public sale.

1. All bonds of any municipality in this State heretofore or hereafter authorized to be issued and sold under and by virtue of any statute of this State shall be sold for not less than par, and shall be sold at public auction or upon sealed proposals only, and after due advertisement of at least ten days by publication for at least two insertions in one or more newspapers published in such municipality, or if no newspaper be published therein, in some newspaper published in the county and circulating in such municipality, unless the statute under which said bonds have been issued or shall be issued authorizes or permits the selling of such bonds at private sale. Any municipality may, notwithstanding the foregoing provisions, sell any of its bonds heretofore or hereafter authorized to be issued, at private sale to the sinking fund commission, or commissioners, or board of sinking fund commissioners of such municipality, for not less than par.

Private sale to sinking fund.

Certain sales validated.

2. Any and all bonds of any municipality in this State heretofore issued and sold upon sealed proposals after due advertisement for not less than par shall be deemed and taken to be sold at public sale within the meaning of said act with like force and effect as if sold at public auction or vendue, and all such sales are hereby validated.

3. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 150.

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

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

Bonds to meet deficiency.

1. If in any county in this State the amount heretofore appropriated for any given year for courts, or for the expenses of elections, have been exceeded, the board of chosen freeholders in any such county may issue temporary loan bonds, or bonds, to raise the money wherewith to pay such deficiency.

Time. Rate.

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

Provision for paying off bonds.

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

4. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 151.

An Act concerning jurors.

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

When challenged.

1. From and after the passage of this act all challenges to jurors, for any cause whatever in any action or suit, civil or criminal, in any court of this State, may be made at any time before the juror is actually sworn.

Peremptory challenges.

2. Upon the trial of any issue in any civil suit or action in any court of this State, each party shall be entitled to challenge peremptorily six of the general panel of jurors summoned and returned by the sheriff of other officer.

Right to question juror.

3. Either party or his attorney may question any juror, after his name is drawn from the box and before such juror is sworn, for the purpose of eliciting information upon which he may determine whether or not to interpose such peremtory challenge. Within the discretion and under the control of the court, such questions shall be permitted for the purpose of disclosing whether or not the juror is impartial as between the parties to the suit and without interest therein or in result thereof.

Repealer.

4. All acts and parts of acts, whether local, general, special or private, inconsistent with this act, be and the same are here by repealed.

5. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 152.

An Act to incorporate the borough of Milford, in the county of Hunterdon.

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

Corporate name.

1. The inhabitants of that portion of the township of Holland, in the county of Hunterdon and State of New Jersey, hereinafter mentioned and described, are hereby constituted and declared to be a body corporated in fact and in law, by the name of "The Borough of Milford", and as such shall be governed by the laws of this State relative to boroughs.

Boundaries defined.

2. The boundaries of said borough shall be as follows: Beginning at a point in the middle (or dividing line between the State of New Jersey and the Commonwealth of Pennsylvania) of the Delaware river, being also a point or corner of the boundary line between the said township of Holland and the township of Alexandria, in said county of Hunterdon, opposite the mouth of a small creek, running thence (1) with the present boundary between said townships of Holland and Alexandria, to and along the middle of said creek, a course about north fifty-six degrees east, whatever the distance may be, to a point in said creek fifty feet from the easterly side of the railroad culvert over said creek; thence (2) still along the middle of said creek, north forty-six degrees and twenty minutes east, seven hundred and thirty-three feet to a stake on the northerly edge of said creek on the westerly side of the river road; thence (3) crossing the said road above an arch bridge and through lands of the Warren Manufacturing Company, north twenty degrees and four minutes east, four hundred and sixty-five feet to a stake; thence (4) through lands of said Warren Manufacturing Company, Calvin Vanderbilt, and Henry C. Boss, north forty-six degrees and two minutes east, seven hundred and nineteen feet to a stake;

thence (5) through lands of Calvin Vanderbilt, Henry C. Boss and Robert S. Hummer, north twenty-nine degrees and forty-eight minutes east, twenty-three hundred and fifty-seven feet to a stake in the line between land of said Robert S. Hummer and land of Theodore Trout; thence (6) along the said line between lands of said Robert S. Hummer, Elizabeth Hummer and S. D. Shively and lands of Theodore Trout, Henry Beckman and E. Miller Krymer, north twenty-six degrees and eighteen minutes west, four thousand and eighty-seven feet to a corner of land of S. D. Shively and Henry Beckman at the northerly end of a private lane; thence (7) through lands of Henry Beckman, Johnson Clark, Frank Eichlin, William Sinclair, George W. Vansyckel, George F. Shive and S. D. Shively, north eighty degrees and twenty-four minutes west, forty-eight hundred and thirty-nine feet to a stake; thence (8) through lands of Martha C. Forman, south nineteen degrees and fifteen minutes west, one thousand seven hundred and eigthy-one feet to a stake; thence (9) still through lands of said Forman, south nineteen degrees east, eight hundred and seventy-three feet, running through a deep ravine to a high point of rock on the westerly bank of said ravine, thence continuing on the same course through said Forman's land and land of the Belvidere Delaware Railroad Company (known as the the Belvidere Division of Pennsylvania Railroad Company) to a point in the middle (or dividing line between the State of New Jersey and the Commonwealth of Pennsylvania) of the Delaware river; thence (10) along and down the said middle (or dividing line between said State and Commonwealth) of the said Delaware river, its various courses about one and a quarter miles to the point or place of beginning.

Referendum.

3. This act shall take effect immediately; provided it shall not operate to effect the incorporation of the territory above described as a borough of this State until it shall have been accepted by a vote of a majority of the legal voters of the said described territory voting thereon, at a special election to be held within said territory within thirty days from the approval of this act, and within the hours of six A. M., and seven

P. M., of the day fixed for the election, at a place within said territory to be fixed by the clerk of said township of Holland. The clerk of said township shall immediately upon the service upon him of a certified copy of this act, cause public notice of the time and place of holding such election to be given by advertisements signed by himself, and set up in at least eight public places within said described territory, and published in one or more newspapers printed or circulating therein at least ten days prior to such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the words "For the adoption of an act to incorporate the borough of Milford, in the county of Hunterdon," and the words "against the adoption of an act to incorporate the borough of Milford, in the county of Hunterdon;" and if the words "for the adoption of an act to incorporate the borough of Milford, in the county of Hunterdon," be marked off or defaced upon the ballot, it shall be counted as a vote against the acceptance of said act; if the words "against the adoption of an act to incorporate the borough of Milford, in the county of Hunterdon," is marked off or defaced, the ballot shall be counted as a vote in favor of the acceptance thereof; and in case neither the words "for the adoption of an act to incorporate the borough of Milford, in the county of Hunterdon," or the words "against the adoption of an act to incorporate the borough of Milford, in the county of Hunterdon," be marked off or defaced upon the ballot, it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and place so appointed, and be conducted by the election officers of the election district of said township of Holland, and no special form of ballot or envelope need be used. Such election shall be conducted and the votes canvassed in the manner provided by law for general election. There shall be no registration for such election, but the board of election shall procure and use at such special election a certified copy of the register of voters in the last preceding election, and no person shall be entitled to vote whose name does not appear

Notice of special election.

Ballots.

Election how conducted.

Register.

Returns.

on the said register, and who shall not reside within the territory above described. The officers holding such election shall make returns to the township committee of the said township of Holland of the result thereof by a statement in writing under their hands, and the same shall be entered at length on the minutes of said township committee; and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

Result filed.

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

Approved April 15, 1911.

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## CHAPTER 153.

An Act to authorize any incorporated town of this State to purchase fire engines, or other fire apparatus, equipment and appliances for protection against fire, and to provide a method for raising money for the payment thereof.

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

Furnish fire protection.

224-1
A-12-358

1. It shall be lawful for the common council or other governing body of any incorporated town in this State, when, in the judgment of a majority of the members thereof it is necessary so to do, to purchase fire engines, or other fire apparatus, equipment and appliances to be used for fire department purposes in such town, at a cost not to exceed the sum of ten thousand dollars.

Purchase made by contract.

224-2
A-12-358

2. Any purchase of such fire engines, or other fire apparatus, equipment or appliances shall be done by contract, awarded upon at least two weeks' advertisement in a newspaper published and circulating in said

town to the lowest responsible bidder or bidders for the same.

**May issue bonds.**

3. The common council or other governing body having the management or control of the finances of such town are hereby authorized and empowered to issue bonds, either registered or coupon, in an amount not exceeding the sum of ten thousand dollars, to raise money to pay for the purchase of such fire engines, or other fire apparatus, equipment and appliances; that said bonds shall state upon their face the purpose for which they were issued; and the term for which such bonds shall run shall not be longer than fifteen years from the date thereof, and shall bear interest not exceeding five per centum per annum, and to be sold at not less than par, and they shall be redeemable at any time after the expiration of five years, at the option of the town, and shall be of denominations of not less than five hundred dollars.

225-3
A-12-358

**Time.**

**Rate.**

**Provision for redemption and interest.**

4. There shall be a sufficient sum appropriated and put in the tax levy of such town each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such town, a further sum equal to one-fifteenth of the amount of the bonds issued for the purpose aforesaid towards the payment of such bonds to be properly invested and deposited in the sinking fund of such town to meet the payment of such bonds when they shall become due and payable.

**Repealer.**

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

Approved April 15, 1911.

## CHAPTER 154.

A Supplement to an act entitled "An act to secure in this State the certification of marriages, births and deaths, and of the vital facts relating thereto, and to provide for the record thereof," approved February fifteenth, one thousand eight hundred and eighty-eight.

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

**Non-residents not computed in death rate.**

1. In computing, under the provisions of the act recited in the title of this act, the death rate of any municipality in which is, or shall be, located a hospital or hospitals for contagious or infectious diseases maintained by the board of chosen freeholders of any county, or any institution maintained by the State as a home for disabled soldiers, sailors, marines or their wives, any death which shall take place at such hospital or hospitals for contagious or infectious diseases or in such institutions shall not be included among deaths occurring in said municipality unless the said death shall be of a person whose last place of residence was in said municipality, as shown by the certificate of death required by section three of the act to which this act is a supplement; but any death occurring at any such hospital or hospitals or institution, of any person whose last place of residence as shown on said certificate was outside of the limits of said municipality, shall, for the purpose of computing said death rate, be included among the deaths occurring in the municipality named in said certificate as the last place of residence of the decedent. It shall be the duty of the health authorities of the municipality in which such death occurred to promptly notify the health authorities of the municipality which was the last place of residence of the decedent.

**Computed in last legal residence.**

**Physician's certificate.**

2. It shall be the duty of the physician employed at such hospital or hospitals, or institution, who shall

furnish the certificate of death required by section three of the act to which this is a supplement, to set forth in said certificate at length the name of the hospital for contagious or infectious diseases, or institution, at which such death shall have occurred, in addition to the other matters required in said section of said act.

3. Any person violating any provisions of this act shall be liable to a penalty of twenty dollars. Penalty.

4. This act shall take effect immediately.

Approved April 15, 1911.

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## CHAPTER 155.

An Act to provide for the improvement of the navigation and the removal of the perils and delays incident to navigation of Berry's creek in the county of Bergen and State of New Jersey by the construction of a suitable canal, and the maintenance of a fixed bridge in place of the draw-bridge over said creek at the point where the main line of the Erie railroad now crosses said creek.

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

1. For the purpose of removing perils and delays now incident to the navigation of Berry's creek in the county of Bergen and State of New Jersey, through the presence of the bridge of the Erie Railroad Company across said creek, at a distance of about eighty-seven hundred feet from the point where said creek empties into the Hackensack river, and of improving the navigation of said Berry's creek, consent is hereby given to the Erie Railroad Company, a corporation of the State of New York, its successors and assigns, and said company, its successors and assigns, is hereby authorized to construct a suitable canal from a point in the center of Berry's creek northeast of the bridge of the Erie Railroad Company over said stream to and Erie railroad may construct canal.

New Jersey State Library

Proviso.

into the Hackensack river; *provided,* that no canal shall be constructed under this authority unless the plans for the same are approved by the Secretary of War of the United States of America and the Board of Riparian Commissioners of the State of New Jersey.

Maintain bridge.

And upon the construction of said canal to the approval of the Secretary of War of the United States of America and the Board of Riparian Commissioners of the State of New Jersey, consent is hereby given to the Erie Railroad Company and the Paterson and Hudson River Railroad Company, its lessor, their successors and assigns, and said companies shall be authorized and permitted to maintain a fixed bridge in place of the draw-bridge over Berry's creek at a point where the main line of the said railroad companies now crosses said creek.

Repealer.

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

Approved April 15, 1911.

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## CHAPTER 156.

A Supplement to an act entitled "An act to encourage the propagation of fish and to regulate the catching, taking and destruction of fish in the Delaware river below Trenton Falls, within the jurisdiction, respectively, of the Commonwealth of Pennsylvania and of the State of New Jersey, and providing penalties for violation of its provisions, and to repeal acts inconsistent therewith," approved April twenty-first, one thousand nine hundred and nine, and extending the provisions of said act as to the use of gill nets to Scudder's Falls.

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

Use of gill nets extended.

1. The provisions of the act to which this act is a supplement, in respect to the use of gill nets in the

Delaware river, shall extend to the waters of said river between the Trenton Falls and Scudder's Falls.

When effective.

2. This act shall take effect immediately, but its provisions shall remain inoperative until assented to by the State of Pennsylvania.

Approved April 15, 1911.

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## CHAPTER 157.

A Supplement to an act entitled "An act to provide for the printing and publication of a history of Kearny's First Brigade, Volunteers of New Jersey," approved April ninth, one thousand nine hundred and ten.

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

Additional volumes.

1. One thousand additional copies of the History of Kearny's First Brigade of Volunteers of New Jersey, compiled by the historical committee of said brigade, shall be printed and published under the supervision of the State Printing Board of this State, and the expense therefor paid by said board out of the annual State appropriation for printing; *provided,* that the expense of such additional copies shall not exceed the sum heretofore estimated or set aside by said State Printing Board for the purposes of the act to which this is a supplement.

Proviso.

2. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 158.

A Supplement to an act entitled "An act to authorize municipal corporations to contract for a supply of water for public uses," approved March fifteenth, one thousand eight hundred and eighty-one.

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

Fire districts may contract with townships for water supply.

1. Wherever a fire district has been laid off within any township of this State, the board of fire commissioners within such district shall have the power on behalf of such fire district to enter into and make, in accordance with the terms and provisions of the act to which this is a supplement and the various acts supplementary thereto and amendatory thereof, a contract and agreement with any water company, formed for the purpose of constructing, maintaining and operating water-works in such township, for the obtaining and furnishing of a supply of water to be used by and within such fire district for the purpose of extinguishing fires, which contract when so made, shall be the lawful and valid contract of such fire district, and the sum or sums of money in said contract agreed to be paid in each year by such fire commissioners shall be levied and assessed as a tax upon the real and personal estate within such fire district and liable to taxation for other municipal purposes, and the said real and personal property is hereby made liable to the assessment and collection of such tax.

2. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 159.

An Act to repeal an act entitled "An act to amend an act entitled 'An act to establish the office of register of deeds and mortgages in certain counties of this State, approved March seventh, one thousand nine hundred and four,'" passed April sixth, one thousand nine hundred and ten.

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

Act repealed.

1. An act entitled "An act to amend an act entitled 'An act to establish the office of register of deeds and mortgages in certain counties of this State,'" approved March seventh, one thousand nine hundred and four, which said amendment was passed April sixth, one thousand nine hundred and ten, be and the same is hereby repealed; *provided, however,* that nothing in this act contained shall be taken to repeal, affect or modify any law now in force, or supplements or amendments thereto appertaining to the office of register of deeds and mortgages in any of the counties of this State, now having a population of over one hundred and forty thousand by the last census, nor to abolish the office of register of deeds and mortgages in any of the counties of this State now having a population of over one hundred and forty thousand by the last census.

Proviso.

Approved April 15, 1911.

## CHAPTER 160.

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

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

**Number of trout taken limited.**

232-1
S-15-111

1. It shall be unlawful to take, catch or kill in any one day more than twenty-five trout, under a penalty of twenty dollars for each trout so taken, caught or killed had in excess of twenty-five.

**Repealer.**

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

Approved April 15, 1911.

## CHAPTER 161.

An Act authorizing the appointment of boards of harbor commissioners in cities of this State fronting on, or containing within their borders, navigable or tidal waters and prescribing their powers and duties; and providing for the improvement of harbors and water fronts and the regulation and use thereof, and the extension of shipping facilities; the acquisition of lands and property by purchase or condemnation; the acquisition of lands under water or riparian lands from the State; and the raising of funds for the aforesaid purposes by the levy of taxes or the issuance of bonds.

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

City harbor board appointed by mayor.

1. In any city of this State fronting on, or containing within its borders, any navigable or tidal waters, the mayor or chief executive officer, by whatever name called, may appoint four citizens of said city, of whom not more than two shall belong to the same political party, to act as harbor commissioners and to be known collectively as "The Board of Harbor Commissioners of (naming the city)." Such commissioners shall serve without compensation, and shall hold office during the term of office of the mayor or chief executive officer by whom they were appointed. In case a vacancy shall occur in the office of any harbor commissioner by death, resignation or for any other reason, the mayor, or chief executive officer then in office, shall forthwith appoint a citizen of such city to fill the vacancy thus occurred for the unexpired term of the former incumbent of the office.

Term.

Vacancy.

Continuity of boards.

Each harbor board which may be so appointed for any such city by any mayor, or other chief executive officer thereof, shall be deemed the successor of the

harbor board, if any, theretofore appointed under this act, and any act or proceeding instituted by any harbor board appointed under this act may be continued by the succeeding board when appointed, in like manner and with the same effect as if the said preceding board, if any, had been continued and there had been no change in the membership thereof.

Oath.

Each commissioner so appointed shall take and subscribe an oath before a justice of the peace, notary public, master in chancery, or other officer authorized to administer oaths, faithfully and impartially to perform the duties of his office, which shall be filed in the office of the clerk or corresponding official of said city.

Organization.

2. Immediately upon their appointment, such commissioners shall elect one of their members as president, who shall hold such office for the calendar year in which he shall be so elected, and until his successor shall be elected, and shall likewise elect a president at the beginning of each succeeding calendar year during their term of office. Any such board of harbor commissioners shall appoint a suitable person, not a member of the board, as secretary, who shall hold such office during the pleasure of the board and who shall receive such compensation as said board shall fix, subject to the approval of the board or body having charge and control of the finances of such city. Such boards of harbor commissioners may make all necessary and convenient rules and regulations for their own government and proceedings.

Assistants.

234-3
A-17-791

3. Any such board of harbor commissioners shall have power to employ or appoint, from time to time, a legal counsel and such engineers, surveyors, clerks and other persons to aid in the execution of the powers and duties conferred or imposed by this act as to such board may seem necessary, and fix the compensation of such appointees or employes, subject to the approval of the board or body having control of the finances of such city.

Extent of powers.

4. The board of harbor commissioners appointed in any such city shall have charge, control and supervision of all water front property at any time belonging to such city, including all docks, piers, wharves, basins, slips, bulkheads and other structures, and im-

provements thereon, and warehouses contiguous to the water front, and of all lands under water, and rights and interests therein, and riparian lands or rights, and such uplands contiguous to any water front in such city as may be available for the construction or maintenance of piers, docks, wharves, basins, slips, bulkheads, retaining walls, warehouses or other similar structures, and approaches thereto, and of all appurtenances, easements, uses, reversions and rights belonging or appertaining to any such property, owned or possessed by such city. Said board shall have charge and control, also, of the rebuilding, repairing, maintaining, altering, strengthening and protecting of any such property and any improvement at any time thereon, and may dredge, excavate, or fill in, any such lands, and improve the same by the construction of wharves, piers, docks, slips, basins, bulkheads, retaining walls, and sheds or warehouses thereon, and of approaches thereto; and may clean, dredge and deepen the channels and harbor opposite any water front of such city; and may enter into contracts on behalf of the city for any such work or improvement subject to the restrictions herein elsewhere contained. Said board may make any provisions and regulations for keeping free from obstructions any harbor or river upon which such city fronts, and may buoy and light such harbor or river front, and may do any other acts and things advantageous to the safe and profitable use of such harbor and river by commerce, and the development of the shipping facilities of said city, not inconsistent with the laws and regulations of the United States of America and the State of New Jersey.

Maintenance, dredging, etc.

River front kept in proper condition.

Such board shall be authorized to make leases of docks, wharves, piers, basins, slips, bulkheads, warehouses and similar structures belonging to the city, subject to the restrictions herein elsewhere contained, and may regulate the use of any and all such property, and from time to time may fix and regulate the charges to be made for the use thereof, and shall collect and receive all rents and income therefrom, and pay the same into the treasury of such city, which, together with any moneys heretofore set apart in

Leases, etc.

such city for any purpose similar to those set forth in this act, may be appropriated by the board or body having charge and control of the finances of such city for any of the purposes and objects of this act, or for any other purpose authorized by law.

Estimated cost of proposed work furnished.

5. Before letting any contract for, or commencing any work or improvement upon, any property of the city under its control involving an expense in excess of five hundred dollars, such board of harbor commissioners shall report to the board or body having charge and control of the finances of such city its intention to proceed with such work or improvement, together with plans and specifications therefor, and a statement of the estimated cost thereof, and, if said board or body having charge and control of the finances of such city shall, by resolution, approve of said work or improvement, then said board of harbor commissioners shall be authorized to proceed with such work or improvement substantially in accordance with the plans and specifications so submitted, and may make all necessary contracts therefor on behalf of the city; *provided, however,* that before awarding any contract for any such work or improvement involving an expense estimated by said board at more than five hundred dollars, it shall advertise for proposals for doing such work by public notice printed twice in each of the three calendar weeks preceding the date fixed for the receipt of proposals in two newspapers published and circulating in the county in which such city shall be located, and such proposals shall be received and publicly opened and read at the time and place fixed in said notice, and such contract shall be awarded to the lowest responsible bidder. But such board, in its discretion, may reject all proposals.

Proviso.

May lease wharves, etc.

6. Such board of harbor commissioners shall have power to lease, for a period not to exceed twenty years, upon such terms, conditions and restrictions as it may prescribe, any wharf, pier, bulkhead, dock, slip, basin, warehouse or similar structure belonging to the city; *provided, however,* that before making any such lease for a longer period than one year, the said board shall advertise a notice of its intention to make such lease upon such terms, conditions and restrictions as it may

Proviso.

prescribe, and inviting proposals therefor, which notice shall be printed twice in each week for the four calendar weeks preceding the date fixed for the receipt of such proposals in two newspapers published and circulating in the county in which such city is located; and such proposals shall be received and publicly opened and read at the time and place fixed in said notice, and such lease shall be awarded to the person proposing to take the same upon the most advantageous terms to the city. But the said board may, in its discretion, reject all proposals. The said board may lease any wharf, pier, bulkhead, dock, slip, basin warehouse or similar structure for a term not exceeding one year, without public advertising or letting, upon such terms and conditions as to it may seem advisable.

Proposals considered openly.

7. Whenever any such board of harbor commissioners shall deem it advisable to acquire any upland or riparian land or rights, or lands under water, or any estate, rights, title or interest therein, within the city, suitable or convenient in the opinion of said board for use or improvement in any manner authorized by this act, said board may recommend to the board or body having charge or control of the finances of said city that the same be acquired by said city by purchase or condemnation, with a statement of the estimated cost of such acquisition, and if said board or body shall, by resolution, determine that the same should be acquired, and shall make an appropriation of the estimated cost, or any part thereof, for said purpose, the board of harbor commissioners may proceed to purchase the same in the name and on behalf of said city, and, if unable to agree with the owners thereof as to the price, or if, by reason of legal incapacity, or the absence of any owner or owners thereof, or the inability of any such owner to convey valid title, or for any other cause, the purchase thereof, in the opinion of said board of harbor commissioners, cannot advantageously be made, then said board of harbor commissioners may condemn and take the same in the name and on behalf of the city, and the compensation to be made therefor shall be ascertained and paid or tendered in the manner provided by an act entitled "An act to regulate the ascertainment and payment of com-

Acquisition of land.

By purchase.

By condemnation.

pensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred, and the supplements and amendments thereto.

Acquisition of riparian rights.

8. Whenever such board of harbor commissioners shall deem it desirable that there shall be acquired from the State of New Jersey any grant of lands under water, or riparian lands or rights, suitable or convenient in the opinion of said board for improvement in any manner authorized by this act, it may recommend to the board or body having charge and control of the finances of such city that such lands or rights should be acquired by the city, and said board or body having control of the finances of such city, in its discretion, may take all necessary steps to secure any such grant from the State of New Jersey, or the Riparian Commissioners thereof, and may enter into any agreement for the payment of the purchase price or rental thereof which said board or body may deem advisable, and the Riparian Commissioners are authorized to grant any such lands under water, or riparian lands or rights to such city, upon any terms deemed by them advisable; *provided, however,* that no grant of any lands under water in front of and adjoining any shore or riparian land not then owned by such city shall be made by the Riparian Commissioners to such city unless notice in writing, generally describing the lands under water which the city desires to acquire, shall have been given to the owner or owners of such shore or riparian land personally, or published once a week for six successive weeks in two of the newspapers published and circulating in the county in which such city shall be located, to the effect that if the owner or owners of such shore or riparian land shall not apply to and obtain from said Riparian Commissioners a grant for said land within six months after the giving of the notice personally or after the first publication thereof as aforesaid, such city will apply therefor. Such notice may be given personally to any corporation by delivering the same to any director or officer, or agent in charge of the principal office, thereof, or to any minor by delivering the same to the parent or guardian of such minor, or to any incompetent person

Recommendation.

Proviso.

Notice how given.

by delivering the same to the guardian of such person.

Provision for financing proposition.

9. The board or body having charge and control of the finances in any such city may, from time to time, provide for the raising of such moneys as it shall deem necessary or advisable for the exercise of any of the powers or duties conferred on or imposed by this act or the accomplishment of any or all of the purposes and objects thereof by the levy of taxes to be assessed, levied and collected with the other taxes in such city, or by the issuance of bonds of such city as hereinafter provided.

Bond issue.

10. Whenever, from time to time, said board or body having control of the finances of any such city shall deem it advisable to issue any bonds, they may, by resolution, provide for the issuance and sale thereof in such amounts as to said board or body may seem advisable; *provided, however,* that the amount of bonds issued as aforesaid, and outstanding, shall not at any time exceed in the aggregate one-half of one per centum of the assessed valuation of the taxable property in said city according to the then last assessment for taxes. The said bonds shall be designated on their face "Harbor Improvement Bonds," and shall be of such denominations, bear such a rate of interest, not exceeding five per centum per annum, and be payable at such places and such times, not exceeding fifty years from their date, and be in such form, and be executed in such manner, as said board or body shall by said resolution determine. Said bonds shall recite that they are issued pursuant to the authority of this act and of said resolution and such recital shall be conclusive evidence of their validity and of the regularity of their issuance. Said bonds shall be sold, at not less than their par value, at public sale, after ten days' advertisement of notice of such sale in such manner as said board or body shall direct. The proceeds resulting from the sale of such bonds shall be appropriated by such board or body for, or applied to, the payment and discharge of any expenses or obligations of such city theretofore or thereafter incurred in dredging, excavating and filling in any lands under water, riparian lands, or uplands contiguous to the water front, constructing, rebuilding, altering, repairing and maintain-

239-10
A-17-794

Proviso.

Limit to issue.

How designated.

Rate.

Time.

Sale.

Use of proceeds.

ing wharves, piers, docks, slips, basins, bulkheads, retaining walls and similar structures, and warehouses, sheds and other improvements thereon, and approaches thereto, the improvement of the harbor and channels opposite the water front, the acquisition of lands under water, riparian lands or rights, and uplands or rights or interests therein, and any other work or improvement authorized by this act. The purchasers of said bonds shall not be bound to inquire as to the necessity for the issuance thereof nor as to the application of the proceeds.

Sinking fund.

11. Any board or body issuing bonds under the authority of this act shall provide for a sinking fund which it shall deem sufficient to redeem such bonds at maturity, into which fund shall be paid annually an amount not less than one per centum of the principal of said bonds to be raised by taxes assessed, levied and collected with the other taxes of such city; and there shall likewise be raised by taxation each year, until the payment in full of said bonds, an amount equal to the interest payable on said bonds in such year; *provided, however,* that in lieu of providing for a sinking fund as aforesaid, such board or body may provide that any issue of bonds may mature in annual installments, as nearly equal in amount as conveniently may be, the first of which shall be payable not more than one year from the date of said bonds, and the last not more than fifty years from said date.

Proviso.

Question of constitutionality.

12. In case for any reason any section or provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

Powers here given additional.

13. The powers conferred by this act shall be deemed to be in addition to, and independent of, any and all power and authority conferred by any other law or laws, and not subject to any limitations, restrictions or provisions contained in any other law or laws.

As to riparian rights.

14. Nothing in this act shall be held to affect the right of the State of New Jersey in any riparian lands, or the jurisdiction of the State Riparian Commission.

15. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 162.

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

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

Deputy clerk.

1. The clerk of any District Court established in any city of this State having a population of over two hundred thousand may appoint a deputy clerk, to be approved by the judge of the said court; the clerk shall be responsible for the acts of his deputy, who shall be sworn to the faithful performance of the duties of the office; such deputy clerk shall sign the name of the clerk to and issue any writ or other instrument out of said court during the illness, absence or disability of the clerk, and any writ or other instrument so signed shall be as valid in law as if signed and issued personally by such clerk; the salary of such deputy clerk shall not be less than twelve hundred dollars nor more than fifteen hundred dollars per annum, and shall be paid by such city in monthly installments from date of appointment; *provided, however,* that no such appointment shall be made until the judge of said District Court shall have certified in writing to the governing body of such city that the business of said court requires the appointment of a deputy clerk.

Salary.

Proviso.

Clerical assistance.

2. The clerk of any District Court established in any city of this State having a population of over two hundred thousand may appoint an assistant clerk to assist the clerk and deputy clerk in the duties to be performed by them; the assistant clerk shall be subject to the direction and control of the clerk of said court, who shall be responsible for his acts; the salary of such assistant clerk shall not be less than nine hundred dollars nor more than twelve hundred dollars per annum, and shall be paid by such city in monthly installments

Salary.

Proviso.

from date of appointment; *provided, however,* that no such appointment shall be made until the judge of said District Court shall have certified in writing to the governing body of such city that the business of said court requires the appointment of an assistant clerk.

Term of present incumbent.

3. The terms of office of any present incumbent of any of the foregoing offices shall not be terminated or affected by this act, but the same shall be and continue as if this act had not been passed, except that the salary above provided for attach to said office, and thereafter be paid to such officer, provided such officer shall file with the clerk of said city a written assent to the receipt of such salary.

Repealer.

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

5. This act shall take effect immediately.

Approved April 15, 1911.

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## CHAPTER 163.

An Act to amend an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

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

Section 15 amended.

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

Dog Tax, except in cities.

15. Every person who shall keep or harbor a dog (above the age of six months) in any of the taxing districts, except cities, of this State, shall be taxed yearly for one dog so kept or harbored the sum of fifty cents, and for every additional dog (above the age of six months) the sum of one dollar; in addition thereto there may be annually levied when legally ordered a further dog tax to be assessed and collected in the same manner and at the same time as other annual taxes raised for the use of the State, county or

taxing districts are assessed and collected; the assessors of the several taxing districts, except cities, in this State shall set down on a separate column on their several duplicates, opposite the name of each person or persons, the number of dogs which he may own or harbor on his premises at the time of making their annual assessment and make a return of the same to the governing body each and every year before said duplicate is delivered to the collectors of said taxing districts, and the assessors of the respective taxing district may strike off their duplicate or rate book the tax assessed against any person for a dog or dogs on its being proved to the satisfaction of the assessor by the owner thereof that he, she or they have killed or caused to be killed such dog or dogs before the delivery of the duplicate to the collector; and the said assessor shall set up in at least five of the most public places in their respective taxing districts, within ten days after having taken the annual list of the ratables, lists of the name of each person who shall have delivered to him an account of the dog or dogs and the number given in by each person; and each assessor shall be entitled to receive, on settlement of his accounts, one dollar and fifty cents for the list so set up, to be paid out of the fees or tax herein authorized to be collected; every inhabitant who shall refuse or willfully neglect to deliver to the said assessor, when by him required, a true account of the number and age of the dog or dogs made taxable under this act and owned or harbored by him as aforesaid, shall, for every such refusal or neglect, forfeit and pay the sum of two dollars and fifty cents, to be recovered with costs by the collector of the taxing district wherein the offense shall be committed.

List of owners and dogs.

List posted.

Tax.

Penalty.

2. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 164.

An Act to amend the title of, and a supplement and amendment of, an act entitled "An act for the preservation of sheep, lambs, domestic animals and poultry in the several townships of this State," approved March twenty-second, one thousand nine hundred and one.

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

Title amended.

1. The title of the act to which this act is a supplement and amendment is hereby amended to read as follows: "An act for the preservation of sheep, lambs, domestic animals and poultry in the several townships and other municipalities, except cities, of this State."

Act extended.

2. The provisions of the act to which this act is a supplement and amendment shall extend to townships, towns, boroughs, villages and all other municipalities, except cities; and the common council or other governing body thereof shall have the powers and shall perform the duties as are in said act vested in the township committee of any township, and all proceedings therein provided for shall conform as nearly as may be practicable to the provisions of said act.

Section 4 amended.

3. Section four of the act to which this is a supplement and amendment is hereby amended to read as follows:

Use of dog tax.

4. The sums of money assessed and collected for dog tax by virtue of an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, and the several acts amendatory thereof and supplementary thereto, shall be appropriated to make good any loss which may be sustained by any person or persons by the destruction or wounding of his sheep, lambs, domestic animals or poultry within the township, town, borough, village or other municipality, except cities,

where the said tax shall be collected, and shall be kept as a fund by the governing body for that purpose; the governing body shall pay all such damages so sustained within the year, in case the money so raised by said tax shall be sufficient to pay the same, and if not, then in such equitable proportions to the individuals injured, according to their respective losses, as the said fund will enable them to do, to be adjusted at the annual settlement of the accounts of said municipality by the governing body; and in case there shall remain in the hands of the governing body a surplus of money after paying all the damages sustained as aforesaid, such surplus shall remain in the hands of the governing body to answer any damages as aforesaid which may be sustained in the next ensuing year, and so on from year to year.

Payment of damages.

4. Section six of the act to which this is a supplement and amendment is hereby amended to read as follows:

Section 6 amended.

6. Any person having sustained any damage by dog or dogs in said municipalities, shall proceed to have the damages appraised according to this act and shall present certificates thereof to the governing body before the first day of January in each and every year, and the amounts of bills allowed by said governing body for damages up to that day shall be the amount of damages done for the preceding year and shall be the amount to be assessed on the number of dogs in said municipality as returned by said assessor.

Appraisement of damages.

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

Repealer.

Approved April 15, 1911.

## CHAPTER 165.

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

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

Act repealed.

1. The act entitled "A supplement to an act entitled 'An act to provide for the permanent improvement of public roads in this State (Revision of 1905),' approved March twenty-fifth, one thousand nine hundred and five," approved April first, one thousand nine hundred and eight, is hereby repealed.

2. This act shall take effect immediately.

Approved April 15, 1911.

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## CHAPTER 166.

An Act to provide for the apportionment of assets and liabilities when a portion of any town, township or borough is annexed to any other town, township or borough.

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

Apportionment of expenses incurred prior to annexation.

1. Whenever any portion of any town, township or borough shall be annexed to any other town, township or borough by or pursuant to any general or special law, and any local improvement or improvements have been or shall be made in and by any such

municipality of which the portion so annexed was formerly a part, any indebtedness then existing, incurred for or on account of the said improvements, shall be and remain or become the indebtedness of the municipality which retains or acquires said improvements.

Repealer.

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

3. This act shall take effect immediately.

Approved April 15, 1911.

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## CHAPTER 167.

An Act to annex a portion of the borough of Westwood, in the county of Bergen, to the borough of Emerson.

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

Boundaries of portion of Westwood annexed to Emerson.

1. All that portion of the borough of Westwood, in the county of Bergen, described as follows:

Beginning at the southwesterly corner thereof, at the most northerly corner of the borough of Emerson, said point being the southwesterly corner of lands of Henry H. Goodwin, late of Stephen Bogert, in what is known as Bogert's Pond and running thence (1) along the southerly line of the borough of Westwood being the southerly line of said land late of Stephen Bogert, south sixty-eight (68) degrees five (5) minutes, east thirteen hundred (1,300) feet; (2) along the original southerly line of lands of Rebecca Clark south sixty-nine (69) degrees 00′, east nine hundred and fifty-four and five-tenths (954.5) feet to the easterly side of the Kinderkamack road; (3) along the southerly line of the Old Hook cemetery south sixty-seven (67) degrees forty-six (46) minutes, east ten hundred and fourteen (1,014) feet to the easterly line of said cemetery; (4) along the southerly line of lands late of Abraham Terhune south sixty-five (65) degrees fifty-one (51) minutes, east five hundred and

fourteen (514) feet; (5) along line of said lands of Terhune and lands of Gunhen, formerly Richter, south sixty-five (65) degrees thirty-six (36) minutes, east two thousand and ten (2,010) feet to an angle in the line of said lands of Gunhen; (6) southerly along line of lands of Gunhen three hundred and fifty (350) feet; (7) easterly along Gunhen's south line eight hundred and sixty (860) feet to the center of the Etna road; (8) along said center north thirty-nine (39) degrees thirty-two (32) minutes, east seven hundred twenty-three and seventy-five hundredths (723.75) feet; (9) continuing along said center north thirty-two (32) degrees thirteen (13) minutes, east six hundred sixty-seven and eight tenths (667.8) feet to the center of the Old Hook road; (10) along said last mentioned course of the Etna road produced north thirty-two (32) degrees thirteen (13) minutes, east nineteen hundred and sixty-five (1,965) feet to the center of the Pascack brook, all along the division line between the boroughs of Westwood and Emerson; (11) along said center of the Pascack brook, the several courses thereof, westerly and northerly, to the intersection of same with the center of the Musquapsink brook; (12) along the said center of the Musquapsink brook southerly and westerly, the several courses thereof, to the place of beginning, be set off from the said borough of Westwood and annexed to and made a part of the said borough of Emerson.

Referendum.

2. This act shall take effect immediately; *provided, however,* it shall not operate to affect such annexation of the territory herein described to the borough of Emerson until it shall have been accepted by a vote of a majority of the qualified voters of the said borough of Westwood voting thereon at a special election to be held within said borough on the second day of May, one thousand nine hundred and eleven, between the hours of six A. M. and seven P. M. of said day, at a place within said borough, to be fixed by the clerk of said borough.

Notice of special election.

The clerk of said borough shall cause public notice of the time and place of holding said election to be given by advertisement signed by himself, and set up in at least ten public places within said borough of

Westwood and published in one or more newspapers circulating therein at least ten days prior to said election, and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act, and if the word "for" be marked off or defaced upon the ballot, it shall be counted as a vote against the acceptance of said act, and if the word "against" is marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance thereof, and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot, it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and place so appointed and be conducted by the election officers of the election district of the borough of Westwood, and official ballots and envelopes shall be used at said election.

Ballots.

Election how conducted.

The officers holding such election shall make returns to the council of the borough of Westwood of the result by a statement in writing under their hands, and the same shall be entered at length on the minutes of said borough council, and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

Returns.

3. The register of voters within said borough of Westwood used at the general election next preceding the holding of such special election, shall be used for the purpose of conducting such special election.

Register.

It shall not be necessary for the board of registry of elections in said borough to make a new registry of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said board shall meet at such place within the said borough as shall be designated by the clerk of said borough, one week next preceding said election.

Revised register.

Notice of the place so designated shall be given by the clerk by posting in at least five of the most public places in said borough, at least ten days before the date of such meeting.

Notice posted.

Meeting of board of registry.

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

Result certified.

4. Immediately after the statement of the result of such election shall be made to the council of the borough of Westwood, a copy thereof, certified by its clerk, shall be forthwith filed in the office of the county clerk of the county of Bergen; *provided*, the result of said election shall be in favor of the acceptance of this act.

Proviso.

Approved April 15, 1911.

## CHAPTER 168.

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

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

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

**Section 3 amended.**

3. No person shall, within the limits of this State, kill or catch, or have in his or her possession living or dead, any wild bird other than a game bird, or purchase, offer or expose for sale any such wild bird after it has been killed or caught, and no part of plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale. For the purpose of this act, plumage includes any part of the feathers, head, wings or tail of any bird, and wherever the word occurs in this act reference is had equally to plumage of birds coming from without the State as to that obtained within the State, but it shall not be construed to apply to the feathers of birds of paradise, ostriches, domestic fowl or domestic pigeons. The fact that any birds or game belong to a different species from that native to the State of New Jersey shall constitute no defense to the possession thereof; *provided*, such birds or game belong to the same family as that protected by this act. For the purpose of this act the following shall be considered game birds: The anatidæ, commonly known as swans, geese, brant and river and sea ducks; the rallidæ, commonly known as rails, gallinules, coots and mudhens; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tatlers and curlews; the gallinæ, com-

**Unlawful to have or sell certain game.**

**Plumage defined.**

**Exceptions.**

**Proviso.**

**Game birds named.**

monly known as wild turkeys, grouse, prairie chickens, pheasants, partridges and quails, and the species of icteridæ, commonly known as reed birds; the English or European house sparrow (passer domesticus), blackbirds, crows, goshawk, Cooper's hawk, sharp-shinned hawk, duck hawk, and great horned owl are, however, not included among the birds protected by this section; any person violating this section is subject to a fine of twenty dollars for each bird or part of bird killed, caught or had in possession contrary to the provisions hereof.

Effective.

2. This act shall take effect August first, one thousand nine hundred an eleven.

Approved April 15, 1911.

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## CHAPTER 169.

An Act to amend an act entitled "An act to encourage the propagation of fish and to regulate the catching, taking and destruction of fish in the Delaware river below Trenton falls, within the jurisdiction, respectively, of the Commonwealth of Pennsylvania and the State of New Jersey, and providing penalties for violation of its provisions, and to repeal acts inconsistent therewith," approved April twenty-first, one thousand nine hundred and nine.

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

Section 7 amended.

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

Size of meshes of nets.

7. It shall be unlawful for any person to catch and take or attempt to catch and take sturgeon from the Delaware river below Trenton falls with any device excepting a seine or gill net, the meshes of which shall not be less than thirteen inches stretched measure while

being fished, or to catch and take or attempt to catch and take any other food fish from said waters with a seine the meshes of which shall be less than two and one-half inches stretched measure while being fished, or any gill net the meshes of which shall be less than five and one-quarter inches stretched measure while being fished; *provided,* that gill nets with a mesh not smaller than three inches may be used from March first to June tenth in each year for the purpose of taking herring only. It shall also be unlawful for any person to catch and take, or attempt to catch and take, any food fish, except sturgeon, by means of a seine or gill net between the tenth day of June in each and every year and the first day of March next ensuing. Any person who shall violate any of the provisions of this section shall on conviction thereof be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats and appliances used.

Proviso.

Season for seine fishing.

Penalty.

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

Section 12 amended.

12. It shall be unlawful to use a parallel net, otherwise a net set approximately parallel with the shore in the Delaware river and bay lying between the States of New Jersey and Delaware below Trenton falls, and at low-water mark, between the first day of June and the thirty-first day of August in each year, and it shall be lawful to use such parallel net from the first day of September to the thirty-first day of May, inclusive, next ensuing, in each year, for the purpose of taking carp only; *provided,* that the meshes of said net be not less than three and one-half inches stretched measure when being fished; *provided,* that seines not smaller than two and one-half inch mesh may be used from September first to May thirty-first of each year for the purpose of taking carp and suckers only; *and provided further,* that no such net shall be set in such manner as to impede navigation. All other fish than carp and suckers must be returned unharmed to the water beyond low-water mark. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of one hundred dollars, together with a forfeiture of all nets and other appliances used

Parallel nets forbidden.

Proviso.

Proviso.

Proviso.

Fish returned to water.

Penalty.

When effective.

3. This act shall take effect immediately, but shall not be considered as valid or operative until a similar act has been enacted by the Commonwealth of Pennsylvania.

Approved April 15, 1911.

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## CHAPTER 170.

An Act to amend an act entitled "An act to provide for the purification of the waters of the Passaic river within the Passaic Valley sewerage district, prohibiting the discharge of sewage or other polluting matter into said portion of said river after a fixed date and authorizing municipalities lying in whole or in part within the Passaic Valley sewerage district, from the territory of which sewage or other polluting matter is or may be discharged into said portion of said river, to enter into contracts with each other and with the Passaic Valley Sewerage Commissioners for the intercepting and disposal of such sewage and other polluting matter, and to provide the necessary funds therefor," approved March eighteenth, one thousand nine hundred and seven.

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

Section 1 amended.

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

Discharge of sewage into certain parts of Passaic river forbidden.

1. Every municipality, corporation and individual is hereby prohibited and forbidden to discharge directly or indirectly any sewage or other polluting matter into the waters of the Passaic river at any point between the Great Falls in the city of Paterson and the mouth of said river at Newark bay, or into any tributaries of the Passaic river which empty into the Passaic river between said points after the thirty-first day of December, in the year one thousand nine hundred and

fourteen; and the Passaic Valley Sewerage Commissioners are hereby authorized and empowered to enforce the provisions of this act over and throughout all municipalities which may, or the inhabitants of which may, directly or indirectly, discharge sewage or other polluting matter into the waters of the Passaic river between the points above designated, or into the tributaries aforesaid, after the said thirty-first day of December, one thousand nine hundred and fourteen.

Enforcement of penalty.

The Passaic Valley Sewerage Commissioners are hereby authorized and directed, within thirty days after the approval of this act, to notify each municipality from which sewage or other polluting matter is or may be discharged into the said river between said points, either directly or indirectly, and the inhabitants thereof, that the discharge of sewage and other polluting matter into the waters of the said river must be discontinued on or before the thirty-first day of December, in the year one thousand nine hundred and fourteen. Such notice shall be in writing, signed by the president and secretary of the Passaic Valley Sewerage Commissioners, and shall be served upon the clerk or the equivalent officer of every such municipality, and shall be published in one of the newspapers printed and circulating in the counties of Passaic, Bergen, Hudson and Essex, for two consecutive weeks, once in each week, such public notice to be in the following form:

Municipalities affected to be notified.

How notice served.

"To whom it may concern: Public notice is hereby given that the discharge of sewage and other polluting matter into the waters of the Pasaic river at any point between the Great Falls, at the city of Paterson, and Newark bay, and into the tributaries of said river emptying therein between said points, is prohibited and must cease and be discontinued after December thirty-first, in the year one thousand nine hundred and fourteen."

Wording of notice.

The Passaic Valley Sewerage Commissioners are further authorized and empowered to institute in their corporate name suits at law or in equity, as may be deemed necessary or appropriate to enforce the provisions of this section of the act after said thirty-first day of December, in the year one thousand nine

Bringing of suits.

Jurisdiction.

hundred and fourteen; and the Court of Chancery of this State is hereby vested with special jurisdiction to enforce the provisions of this section of this act in a summary manner upon application of the Passaic Valley Sewerage Commissioners.

Section 9 amended.

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

Control and maintenance of sewers.

9. Upon the completion of such intercepting sewer or sewers, plant and works and appurtenances the Passaic Valley Sewerage Commissioners are authorized and directed to retain and have the sole control and charge of the said sewer or sewers, plant and works and appurtenances, and every municipality using such intercepting sewer or sewers, plant and works, is hereby required to pay annually to the Passaic Valley Sewerage Commissioners, on demand, its proportion of the cost of maintenance and operation of the same, as the same may be certified to it from time to time by the Passaic Valley Sewerage Commissioners, pursuant to the terms of said contract, which said cost of maintenance and operation shall be raised and provided for by the said municipalities by taxation, or by the issue of temporary loan bonds in anticipation of taxation.

Accounts audited and published.

It shall be the duty of the Comptroller of the State to cause the accounts of the Passaic Valley Sewerage Commissioners to be annually audited at the expense of the Passaic Valley Sewerage Commissioners, and the result of such audit shall be printed with the financial report of the Passaic Valley Sewerage Commissioners. The said board of sewerage commissioners shall at all times keep full and accurate account of its receipts and expenditures and liabilities, and shall annually cause a detailed statement thereof to be published and a copy thereof mailed to the clerk of each of the contracting municipalities. Said

Liability of commissioners.

commissioners shall be liable for any unlawful act as are now members or officers of any public body, and no commissioner shall be, directly or indirectly, interested in any contract awarded under the provision of this act, or in furnishing material or supplies therefor to any contractor, or in furnishing security for the performance of any contract.

Use of plans, etc., belonging to Paterson.

In case the city of Paterson shall, pursuant to the provisions of this act, enter into contract with the Passaic Valley Sewerage Commissioners for the construction of an intercepting sewer or sewers, plant and works and appurtenances, then and in that case the said city shall turn over to the Passaic Valley Sewerage Commissioners all plans, maps, data and reports which it may have produced, purchased or secured, and which it may now own relating to the subject of sewerage and sewage disposal, and the Passaic Valley Sewerage Commissioners shall credit to the city of Paterson therefor on said contract the sum of eight thousand dollars, and the said sum shall be taken to be a part of the construction cost of said sewer or sewers, plant and works.

Repealer.

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

4. This act shall take effect immediately.

Approved April 15, 1911.

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## CHAPTER 171.

An Act to restrict the use of common drinking cups and to prevent the communicating of infectious diseases.

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

Public drinking cups forbidden.

1. The use of the common drinking cup, an undoubted source of communication of infectious diseases, is hereby prohibited in all public places within this commonwealth, and the State Board of Health shall have full authority to establish such reasonable rules and regulations to make this prohibition effective as in their judgment seems wise and proper.

Penalty.

2. Whoever fails to observe the provisions of this act, or the rules and regulations of the State Board of Health made in relation thereto, shall be deemed

guilty of a misdemeanor and be liable to a fine not exceeding twenty-five dollars for each offense.

Repealer.

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

Approved April 15, 1911.

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## CHAPTER 172.

A Supplement to an act entitled "An act concerning the militia of the State," approved May sixteenth, one thousand nine hundred and six (Revision 1906, p. 439, Laws 1906).

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

Brevet rank for privates.

1. The Governor and Commander-in-Chief, upon the application in writing of any citizen of this State who is a member of the National Guard, and who shall have faithfully served therein continuously since the Civil War without any commission as an officer, may, by and with the advice and consent of the Senate, confer upon him a brevet rank of second lieutenant. Commissions shall issue as to elected or appointed officers.

2. This act shall take effect immediately.

Approved April 15, 1911.

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R-13-356

# CHAPTER 173.

A Further Supplement to the act entitled "An act to establish public parks in certain counties in this State, and to regulate the same," approved March fifth, one thousand eight hundred and ninety-five.

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

Freeholders may issue bonds.

1. To meet the further expenses to be incurred under the provisions of the act to which this a further supplement for the acquisition, development and improvement of parks and parkways in any county in this State in which said act shall or may hereafter be in force, and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of chosen freeholders of the said county may, from time to time, on the requisition of the said Board of Park Commissioners, in the name and on the credit of said county, borrow money by issuing the bonds of said county to a sum not exceeding in the aggregate one hundred and twenty-five thousand dollars ($125,000) over and above the total amount theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four per centum, payable semi-annually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of chosen freeholders may determine, and they shall also determine the form of the bond. A sinking fund shall be established by the said board of chosen freeholders on the issuing of any such bonds sufficient, with the accumulations thereof, to extinguish the principal of the said bonds so issued when due. The interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner

Amount.

Time.

Rate.

Sinking fund.

that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Proceeds of sale.

Repealer.

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

Approved April 15, 1911.

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## CHAPTER 174.

An Act to repeal an act entitled "An act to authorize the inhabitants of Delanco, in the township of Beverly, in the county of Burlington, to improve and regulate their roads, streets, crossings and sidewalks," approved April third, anno domini one thousand eight hundred and sixty-six.

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

Act repealed.

1. The act entitled "An act to authorize the inhabitants of Delanco, in the township of Beverly, in the county of Burlington, to improve and regulate their roads, streets, crossings and sidewalks," approved April third, anno domini one thousand eight hundred and sixty-six, is hereby repealed.

2. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 175.

An Act relating to law departments in cities of the first class in this State, providing for the compensation of certain of the law officers thereof and for assistants therein.

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

Compensation of city counsel.

1. In cities of the first class of this State the common council or other board or body having control of the finances of any such city may by resolution fix the salaries and compensation to be paid to the city or corporation counsel, the city or corporation attorney and the assistant city or corporation attorney of such city, and the salary or compensation of any such officer having been so fixed shall not be increased or diminished during his term of office. Until so fixed, the salaries and compensation of such officers shall be and remain as now fixed by law.

Additional legal help.

2. The common council or other board or body having control of the finances of any such city may provide, from time to time, by resolution, for an additional assistant or additional assistants to the city or corporation counsel, who shall be attorneys at law of good standing, shall be appointed by the city or corporation counsel, and shall perform such work and discharge such duties as shall be assigned to him. The ordinances providing for such assistant or assistants shall fix the terms of office and the salaries or compensation to be paid. Such assistants shall not be required to pass an examination as to fitness, and may be removed by the city or corporation counsel at any time without cause assigned, but appointment by the city or corporation counsel to fill any vacancy caused by such removal, or otherwise, shall be for the remainder of the unexpired term only. Nothing in this act contained shall be construed to prevent the employment of special counsel by the city or corpora-

Special counsel.

tion counsel, with the approval of the mayor of the city, to assist in the preparation, trial and argument of particular cases to which the city, or any of its boards or departments, or officers, may be parties.

Repealer.

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

Approved April 15, 1911.

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## CHAPTER 176.

An Act to regulate fishing in the North branch of the Shrewsbury river, in the county of Monmouth.

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

Seine fishing in North branch of Shrewsbury river.

1. It shall be unlawful for any person or persons to use a hauling seine for the purpose of taking fish in the waters of the North branch of the Shrewsbury river, in the county of Monmouth, above the New Jersey Southern Railroad bridge, at Red Bank, under a penalty of twenty dollars for each offense.

2. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 177.

An Act to amend an act entitled "A bill relative to the issuance of medals to officers and enlisted men of the National Guard and Naval Reserve of New Jersey," approved May second, one thousand nine hundred and six.

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

1. Paragraph one of the act referred to in the title of this act is hereby amended to read as follows: Paragraph amended.

1. The Governor and Commander-in-Chief be and he is hereby authorized to issue to the officers and enlisted men who have served faithfully in the National Guard or Naval Reserve of this State after ten years of service, exclusive of service upon the retired or supernumerary list, a bronze medal of honor, and a similar medal for each and every five years of subsequent service, exclusive of service upon the supernumerary or retired list, during their connection with the State military or naval forces; this medal to have on the bar figures indicating the number of years of service, otherwise to be in all respects as to material and design, regardless of rank, the same as the fifteen-year medal now issued by resolution of the State Military Board, approved December eighteenth, one thousand eight hundred and ninety-four. Service medal. Bar arrangement.

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

Approved April 15, 1911.

## CHAPTER 178.

An Act to authorize the governing body of any municipality in this State to improve any street or section of street, and to assess the cost of such improvements upon the lands fronting thereon and to issue improvement certificates in payment of the contract price for making such improvements, to be retired and paid off out of the assessments as collected.

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

**Street improvements.**

1. It shall be lawful for the governing body of any municipality in this State to improve any street or section of street lying between intersecting streets therein by causing the same to be graded, flagged, macadamized, paved, curbed, guttered, or to have a sidewalk of any material constructed thereon, or a sewer constructed therein, and to assess the entire cost of such improvement upon the lands fronting thereon in proportion to such frontage; *provided,* the owners of all the lands fronting on such proposed improvement shall sign and present to such governing body, at any stated meeting thereof, a petition in writing setting forth the improvement desired, and containing an agreement on the part of the petitioning owners to pay such proportionate share of the actual cost as may be assessed against their respective lands. If the improvement desired be a lateral sewer, the petition and consent shall provide that for the use of the main or trunk sewer a reasonable sum per front foot to be assessed thereon shall be added to the actual cost of the work and included in the amount to be assessed. The said petition shall be verified by the affidavit of each signer, who shall expressly aver that he or she is the owner in fee of the land signed for by the affiant.

**Proviso.**

**As to lateral sewers.**

The petitioners may in the said petition signify their wish and consent that the contract for such improvement may provide for the payment of the contract price in improvement certificates to be issued as hereinafter provided. Petition to indicate wishes.

2. When such petition shall be presented the said governing body may, at the same or at the next succeeding stated meeting, finally adopt an ordinance providing for the making of such improvement; such ordinance shall describe the improvement in general terms in accordance with the petition, and it shall provide that the work shall be done under the supervision of the municipal engineer or surveyor and to his satisfaction. The ordinance shall also provide that the cost of the improvement shall be assessed upon the abutting land. In case the contract price for the work is to be paid for by the issue to the contractor of improvement certificates the ordinance shall so provide. Ordinance adopted.

After the ordinance shall have been adopted the governing body may advertise for bids for the proposed improvement, setting forth the manner in which payment is to be made, and may award the contract for the work to the lowest responsible bidder; *provided, however,* that the governing body may reject all bids if they deem it for the interest of the municipality so to do, in which case they may again proceed in all things as if no proposals had been offered. Proposals invited. Proviso.

3. After the completion of such improvement the costs thereof shall be ascertained and determined by the board or body in which the power and authority to make and levy assessments for public improvements in that municipality may be then vested by law, and that board or body shall thereupon assess such cost upon the lands and real estate fronting on the said improvement, in proportion to the frontage of each lot or parcel, adding, in case the improvement be a lateral sewer, such sum for the use of the main or trunk sewer as shall have been specified in the petition for the improvement; the said body or board shall file their report with the municipal clerk, which shall be accompanied by a map showing the amount assessed upon each lot or parcel of land and the names Costs assessed. Report, map, etc., filed.

of the owners of the several lots and parcels assessed, but no assessment shall be deemed defective by reason of any mistake in the names of the owners of the lands assessed, or by the omission of the said names or any of them; the clerk shall thereupon publish for at least two weeks, once in each week successively, in one or more newspapers published in the county and circulating in the municipality, a notice stating that the said map and report have been filed in his office, and that the governing body of the municipality will meet, at a time and place to be therein specified, to consider any objections to such report, map and assessment that may be presented in writing on or before the day for hearing so named in such notice; and the said clerk shall also mail a like notice to each owner named in the said report and assessment at least ten days before the time so fixed in said notice; provided, however, that no assessment shall be deemed defective by reason of the failure of said clerk to mail such notice. After considering said report, map and assessment, and such objections as may have been presented against the same, the said governing body may confirm the said report, map and assessment, or, if deemed necessary, may return the same to the board or body which made the assessment for revision and correction, who shall return the same corrected and revised, without unnecessary delay; and thereafter the governing body may, without further notice, confirm the said report, assessment and map.

Notice of hearing.

Consideration of report.

Payment of assessments.

4. All assessments for improvements made under this act shall be payable in ten equal annual installments, the first at or before the expiration of one month from the date of the confirmation of the assessment, and thereafter at the expiration of each year from the date of such confirmation one installment shall be payable with legal interest thereon from the date of confirmation; *provided,* that the owner of the lands assessed shall have the privilege of paying the whole of any such assessment or any balance of installments with accrued interest thereon at one time; in case any such installment shall remain unpaid for sixty days from and after the time when the same

Proviso.

shall have become due and payable, the whole assessment, or the balance due thereon, shall become and be immediately due and payable; shall draw interest at the rate of one per centum per month, and shall be collected in the same manner as is provided for the collection of other past due assessments in such municipalities; said assessments shall remain a lien upon the land described therein until the same, with all installments and accrued interest thereon, shall be paid and satisfied, and no proceedings to collect or enforce the same need be taken until default shall be made in the payment of any installment as above provided.

Assessments a lien.

5. The governing body of any such municipality shall have power to issue improvement certificates in payment for the work done on any improvement made under this act, the contract for which shall provide for payment in that manner. When the contract is fully completed and the work is accepted, a certificate or certificates may issue for eighty per centum of said work done, and in not less than three nor more than six months after the date of the acceptance of the work, a certificate or certificates may be issued 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 governing body. The said certificates shall be so issued and made payable that the aggregate cost of the improvement represented by the issue shall become due in ten equal yearly installments; they shall bear interest at the rate of six per centum per annum. Said certificate shall be numbered consecutively, from one upward, for each improvement, and shall be paid in numerical order, but only from moneys received by the municipality in payment of assessments levied for that improvement.

Issue improvement certificates.

When due.

Approved April 15, 1911.

## CHAPTER 179.

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

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

Misdemeanor to discriminate against persons in military uniform entering amusement places.

1. Any person owning, keeping or having the management or control of any theatre or place wherein theatrical, acrobatic, vaudeville or other public performances or meetings are given or held in this State, his agents or servants, who shall refuse to admit thereto, or demand or receive any greater price for admission thereto from, or make or impose any different or discriminatory regulation whatsoever therein upon, any person who shall wear any uniform or any device, strap, knot or insignia of any design or character used as a designation of grade, rank or office, such as are by law or by general regulation duly promulgated, prescribed for the use of the military and naval forces of the United States or the National Guard of this or any other State, on account of the wearing of such uniform, device, strap, knot or insignia, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved April 15, 1911.

## CHAPTER 180.

An Act to authorize the board of chosen freeholders of any county in this State; to construct a viaduct or bridge in a street or highway, located and running in two or more municipalities in such county, over a railroad or railroads running on or across the dividing line between two or more such municipalities and across such street or highway, and to agree with the railroad company or companies as well as any street railway company using such highway, as to the share of the cost of such construction to be borne by each, and on failure to agree, to apply to the Court of Chancery to settle and determine the share of the cost of such construction to be borne by each, and providing that the municipalities shall pay all damages, if any, to abutting landowners occasioned by such construction, and authorizing the issue of bonds by such board and municipalities to pay the cost of such construction and damage assumed by or imposed upon them respectively.

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

Freeholders may construct viaduct when requested by joint municipalities.

1. Whenever in any county in this State a street or highway is located and runs in two or more municipalities in such county and said street or highway is crossed by a railroad or railroads running on or across the dividing line between such municipalities, and the boards or bodies in such municipalities having control of street improvements, pass resolutions requesting the board of chosen freeholders of such county to construct a viaduct or bridge over such railroad or railroads in said street or highway, then it shall and may be lawful for the board of chosen freeholders of such

county to construct a viaduct or bridge in such street or highway and over said railroad or railroads.

Provision for expenses.

2. The expense of the construction of such viaduct or bridge shall be borne by the board of chosen freeholders of the county, the railroad company or companies over whose tracks said viaduct or bridge is constructed, and any street railway company using such street or highway which may determine to use such viaduct or bridge, in the amounts or proportions which may be agreed upon between them; and if no such agreement shall be made, it shall be lawful for such board of chosen freeholders to apply, by petition, to the Court of Chancery, which court is hereby given jurisdiction to hear the parties in a summary way, on such notice as said court may prescribe, and to apportion and determine the part or proportion of said expense to be borne and paid by each of the parties to such proceeding.

Damages met.

3. The owners of property abutting such viaduct or bridge shall be entitled to compensation for damages sustained, if any, by reason of the construction thereof, and each municipality in which such viaduct or bridge is partly constructed shall bear and pay the damages ascertained to property within its limits, which damages shall be ascertained as to the lands in each municipality, in the same manner that damages are ascertained on the change of grade of streets, or said abutting owners may bring their suits at law to recover such damages; *provided*, the same be brought within one year after the acceptance of the work as completed by said board; and such board of chosen freeholders shall not in any manner be liable for such damages.

Proviso.

Maintenance.

4. After the construction of such viaduct or bridge, the same shall be maintained and kept in repair by the board of chosen freeholders, except that the street railway company using the same shall keep in repair the roadway occupied by their tracks and eighteen inches outside thereof.

Limit of cost to county.

5. That such board of chosen freeholders is authorized to expend as its share of the cost of the construction of any such bridge or viaduct a sum not to exceed one hundred and fifty thousand dollars.

Counties may issue bonds.

6. If in the opinion of the board of chosen freeholders of such county to place the entire cost of such viaduct or bridge in the tax levy for any one fiscal year would be too burdensome to the taxpayers of such county, it shall and may be lawful for such board to issue the bonds of such county to defray the expense thereof, which said bonds shall be of the denomination of one thousand dollars each, and be registered or coupon as such board may determine, and shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and shall run for a period not exceeding forty years, and shall be signed by the director and clerk of such board and countersigned by the county collector, and shall be sold at public sale, on bids duly advertised for, to the highest bidder, for not less than par; and said county shall annually thereafter place in the tax levy a sum sufficient to pay the interest on such bonds as it matures, and shall likewise create a sinking fund for the payment of said bonds at maturity, and place in the tax levy annually thereafter a sum sufficient, with the accumulations thereof, to pay off and discharge said bonds at maturity.

Rate.

Time.

Sale.

Sinking fund.

Municipalities may issue bonds.

7. In order to enable such municipalities to raise the moneys wherewith to pay any damages with which they or either of them may be charged by reason of the erection and construction of such viaduct or bridge, it shall and may be lawful for such municipalities to issue and sell their bonds, in an amount not exceeding the damages assessed or charged against each municipality, which bonds shall bear interest at not exceeding five per centum per annum, payable semi-annually, and shall run for a period not exceeding twenty years, and shall be executed in the manner that the bonds of the municipality are usually executed, and shall be sold at public sale, on bids duly advertised for, to the highest bidder, for not less than par.

Rate.

Time.

Sale.

Plans approved before inviting proposals.

8. The board of chosen freeholders of any county shall not advertise for bids or proceed with the work of erecting any such viaduct or bridge as above provided, until the plans and specifications for the same shall have been submitted to the boards or bodies in which such municipalities having charge of street im-

provements therein and approved by such boards or bodies.

9. This act shall take effect immediately.

Approved April 17, 1911.

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## CHAPTER 181.

An Act to amend an act entitled "An act to provide for the permanent improvement of regularly laid out roads in counties, and providing for the issuance of bonds in payment of such improvement in this State," approved April ninth, one thousand nine hundred and ten.

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

Section 2 amended.

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

County may issue bonds.

2. For the purpose of raising the money necessary to so permanently improve any road or roads, pursuant to the provisions of this act, the board of chosen freeholders, or the committee, board or body having charge of such road or roads so improved or to be improved under the provisions of this act, may appropriate and borrow such sum or sums of money for the purpose aforesaid as may be necessary, and may secure the repayment of the sum or sums so borrowed,

Rate.

together with interest thereon, at a rate not to exceed five per centum per annum, by an issue of bonds in the name of such county; bonds so issued may be registered, or coupon, or both, of such denomination as the board of chosen freeholders of such county may

Time.

determine, and shall be made payable in not more than forty years from the date thereof; shall be sold at public or private sale, and not for less than par and accrued interest, and such county shall in its annual tax levy raise money sufficient to pay the interest on said

bonds, together with a sum sufficient to provide a sinking fund for the retirement of the said bonds at maturity. Such municipality may appropriate and borrow such sum or sums for the purpose or purposes aforesaid, and may secure the repayment of the sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, by the issue of bonds in the name of such municipality; bonds so issued may be registered, or coupon, or both, of such denomination as the governing body of such municipality may determine, and shall be made payable in not more than forty years from the date thereof; shall be sold at public or private sale, and not for less than par and accrued interest; and such municipality shall in its annual tax levy raise money sufficient to pay the interest on said bonds, together with a sum sufficient to provide a sinking fund for the retirement of said bonds at maturity.

Sinking fund.

Municipality may issue bonds.

Rate.

Time.

Sale.

Retirement of bonds.

2. This act shall take effect immediately.

Approved April 19, 1911.

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## CHAPTER 182.

An Act to amend an act entitled "An act respecting the improvement of county roads in municipalities and providing for the issuance of bonds in payment of such improvement," approved April eighth, one thousand nine hundred and ten.

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

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

Section 1 amended.

1. When any county road, whether constructed under the provisions of a road board act or by virtue of authority conferred upon any board of chosen freeholders, or otherwise, lies partly within the territory

Improvement of county roads lying within municipality.

of any municipal corporation, and when, in the judgment of the governing body of such municipal corporation, or of the board in such municipal corporation having control over the streets therein and authorized by law to grade, pave and otherwise improve said streets, it shall be proper to improve so much of such county road as lies within the territory of such municipal corporation by grading or changing the grade of such road or by regulating or changing the width of the sidewalks thereon, or by setting curbing, or by paving the roadway from curb to curb, or by re-paving the roadway from curb to curb, or any part thereof, with any form or kind of street pavement; and when the board of chosen freeholders of the county in which such county road lies shall by resolution concur in such judgment of the proper authorities of such municipal corporation, then it shall be lawful for such governing body or board in such municipal corporation, and for such board of chosen freeholders, to enter into an agreement to determine what part or portion of the expense of making any such improvement shall be paid by and through each of the parties to such agreement. After the execution of such agreement it shall be lawful for the said governing body or board in such municipal corporation to proceed to make such improvement in the same manner in which similar public works are undertaken, contracted for and executed with respect to other streets in such municipal corporation, and on completion thereof the board of chosen freeholders shall pay the part or portion of the expense assigned to such board of chosen freeholders in the said agreement, and for that purpose the board of chosen freeholders is authorized to appropriate and borrow such sum or sums for the purpose or purposes aforesaid, and may secure the repayment of the sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, by the issue of bonds in the name of the county corporation; bonds so issued may be registered or coupon, or both, of such denomination as the board of chosen freeholders of such county may determine, and shall be made payable in not more than forty years from the date thereof; shall

Proportionate payment.

Manner of making improvements.

County may issue bonds.

Rate.

Time.

be sold at public or private sale, and not for less than par and accrued interest; and such county shall in its annual tax levy, raise money sufficient to pay the interest on said bonds, together with a sum sufficient to provide a sinking fund for the retirement of the said bonds at maturity. Sinking fund.

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

2. The remainder of said expense of such improvement shall be paid, assessed and collected in the same manner as the expense of other street improvement in such municipal corporation, or such municipal corporation may appropriate and borrow such sum or sums for the purpose or purposes aforesaid, and may secure the repayment of the sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, by the issue of bonds in the corporate name of such municipality; bonds so issued shall be designated "county road improvement bonds", may be registered or coupon, or both, of such denomination as the governing body of such municipality may determine, and shall be made payable in not more than forty years from the date thereof; shall be sold at public or private sale, and not for less than par and accrued interest; and such municipality shall in its annual tax levy, raise money sufficient to pay the interest on said bonds, together with a sum sufficient to provide a sinking fund for the retirement of said bonds at maturity. Payment of remainder of expense. Bond issue. Rate. Name of bonds. Time. Sinking fund.

3. This act shall take effect immediately.

Approved April 19, 1911.

# CHAPTER 183.

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

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

276-1
A-12-667

## I.

Size of election districts.

276-
S-1914-365

276-1
A-16-210

1. No election district within this State shall contain more than four hundred voters, except in an election district wherein there may located a home or institution wherein persons entitled to vote may reside, and in any such district the number of voters shall be as near four hundred as possible. Immediately after this act goes into effect, the governing board or body in every city, borough, town, township, village or other separate municipality, shall examine the registry list of each election district within any such city, borough, town, township, village or other separate municipality, and if it shall appear from such examination, or from other available sources of information that there is therein any election district in which over four hundred votes were cast at the last general election, the said governing board or body shall immediately readjust the boundary lines of the election districts so that no election district shall contain over three hundred and fifty registered voters. Whenever thereafter at any general election, in any election district, over four hundred votes shall have been cast, the said governing board or body, as aforesaid, shall again readjust the boundary lines of election districts and shall have power to consolidate any number of districts and resubdivide the same; *provided,* that in every division, change or readjustment, the geographical compactness of each district shall be maintained. It

Readjustment of district lines.

Proviso.

shall be the duty of the Secretary of State, within five days after the passage of this act, to send by mail to the clerk of each municipality in this State a copy of this section of this act. It shall be the duty of said clerk to forthwith cause such copy to be laid before the said governing board or body of such municipality; and said board shall proceed to carry out the provisions of this section of this act. It shall not be lawful for such board to make division of any election district between the twentieth day of April and the day of the general election in any year; *provided, however,* that the first readjustment of election districts hereunder shall be made before the fifteenth day of May, one thousand nine hundred and eleven. The clerk of any city, borough, town, township, village or other separate municipality may make application to the justice of the Supreme Court holding the circuit court in his county, for an order directing the county clerk of such county to transmit to such municipal clerk, the registry books of any election district in his municipality, for the purpose of such redistricting, which order shall direct the time within which such registry books shall be returned to such county clerk.

Municipal clerks notified.

Divisions made.

Proviso.

Clerk to obtain registry books from county clerk.

2. Whenever any readjustment of the boundaries of an election district has been made, the governing board or body making such readjustment shall immediately cause a description of the boundaries of such readjusted district to be filed in the county clerk's office and a duplicate thereof in the office of the clerk of the city, borough, town, township, village, or other municipality. For the purpose of the foregoing sections the term "election district" shall be construed to mean the territory within which there is a single polling place for all voters therein.

Readjusted boundaries filed.

"Election district" defined.

## II.

3. The members of the district boards of registry and election in each election district in this State shall hereafter be appointed in the manner hereinafter prescribed.

Appointment of election officers.

4. Two members of each board of registry and election shall be appointed from each of the two political parties which at the last preceding general elec-

Two members from each political party.

tion cast the largest and next largest number of votes in the State for members of the General Assembly.

County chairman to send list to civil service commission.

The chairman of each county committee of said political parties, shall, on or before the first day of June in the year one thousand nine hundred and eleven, and thereafter on the first day of May in each year, transmit in writing to the State Civil Service Commission at Trenton, a list of men of good moral character whom said chairman recommends for appointment in the several election district in his county. In said list said chairman may recommend more than the number of men who are entitled to be appointed under this act.

Voters may petition to have names placed on eligible list.

Not less than five legal voters of this State, all of whom shall be members of one of the political parties aforesaid, and who reside in the same election district, may prepare and sign with their names, residences and post office address, a petition addressed to the State Civil Commission setting forth that the signers are qualified voters of the election district in which they reside; that they are members of a political party (naming the same), and that at the last election for members of the General Assembly preceding the execution of the said petition, at which they voted, they voted for a majority of the candidates of said party for National, State and county offices, and that they intend to affiliate with said party at the ensuing election; that they endorse the person named in their petition as a candidate for member of the board of registry and election of said party for the election district in which said signers reside, that said person is a member of said party, and that they request the said State Civil Service Commission to examine the person so endorsed, and if found qualified, to place the name of said person upon the eligible list of men qualified to be appointed to said position in said election district; and said petition shall further state the residence and post office address of the person so endorsed and shall certify that the person so endorsed is of good moral character and is, in the judgment of the petitioners, legally qualified under the laws of this State to serve as an election officer in said district, and that he has resided for the period of one year in the election dis-

Additional facts set forth in petition.

trict in which he is endorsed for appointment or in any territory of a readjusted district included in the new district; each of the said petitions shall be verified by the oath or affirmation of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that such petition is signed in their own proper handwriting by each of the signers thereof; that said signers are to the best of the knowledge and belief of affiant, legal voters of the said election district as stated in said petition and belong to the political party named in said petition, and that said petition is prepared and filed in absolute good faith for the sole purpose of endorsing the person therein named in order to secure his appointment as election officer as stated in said petition. Said petition shall be filed with the State Civil Serice Commission on or before the first day of June, one thousand nine hundred and eleven, and thereafter on or before the first day of May in each year. No voter shall endorse more than one person for a member of a board of registry and election.

When petition filed.

Accompanying said petition, each person endorsed therein shall file a certificate under oath stating that he is qualified for the position of election officer as mentioned in said petition, that he belongs to said political party and at the last election for members of the General Assembly preceding the execution of said petition, at which he voted, he voted for a majority of the candidates of the said party nominated for national, State or county officers, and he intends to affiliate with the said party at the ensuing election; that if he shall be appointed to said position, he agrees to perform the duties thereof for the term for which he shall be appointed.

Certificate of applicant as to fitness and intention.

5. The said State Civil Service Commission shall hold in each county in this State a civil service examination for the purpose of passing upon the qualifications of said applicants for the position of members of the boards of registry and election in the election district of such county before the fifteenth day of August in each year. The said commission shall give five days' notice by mail to all the applicants from each county

Examination of applicants.

whose applications are filed with them as aforesaid, of the time and place of holding the civil service examination in such county. The said examination shall be held for the purpose of determining that the said applicants for the said appointments shall possess the following qualifications; the ability to distinguish readily the ordinary colors, such as red, blue, black, green, white and yellow; such eyesight as will enable the applicant, with or without eyeglasses, to read nonpareil type; the ability to read the English language readily; the ability to add and subtract figures correctly; the ability to write in a legible hand with reasonable facility; a reasonable knowledge of the duties required to be performed by them as election officers under the election laws of the State; health, which would permit them to discharge their duties as such election officers; and that each applicant shall be of good moral character and shall have resided in the election district in which he makes application to be appointed, or in any territory of a readjusted district included in the new district, for the term of at least one year, and that he is a legal voter in such district.

Qualifications to be considered.

List of successful applicants certified.

The Civil Service Commission shall, as a result of said examination, on or before the twentieth day of August in each year, certify to the judge or judges of the Court of Common Pleas in each county and to the county board of elections therein, the applicants who pass such examination for members of the boards of registry and election in each county. In such certificates the Commission shall indicate to which political party the applicants belong, naming the applicants of each party in each election district. The sum of ten thousand dollars shall be appropriated annually for the expenses of the State Civil Service Commission in carrying out the provisions of this act. The said expenses shall be paid upon requisition upon the financial officers of the State, signed by the said commission and endorsed by the Governor. Such portion of said sum of ten thousand dollars as it may not be necessary to expend for the said purpose shall be returned to the State Treasury.

Appropriation.

Manner of selecting the election board from the eligible list.

6. It shall be the duty of each county board of elections, from the eligible list certified as aforesaid, on or before the twenty-fifth day of August in each year, to select the members of the boards of registry and election for said county in the manner following, to wit: Each name so certified shall be written on a separate piece of paper, together with the election district in which the person so named shall reside, which pieces of paper shall be separately folded so as to conceal the name and election district of each person so certified; the pieces of paper containing the names of the members of the largest political party as aforesaid shall, in the presence of such judge or judges, be put into a box for said party, and those of the next largest political party deposited in a like manner in a box to be used for that party. Before depositing the same, said slips shall be, by said judge or judges, compared with the list certified as aforesaid by said Civil Service Commission. Said pieces of paper when so folded shall be of the same size, color and shape as nearly as may be. After the said boxes shall be closed and shaken in such a manner as to intermingle the pieces of paper so placed therein, the county board of elections, or some person appointed by such judge or judges for that purpose, in the presence of the county boards of election and of said judge or judges, shall, in an open and public manner, draw out of said boxes, separately, as many names as may be necessary to provide in each election district four members of the board of registry and election, being two members from each of said political parties.

Drawn by lot.

County board of elections to appoint persons drawn to district boards.

The names so drawn as aforesaid and transcribed by the county board of elections as they are read by the persons drawing them from the box, shall constitute the election officers as aforesaid, and it shall be the duty of the county board of elections to appoint the persons so drawn as aforesaid as the members of the board of registry and election in the respective districts for which they were chosen, and to issue to each of them a proper certificate of appointment.

Proceedings under direction of court.

The proceedings as aforesaid shall be under the direction of the judge or judges of the court of common pleas, who shall have full power and authority

to conduct such proceedings in accordance with the intent and purpose of this act and to provide for the correction of any mistakes or errors in the method of doing and performing the same.

If no applicant or vacancy, appointment by judge.

7. If in any election district there are no applicants on the eligible list of one or both of such political parties, or if at any time, for any reason, a vacancy occurs in any district, said judge or judges of the Court of Common Pleas shall select a member for such vacancy from the voters of the proper political party in said election district, and certify the same to the said county board of elections, which shall appoint the men so certified. Such selection by said judge or judges of the court shall be made without any civil service examination, but the said judge or judges shall select said men in accordance with the intent of this act, as hereinbefore provided.

Term of election officers.

8. The election officers thus appointed shall hold office for the term of two years or until their successors are appointed, unless sooner removed as hereinafter provided, but the term of one of the members of the board of registry and election of each political party in each election district first appointed under this act shall be for one year or until his successor is appointed. The member whose term shall be one year shall be determined by lot by the said judge or judges of the Court of Common Pleas.

Period of eligibility.

Any person who has once passed the examination herein provided shall be eligible for appointment for the period of six years thereafter, without further examination; and upon his application to the Civil Service Commission, stating that he has resided for the period of one year in the election district in which he seeks appointment, or any territory that is a portion thereof in case the same has been redistricted, said commission shall certify his name on the eligible list to the county board of elections, and to the judge or judges aforesaid.

Right to question appointments.

9. Any voter who has reason to believe that said appointments have not been made in accordance with the provisions of this act, or that, for any reason, any appointee is not qualified or is ineligible, may present a petition to any judge assigned to hear cases in the Circuit Court in and for said county or to any judge

of the Court of Common Pleas in said county, setting forth his reasons and praying that such judge shall make an order requiring and directing the county board of elections to cancel the appointments complained of, and to make new appointments as requested in the said petition, or as may be determined upon by said judge. Said judge, on the filing of the said petition, shall adjudicate upon the same in a summary way, upon such notice to the county board of elections, and to person or persons whose appointments are complained of, as he may direct to be made. Upon the hearing of the said application, such judge shall take such testimony as he shall deem necessary to determine the merits of the application, and shall render such judgment as will carry out the intent, purpose and provisions of this act. Said judge shall have power after hearing, as aforesaid, to cancel the appointments of such members of the district boards of registry and elections, and to fill such vacancy from the voters of the election district wherein such vacancy so arises. Upon the filing of such new appointments with the said county board of elections, the persons therein named shall become members of the respective boards of registry and election to which they are appointed as aforesaid, for the unexpired term of the members removed, and said county board shall issue to them the proper certificate of appointment.

Prompt decision.

Hearing and determination.

Judge may cancel appointments.

New appointments.

10. The board or body having charge of the finances in each municipality shall provide for the expenses of carrying out this act in their municipality, except as herein otherwise provided.

Expenses met by municipalities.

11. The compensation of each member of the boards of registry and election for all services performed by them under the provisions of this act and the act of which this act is a supplement, and the supplements to and amendments of said act, shall be as follows:

Compensation of election boards.

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In all cities, towns, townships, boroughs and villages having a population exceeding five thousand, for each registry day other than the primary registry day, eight dollars; for the primary registry day, including all services rendered in holding the primary election, except services in mailing the ballots, fifteen dollars; for

When population exceeds 5,000.

mailing the primary and election sample ballots, four dollars; for all services on election day, including counting of the votes and delivery of returns and ballot-box with contents to the municipal clerk, fifteen dollars; for services at any special election, ten dollars; for all services in holding the primary for selection of delegates to national conventions, including the making up of the registry list and the mailing of sample ballots, fifteen dollars; and in all other municipalities the compensation of each for all such services shall be as follows: for each registry other than the primary registry day, including the services in making the house-to-house canvass for the registry, four dollars in all districts having more than two hundred registered voters, and three dollars for all districts having less than two hundred registered voters; for the primary registry day, including all services incident to holding the primary election, nine dollars in all districts having more than two hundred registered voters, and six dollars for all districts having less than two hundred registered voters; for mailing the primary and election sample ballots, four dollars; for election day, including all services in counting the ballots and delivering the returns, the ballot-box and the contents to the municipal clerk, nine dollars in all districts having more than two hundred registered voters, and six dollars for all districts having less than two hundred registered voters; for any special charter or local election, five dollars; for services rendered at any primary election for the selection of delegates to national conventions, including the mailing of sample ballots, nine dollars in all districts having over two hundred registered voters, and six dollars in all districts having less than two hundred registered voters. The same shall be in lieu of all other fees and payments whatever.

Less than 5,000.

III.

Delegates to national conventions chosen at primary.

12. All delegates and alternates to the national convention of the political parties before mentioned in this State shall be chosen at primary elections as hereafter provided.

13. The chairman of the State committee of said political parties shall notify the Secretary of State, on

or before the fifteenth day of April in the year in which a President of the United States is to be elected, of the number of delegates at large, and the number of alternates at large, to be elected to the next national convention of his party, by the voters of the party throughout the State; and also the number of delegates and alternates who are to be chosen to said national convention in the respective congressional districts or other territorial subdivisions of the State, as mentioned in said notification. If the State chairmen, or either of them, shall fail to file such notice, it shall be the duty of the Secretary of State to ascertain the said facts from the call for said national convention issued by the national or State committee of said party.

Chairmen of State committees to notify Secretary of State of number of delegates.

14. The Secretary of State shall, on or before the twentieth day of April in such year, certify to the county clerk of each county in this State the number of delegates and alternates at large to be chosen by each party as aforesaid, and the number of delegates and alternates to be chosen in each congressional district or other territorial subdivision of the State composed in whole or in part of the county of such county clerk.

Secretary of State to certify number to county clerk.

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15. Not less than one hundred members of either of said political parties may file with the Secretary of State, on or before the first day of May in any year of a presidential election, a petition requesting that the name of the person therein endorsed shall be printed on the primary ticket of their political party as candidate for the position of delegate at large or alternate at large, to be chosen by the party voters throughout the State to the national convention of said party, or as a delegate or alternate to be chosen to said convention by the voters of any congressional district or other territorial subdivision of the State larger than a single county. The signers to the petition for any delegate at large or alternate at large shall be legal voters resident in the State; and the signers for any delegate or alternate from any congressional district or subdivision greater than a single county shall be voters of such district or subdivision. The Secretary of State shall, within five days thereafter, certify to each county clerk in this State said nominations for delegates and alternates at large, and the nominations for delegate

One hundred voters may petition to place name on party ticket.

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Secretary of State to certify such names to county clerk.

or alternate for any congressional district or other territorial subdivisions made up in part of the county of such county clerk.

Petition to place name on district ticket.

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16. Not less than one hundred voters of either of said political parties resident in any congressional district, or other territorial subdivision of this State, situated within a single county, entitled under the call of their party to choose delegates and alternates to the said national convention of the party, may file with the county clerk of their county on or before the first day of May in any presidential year, a petition requesting that the name of the person therein endorsed may be printed on the primary ticket of their party as a candidate for the position of delegate or alternate for said district or subdivision.

Candidates grouped.

17. Candidates for the position of delegates or alternates may be grouped together, and they also may have the name of the candidate for President whom they favor placed opposite their individual names, or opposite such groups, if they so request in their petitions, under the caption "Choice for President." The said petition shall be as near as may be in the form now required by law in the case of petitions for the nomination of delegates to State conventions of political parties in this State.

Form of petition.

County clerks to forward names to municipal clerks.

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18. Each county clerk shall forward, on or before the eighth day of May, to the clerk of each municipality in his county a statement of the persons whose names are to be printed on the primary ticket of each party as candidates for the position of delegates and alternates, filed with or certified to him as hereinbefore provided.

Municipal clerks to have printed official primary tickets.

19. Said municipal clerk shall cause to be printed official primary tickets for each political party containing the names of the persons for whom the party voters in his municipality are entitled to vote as candidates as aforesaid for the positions of delegates and alternates to the national convention of such party. The form of said ballot shall be as near as may be the form authorized in section forty of this act.

## IV.

Municipal clerks to deliver to clerks of election supplies necessary for primary.

20. Each of said municipal clerks shall deliver to the clerk of each board of registry and election in his municipality, at the office of the municipal clerk, on or before Tuesday preceding the day of the primary as hereinafter provided, the poll book and the primary book made up in such election districts at the last preceding general and primary elections respectively, and the books and forms for writing down the names of voters, making out returns and the affidavits filed with him, and generally such things as such clerks are now required by law to furnish said boards for use at the annual primary election in September of each year, taking receipts therefor from said election clerk, and said election clerk shall deliver the same to the board of registry and election of which he is clerk in time for use at said primary election. On or before the day of the primary said municipal clerk shall also deliver to such board, at his office, the ballots and ballot-boxes for each party. Said municipal clerks shall also procure the places for holding the primary elections herein provided for, which shall be as near as may be the same places used for the primary and general elections held in the fall of each year.

Also ballots and boxes.

Polling places.

Primary to choose delegates to national conventions.

21. Said primary elections for the choice of said delegates and alternates of both political parties shall be held on the fourth Tuesday of May in each presidential year, from one to nine P. M. Said primary elections shall be conducted by the members of the boards of registry and election, as near as may be in the manner now required by law for the conduct of the annual primary elections in September of each year; and the provisions of this act and of the act to which this act is a supplement, and of the acts amendatory thereof and supplemental thereto, shall apply as far as may be to the primary election held under this act, except as herein otherwise provided.

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Who entitled to vote for delegates to national conventions.

22. Every voter whose name shall appear on the poll book of the last preceding general election in the election district in which he offers to vote, or who has been registered by affidavit as hereinafter provided, shall be entitled to vote in the primary of his political party held under this act for the election of delegates

and alternates to national conventions. No person shall be allowed to vote at said primary unless his name appears on said poll book, or unless he has been registered by affidavit as hereinafter provided; nor shall any voter be allowed to vote in the primary of one political party if his name appears in the primary book of the other political party as made up at the last preceding primary election in said election district.

Registering by affidavit with municipal clerk.

23. Any voter qualified to vote at a general election in this State, who did not vote at the general election preceding any primary election to be held under this act for the selection of delegates to national conventions, may register for said primary election, and be entitled to vote thereat, by filing with the municipal clerk of his municipality, at least ten days prior to the day of the primary, an affidavit in the form now required by law for registering voters for any general election. From said poll books and affidavits, and from said primary books, the board of registry and election shall make up a primary registry list for said primary elections, with the letter "R" or the letter "D" opposite the names of those voters whose names appear in said primary books, respectively; and from said list shall be determined the right of each voter offering to vote at said primary. It shall be the duty of the municipal clerk in each municipality in the State to furnish to each board of registry and election in his municipality, at his office, on or before the Tuesday preceding said primary election for the selection of delegates to the national conventions, a sufficient number of official sample primary ballots of each party, and a sufficient number of one-cent stamped envelopes, to enable the said board to mail one copy of the sample primary ballot of each party to each voter who has registered for said primary election; and it shall be the duty of each of said boards to prepare and deposit in the post office, on or before twelve o'clock on Wednesday preceding the said primary day, said stamped envelopes containing a copy of the sample primary ballot of each political party addressed to each voter whose name appears in the said registry list for said primary. Each of said boards shall give to the municipal clerk a receipt for said sample ballots and envelopes, signed by one of their

How primary registry made.

Sample ballots and envelopes distributed.

Mailed to each voter.

Receipts required.

members, and shall return to said clerk the unused sample ballots and stamped envelopes, with a written statement signed by all of the members of said board, to the effect that the remainder of said sample ballots and envelopes were actually mailed or posted as provided in this act. Each of said envelopes shall have printed on the face thereof in large type the words "Sample Primary Ballot" and in small type the words "If not delivered in two days return to....." (city or town clerk), and said returned envelopes shall be retained by the municipal clerk for thirty days open to public inspection. Said sample ballots so mailed shall not be voted.

Statement on envelopes.

24. The said sample primary ballots shall be as nearly as possible a facsimile of the official ballot to be voted at the said primary election, and shall be printed on paper different in color from the official primary ballot, so that the same may be readily distinguished from the official primary ballot. The sample ballot shall have printed at the top in large type the words, "This sample ballot is an exact copy of the ballot to be used on primary day. This ballot cannot be voted."

Character of sample primary ballot.

The clerk of the board of registry and election shall also post such sample primary ballot in the polling place and five other public places in his district.

Samples posted.

It shall be unlawful for any election officer to accept from any voter and deposit in the ballot-box any sample primary ballot.

Not to be voted.

25. Each board of registry and election shall count and canvass the returns of said primary election at the close thereof, and forthwith deliver said returns, boxes, poll books of the preceding general election, affidavits, primary books, and list of voters voting in each primary, to the municipal clerk. Said clerk shall forthwith certify to the county clerk the result of the returns so filed with him. The county clerk shall ascertain from said certificates the persons who have received the highest number of votes for delegates and alternates to the national convention of each party, in the territorial division situated wholly within said county, and shall issue to such persons a certificate certifying to the fact of their selection as aforesaid. Said county clerk shall also forthwith forward to the Secretary of

Canvassing, returns, disposition of books, etc.

Certificates of election by county clerks.

County clerk to forward statement.

State a statement showing the number of votes cast for each candidate for delegate or alternate to be chosen by the voters of each party throughout the State, or from the Congressional or other territorial district larger than a single county, of which said county is a part. The Secretary of State shall forthwith ascertain from said statements the persons in each party who have received the highest number of votes for delegates at large, alternates at large, and delegates and alternates chosen in each congressional or other territorial district larger than a single county; and shall forthwith issue to each of such persons a certificate certifying that said persons have been duly chosen as such delegates and alternates respectively. The persons receiving such certificates from the Secretary of State, or any of the county clerks, shall be deemed to be chosen at said primary election as such delegates and alternates, respectively.

Secretary of State to issue certificate of election to delegates to convention.

## V.

Candidate for president may have name placed on primary ticket by petition.

26. It shall be lawful for not less than one thousand voters of any political party in this State to file a petition with the Secretary of State, on or before the first day of April in any year in which a President of the United States is to be chosen, requesting that the name of the person endorsed in said petition as a candidate of the said party for the office of the President of the United States shall be printed upon the official primary ballot of said party for the then ensuing election for delegates to the national convention of said party. Said petition shall be in the form required by law for the endorsement of a candidate for United States Senator, but it shall not be necessary to have the consent of such candidate for President endorsed on said petition; all of the names need not be signed to the same original petition, but copies thereof may be made to which signatures may be attached, but every petition shall have annexed the affidavit of one or more of the signers that the other signers to the said petition signed the same in good faith for the purposes therein mentioned. The Secretary of State shall cer-

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Petitioning.

tify the names so filed in his office to the county clerk of each county on or before the twenty-fifth day of April, and such county clerk shall forthwith certify the same to the municipal clerk of each municipality in his county on or before the twenty-ninth day of April, and the said municipal clerk shall cause said names so certified to be printed upon the primary tickets of the respective political parties for use at the then next ensuing primary election for the election of delegates to the national convention of said parties, under the heading "Choice for President." The voters at such primary election may indicate their preference among the candidates for President, whose names thus appear upon the ticket, by marking a cross in the square at the right thereof. The votes so cast for such candidates for President shall be counted, canvassed and returned to the municipal clerk by the board of registry and elections, and shall be certified by such municipal clerk forthwith to the county clerk, who in turn shall forthwith certify them to the Secretary of State, and the Secretary of State shall publicly announce the vote cast for each candidate for President in each party, as shown by the said returns so filed in his office.

Secretary of State to certify to county clerk and he to municipal clerk.

Preference indicated.

Canvass and certifications.

Announcement.

In the event that any candidate for nomination, who is thus endorsed in a petition filed in the Secretary of State's office, shall on or before the twenty-fifth day of April decline in writing, filed in the office of the Secretary of State, to have his name printed upon said primary ticket, the said Secretary of State shall not certify the name of such candidate to the respective county clerks.

In case of declination.

## VI.

27. No person shall be entitled to vote at any primary election held in September of each year, pursuant to the act to which this act is a supplement, and its supplements and amendments, unless his name, at the time of voting, shall appear upon the poll-book used at the preceding general election or upon the primary registry list made up as hereinafter provided; but any qualified voter may register on said primary day for

Who may vote at primary.

the ensuing general election in the manner provided by law.

Two registry lists when population exceeds 5,000.

It is the intention of this act that in cities, towns, townships, boroughs and villages exceeding five thousand inhabitants there shall be two registry lists—a primary registry list, and a general election registry list—and that the primary registry list shall consist of the names on the poll-book of the general election of the preceding year, with the corrections and additions herein provided for, and that the general election registry list shall be made up as hereinafter provided.

First registry day.

28. The first registry day in cities, towns, townships, boroughs and villages having a population exceeding five thousand shall be held on the second Tuesday of September in each year, and on said day the board of registry and election, in each election district in such municipalities, shall sit at the place and during the hours as required by law, for the purpose of preparing registry lists of voters entitled to vote at the ensuing primary and general elections. The said primary registry list shall be made up by the said board as follows: the said board shall place upon the said primary registry list the names of all persons whose names appear upon the poll-book of their election district as having voted in said election district at the last preceding general election. Said names shall be arranged according to streets, as now required for the general election registry list. The municipal clerks shall preserve, open to inspection, the poll-book and also the primary books used in each election district in his municipality in each year, and deliver the same at his office to the respective boards of registry and election in time for use on said registry day of the following year. Said clerks shall deliver to each of said boards in his municipality a suitable registry book for the primary registry. The said district boards of registry and election shall also place upon said primary registry list, and also upon the registry list to be prepared for use at the general election, the names of all voters who shall appear in person before said board and register upon said first registry day; and shall also place upon said primary registry lists (but not upon said general election registry list) the names of all

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Make primary register.

Names to be placed on registers.

voters presented to said board by affidavit, as now required by law. Said boards shall place the letter "R" opposite such of the names on the said primary registry lists as appear also in the said Republican primary book, and shall place the letter "D" opposite such of said names as appear also in the said Democratic primary book. Whenever it shall happen, by reason of the creation of new election districts under this act, or for any other reason, that there is no copy of the poll-book of the said election district used at the general election of the previous year, or no copy of the primary book for such election district, the municipal clerk shall furnish to the said board of registry and elections, on or before said first registry day, a list of the names of voters in said election district who voted therein at the last previous general election, and also of those who voted therein at the last previous primary election in each party primary, which names shall be taken from the poll-book and the primary book of the election district or districts of which the new district formed a part; and from such lists said board shall make up the primary registry list as herein provided. If the poll-book of any election district has been lost or destroyed at the time of the said first registry day, then the said board in said district shall make up the primary registry list in said district from the names checked as voting on the last registry filed with the county clerk and from the names on the primary books of the two political parties of the last previous primary, together with the names of voters filed with them by affidavit, as herein provided.

Party designation.

Procedure when new districts have been formed.

In case poll-book missing.

29. The municipal clerk in each municipality in this State shall furnish to each board of registry and election in his municipality, at his office, on or before Tuesday preceding the primary election in September in each year, a sufficient number of official sample primary ballots of each party, and a sufficient number of one-cent stamped envelopes, to enable the said board to mail one copy of the sample primary ballot of each party to each voter who is registered for said primary election; each of said boards shall prepare and deposit in the post-office, on or before twelve o'clock noon and Wednesday preceding the said primary day, said

Sample primary ballots and envelopes furnished.

When mailed.

stamped envelopes containing a copy of the sample primary ballot of each political party addressed to each voter whose name appears in the said primary registry list. Each of said boards shall give the municipal clerk a receipt for said sample ballots and envelopes, signed by one of their members, and shall return to said clerk the unused sample ballots and stamped envelopes, with a sworn statement in writing, signed by a majority of the members of said board, to the effect that the remainder of said sample ballots and envelopes were actually mailed or posted as provided in this act; and the members of said boards failing to file such statement shall receive no compensation for the service of mailing as aforesaid.

Receipts required.

Each of said envelopes shall have printed on the face thereof, in large type, the words, "Official Sample Primary Ballot," and in smaller type the words, "If not delivered in two days, return to..... ....." (city or town clerk), and said returned envelopes shall be retained by the municipal clerk for thirty days, open to public inspection. Said sample ballots so mailed shall not be voted.

Words on envelopes.

The said sample ballots shall be, as nearly as possible, a facsimile of the official ballot to be voted at the said primary election, and shall be printed on paper different in color from the official ballot, so that the same may be readily distinguished from the official ballot. The sample ballot shall have printed at the top in large type the words: "This sample ballot is an exact copy of the ballot to be used on primary election day. This ballot cannot be voted."

Sample ballots similar to official ballots.

The clerk of the board of registry and election shall also post such sample ballot in the polling place in his district and five other public places therein.

Samples posted.

It shall be unlawful for any election officer to accept from any voter and deposit in the ballot-box any sample ballot.

Sample not to be voted.

## VII.

30. The board of registry and election in each election district in municipalities containing five thousand inhabitants or less shall first meet on the said first registry day on the second Tuesday in September, and

When population less than 5,000 registry made by house canvass.

shall make up the registry by a house-to-house canvass as now provided by law, and said board shall, on the primary day hereinafter fixed, use as a registry list for the said primary the registry list for the general election which the said boards are now required by law to prepare, and each of said boards shall cause the said registry list to be made up and open to inspection ten days prior to said primary day. Said list shall contain the letters "R" and "D" to be inserted therein in manner and form as hereinbefore provided.

Act applicable.

The provisions of the act to which this act is a supplement and its amendments and supplements, applying to municipalities containing less than thirty thousand inhabitants, shall hereafter apply only to municipalities containing five thousand inhabitants or less, except as in this act otherwise provided.

Revision of register by county board.

31. The county board of elections shall sit on the Friday succeeding the first registry day, as hereinafter defined, for the purpose of revising and correcting the said primary registry list. The said county board shall have power to strike off the said primary registry list the names of all persons who shall be shown, by evidence satisfactory to the said board, not to be qualified to vote at the said ensuing primary election. The county board of elections shall transmit to the respective district boards of registry and election a certificate or certificates showing the corrections made by them, as hereinbefore provided, in time for use upon the ensuing registry and primary day. Any voter who is dissatisfied with the action of the said county board of elections may apply to a judge of the Court of Common Pleas in the said county by petition, stating the act complained of, and said judge may hear such application in a summary way, and make such order as may be just, which order shall be binding upon said county and district board of elections.

District boards notified of changes.

Dissatisfied voter may apply to court.

Second registry and primary election day.

32. The second registry day in all municipalities in this State shall be held upon the fourth Tuesday of September in each year, and upon said registry day the district boards of registry and election, in each election district in the State, shall conduct the primary elections as provided by law from seven o'clock A. M.

Manner of voting.

to nine o'clock P. M. Each voter offering to vote shall announce his name and the party primary in which he wishes to vote. The board of registry and election shall thereupon ascertain by reference to the primary registry book required by this act, and if necessary by reference to the primary book or poll book of the preceding primary or general election, that said voter is registered as required by this act, and also that he did not vote in the primary of the other political party at the last preceding primary election; in which event he shall be allowed to vote; but no voter shall be allowed to vote at said primary unless his name appears on the poll book of the previous general election, or has been placed on said registry list prior to said primary day as hereinabove provided; and no person shown by said primary registry list, verified, when requested by the voter, by reference to the preceding primary book, to have voted in the primary of one political party at the last preceding primary election, shall be allowed to vote in

Oath if challenged.

the primary of the other political party. In case a voter is challenged, he shall take an oath or affirmation, to be administered by a member of the board, in the following form: "You do solemnly swear (or affirm) that you are a member of the..... political party (specifying the political party to which the affiant claims to belong); that at the last election for members of the General Assembly at which you voted you voted for a majority of the candidates of said party nominated for national, state and county offices, and that you intend to support the candidates

Transfer certificates.

of said party at the ensuing election." Each board of registry and election in each election district, in issuing transfer certificates to voters who formerly lived in their districts, but who have between the last general election and the said day of the holding of said primary removed to some other district, shall be governed by the provisions of this act in relation to transfers for the general election. Any voter not registered, or not wishing to vote at the primary, may

May register at primary for general election.

register for the ensuing general election, but every voter voting at the primary shall register for the en-

suing general election in the manner provided by this act.

Separate registers for general election.

33. The primary registry lists made up as hereinbefore provided shall be used only for the primary election, and each district board of registry and election shall make up the registry list for the general election in the manner provided by law, except that the first two days of registry shall be as herein provided. The primary elections shall be held as provided by law, except as herein provided.

Sections of law applicable.

34. Sections thirty-three (33) and thirty-four (34) of the act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight, shall apply, so far as may be, to the registration and primary elections held pursuant to this act.

## VIII.

Endorsed candidates may request party designation.

35. Any person endorsed as a candidate for nomination for any public office, whose name is to be voted for on the primary ticket of any political party, may by endorsement on the petition of nomination in which he is endorsed, request that the said clerk shall print opposite his name on said primary ticket a designation, in not more than six words, as named by him in said petition, for the purpose of indicating either any official act or policy to which he is pledged or committed, or to distinguish him as belonging to a particular faction or wing of his political party. On the filing of any such petition, the said clerk shall cause the said designation to be printed opposite the name of the said person upon the primary ticket. If several candidates for nomination to the same office shall in said petitions request that their names be grouped together, and that the common designation to be named by them shall be printed opposite their said names, the said clerk shall group the names of the said persons in a bracket, and opposite the said bracket shall print the said designation as aforesaid. If two candidates or groups shall select the same designation, the municipal clerk shall notify the candidate or group whose petition was last filed, and said candidate or group shall select a new designation.

Grouped candidates.

New name if duplicate selection made.

Candidates for legislature to make statements relative to U. S. Senator.

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36. Each candidate for the nomination for the office of State Senator or member of the General Assembly, or for election to either of such offices, shall file with his nominating petition, or at any time before the primary or general election, with the county clerk, one of the two following statements:

*Statement No. 1.*

First statement.

I hereby state to the people of New Jersey, as well as to the people of .....county, that during my term of office I will vote for that candidate for United States Senator in Congress who has received the highest number of votes in my party in the State for that position at the primary election next preceding the election of a Senator in Congress.

.....
(Signature of Candidate.)

If the candidate shall be unwilling to sign the above statement, then he shall sign and file the following statement:

*Statement No. 2.*

Alternate statement.

During my term of office I shall consider the vote of the people for United States Senator in Congress as a recommendation which I shall be at liberty to disregard if the reason for doing so seems to me to be sufficient.

.....
(Signature of Candidate.)

Every blank petition for nomination officially prepared shall contain the foregoing statements in blank.

## IX.

Governor and Congressmen nominated directly.

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37. All candidates of political parties, as defined in the act to which this act is a supplement, for the office of Governor or Representative in Congress in this State, shall be nominated directly without the intervention of delegates or conventions at the primary elections held in September pursuant to the act to which this act is a supplement and the acts amendatory

thereof and supplementary thereto. Not less than one thousand voters of any political party may file with the Secretary of State of New Jersey a petition endorsing any member of their political party as a candidate for nomination of said party to the office of Governor, and requesting that the name of the person so endorsed be printed upon the official primary ballot of said party.

Petition to place name for Governor on official primary ticket.

Not less than two hundred voters of any political party in any congressional district in this State comprising more than one county, may file with the Secretary of State a petition or petitions endorsing any member of their political party as a candidate for the nomination of said party to the position of Representative in Congress in said congressional district, and requesting that the name of the person so endorsed be printed upon the official primary ballot of such political party.

Placing name for Congress on ballot.

38. Said petitions shall be signed in the manner and form provided for the signing and filing of nomination petitions in the act to which this act is a supplement, and its supplements and amendments, and to said petitions, or one of them, there shall be attached the acceptance of the person endorsed as required by said act. Not all of the names of petitioners need be signed to a single petition, but any number of petitions of the same purport may be filed; *provided,* in the aggregate the signatures thereto endorsing any one person shall be the number required by this act; *and provided,* that to each petition there shall be annexed the affidavit of at least one of the signers thereto, to the effect that the said petition was signed in their own proper handwriting by all of the signers thereof. Said petition or petitions shall be filed with the Secretary of State at least thirty days prior to the time fixed by law for the holding of such primary election. The Secretary of State shall certify the names of the persons so endorsed as candidates to the county clerks in the counties comprising said congressional district at least twenty-five days prior to the holding of said primary election.

Form of petition.

299-38
A-15-567

Proviso.

Proviso.

Filed with Secretary of State and certified to county clerks.

Not less than two hundred voters of any political party in any congressional district laid out wholly within a single county, may file with the clerk of said

In case Congressional district lies wholly in one county, county clerk to certify.

county a petition or petitions for congressional nominations, made out as hereinbefore provided, twenty-five days prior to the primary election. The county clerk in each county shall certify all of the names endorsed for the office of Governor and of Representative in Congress, filed with him pursuant to this act, to the clerk of each municipality in his county at least twenty days prior to the time fixed by law for the holding of said primary election, specifying in said certificate the political party to which the person or persons so endorsed belong, and said municipal clerks shall each respectively cause to be printed upon the respective primary ballots for each political party, under the name of "Candidates for Governor," or "Candidates for Congress," the names of the persons so endorsed for said offices respectively, in addition to the other names to be printed thereon as required by law.

**Committee to fill vacancies.**

The signers of said petitions endorsing candidates for Governor or Representative in Congress may name three men in their petition as a committee on vacancies, which committee shall have power in case of death of the person endorsed as a candidate in said petition to file with the Secretary of State, or county clerk (as the case may be), not less than fifteen days prior to the primaries, a new petition endorsing a person in the place of the one so dying, which name shall forthwith be certified to the appropriate municipal clerk.

**Voters to indicate choice.**

39. The party voters in each primary shall indicate their choice for the candidates for said offices in the manner provided by law, and the board of registry and election in each election district, in every county in this State, shall canvass the results of the said primary election as to the nominations provided for in this act in the manner provided by law, and shall include the results of such primary election as to the said candidates in the statements which they are now required by law to transmit to the municipal clerk, and the said municipal clerk shall forthwith transmit the said results to the county clerk. Where the congressional district is wholly within the limits of a single county, the county clerk shall canvass the returns as transmit-

300-39
A-15-568

**Results included in statements.**

ted to him by the various municipal clerks of his county, and the person having in the aggregate the highest number of votes for nomination for the office of Representative in Congress in the congressional district or districts comprised within said county, shall be the candidate of his respective party for the said office. Each county clerk shall certify to the Secretary of State the results of said primary elections as to the office of Governor. Each county clerk of a county which forms a part of a congressional district larger than a single county shall certify to the Secretary of State the results of said primary election as to the office of Representative in Congress in his county; and the Secretary of State shall forthwith canvass the results so certified by the said county clerks as to the office of Governor, and of Representative in Congress in each of such congressional districts, and the person receiving the highest number of votes for Governor in each party throughout the State, as shown by said returns, shall be the party candidate for Governor at the ensuing general election, and the person receiving the highest number of votes within each congressional district shall be the candidate of his political party for the office of Representative in Congress from such district at the ensuing general election; and the Secretary of State shall forthwith certify the names of the persons so ascertained to have been nominated for Governor as aforesaid, to the county clerk of each county. He shall also certify to each county clerk of a county which forms part of a congressional district the name of the person so ascertained to have been nominated as Representative in Congress for the district of which said county forms a part. The said county clerks shall cause the name of the persons ascertained as aforesaid to be the party candidates for the office of Governor and of Representative in Congress to be printed upon the official ballots at the ensuing election as the candidate for said office, under appropriate headings. In the event of a failure to select any candidate for Governor or for Congress by reason of two or more persons receiving the highest and the same number of votes, the chairman of the State committee of the said political party shall select one of the

Returns certified to Secretary of State.

Results canvassed.

Party candidates for Governor and Congress.

County clerk to cause names printed on official ballots.

In case of tie.

said candidates to be the candidate of the party for the said office, and shall file a certificate to that effect with the Secretary of State, or the appropriate county clerk, and the person so selected shall be the party candidate for the said office, and the Secretary of State, when such certificate shall have been filed with him, shall forthwith certify the names of the persons so ascertained to have been nominated as aforesaid to the county clerk of each county, who shall cause such name to be printed as aforesaid on the official ballots.

X.

Form of primary ballot.

302-40
A-12-665

40. The ballots to be used at primary elections held pursuant to this act and to the act to which this act is a supplement, and the supplements to and amendments of said act, shall be made up and printed substantially in the following form:

Coupon.

Each ballot shall have at the top thereof a coupon at least two inches square extending above a perforated line. The coupon shall be numbered for each of said political parties, respectively, from one consecutively to the number of ballots delivered and received by the election officers of the respective polling places. Upon the coupon and above the perforated line shall be the words "To be torn off by the judge of election. Fold to this line." Below the perforated line shall be printed the words "Democratic Primary Ticket," or "Republican Primary Ticket," or, as the case may be, naming the proper political party, as provided in this act; next there shall be printed the name of the municipality and number of the ward and election district in which the ballot is to be voted, and the date of the primary election and the name of the municipal clerk, which name shall be a facsimile of the signature of the said clerk. Next shall be printed directions instructing the voter how to indicate his choice for each office or position, and for how many persons to vote, as for instance, "Mark a cross X in the square at the right of the name of the person for whom you wish to vote," "Vote for one," "Vote for two," or a greater number, as the case may be. The names of all candidates for the same office shall be printed in alphabetical order under the several designations of the office to be voted

Certain printed directions.

Names arranged alphabetically.

for, unless grouped as provided in section thirty-five of this act. A single light-faced rule shall be used to separate the different names in each group of candidates. A heavy-faced rule shall be used between each group of candidates for different offices. The designation named by candidates in their petitions for nomination, as provided by law, shall be printed in a second column in as large type as the space will allow. In the third column opposite the name of each candidate for office, or for the position of delegate, shall be printed a square, at least one-quarter of an inch square, in which the voter is to indicate his choice. The following is an illustration of the said form of ballot:

Groups separated.

Illustration.

No. 75.
To be torn off by the Judge of Election.
Fold to this line.

.....

Democratic Primary Ticket.
City of Newark. Ward No. 5. Election District No. 4. September 22, 1909. John Doe, City Clerk.

Mark a cross X in the square at the right of the name of the person for whom you wish to vote.

| *For Governor.* | *Vote for one.* |
|---|---|
| THOMAS JONES. | |
| JACOB SMITH. | |
| HENRY STONE. | |

| *For Mayor.* | *Vote for one.* |
|---|---|
| EDWARD HALL. *for Commission Charter* | |
| GEORGE JACKSON. *Cleveland Democrat.* | |
| PETER RANDALL. | |

| *For United States Senator.* | *Vote for One.* |
|---|---|
| CHARLES BLACKSTONE. | |
| WILLIAM KENT. | |

using so much of said form as may be applicable to the current primary election and extending the same to provide for cases not therein specified, and a like bal-

lot shall be printed for all other political parties. There shall be no endorsement upon the back of any ballot.

Official ballots confined to polling place.

The distribution and use of official ballots at any primary election shall be confined exclusively to the polling room, as in this act directed. The board of registry and election shall hand to each voter the ballot he is entitled to cast. Should any voter to whom an official ballot has been handed spoil or render the same unfit for use, he shall return the one so spoiled or unfit for use and obtain another from the board of registry and election, but no more than two official ballots shall be furnished to any voter, except at the discretion of said board.

As to marking ballots.

41. At the said primary election each voter shall indicate his choice for the candidates for nomination, by making a mark in the square opposite the name of the candidate for whom he wishes to vote for each office or position, to the extent of the number of candidates to be nominated for said office or position. If a voter marks his ballot for more candidates for any office or position than are to be selected therefor, said ballot shall not be void as to the candidate for any other office or position for which it is properly marked. The method of voting shall be that hereinafter provided for the general election, so far as may be, but the primary registry list shall be used instead of the poll-book and the number of the ballot given to each voter shall be marked in front of his name on the primary list. The board of registry and election shall preserve all primary ballots returned by a voter as spoiled or unfit for use, and said board shall keep a record of all such ballots and shall place them on the string with the coupons. Said coupons and all spoiled and unused ballots shall be placed inside the ballot-boxes and delivered with the ballot-boxes to the municipal clerk.

Method of voting at primary.

Unused or spoiled primary ballots.

Canvassing.

The said ballots shall be canvassed, counted and returned as provided by law, except as in this act otherwise provided.

Filing names to be placed on primary ballots in single municipality.

42. All petitions endorsing candidates for nominations on the primary ticket of any party to be voted for within a single municipality must be filed with the proper municipal clerk twenty days before the day of

New Jersey State Library

the primary; and it shall be the duty of such clerk to forthwith notify any candidate so endorsed, whose petition for nomination is defective, setting forth the nature of such defect, and the date when the ballots will be printed, and such candidate shall be permitted to amend such petition either in form or in substance, so as to remedy such defect, at any time prior to the printing of such ballots.

306-43
A-16-589

306-43
A-12-928

## XI.

Personal registration in municipalities over 5,000.

43. In cities, towns, townships, boroughs and villages exceeding five thousand inhabitants, no person shall be allowed to vote at any general election unless he shall first have personally registered as required by this act. No registration by affidavit shall hereafter be allowed in such municipalities, and the third registry day therein shall be on Tuesday two weeks next preceding the general election.

Third registry day.

Arrangement of registry

306-44
S-15-239

Entry of names; details as to residence, age, employment, etc.

44. In all cities, towns, townships, boroughs and villages containing a population exceeding five thousand, the registry list or book shall be arranged in columns, and the leaves thereof shall be indexed from A to Z. In the first column of such register there shall be entered, at the time of the completion of the registration on the last day of registration, a number opposite the name of each person so enrolled, beginning with "one" opposite the first name entered in the page index A, and continuing in numerical order to and including the last name entered upon the last page of such register. On each day of registration there shall be entered in the second column thereof the surname of such persons in the alphabetical order of the first letter thereof, on the page bearing the index letter of such surname, and in the third column the Christian name or names of such persons respectively. In the fourth column shall be entered the residence number or other designation, and in the fifth column the name of the street or avenue of such residence, or a brief description of the locality thereof. In the sixth column shall be entered the number of the floor or room occupied by the voter at the residence given by him, and in the seventh column shall be entered the full name of the householder, tenant, subtenant or apartment-lessee

306-44
A-12-928

306-44
A-16-589

with whom the voter resides, and in the eighth column shall be entered his age, in the ninth shall be entered his length of residence by years in this State, and in the tenth column shall be entered the country of his nativity, which shall mean the country, State or province of the voter's birth, irrespective of his former political allegiance. In the eleventh column shall be entered the name of the municipality from which such person last registered or voted. In the twelfth column shall be entered, if the voter is in business for himself or with others, the name under which he is so in business, or, if the voter is employed by some other person, the name of his present employer. If he is not in business and has no employment, the word "none" shall be entered, together with the name under which he was last in business or the name of his last employer, if any. In the thirteenth column shall be entered the street and number, or if it has no street number, a brief description of the location of the place, if any, where he is so in business or employed, or, if unemployed, the place, if any, where he was last in business or employed. The fourteenth column shall be reserved for the signature of the voter at the time of registration, or in case the voter alleges his inability to write, for entering therein the number of the "identification statement," made by such voter as hereinafter provided. Above each horizontal line in the said fourteenth column shall be printed the words "the foregoing statements are true," and the voter shall, at the time of registration, sign his name by his own hand and without assistance, using an indelible pencil or ink, below such words on the horizontal line in a register of voters, which register shall be known as the "signature copy." Said signature copy shall be other than a public copy, and shall be used at the polls on election day. If the voter alleges his inability to sign his name, one of the members of the board of registry and election, in addition to taking down the information required to be written in the "signature copy" of the registry book, shall read to the voter the following list of questions from a book to be furnished said boards, and to be known as "identification statements for registry day," and said member shall write down in

Signature.

Identification statement.

Signature copy.

If unable to write, statement to be prepared.

said book the answers of the voter to the following questions: What is or was your father's full name? What is or was your mother's full name? Are you married or single? Where did you actually reside immediately prior to taking up your present residence; state floor and character of premises? At the bottom of each list of questions shall be printed the following statement: "I certify that I have read to the above-named elector each of the foregoing questions, and that I have truly recorded his answers as above to each of said questions;" and said member who has made the above record shall forthwith sign his name to said certificate and date the same. The above questions shall be printed on separate sheets of paper, which shall be furnished said board bound together in book form, and numbered consecutively, and the number corresponding to the number on each sheet containing said list of questions shall be entered, when the questions have been answered, in the fourteenth column, in the register of voters in which the voters registering have signed their names. Said book of "identification statements for registry day" shall be kept at all times with the register in which the voters sign their names as hereinbefore provided. The registration books as provided in this section, together with a sufficient number of identification statements bound in book form, and the poll-books as herein provided, shall be provided by the Secretary of State at the expense of the State, and shall be furnished to each board of registry and election in the same manner as the poll-books are now furnished to said boards, except that the lines in the registers and poll-books provided for in this section shall be one-half inch apart and each page of said registers and poll-books shall in each case be consecutively numbered.

Identification statement book.

Poll books, etc., provided by Secretary of State.

45. Immediately after the close of the last day of registration in said municipalities exceeding five thousand inhabitants the said board of registry and election in each election district shall make and complete one list of all persons registered in their district in the numerical order of the street numbers thereof, which shall be signed and be certified by said board, and delivered forthwith to the county clerk. Said list shall be in the following form:

Complete registry list furnished county clerk.

308-45
A-16-593

Form of list.

Grand Street.

| *Residence number or other designation.* | *Name of Voter.* |
|---|---|
| 14 | Smith, John M. |
| 15 | Jones, Charles M. |

List printed and supplied boards of election.

The county clerk shall forthwith cause copies of said registry lists to be printed in hand-bill form, and shall furnish printed copies thereof to the respective boards of registry and election, who shall publicly expose the same for inspection as now required by law. Said county clerk shall forthwith deliver to the chief of police of each of said municipalities not less than five copies of the lists of voters of each election district in such municipalities, who shall cause an investigation to be made of the names of the persons so appearing on said list, to ascertain if the said persons are residents of the houses from which they are registered, and shall forthwith forward the written reports of such investigation to the county board of elections, where they shall be kept open to public inspection, and who shall make use of the same in revising and correcting the registry, as now required by law. Said county clerk shall also furnish to any voter applying for the same copies of said registry lists, charging therefor, as nearly as may be, the cost of printing the same.

Police furnished list; to investigate.

Police report.

List furnished on payment.

Poll-book.

309-46
A-12-932

309-46
A-16-593

46. The signature copy of the registry list or book shall be kept by the board of registry and election in each election district, and used on election day as hereinafter provided. In all election districts in cities, towns, townships, boroughs and villages containing a population exceeding five thousand, each board of registry and election shall have a poll-book for keeping the list of voters voting or offering to vote thereat at the election. Such book shall have six columns headed respectively: "Number of voter," "names of voters," "residence of voters," "signature or statement number of voter," "signatures compared" and "remarks." Previous to each delivery of an official ballot by the ballot clerk to a voter, the member of the board having charge of the poll-book shall enter therein in the appropriate column the number of the voter, in the successive order of the delivery of ballots to voters, the

Action prior to voting.

names of the voter in the alphabetical order of the first letter of his surname, his residence by street and number, or if he has no street number, a brief description of the locality thereof. The column headed "signature or statement number of voter" shall have printed above each horizontal line the words "the foregoing statements are true," and the voter shall, previous to the receipt of an official ballot, sign his name by his own hand and without assistance, using an indelible pencil or ink, below the said words in the poll-book.

Sign name.

Signatures compared.

After the voter shall have so signed, and before an official ballot shall be given to him, one of the members of the board of registry and election shall compare the signature made in the poll-book with the signature theretofore made by the voter in the registration book on registration day, and if said signature is the same, or sufficiently similar to the signature written on registration day, as to identify it as being written by the same person who wrote the signature on registration day, said member shall thereupon certify that fact by writing his initials after such signature in the column headed "signatures compared."

Procedure if voter cannot sign name.

47. If the voter on election day alleges his inability to so sign his name, then one of the members of the board of registry and election shall read the same list of questions to the voter as were required on registration day, both in the "signature copy" of the registry and in the "identification statements for registry day," from a book containing said questions to be provided for election day, and to be known as "identification statements for election day," and said member shall write the answers of the voter thereto. Each of these statements shall be numbered, and a number corresponding to the number on the statement sheet shall be entered in the fourth column opposite the name of the said voter answering the questions. Each statement shall contain the same questions as the voter was required to answer on registry day. The questions answered on registration day shall not be turned to or inspected until all the answers to said questions shall have been written down on election day by said member of the board. Any person who

shall prompt a voter in answering any questions provided in this section shall be guilty of a misdemeanor.

Statement at bottom of questions.

At the bottom of each list of questions shall be printed the following statement: "I certify that I have read to the above named voter each of the foregoing questions and that I have duly recorded his answers as above to each of said questions," and said member of the board who has made the above record shall sign his name to said certificate and date the same, and note the time of day of making such record.

Comparisons and answers made openly.

311-48
A-12-933

48. The comparison of the signatures of a voter made on registration and election days, and a comparison of the answers made by a voter on registration and election days, shall be had in full view of the watchers, challengers or agents, and the right to challenge voters shall exist until the ballot shall have been deposited in the ballot-box. If the signatures of the voter or the answers to the questions made by the voter do not correspond, then it shall be the privilege of the watchers and challengers to challenge, and the duty of each member of the board of registry and elections to challenge, unless some other authorized person shall challenge.

If disagreement, a challenge.

Procedure in case of challenge.

311-49
A-12-933

49. In case a voter is challenged, the board shall ask him the questions which they asked him on registration day, the answers to which appear on the signature copy of the registry book; and if the answers do not correspond a note of said fact shall be entered in the column of the poll-book entitled "remarks." The said board shall determine the right of such voter to vote, after making use of, and giving due weight to, the evidence afforded by his signature, if any, and the said answers.

May swear in vote.

If a majority of the board shall decide against receiving such vote and the voter shall then take the oath or affirmation now provided by law, the said board shall thereupon receive his vote. It shall then be the duty of such board of registry and election upon demand of a member of the board or any other citizen, to forthwith issue a warrant for the arrest of such voter and deliver the same to a peace officer, who shall forthwith arrest such voter.

Subject to arrest.

Identification statements furnished by Secretary of State.

312-50
A-16-595

50. The Secretary of State, at least thirty days prior to the time when they are needed for use, shall furnish to the county clerk of each county having one or more municipalities of over five thousand inhabitants for each board of registry and elections in such municipalities a sufficient number of said "identification statements for election day," containing the questions hereinbefore referred to, and the certificate herein required to be signed at the bottom thereof, stitched or bound in book form, and the proper books and lists to carry out the provisions of this act concerning the registry of voters for the general election, and the expense thereof shall be paid by the State; and the county clerk shall deliver the same to the proper boards of registry and election in time for use at the registry and at the general election, respectively.

No transfer except authorized by court.

312-51
A-16-595

51. It shall not be lawful for any district board of registry and election in any city, town, townships, borough or village exceeding five thousand inhabitants in the State to execute or deliver to any voter any paper in the nature of a transfer, purporting to authorize the said voter to vote in any other election district than that in which he is registered, as now provided by law, except when authorized by the court as hereinafter provided.

Procedure to secure transfer.

312-52
A-1914-130

312-52
A-15-515

52. No person shall vote at any general election in any election district other than the one in which he is registered, unless he shall appear before either the justice of the Supreme Court holding the circuit court in said county, or one of the judges of the Court of Common Pleas of said county, or one of the judges assigned to hold the circuit court of said county, at the court house, on or prior to the day of the general election, and shall make proof to the satisfaction of said justice or judge that he has moved from the election district in which he has registered since the day on which he did register, and that he has moved into another district in said county, and shall obtain from said justice or judge an order sealed, with the seal of the county clerk, directing the board of registry and election to place the name of the said voter upon the registry of the said election district; said order shall be shown to the board of registry and election in which

said voter is registered and said board shall thereupon erase his name from said register and issue a transfer as now provided by law, which transfer and the order of the court shall be filed by the voter with the board of registry and election in the election district where said voter desires to vote, and said board shall obey said order.

## XII.

Blanket ballot; names of all candidates thereon.

313-53
A-15-155

53. At the general election in the fall of each year, instead of separate printed ballots for each political party or group of petitioners having candidates to be voted for at such election, there shall be a single or blanket form of ballot, upon which shall be printed all the names of all the candidates of every party or group of petitioners having candidates to be voted for at said election.

Arrangement of names.

313-54
A-12-657

54. The names of candidates for the office of Representative in Congress and for every State, county and municipal office, except the names for presidental electors, shall be arranged under the designation of the office in alphabetical order, according to the surnames. A single blank space or line shall be left at the end of the list of candidates for each different office. Following the name of each candidate upon the same line upon the ballot shall be printed the name of the political party or group of petitioners making the nomination. Any candidate receiving the nomination of more than one political party or group of petitioners may, within five days after the time for making nominations expires, file with the public official charged with the duty of printing the ballots a notice directing such official in what order the several nominations shall be added to his name upon the official ballot, and said directions shall be followed by the said officer. If such candidate shall fail to make such directions as aforesaid, then said officer shall add said nominations or political designations to the name of such candidate in such order as said officer shall determine. At the end of the same line, and following the political designation of each candidate (except in the case of presidental electors) there shall be provided a square, or space, in which the voter may

Party indicated.

Designation square.

designate by a cross his choice of said candidate. Upon the said ballot shall be printed such directions as will aid the voter, as for example: Mark a cross X in the square at the right of the name or the political designation of the person for whom you wish to vote;" "Vote for one;" "Vote for two," and the like.

Presidential electors grouped.

314-55
A-12-658

55. The names of candidates for presidential electors shall be arranged in groups as presented in the several certificates of nominations or petitions. Said groups shall be arranged in the alphabetical order of the surnames of the electors.

Surnames and party printed above electors.

The surnames of the candidates of each political party for the offices of President and Vice-President, with the political designation thereof at the right of the surnames, shall be placed in one line above the group of candidates of such party for electors. A sufficient square, in which the voter may designate by a cross his choice for electors, shall be left at the right of each political designation, and no other space or margin shall be left in any such group of candidates.

Names grouped.

The names of candidates for any office for which more than one are to be elected shall be arranged in groups as presented in the several certificates of nominations or petitions;

Proviso.

*provided, however,* that any candidate receiving the nominations of more than one political party or group of petitioners may file with the public official charged with the duty of printing the ballots, a notice directing the said official in what group of candidates he desires his name to appear;

Proviso.

*and provided,* that such candidate's name shall appear but once and shall not appear as a nominee of a party, or group of petitioners, except such party or group of petitioners as have nominated him;

Proviso.

*and provided,* that said notice be filed within five days after the time for filing nominations expires. The names in each group shall be arranged in the alphabetical order of the surnames, and the groups shall be arranged in like manner in the alphabetical order of the surnames at the head of each group.

Official ballots.

Quantity.

314-56
A-12-659

56. The official ballot shall be furnished at the election places as now provided by law. There shall be furnished to each board of registry and election twice as many official ballots for use of the voters in

the polling places on election day as there are voters registered in said election district. The names of all candidates shall be printed in capital letters in twelve-point type, and the party designation with capital and small letters of the same type; except that where there is more than one designation to a candidate the type may be smaller. The names of presidential electors shall be printed in eight (8) point type and the space between each name shall not exceed one-eight of an inch, and if said names occupy more space than one line, the space between the lines shall not exceed one-eighth of an inch. In front and against the list of candidates extending the length of each column shall be a full-face border not less than a quarter of an inch in width. A single light-face rule shall be used to separate the members of each group of candidates. A heavy-faced rule shall be used between each group of candidates for different offices. Each line upon which the name of the candidate and his political designation is printed shall be three and three-quarter inches in length, including the square for marking. The margin or border of the paper outside of the printing on the ballot shall not exceed one-half inch. The names on said ballot shall be arranged so that said ballot may be as nearly as possible square in form.

Style of type.

Border and rules.

Margin.

57. Each ballot shall have at the top thereof a perforated coupon at least three inches square extending above a perforated line. The coupon shall be numbered from one consecutively to the number of ballots delivered to and received by the election officers of the respective polling places. Upon the coupon and above the perforated line shall be the words "To be torn off by the Judge of Election." "Fold to this line." Below the perforated line shall be printed the words: "Official ballot , city, town, etc., of , ward election district No. ; November , 19 . John Doe, County Clerk." The blank spaces shall be filled in with the name of the proper city or other municipality, and the ward and district numbers, and the name of the county clerk shall be a facsimile of his signature. The face of the official ballot shall be substantially in the following form:

Numbered coupon at top.

315-57
A-12-660

Face of ballot.

No. 127.
To be torn off by the Judge of Election.
Fold to this line.

(Perforated line.)

Official Ballot.

City of Newark, Ward No. 5, Election District No. 4, November 8, 1912. John Doe, County Clerk.

| To vote for a Person, mark a Cross X in the SQUARE at the right of the Party Name, or Political Designation. X | |
|---|---|
| *Govcrnor.* | *Vote for one.* |
| JOHN FORD, .....*Republican* | |
| HENRY HART, .....*Democratic* | |
| WILLIAM MASON, .....*Prohibition* | |
| | |
| *Congressman.* | *Vote for one.* |
| JOHN JONES, .....*Democratic* | |
| HENRY WILLIAMS, .....*Socialist* | |
| JOHN ZABRISKIE, .....*Republican* | |
| | |

| To vote for a Person, mark a Cross X in the SQUARE at the right of the Party Name, or Political Designation. X | |
|---|---|
| *Members of Assembly.* | *Vote for three.* |
| JOHN ALLEN, .....*Republican* | |
| JOHN SMITH, .....*Republican* | |
| JAMES WATTS, .....*Republican* | |
| HENRY BORDEN, .....*Democratic* | |
| JOHN HARMON, .....*Democratic* | |
| WILLIAM WARD, .....*Democratic* | |
| *Mayor.* | *Vote for one.* |
| JOHN OLDEN, .....*Democratic* | |
| AMOS ROSS, .....*Republican* | |

Blank spaces filled.

All spaces except the spaces where the voter is to mark the ballot or to write or paste a name thereon, shall be printed in with scroll or filling, to guide the voter against marking in the wrong place.

Arrangement of questions to be voted on.

58. Whenever any question or proposition is to be submitted to the people of the State, or any subdivision thereof, at any primary or general election, such question or proposition shall be printed upon the ballot, underneath the names of the candidates, with appropriate instructions to the voter, in the following form:

If you favor the proposition printed below, make an X mark in the square opposite the word "yes;" if you are opposed thereto, make an X mark in the square opposite the word "No."

| | | |
|---|---|---|
| Shall an act providing for a Commission form of government for Newark be adopted? | Yes. | |
| | No. | |

As to marking and counting.

If the voter makes an X mark in black ink or black pencil in the square opposite the word "yes", it shall be counted as a vote in favor of said proposition or question. If the voter shall make an X mark in black ink or black pencil in the square opposite the word "No" it shall be counted as a vote against such propositon or question, and in case no mark shall be made after the word either "Yes" or "No" it shall not be counted as a vote either for or against such proposition.

Sample ballot mailed each voter.

59. Each county clerk shall at least ten days preceding the general election day furnish to the municipal clerk of each municipality in his county a sufficient number of the proper official sample ballots and a sufficient number of one-cent stamped envelopes to enable each of the boards of registry and election in said county to mail one copy of the said official sample ballot to each voter who is registered in its district for said election, and said municipal clerk shall deliver the same at his office, on or before the Tuesday preceding the general election, to the clerk of each board of registry and election in

the manner in which said municipal clerk is now required to deliver ballots for the general election; and it shall be the duty of each of said boards to prepare and deposit in the post-office, on or before twelve o'clock on Wednesday preceding the election day, a properly stamped envelope containing a copy of said official sample ballot, and addressed to each registered voter in the district of said board at the address shown on the registry. Each envelope shall have printed on the face thereof the words: "Sample Official Ballot" in large type, and in small type the words: "If not delivered in two days, return to , County Clerk, Court House ," and said clerk shall preserve the same if returned to him, for the space of thirty days, open to public inspection. The ballots so mailed may not be voted.

Words on envelope.

Style of sample ballot.

The said sample ballots shall be as nearly as possible a facsimile of the official ballot to be voted at the said election, and shall be printed on paper different in color from the official ballot. The following words shall be printed in large type at the top of the sample ballot: "This ballot cannot be voted. It is a sample copy of the official ballot used on election day." The clerk of the board of registry and election shall also post such sample ballots in the polling place in his district and in at least five other public places therein.

Sample posted.

Sample not to be voted.

It shall be unlawful for any election officer to accept from any voter and deposit in the ballot box any sample ballot.

Official ballots used only in polling room.

The distribution and use of official ballots at any primary, general or other election shall be confined exclusively to the polling room in the manner herein directed. The board of registry and election shall hand to each voter one official ballot as hereinafter provided.

Unusable ballots returned.

Should any voter to whom any official ballot has been handed, spoil or render the same unfit for use, he may return the one so spoiled or unfit for use and obtain another from the board of election, but no more than two official ballots shall be furnished to any voter, except at the discretion of said board. The board of registry and election shall preserve all ballots returned by a voter as spoiled or unfit for use and

keep a record thereof and place them on a string with the coupons.

The county clerk shall cause the sample ballots herein provided for to be printed in time for use as aforesaid.

Receipts and accounting for ballots and envelopes.

60. Each board of registry and election shall receipt, by the signature of one of their members, to the municipal clerk for all ballots and stamped envelopes delivered to them by the municipal clerk, and shall return to said clerk all ballots and envelopes not mailed or posted by them, with a sworn statement in writing signed by a majority of said board that all the remainder of said ballots and envelopes had been mailed, and no member of any board which does not make such return shall receive the compensation provided herein for said mailing service.

## XIII.

Method of voting.

319-61
A-12-663

319-61
A-16-595

Handed folded ballot.

61. The following method of voting shall be observed: Each voter shall first give his full name and address to the member of the election board having charge of the poll-book, and shall sign his name therein, and said member of said election board, having ascertained that said voter is registered as a qualified voter, shall place in front of each name as they appear the consecutive poll number of each voter. Thereupon the member of the board having charge of the ballots shall hand to the voter one official ballot, numbered to correspond with the poll number of the voter, and at the same time shall call off said ballot number to the member having charge of the poll-book, who shall make certain that the ballot number and poll number agree, allowing for spoiled ballots, if any. The officer having charge of the ballots shall fold the ballot before handing it to the voter, so that no part of the face of the ballot is observable, and leaving the face of the coupon exposed. No ballots shall be kept in the booth. The voter shall thereupon retire into the polling booth, unless physically unable to do so; he shall indicate his choice among the candidates for the offices in question by making a cross X in black ink or black pencil opposite the name of each candi-

Preparation of ballot by voter.

date for whom he desires to vote in the space or square indicated upon the ballot for that purpose, or by writing or pasting the name of any other person and making a cross in the square at the right. The voter may vote for an entire group of candidates for presidential electors by making a cross in the section at the right of the party or political designation immediately above each group. If a voter does not intend to vote for any candidate in any group of such presidential electors, he may erase the names of such candidates, and the cross shall count as a vote for each of the other candidates of said group. If a voter desires to vote for another person for presidential elector in place of the candidate for presidential elector whose name he has erased, he may write or paste his name on the ballot.

Voting for presidential electors.

Before leaving the booth the voter shall fold his ballot, so that no part of the face of the ballot shall be visible and so as to display the face of the numbered coupon, and shall hand the ballot, with the coupon undetached, to the member of the election board having charge of the ballot-box, which member shall call off the number of the ballot and the name of the voter. If the name and number agree with the record in the poll-book, the election officer having charge of the poll-book shall so announce and place a check mark opposite the poll number to indicate that the person shown thereon as receiving that ballot has voted; the member of the board having charge of the registry list shall check the name of the voter thereon, and write in front thereof the number of such voter's ballot, and thereupon the member of the board having charge of the ballot-box, without displaying any part of the face of the ballot, shall remove the coupon from the top of the ballot, and place the ballot in the box and the coupon on a file string. The member of the board having charge of the ballot-box shall keep the ballot in full view of the voter and the other election officers until it is deposited, and the voter may take hold thereof, with the member of the board having charge of the ballot-box, until it is actually deposited. No official ballots (other than official sample ballots) shall be distributed outside the polling-place. When one

Procedure after leaving booth with ballot.

Depositing ballot.

No official ballot outside polls.

ballot box is filled with ballots, the board shall seal the same and provide another. No envelopes shall be used for enclosing the ballots on election day. Said coupons and all spoiled and unused ballots shall be placed inside the ballot-boxes and returned to the municipal clerk therewith.

Another box when needed.

62. At the close of the polls the board of registry and election shall proceed to canvas the vote substantially as now required by law, counting the votes for each candidate in accordance with the marks made upon the ballot as hereinbefore provided. If a voter marks more names than there are persons to be elected to an office, or his choice cannot be determined, his ballot shall not be counted for such office, but shall be counted for such other offices as are properly marked. Ballots cast but not counted shall be marked "defective" on the outside thereof, and shall be preserved like other ballots.

Vote canvassed at close of polls.

As to doubtful marks.

63. At any primary or general election any person who declares under oath and establishes to the satisfaction of a majority of all the members of the board of registry and election that he is unable to read the English language, or that by reason of blindness or other physical disability he is unable to mark his ballot without assistance, may have the assistance of one or more members of such board, to be assigned by the board, in preparing his ballot. Such member or members of such board shall retire with such voter to the booth and assist him in the preparation of his ballot and folding the same. The clerk of the board of registry and election shall make a memorandum on the poll book of every instance when an oath was administered to a voter as herein provided, stating briefly what facts were sworn to and the name of the member or members of the board who aided such voter. All members of the board of registry and election shall have the right to witness the preparation of the ballot of any such voter, but no other person shall be allowed to assist such voter in marking his ballot or to witness the marking of the same. No member of such board shall reveal the name of any person for whom such voter has voted, or anything that took place while such voter was being assisted.

Voter's assistant.

Preparation of ballot.

Expenses.

64. The board, body or officer now charged with the duty of defraying the expenses of conducting the primary and general elections in this State, shall pay any additional expense and compensation made necessary by or provided for in this act.

Ballot boxes refitted.

The board of freeholders of each county shall cause the ballot-boxes used at general and primary elections to be fitted for the reception of the ballot herein provided for by enlarging the aperture in the top thereof so that such aperture shall measure three (3) inches by half an inch, and by removing any stamping or any marking devices.

Provide additional boxes.

If such board shall determine that said existing ballot-boxes will be insufficient to properly receive all ballots to be voted in its respective election districts, it shall provide additional boxes constructed with wooden tops and bottoms and wooden frames and glass sides.

Aperture.

Locks and keys.

Each box shall be provided with a top that will cover the aperture and be held in place by not less than three (3) locks, which shall require three (3) separate keys to open, and not more than one key shall be allowed to any one member of the board.

Booths.

It shall be the duty of the board, body or official, whose duty it is to provide polling booths, to provide booths sufficiently large to enable the voter to conveniently prepare the ballots herein provided for, and to cause said booths to be sufficiently lighted to enable the voter to read and mark his ballot.

Lights.

## XIV.

Annual State conventions; how composed.

65. There shall be held in each year a State convention of each of the political parties aforesaid. The said State convention of each party shall be made up of the following members: First, the party candidates who have been nominated at the party primaries in September immediately preceding the convention for the office of member of Assembly or State Senator in each county of the State; second, the candidate of the party for Governor nominated at the said primaries in the year in which a Governor is elected, and in each year in which no Governor is elected, the Governor of the State shall be a member of the convention of the political party to which he belongs; third, members of the State Senate belonging

to said party who are holding office at the time of the holding of the said State convention and whose successors are not to be chosen at the ensuing general election; fourth, members of the State Committee chosen as hereinafter provided. The said convention of each party shall be held at the city of Trenton on the Tuesday following the holding of the primary election in each year. The place and the hour at which the convention shall meet shall be fixed by call of the existing State committee, to be issued at least five days prior to said date of meeting. If no call is issued by the State committee, any person qualified to sit in said convention may issue a call. Said convention of each party shall have power to adopt and promulgate a party platform for said party, and to transact such other business as may properly come before it.

When held.

Call.

Platform.

At the September primaries of the year wherein a Governor is to be elected, a member of the State committee of each of said political parties shall be elected in each county. The petition endorsing each candidate in each party for this position, shall be made up and filed as now provided by law in the case of petitions endorsing candidates for nomination for members of the Assembly and the name shall be printed upon the party primary ballot and the votes shall be cast, counted, canvassed and returned in the same manner as in case of candidates for nomination for member of Assembly, and the county clerk shall issue a certificate to the person receiving the highest number of votes for this position in each party at the primary as shown by the returns in his office. Members of the State committee shall serve for three years or until their successors are elected. Said State committee shall chose its chairman and the member or members of the national committee of their political party.

State committees; membership and how chosen.

Term.

Chairman.

## XV.

66. The members of the county committee of each of the political parties, hereafter elected, shall take office on the first Tuesday following their election, on which day the terms of all members of such committee heretofore elected shall terminate. The annual meeting of each county committee shall be held on the first

County committee and chairman.

Tuesday after the fourth Tuesday in September in each year, at an hour and place to be designated in a notice to be given by the respective chairman thereof, at which annual meeting the members of each committee shall elect one of their members as chairman to hold office for one year, or until his successor is elected. Such chairman shall preside at all meetings of his committee and shall perform all duties required of him by law and the constitution and by-laws of such committee.

Certificate of election of county committeemen.

324-67
A-15-156

67. The municipal clerk shall issue a certificate of election to each person shown by the returns filed in his office to have been elected as a member of the county committee of either political party in his municipality. Said committee shall have power to adopt a constitution and by-laws for its proper government.

## XVI.

Unauthorize persons not to print or have ballots.

68. No person not authorized by the proper officers shall print or make any official or sample ballot provided for in this act, or on or prior to election day have in his possession an official ballot, without being such person as is authorized by this act to have charge or possession thereof.

Official ballot not taken from polling room.

No person shall on any pretext carry any official ballot from the polling room on primary or election day, except such persons as may by this act be authorized so to do.

Penalty.

69. Any person or persons who shall willfully violate any provision of this act, or who shall do any act herein prohibited, shall be guilty of a misdemeanor.

Present methods applicable.

70. If in this act no method is prescribed for carrying into effect any provision thereof, the method for so doing shall be the same as provided in the act to which this is a supplement, or its supplements and amendments so far as may be, for any proceeding of similar or like nature.

Relation of sections of act.

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

72. All acts or parts of acts inconsistent herewith are hereby repealed. Repealer.

73. This act shall take effect immediately.

Approved April 19, 1911.

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## CHAPTER 184.

A Further Supplement to an act entitled "An act to define the duties and fix the salary of the Attorney-General," approved February twenty-fourth, one thousand eight hundred and fifty-four.

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

1. In addition to his other duties, it shall be the duty of the Attorney-General, whenever a justice of the Supreme Court shall so request, to attend personally or by his assistant in any county of the State for prosecuting the criminal business of the State therein, including the investigation of alleged crimes and misdemeanors, the attendance before the criminal courts and grand juries of the county, the preparation of indictments and the trial of indictments for crimes and misdemeanors, and upon the like request to represent the State in proceedings on error in criminal cases in the Supreme Court and Court of Errors and Appeals. Assist in criminal prosecutions of State.

2. For special services rendered and expenses incurred in any county in pursuance of this act, the Attorney-General and his assistant shall, in addition to their other compensation provided by law, be respectively entitled to receive such reasonable sums as the justice of the Supreme Court having the judicial district in which such county is situate shall certify and fix, to be paid by the collector of the county. Additional compensation.

325-2
R-16-560

3. This act shall take effect immediately.

Approved April 20, 1911.

## CHAPTER 185.

A Supplement to an act entitled "An act providing for the retirement of certain judicial officers and former judicial officers, and fixing their compensation when retired," approved April sixteenth, one thousand nine hundred and eight.

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

Section 1 amended.

1. Section one of the act to which this is a supplement shall be and is hereby amended to read as follows:

Retirement of judicial officers.

1. The Chancellor, Chief Justice, Associate Justice of the Supreme Court, or Vice-Chancellor, who shall have served the State in one or more of the judicial positions named for a period of not less than twenty-one years, may retire from such service upon filing his resignation of his judicial office in the office of the Secretary of State, accompanied by a statement that it is so filed for the purpose of taking advantage of the provisions of this act; *provided*, that no one of said judicial officers shall be permitted to retire, under the authority of this section, who shall be under the age of seventy years.

Proviso.

Section 5 amended.

2. Section five of the act to which this is a supplement shall be and is hereby amended to read as follows:

Application of act.

5. The provisions of this act shall apply to any person otherwise qualified under sections one or two of this act, who shall have withdrawn from such service of the State by resignation, failure of re-appointment or otherwise, within one year prior to the passage and approval of this act or at any time hereafter.

3. This act shall take effect immediately.

Approved April 20, 1911.

## CHAPTER 186.

A Further Supplement to an act entitled "An act concerning the militia of this State," approved May sixteenth, one thousand nine hundred and six.

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

Jurisdiction of courts-martial extended.

1. The jurisdiction of the general courts-martial authorized by the act to which this is a supplement shall extend to the hearing and determination of alleged permanent incapacity for active service, by reason of physical or mental infirmity, of any commissioned officer; but a general court-martial for such hearing and determination may be ordered only by the Commander-in-Chief, and a finding of such incapacity shall go into effect only upon the approval of the Commander-in-Chief. Upon such finding and approval, the office in the militia of any commissioned officer affected thereby shall immediately become vacant, and such officer shall be placed upon the retired list with the rank then held by him in the National Guard or Naval Reserve.

Court-martial on reaching age limit.

2. If a commissioned officer has reached the age of sixty-four years, or whenever he shall reach that age, it shall be the duty of the Adjutant-General (or in the case of the Adjutant-General himself, then the Assistant Adjutant-General) to report that fact to the Commander-in-Chief, who shall thereupon order a general court-martial to inquire and determine whether or not such officer is permanently incapacitated for active service by reason of physical or mental infirmity. In case the determination shall be that the officer is not incapacitated for active service, or the Governor shall not approve a contrary finding, it shall be the duty of the Adjutant-General (or in case of the Adjutant-General himself, the Assistant Adjutant-General), one year thereafter, again to report the case to the Commander-in-Chief, who may order a

Successive courts-martial.

general court-martial to inquire and determine whether or not such officer is permanently incapacitated for active service by reason of physical or mental infirmity; and so on from year to year thereafter, as long as such officer remains in active service.

Procedure. 3. Process and procedure in case of general courts-martial ordered under this act shall be the same as in those ordered under the act to which this is a supplement.

4. This act shall take effect immediately.

Approved April 20, 1911.

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## CHAPTER 187.

A Further Supplement to the act entitled, "An act to establish public parks in certain counties in this State, and to regulate the same," approved March fifth, one thousand eight hundred and ninety-five.

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

Bond issue. 1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and improvement of parks and parkways in any county in this State in which said act shall or may be in force, and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of chosen freeholders of said county may, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of said county, borrow money by issuing bonds

Amount. of the said county to a sum not exceeding, in the aggregate, one hundred and sixty thousand dollars over and above the total amount theretofore issued, such

Time. bonds to run for a term not exceeding fifty years,

Rate. to bear interest at a rate not exceeding four per centum, payable semi-annually; such bonds shall not be sold or disposed of at less than their par value, and

may be made payable at any place which the said board of chosen freeholders may determine, and they shall also determine the form of the bond. A sinking fund shall be established by the said board of chosen freeholders, on the issuing of any such bonds, sufficient, with the accumulations thereof, to extinguish the principal of the said bonds so issued when due. The interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issed, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

Sinking fund.

Use of proceeds.

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

Repealer.

Approved April 20, 1911.

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## CHAPTER 188.

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

329-Ch.-188
S-12-849

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

1. Hereafter any person endorsed in any petition as a candidate for nomination by any political party at any primary election, or for election as a member of a party committee, or delegate to a national convention, or any person nominated by petition for any elective office, at the time of filing such petition, or within five days thereafter, shall file with the officer authorized by law to receive and file such petition, the names

Committee to receive and expend campaign funds.

Number. of not less than one, or more than five, persons selected to receive, expend, audit and disburse all moneys contributed, donated, subscribed, or in anywise furnished or raised for the purpose of aiding or promoting the nomination or election of such candidate, together with the written acceptance and consent of such persons to act as such committee; *provided,* that any candidate may, if he sees fit to do so, declare himself as the person chosen for such purpose, or may, either in the first instance, or within five days after he has received any party nomination, designate the county or State committee of his party for such purpose, in which event the maximum number hereinbefore stated shall not apply. Such person or persons, or committee, may act conjointly for any number of candidates. They shall appoint one of their number to act as treasurer, who shall receive and disburse all moneys received by said committee. He shall keep detailed accounts of all receipts, payments and liabilities. Failure to make such declaration of appointment or selection by any candidate shall operate as a refusal to accept such nomination. The said committee shall have the exclusive custody of all moneys contributed, donated, subscribed, or in anywise furnished for or on behalf of the candidates or political party represented by said committee, and shall disburse the same on proper vouchers. If, for any cause, a vacancy shall occur in the membership of said committee prior to the fifteenth day before the day of holding a primary or general election, the vacancy must be filled by the authority making original appointment. No vacancy by resignation from said committee, or by refusal to act thereon, shall occur after the fifteenth day before the day of holding of said election, and until the said committee shall have completed and discharged all the duties required of them by this act. If any vacancy be created by death or legal disability, subsequent to the fifteenth day before the day of holding an election, such vacancy shall not be filled, and the remaining members shall discharge and complete the duties required of said committee as if such vacancy had not been created. No candidate for nomination or election shall expend any money, directly or indirectly, in

Proviso.

Joint action.

Treasurer.

Accounts, etc.

Candidate must make selection.

Committee to have sole charge of moneys.

Vacancies.

All expenditures by committee.

aid of his nomination or election, except by contribution to the committee designated by him as aforesaid. Any person who shall act as his own committee shall be governed by the provisions of this act relating to committees designated by candidates.

Itemized statement filed showing every receipt and expenditure.

2. Within five days after any primary election, and within twenty days after any general election, the treasurer of said committee shall file, as hereinafter provided, an itemized statement, showing in detail all the moneys contributed, donated, subscribed, or in anywise furnished or received, to the use of the political party, organized assemblage or body, or any or all the candidates for public office or electors, or for nomination, coming under the control of such committee, or into their custody, directly or indirectly, together with the name of each contributor, donor, subscriber, or source from which such moneys were derived, and an itemized statement of all money expended in sums over five dollars; such statement shall give the names of the various persons to whom such moneys were paid, the specific nature of each item, by whom the service was performed, and the purpose for which it was expended. There shall be attached to such statement an affidavit, subscribed and sworn to by the treasurer of said committee, setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys, securities, or equivalents for moneys, coming under the control or in the custody of said committee and by them expended, directly or indirectly. Such statement shall be filed in the same office in which is filed the certificate of their selection as such committee, and shall become a public document and open to inspection by any citizen.

Sworn statement.

Filed and open to inspection.

Each candidate to file statement of personal contributions.

3. Every candidate who is voted for at any primary or general election held within the State shall, within five days after any primary election, and within twenty days after any general election, file, as hereinafter provided, a statement under oath, showing all moneys paid, loaned, contributed or otherwise furnished by him to said committee in aid of his election or nomination. Such statement shall give the names of the various persons, if any, who paid, loaned, con-

tributed, or otherwise furnished any moneys to said candidate in aid of his election or nomination. There shall be attached to such statement an affidavit, subscribed and sworn to by such candidate, which must be substantially in the following form:

Form of statement.

State of New Jersey, county of ....., ss...

I give (give name), having been a candidate for ....., at the (primary or general) election held in the county, city and county, city or other division, State of New Jersey, on the.....day of ....., 19...., do solemnly swear that I have paid the sum of $.....to.....(naming the committee designated by him), for my expenses at the said election, and no more, and that, except as aforesaid, I have not, nor, to the best of my knowledge and belief, has any person, committee, club, society or association, on my behalf, directly or indirectly, made any payment, or given, promised or offered any reward, office, employment or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election, except such moneys as may have been paid to or expended by the said committee designated by me.

Disclaiming responsibility.

4. If any candidate seeks to avoid the responsibility of any payment made by any other person in his behalf, of which he has knowledge, he shall set forth such payment and disclaim responsibility therefor.

Where statements filed.

5. Candidates for office, or for nomination for office, to be filled by the voters of the State, or of any political division thereof greater than a county, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held, and within which the duties of the office for which the candidate is voted for are to be exercised. The statement and affidavit of a committee or candidate shall, after being filed, become a public record, and open at all times to public inspection.

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Penalties.

6. Any candidate who shall refuse or neglect to file, or who makes a false statement of moneys received or expended, as prescribed by section three of this act, shall, in addition to the punishment for such

offense prescribed by the laws of this State, forfeit any office to which he may have been elected at the election with reference to which the statement is required to be made. If a candidate elected to a public office or party position refuses or neglects to file the statement prescribed by section three of this act, no certificate of election shall be issued to him; neither shall any official bond presented or offered by him be approved, and the incumbent of the office, unless he is himself a defaulting candidate, must not surrender or deliver up said office, but shall continue to discharge the duties and shall receive the emoluments thereof until his successor is legally chosen. If the candidate refusing or neglecting to file the statement, or making a false statement of moneys received or expended, is the incumbent of an office of profit or trust under the laws of this State, except in the event of a constitutional provision to the contrary, in addition to the punishment prescribed by the laws of this State for such refusal or neglect, or for making such false statement, he shall be deprived of his office, and shall also forfeit any office to which he may have been elected at the election in reference to which the statement is required to be made.

No certificate to issue if statement not filed.

Office not to be yielded to defaulting candidate.

7. Every claim payable by the committee selected under the provisions of section one of this act, on account of or in respect of any expense incurred in the conduct and management of an election held within this State, or on behalf of the candidates of the political party, organized assemblage or body, which such committee represents, must be presented to the committee within four days after the primary election, and ten days after the general election, and if not so presented, the same shall not be paid, and no action shall be commenced or maintained thereon, and all expenses incurred as aforesaid shall be paid within fifteen days after the completion of such official canvass, and not otherwise. Any person who makes a payment in contravention of this act is guilty of a misdemeanor.

Time for presenting claims against committee.

All expenses paid within fifteen days.

8. The judge of the Court of Common Pleas in the county wherein such statement is filed, or is required to be filed, may, on the application of either the committee or a creditor thereof, allow any claim to be pre-

Payment of claims after time limit.

sented and paid after the time limited by this act, and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee in the same office as the original statement of the committee. If the committee, upon such application, shall show to the satisfaction of said judge that any error or false recital in such statement or affidavit, or that the failure to make such statement or affidavit, or to present, within the designated time, a claim otherwise just and proper, has been occasioned by the absence or illness of such candidate, or by the absence, illness or death of one or more members of such committee, or by the misconduct of any person other than such applicant, or by inadvertance or excusable neglect, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the judge may, after such notice of the application as the judge shall require, and on the production of such evidence of the facts stated in the application as shall be satisfactory to such judge, by order, allow such statement and affidavit to be filed, or such error or false recital therein to be corrected, or such claim to be paid, as the judge seems just; and such order shall relieve the applicant from any liability or consequences under this act in respect of the matters excused by the order. If the application is made by a creditor, the judge may, under like conditions and upon a like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors may be united in such application, but the amount and specific nature of each claim must be fully stated.

Court must be satisfied that no intentional misconduct shown.

All publications to show author.

9. Every bill, placard, poster, pamphlet, advertisement or other printed matter having reference to an election, or to any candidate, shall bear upon the face thereof the name and address of the person or committee causing the same to be published, and no payment therefor shall be made or allowed unless such address is so printed.

Use of money to secure election to office prohibited.

10. No money shall hereafter be paid or any expense authorized or incurred by or on behalf of any candidate for nomination at any primary, or for election to any party position, for election to any office at

any general election, or any political party or organization, for any purpose prohibited by the provisions of this act.

Money that candidate is allowed to expend.

11. No money shall be paid or expense authorized or incurred by any candidate for nomination or election to any office or party position, to be paid by him in excess of the following sums: At any primary election, twenty-five hundred dollars by a candidate for nomination for Governor; fifteen hundred dollars by a candidate for nomination for Congress; five hundred dollars by a candidate for nomination for any county office, including members of the Senate; two hundred dollars by a candidate for nomination for the General Assembly; two hundred and fifty dollars by a candidate for nomination for any municipal office; *provided, however,* that any candidate for nomination may expend in his campaign for nomination a sum not exceeding twenty-five per centum of one year's salary of the office for which he is a candidate for nomination. Candidates nominated at the primary election, or nominated by petition, may expend not in excess of like sums in their campaign for election; *provided,* that nothing herein contained shall authorize personal expenditure by any such candidate, but the sums herein mentioned may be contributed to the designated committee, and expended by them in the manner herein provided.

Proviso.

Proviso.

Explanation.

12. For the purposes of this act, the expenses or contributions of any ascendant, or descendant, brother, sister, uncle, aunt, nephew, niece of any candidate, or of any fellow official of a corporation, shall be considered as the expenses or contributions of the candidate.

Expenses forbidden;

13. No money shall be spent, and no expense authorized or incurred on behalf of any candidate for nomination to any office, or on behalf of any candidate for any office or party position, or on behalf of any political party or organization, for either of the following purposes:

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Hiring vehicles;

(a) The hiring of any vehicle for the transportation of voters to or from the polls;

Hiring watchers.

(b) The hiring of any watchers, agents or challengers for any work on election day.

Party organizations may employ watchers at polls.

*Provided,* that each political party or organization may employ not exceeding two persons on election day to act as challengers or agents in each polling place as now provided by law; every such challenger and agent shall on said election day wear a badge which shall show to any other person the political party or candidate for whom such challenger or agent is acting; said badges shall be furnished by the county board of elections.

Transportation of voters physically unable to go to polls at general election.

*And provided further,* that the chairman of the county committee or other organization of any political party which has nominated candidates to be voted for at any general election, may petition the judge of the Court of Common Pleas of said county at least fourteen days prior to the day of the general election, setting forth that certain voters described in said petition reside at a distance of at least two miles from the polling place at which, under the law, they are entitled to vote on election day, or are aged or infirm, and that said voters do not, nor does any of them, possess any vehicle or other means of transportation from their places of residence to the said polling place, and no trolley line is available as hereinafter stated, and requesting that the said judge shall order the expenses of the transportation of the said voters on election day from their homes to their polling place and return to be paid by the board of freeholders of said county, upon vouchers as hereinafter provided.

Court may order transportation furnished.

14. If the said judge shall be satisfied that the public interests require the transportation of the said voters, he may make an order authorizing the petitioner to employ such number of conveyances, at rates of compensation to be fixed in the said order, and the amount so authorized shall be paid by the county board of freeholders, upon vouchers as hereinafter provided. Each person who shall furnish a vehicle or conveyance under the order of the said judge, shall file with the said judge within four days after the day of election, a voucher or bill setting forth the number of voters transported in his said vehicle, and the time consumed in such transportation. The owner or operator of said vehicle or conveyance shall make oath or affirmation to the truth of the facts set out in the said

Presentation of bills, with vouchers and affidavits annexed.

voucher. Annexed to said voucher or bill shall be the affidavit of each person claimed to have been transported by the person presenting the said voucher or bill, said affidavit shall state the place of the residence of said voter, and shall set forth that the place of said residence is more than two miles from the polling place at which said voter voted, and that said voter did not own any horse and wagon or motor vehicle on said day of election, and that there was no trolley line running within half a mile of the residence of the said voter upon which he could be transported to within half a mile of the said polling place. If the said judge of said court shall approve of the said voucher, the same shall be paid by the county board of freeholders.

Bills paid by freeholders.

15. Any person endorsed as a candidate for the nomination of any political party to public office in any county, may make application to a judge of the Court of Common Pleas for an order for the transportation of voters at any primary election upon the same terms and conditions as are herein provided for the transportation of voters at any general election.

Candidate may apply for order for transportation to primary.

16. No payment of money shall be made and no expense shall be incurred by any person in aid of or for or on behalf of any candidate, or on account of or in respect of the conduct or management of an election held within this State, except by the committee selected under the provisions of section one of this act. All expenses shall be paid only from the fund in the custody of the said committee so selected as required by this act. Any contract for the payment of money, or any expense incurred, contrary to the provisions of this section, shall be absolutely void.

All expenses and payments made through committee; otherwise void.

17. No person or candidate for nomination or for election to a public office or party position shall pay, lend, or contribute, or offer, or agree to pay, lend or contribute, any money or other valuable consideration to or for any person, either for—

Forbidden actions.

(1) The doing or procuring to be done of any act forbidden to be done by the laws of this State relating to primary or general elections; or,

Acts contrary to election laws.

(2) The commission of any crime or offense against the elective franchise, or the encouragement or assistance of a person in the commission of a

Crimes against elective franchise.

crime or offense against the elective franchise, or aiding or assisting any person charged with the commission of a crime against the elective franchise to evade arrest or to escape conviction and punishment for such crime or offense; or,

Colonizing.

(3) Providing wholly or in part for the expense of boarding, lodging or maintaining a person at any place or domicile in any election precinct or ward or district, with the purpose of securing the vote of such person for himself, or any other person, at an election held within the State; or,

Hindering voters.

(4) The hiring or employment of a person to take or maintain a place in, or to otherwise obstruct or hinder, or to prevent the forming of the line of voters awaiting their opportunity or time to enter the polling place or election booth of an election precinct; or,

Withdrawal as candidate.

(5) In consideration of any person withdrawing as a candidate for public office or Presidential elector, at any election held within this State; or,

Against this act.

(6) For any purpose in contravention of the provisions of this act; or,

Making payments after time limit.

(7) Making any payment after the time limited by this act, unless the same is authorized as provided by this act; or unless it be in satisfaction of a judgment obtained against him, whether before, during or after an election, in respect of or on account of such election, or who refuses or neglects to file the statement prescribed by section three of this act, or who makes or files a false statement thereof, or is guilty of any crime against the elective franchise, or of any offense which is punishable by fine or imprisonment, or both, under the provisions of this act.

Name of giver must be entered.

(18) No person shall make any payment of his own money, or of the money of any other person, in connection with any nomination or election in any other name than that of the person who really supplies such money, nor shall any person knowingly receive such money, or thing of value, and enter it into his accounts in any other name than the name of the person who really supplies the same; *provided,* that the money received from the treasurer of any political organization may be so entered.

Proviso.

Forbidden to contribute.

19. No holder of any public office or position not filled by election by the voters or benevolent order or association thereof shall contribute to the nomination or the election of any person to public office or party position; *provided,* that this prohibition shall not apply to any person holding an appointive office or position the term of which is fixed by law. No person shall invite, demand or accept payment or contribution from such persons for campaign purposes.

Proviso.

Soliciting for churches, etc., forbidden.

20. No person shall demand, solicit, ask or invite any payment or contribution for any religious, charitable or other cause or organization supposed to be primarily for the public good, from any candidate for nomination or election.

Subscriptions, support of clubs, etc., prohibited.

21. No person shall demand, solicit, ask or invite any candidate for nomination or for public office or party position to subscribe for the support of any club or organization, or to buy tickets to any entertainment or ball, or to pay for space in any book, program, periodical or publication. This shall not apply to the solicitation of any business advertising in periodicals in which the candidate was a regular advertiser prior to his candidacy, nor to ordinary business advertising, nor to the regular payments to any organization, religious, charitable or otherwise, of which he was a member, or to which he was a contributor, for more than six months before his candidacy, nor to any ordinary contributions at church services.

Usual business and church contributions not meant.

Corporation contributions forbidden.

22. No corporation or person, trustee or trustees, owning or holding the majority of stock of a corporation, carrying on the business of a bank, savings bank, co-operative bank, trust, trustee, savings indemnity, safe deposit, insurance, rail, street railway, telephone, telegraph, gas, electric light, heat, power, canal or aqueduct company, or any company having the right to condemn land, or to exercise franchises in public ways granted by the State, county, city or town, shall pay or contribute any money or value in order to aid or promote the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party.

Attendance at polls not paid for.

23. No person, party or organization shall pay any person for loss or damage due to attendance at the polls at any primary or general election, or any registry therefor, or for the purpose of such registration.

Badges furnished by county board of elections.

24. No person shall sell, give or provide any political badge, button or other insignia to be worn at or about the polls on any primary or general election day, except the badge furnished by the county board of elections as herein provided.

Unlawful contributions:

25. It shall be unlawful for any person, directly or indirectly, by himself or through any other person—

To cause voters to vote or refrain from voting.

(1) To pay, lend, or contribute, or offer or promise to pay, lend or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or remain away from the polls at such election, or on account of such voter having voted or refrained from voting or having voted or refrained from voting for any particular person, or having come to the polls or remained away from the polls at such election.

To promise employment.

(2) To give, offer, or promise any office, place or employment, or to promise to procure, or endeavor to procure, any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

To induce votes.

(3) To make any gift, loan, promise, offer, procurement or agreement, as aforesaid, to, for or with any person, in order to induce such person to procure, or endeavor to procure, the election of any person, or the vote of any voter at any election.

To procure votes.

(4) To procure, or engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement or agreement, the election of any person, or the vote of any voter at such election.

To furnish funds for bribery.

(5) To advance or pay, or cause to be paid, any money or other valuable thing, to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election; or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

To furnish money for board and lodging.

(6) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used for boarding, lodging or maintaining a person at any place or domicile in any election precinct, or ward, or district, with intent to secure the vote of such person, or to induce such person to vote for any particular person or persons at any election.

To assist in evading arrest.

(7) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used to aid or assist any person to evade arrest who is charged with the commission of a crime against the elective franchise, for which, if the person were convicted, the punishment would be imprisonment in the State Prison.

To pay for endorsement by delegates, associations, etc.

(8) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of being selected or endorsed as the candidate of any convention, organized assemblage of delegates, or other body, representing, or claiming to represent, a political party or principle, or any club, society or association, for a public office, or in consideration of the selection or endorsement of any other person as a candidate for a public office, or in consideration of any member of a convention, club, society or association, having voted to select or endorse any person as a candidate for a public office.

To secure withdrawals.

(9) To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of a person withdrawing as a candidate for a public office.

Unlawful acts:

26. It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

To receive money, position, etc.

(1) To receive, agree or contract for, before or during an election, any money, gift, loan or other valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or persons at any election.

To vote or refrain from voting for consideration.

(2) To receive any money or other valuable thing during or after an election, on account of himself, or any other person, having voted or refrained from voting for any particular person or persons at such election, or on account of himself, or any other person, having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular person or persons, or to come to or remain away from the polls at such election.

To receive consideration to secure delegates or endorsement.

(3) To receive any money or other valuable thing, before, during or after election, on account of himself or any other person having voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates, or other body, representing, or claiming to represent, a political party or principle, or any club, society or association, or on account of himself or any other person having aided in securing the selection or indorsement of any other person as a nominee or candidate as aforesaid.

False registration in person.

27. No person shall willfully cause, procure or allow himself to be registered in any registration list, knowing himself not to be entitled to such registration.

Causing others to register falsely.

28. No person shall willfully cause, procure or allow any other person to be registered in any registration list, knowing such person not to be entitled to such registration.

Fraudulent voting, stuffing ballot-box, destroying records, etc., a misdemeanor.

29. Every person not entitled to vote, who fraudulently votes, and every person who votes more than once at any one election; or knowingly hands in two or more tickets folded together; or changes any ballot after the same has been deposited in the ballot-box; or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot-box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot-box, for the purpose of breaking up or invalidating such election; or willfully detains, mutilates or destroys any election returns; or in any manner so interferes with the officers holding such election, or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly had and lawfully conducted, shall be guilty of a misdemeanor.

Illegal voting.

30. Every person not entitled to vote, who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, or who personates, or attempts to personate, a person legally entitled to vote, shall be guilty of a misdemeanor.

Impersonating.

Penalty for election officers.

31. Every person charged with the performance of any duty under the provisions of any law of this State relating to elections, who willfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, shall be guilty of a misdemeanor.

As to testimony of offenders.

32. A person offending against any provision of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or lawful investigation or judicial proceeding, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding,

civil or criminal, against the person so testifying. A person so testifying shall not thereafter be liable to indictment or presentment by information, nor to prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly in bar of such indictment, information or prosecution.

Betting.

33. It shall be unlawful for any candidate for public office, before or during an election, to make any bet or wager with a voter, or take a share or interest in, or in any manner become, a party to such bet or wager, or provide or agree to provide any money to be used by another in making such bet or wager, upon any event or contingency whatever. Nor shall it be lawful for any person, directly or indirectly, to make a bet or wager with a voter, depending upon the result of any election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at such election.

Penalty for not filing statement.

34. Every candidate who refuses or neglects to file a statement, as prescribed in section three of this act, is guilty of a misdemeanor.

Penalty for treasurer of committee.

35. Every treasurer of a committee selected under the provisions of section one of this act, who refuses or neglects to file a statement, as prescribed by section two of this act, is guilty of a misdemeanor.

Threats.

36. It shall be unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of, or threaten to make use of, any force, violence or restraint, or to inflict or threaten the infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons at any election, or on account of such person having voted or refrained from voting at any election. And it shall be unlawful for any person, by abduction, duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent or otherwise interfere with the free exercise of the elect-

Abduction, interference, etc.

ive franchise by any voter; or to compel, induce or prevail upon any voter either to give or refrain from giving his vote at any election, or to give or refrain from giving his vote for any particular person or persons at any election. It shall not be lawful for any employer, in paying his employes the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate or any political mottoes, devices or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes. Nor shall it be lawful for any employer, within ninety days of an election, to put up or otherwise exhibit in his factory, workshop or other establishment or place where his workmen or employes may be working, any handbill or placard containing any threat, notice or information that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employes be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. This section shall apply to corporations as well as individuals, and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter.

Pay envelopes not to bear political expressions.

Posting political hand-bills containing threats in factories.

Penalty.

Corporations to forfeit charter.

37. Every inspector, judge or clerk of an election, who, previous to putting the ballot of an elector in the ballot-box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in to be opened or examined previous to putting the same in the ballot-box, or who makes or places any mark or device on any folded ballot with the view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such inspector, judge or clerk has fraudulently or illegally discovered to have been voted for by such elector, shall be guilty of a misdemeanor.

Penalty for election officers to seek or disclose voter's ballot.

Duty of prosecutor to inquire into violations.

38. If the prosecutor of the pleas of the county shall be notified by any officer or other person of any violation of any of the provisions of this act, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution, it shall be the duty of such prosecutor of the pleas to present the said charge, with all the evidence which he can procure, to the grand jury of such county. If any prosecutor of the pleas shall fail or refuse to faithfully perform any duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall forfeit his office. It shall be the duty of the prosecutor of the pleas, under the penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this act, the penalty of which is fine or imprisonment, or both, or removal from office. Any citizen may employ an attorney to assist the prosecutor of the pleas to perform his duties under this act, and such attorney shall be recognized by the prosecutor of the pleas and the court as associate counsel in the proceeding; and no prosecution, action or proceeding shall be dismissed without notice to, or against the objection of, such associate counsel until the reasons of the prosecutor of the pleas for such dismissal, together with the objections thereto of said associate counsel, shall have been filed in writing, argued by counsel, and fully considered by the court, with such limitation as to the time of filing such reasons and objections as the court may impose.

Prosecutions.

Citizens may assist prosecutor.

Dismissals of action.

Penalties.

Forfeiture of office.

39. Any person or candidate who shall violate any provision of this act shall be guilty of a misdemeanor; and any such candidate shall, in addition to the punishment prescribed by law, forfeit any office to which he may have been elected at the election in reference to which such crime or offense was committed; and if the candidate so offending is the incumbent of an office of profit or trust under the laws this State, he shall thereby forfeit this office. Any candidate who procures, aids, assists, counsels, or advises the payment of any money or other valuable thing by ~~or on behalf~~ of a ~~committee~~ ~~selected under~~

the provisions of section one of this act, and such payment is made for any purpose which, if the money was expended by the candidate, would work a forfeiture of the office to which he has been elected, such payment shall be deemed to have been made by such candidate, and he shall forfeit any office to which he may have been elected at the election in reference to which such payment was made by or on behalf of such committee.

Contested elections.

40. Any twenty-five voters of the State, or of any political division thereof, may contest the right of any person to nomination, position or office for which said voters had the right to vote, on the ground of deliberate, serious and material violation of the provisions of this act or of any other provisions of law relating to nominations and elections. Any defeated candidate for said nomination, position or office may make said contest. Said procedure shall be commenced by petition filed in the circuit court of the county in which the candidate whose election is contested resides, and the contest shall be carried on according to the provisions of section one hundred and sixty-two of the act to which this act is a supplement.

Court to pronounce.

In case of contests over nominations, the court shall pronounce whether the incumbent or contestant was duly nominated, and the person so declared nominated shall have his name printed on the official ballots.

Court to consider mitigating circumstances.

41. When upon the trial of any action or proceedings under this act it shall appear from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means were taken by such candidate at such election, or were taken by or on behalf of the candidate, or that the offenses complained of were trivial, unimportant or limited in character, and that in all respects his candidacy and election were free from all offensive or illegal acts, or that any act or omission of any candidate complained of arose from accidental miscalculation or from some other reasonable cause of like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the

court to be unjust that the candidate shall forfeit his nomination, position or office, then the nomination or election of such candidate shall not by reason of such offense complained of to be void, nor shall the candidate be removed from nor deprived of his nomination, position or office.

Time for beginning contests.

42. Any action under this act contesting any nomination or election must be commenced within ten days after the day of the primary, or thirty days after a general election, unless the ground of action is discovered from the statements filed under this act, in which event the action must be commenced within ten and thirty days after such discovery, respectively. Any action to annul any nomination or election of any person for office mentioned in this act, must be filed in the circuit court of the county in which the person resides whose right to the nomination, position or office is contested.

Proceedings against corporations.

43. Any corporation organized under the laws of this State, or doing business therein, may be brought into the circuit court on the ground of the deliberate, serious and material violation of this act by proceedings begun and continued in substantially the same form as is required in the case of contesting the nomination or election of any candidate for public office under this act. The petition shall be filed in the circuit court of the county in which the corporation has its principal office, or in which the violation of this act is averred to have occurred.

Judgment.

If judgment shall be rendered in such proceedings against the corporation, and it shall be found to have violated the said act, judgment shall be awarded against the said corporation in the amount of not exceeding ten thousand dollars, or the said court may forfeit the charter of said company, if it is a company organized under the laws of this State.

Candidates set aside not to fill vacancies.

44. A candidate elected to an office, and whose election thereto has been annulled and set aside for any offense mentioned in this act, shall not, during the period fixed by law as the term of such office, be appointed to fill any vacancy which may occur in such office. A candidate or other person who is removed from or deprived of his office for any offense men-

tioned in this act, shall not, during the period remaining as the unexpired term of such office, or during the period fixed by law as the next ensuing term of such office, be appointed to fill any vacancy which may occur in such office. Any appointment to an office made in violation of or contrary to the provisions of this section shall be void.

Constitutionality of sections.

45. In event that any provision or paragraph or part of this act shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated, but shall remain in full force and effect.

Repealer.

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

Approved April 20, 1911.

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## CHAPTER 189.

An Act relating to cold storage and refrigerating warehouses and places, and the sale or disposition of the food kept or preserved therein.

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

Food defined.

1. The term food as used in this act shall include any article used for food, except liquid food.

Goods placed in cold storage must be dated.

2. It shall hereafter be unlawful for any person, persons or corporation engaged in the business of cold storage warehousemen, or in the business of refrigerating, or who own, operate, control or lease any cold storage or refrigerating plant to receive, nor shall any such person, persons or corporation place therein any article of food unless said food or the package containing the same is branded, stamped or marked in some conspicuous place, upon the receipt thereof, with the day, month and year when the same was received for storage or refrigerating, and it shall be unlawful for any such person, persons or corporation to receive

Articles from other States must bear date of storage.

any article of food which has been kept in cold storage without the State, unless at the time of such receipt such article offered is branded, stamped or marked with the day, month or year when it was placed in the cold storage in such other State, or such person, persons or corporation as shall have obtained the consent of the State Board of Health to receive such article of food.

Goods taken from storage must bear date of receipt.

3. It shall be unlawful for any person, persons or corporation engaged in the business of cold storage warehousemen or in the business of refrigerating, or who own, operate, control, or lease any cold storage or refrigerator plant, to permit any article of any kind whatsoever used for food now in the possession of any person, persons, or corporation now engaged in the business of cold storage warehousemen or refrigerating, or who own, operate, control or lease any cold storage or refrigerating plant, to be taken from their possession without first having branded, stamped or marked on said article of food or the package containing the same, in a conspicuous place, the day, month and year when said article of food or package was received by any such person, persons or corporation engaged in the business aforesaid, or by any person, persons or corporation owning, operating, controlling or leasing any cold storage plant.

Maximum period for keeping goods.

4. It shall hereafter be unlawful for any person, persons or corporation engaged in the business of cold storage warehousemen or refrigerating, or who own, operate, control or lease any cold storage or refrigerating plant, to keep in storage for preservation or otherwise any article of food a longer period than ten calendar months without the consent, as herein provided, of the State Board of Health or its duly authorized agents or officers, or except as hereinafter otherwise provided.

Inspection and supervision of plants.

5. The State Board of Health is hereby vested with full power and authority, and it shall be the duty of said board, to inspect and supervise all places in this State now or hereafter used for cold storage or refrigerating purposes; the members of the State Board of Health or its duly authorized agents or employes of said board shall be permitted access to such place

or places and all parts thereof at all times for the purpose of seeing that said place or places are kept and maintained in a clean and sanitary condition, and for the purpose of determining whether or not the provisions of this act or any other act relating to articles of food are being complied with. The State Board of Health is hereby granted power and authority to adopt such reasonable rules and regulations as may be essential to the proper protection of the consumer of the commodities kept and preserved in such place or places, and the State Board of Health may appoint and designate from time to time such person or persons as said board may deem fit for the purpose of making such inspection.

Rules and regulations.

Inspectors.

6. All persons or corporations engaged in the business of cold storage warehousemen or in the business of refrigerating, or who own, operate, control or lease any cold storage or refrigerating plant, shall submit a quarterly report to the State Board of Health, upon printed forms to be provided by said State Board of Health, setting forth in itemized particulars the quantity of each and every article of food in storage, or in the control of said person or persons, corporation or corporations; said quarterly report shall be filed on or before the twenty-fifth day of January, April, July and October of each year, and reports so rendered shall show conditions existing upon the first day of the month in which said report is filed.

Quarterly reports made to State board of health.

7. In the event of any food, or any article used for food, being kept or maintained in refrigerating or cold storage places for a longer period than ten months, report of such fact shall be filed by the person, persons or corporation operating such cold storage or refrigerating place, or by those owning, operating, controlling or leasing any cold storage or refrigerating plant with the State Board of Health, upon blanks to be provided by said State Board of Health upon application, and no such food or article used for food shall, after the expiration of said period of ten months, be delivered to any person, persons or corporation without a certificate from the State Board of Health first had and obtained authorizing such delivery. Power is hereby given to said State Board of Health, or its

If food kept more than ten months report made.

Extension of time may be granted.

proper agents, to extend the time when any particular food stuff or article used for food may be kept, maintained or preserved in such place or places.

As to transfer of of goods.

8. The transfer of any food from one cold storage or refrigerating warehouse to another, for the purpose of evading any provision of this act, is hereby prohibited.

Re-storage prohibited.

9. When food which has been in cold storage is released therefrom for the purpose of placing on the market for sale, it shall be a violation of the provisions of this act to knowingly again place such food in cold storage.

Disposition of food kept beyond specified time.

10. Any article of food kept or preserved in any cold storage warehouse or refrigerating place for a longer period than herein provided, after at least twenty days' notice to the owner or consignor of such article of food to remove the same, shall be sold at public auction by the person, persons or corporation having the custody of the same, and at the place where the same is kept or preserved; such sale shall be within thirty days after the time limited for the keeping or preserving thereof, and the proceeds of such sale shall be paid to the owner or consignor thereof after deducting storage or other charges thereon, unless said food has been condemned as unfit for use by the State Board of Health, in which case it shall be destroyed or otherwise disposed of under such conditions as the State Board of Health may prescribe.

Sold publicly.

Unless condemned.

Penalties.

11. Any person or persons, corporation or corporations, or officer or officers thereof violating any of the provisions of this act, shall, upon conviction, be subject to a penalty of not exceeding five hundred dollars for the first offense. Any such person or persons, corporation or corporations, or officer or officers thereof, having once been convicted of violating any provision of this act, shall, upon a second offense, be held guilty of a misdemeanor. The conviction of any corporation shall not operate to relieve any officer or officers, agents or employes of such corporation from prosecution under the provisions of this act.

Validity of sections.

12. If any paragraph or provision of this act shall be questioned in any court and held to be invalid, the

remainder of this act shall not be invalidated thereby, but shall remain in full force and effect.

13. All acts or parts of acts inconsistent herewith are hereby repealed. Repealer.

14. This act shall take effect immediately.

Approved April 21, 1911.

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## CHAPTER 190.

An Act to authorize and provide for the sterilization of feeble-minded (including idiots, imbeciles and morons), epileptics, rapists, certain criminals and other defectives.

WHEREAS, Heredity plays a most important part in the transmission of feeble-mindedness, epilepsy, criminal tendencies, and other defects: Preamble.

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

1. Immediately after the passage of this act, the Governor shall appoint by and with the advice of the Senate, a surgeon and a neurologist, each of recognized ability, one for a term of three (3) years and one for a term of five (5) years, their successors each to be appointed for the full term of five years, who in conjunction with the Commissioner of Charities and Corrections shall be known as and is hereby created the "Board of Examiners of Feeble-minded (including idiots, imbeciles and morons), Epileptics, Criminals and other Defectives," whose duty it shall be to examine into the mental and physical condition of the feeble-minded, epileptic, certain criminal and other defective inmates confined in the several reformatories, charitable and penal institutions in the counties and State. Any vacancy occurring in said Board of Examiners shall be filled by appointment of the Governor for the unexpired term. Commission on defectives. Title. Duties. Vacancies.

Class of criminals affected.

2. The criminals who shall come within the operation of this law shall be those who have been convicted of the crime of rape, or of such succession of offenses against the criminal law as in the opinion of this board of examiners shall be deemed to be sufficient evidence of confirmed criminal tendencies.

Examination made on application of authorities.

3. Upon application of the superintendent or other administrative officer of any institution in which such inmates are or may be confined, or upon its own motion, the said board of examiners may call a meeting to take evidence and examine into the mental and physical condition of such inmates confined as aforesaid, and if said board of examiners, in conjunction with the chief physician of the institution, unanimously find that procreation is inadvisable and that there is no probability that the condition of such inmate so examined will improve to such an extent as to render procreation by such inmate advisable, it

Operation performed.

shall be lawful to perform such operation for the prevention of procreation as shall be decided by said board of examiners to be most effective, and thereupon it shall and may be lawful for any surgeon qualified under the laws of this State, under the direction of the chief physician of said institution, to perform such

Court to appoint counsel to represent inmate.

operation; previous to said hearing the said board shall apply to any judge of the Court of Common Pleas, of the county in which said person is confined, for the assignment of counsel to represent the person to be examined, said counsel to act at said hearing and in any subsquent proceedings and no order made by said board of examiners shall become effective until five days after it shall have been filed with the clerk of the Court of Common Pleas, of the county in which said examination is held, and a copy shall have been served upon the counsel appointed to represent the person examined, proof of service of the said copy of the order to be filed with the clerk of the Court of

Orders reviewable.

Common Pleas. All orders made under the provisions of this act shall be subject to review by the Supreme Court or any justice thereof and said court may upon appeal from any order grant a stay which shall be effective until such appeal shall have been decided.

Expense of counsel.

The judge of the Court of Common Pleas appointing

any counsel under this act may fix the compensation to be paid him and it shall be paid as other court expenses are now paid.

Surgeon not held accountable.

No surgeon performing an operation under the provisions of this law shall be held to account therefor, but the order of the board of examiners shall be a full warrant and authority therefor.

Records to be kept and report made.

4. The record taken upon the examination of every such inmate, signed by the said board of examiners, shall be preserved in the institution where such inmate is confined and a copy thereof filed with the Commissioner of Charities and Corrections, and one year after the performing of the operation the superintendent or other administrative officer of the institution wherein such inmate is confined shall report to the board of examiners the condition of the inmate and the effect of such operation upon such inmate. A copy of the report shall be filed with the record of the examination.

Per diem to physicians for examinations.

5. There shall be paid, out of the funds appropriated for maintenance of such institution, to each physician of said board of examiners, a compensation of not more than ten dollars ($10) per diem for each day actually given to such work or examination, and his actual and necessary expenses in going to, holding and returning from such examination.

Medical assistance.

When in the judgment of the board of examiners it is necessary to secure the assistance of a surgeon outside the medical staff of the institution, to perform or assist in said operation, the necessary expenses of such surgeon shall be paid from the maintenance account of such institution.

Constitutionality of sections.

6. If any provisions of this act shall be questioned in any court, and the provisions of this act with reference to any class of persons enumerated therein shall be held to be unconstitutional and void, such determination shall not be deemed to invalidate the entire act, but only such provisions thereof with reference to the class in question as are specifically under review and particularly passed upon by the decision of the court.

7. This act shall take effect immediately.

Approved April 21, 1911.

## ARTICLE 191.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

**Name of crime specified.**

1. Every sentence to confinement in the State Prison imposed under the provisions of the act to which this act is a supplement and of acts amendatory thereof and supplementary thereto shall specify the exact name of the crime in accordance with "An act for the punishment of crimes (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight, its supplements and amendments.

**Maximum and minimum terms set out.**

2. Every such sentence to confinement in the State Prison shall set forth a maximum term which shall be equal to the limit of imprisonment as provided in "An act for the punishment of crimes (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight, its supplements or amendments, for the crime for which the prisoner was sentenced; such sentence shall likewise set forth a minimum term, which shall be not less than one year and not more than one-half of such maximum term; *provided,* that a commutation from sentence of death to imprisonment for life is hereby construed to have a minimum term of twenty-five years.

**Proviso.**

**Determination if more than one sentence.**

3. Whenever more than one sentence is issued upon a prisoner, if these sentences be concurrent, the longest sentence shall determine the minimum and maximum of confinement under this act; if these sentences be consecutive, the minimum term of confinement shall be the sum of the minima of such sen-

tences and the maximum shall be the sum of the maxima of such sentences.

Transferred prisoners.

4. Prisoners transferred from the State Reformatory to the State Prison shall be detained in the State Prison and released therefrom under the provisions of this act; *provided,* the period of confinement undergone in said reformatory shall be computed as an integral part of the maximum term of their confinement in the State Prison, but the computation of their minimum term in the prison shall begin on the day of their arrival at the prison, which minimum term is hereby construed to be equal to one-half the maximum term for the crime for which the original sentence was issued.

Proviso.

Exceptions.

5. A person confined in the State Prison under the provisions of this act shall not be entitled to benefit by sections nine, ten and eleven of an act entitled "An act for the government and regulation of the State Prison," passed April twenty-,first, one thousand eight hundred and seventy-six, or supplements or amendments of said sections.

Rules of fitness to be at large.

6. The board of inspectors shall have the power to establish, with the consent of the Governor, needful rules for the purpose of determining the fitness to be at large of any prisoner confined in the State Prison under this act. Said board shall devise or adopt a system of identification and recording and exchanging of such identifications and the principal keeper shall cause to be applied to every prisoner committed under this act such system. It shall be the further duty of the principal keeper to obtain and to record information concerning the past life and the nature and gravity of the crime of the prisoner, as well as of the conduct of such prisoner while in prison, and such information shall be by the principal keeper laid before the inspectors and shall by them be considered when determining the fitness to be at large of any prisoner.

Identification, record of prisoners, etc.

Prisoners whose minimum term about to expire may appear before board.

7. At each regular monthly meeting of the board of inspectors, the principal keeper shall lay before them a list of all prisoners whose minimum terms will expire during the next three calendar months. Thereupon such prisoners may be allowed to appear in person before said board or a committee thereof and

the board or committee shall diligently seek to determine the fitness of such prisoners to be at large, and the principal keeper shall be a party to such determination.

Prisoners deemed fit paroled.

8. Upon the expiration of the minimum terms of such prisoners as have been thus deemed fit to be at large, the Governor or person administering the government approving, and not otherwise, their confinement in prison shall be suspended and they shall be set at large on parole under such terms and conditions as shall be established by the Governor, or person administering the government; *provided,* that if any prisoner has been additionally penalized with a fine, he shall not be set at large until after such fine has been paid, or remitted by the Court of Pardons, or its collection suspended by the Governor or person administering the government.

Proviso.

Unworthy prisoners not paroled.

9. Whenever in the judgment of the board of inspectors, at the expiration of the minimum terms of sentence, prisoners are deemed unworthy to be set at large or dangerous to the community if set at large, said board shall, the Governor approving, prolong the minimum terms of sentence of such prisoners. Thereafter at intervals of not longer than twelve months, nor shorter than six months, determinations for fitness to be at large shall be made over such prisoners, and when deemed fit, their confinement in prison shall be suspended and they shall be set at large on parole in the manner stated above; *provided,* no prisoners shall be held in confinement beyond the maximum terms of their sentences.

Proviso.

Act applicable to prisoners on parole.

10. The provisions of an act entitled "An act for the government of the State Prison, to better the condition of prisoners upon their discharge," approved March twenty-ninth, one thousand nine hundred and ten, are herewith applied to all prisoners set at large on parole under this act.

Surveillance of paroled prisoners.

11. Surveillance of prisoners at large under the terms of this act, which surveillance shall be for the rest of the maximum term unless sooner pardoned, an revocations of parole shall proceed as far as consistent with the present act under the provisions of an act entitled "An act to establish a parole agent for the

State Prison," approved May eleventh, one thousand nine hundred and five, or supplements or amendments thereto; *provided,* the principal keeper may designate one or more deputies or officials of the prison from time to time to execute the provisions of said act in particular cases, and when thus engaged, necessary traveling expenses shall be paid from the appropriation made for the purposes of that act. Proviso.

Parole after revocation.

12. After return to prison upon revocation of parole of any prisoner, other determinations of fitness of such prisoner to be at large and setting at large in the manner stated above may be made, provided no such further setting at large on parole be made until twelve calendar months shall have elapsed since such return to prison; *and provided further,* that the period of being at large shall at no time be computed as part of the sentence of such prisoner. Proviso.

If resentenced, to serve balance of former term.

13. If a prisoner, set at large on parole under the provisions of this act, shall at any time again be sentenced to imprisonment in the State Prison, such new sentence shall take effect immediately upon the serving out of the unexpired remainder of the previous maximum term of sentence of such prisoner; if a prisoner, released under the provisions of sections nine, ten and eleven of an act entitled "An act for the government and regulation of the State Prison," passed April twenty-first, one thousand eight hundred and seventy-six, supplements or amendments thereof, shall hereafter again be sentenced to imprisonment in the State Prison, such new sentence shall take effect immediately upon the serving out of the number of days remitted on the previous sentence; if a prisoner, at any time paroled by action of the Court of Pardons, shall at any time hereafter again be sentenced to imprisonment in the State Prison, such new sentence shall take effect immediately upon the serving out of the unexpired remainder of the full previous sentence, the period of being at large on parole not being computed as serving; and not otherwise; the computation of a new minimum term shall begin for such prisoners only after such serving out of unexpired remainders or of days previously remitted; *provided,* nothing in this section contained shall apply to any person who shall have received a pardon. Proviso.

Commutation of present sentences.

14. Upon application made by any prisoner committed to the State Prison before the taking effect of this act, the Court of Pardons may commute the present sentence of such prisoner to a sentence under this act by determining a maximum term, one-half of which shall be the minimum term of imprisonment; *provided,* no such maximum shall be greater than the maximum established by statute for the crime. In case of such commutation by the Court of Pardons, such prisoner shall relinquish all remission earned by good conduct in prison, and the minimum term of such prisoner shall be computed from the day of commitment to prison.

Proviso.

Existing parole laws not repealed.

15. Nothing contained in this act shall be construed to repeal any existing statutes relative to the parole of prisoners by the Court of Pardons.

Repealer.

16. All other acts or parts of acts conflicting with or inconsistent with the provisions of this act are hereby repealed.

Effective.

17. This act shall take effect six months after it has become a law.

Approved April 21, 1911.

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## CHAPTER 192.

360-Ch.-192
A-12-804
R-13-419

An Act to repeal sundry acts relative to the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents, in towns, townships and boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof and to provide for the sale of lands subject to future taxation and assessment.

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

1. The following acts and parts of acts be repealed:

Sundry acts and parts of acts pertaining to Martin act repealed.

(1) "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof and to provide for the sale of lands subject to future taxation and assessment," approved May eighteenth, one thousand eight hundred and ninety-eight. Known as Chapter 193 (page 442), Laws of 1898.

(2) "A supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rents in towns, townships, boroughs and other municipalities except cities in this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment,' approved May eighteenth, one thousand eight hundred and ninety-eight," approved March twenty-third, one thousand nine hundred, known as Chapter 146 (page 341), Laws of 1900.

(3) "A supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment,' approved May eighteenth, one thousand eight hundred and ninety-eight, and the operation thereof," approved March twenty-second, one thousand nine hundred and one. Known as Chapter 170 (page 364), Laws of 1901.

(4) "A supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment there-

of, and to provide for the sale of lands subject to future taxation and assessment,' approved May eighteenth, one thousand eight hundred and ninety-eight," approved March twenty-second, one thousand nine hundred and one. Known as Chapter 200 (page 403), Laws of 1901.

(5) "A further supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment,' passed May eighteenth, one thousand eight hundred and ninety-eight," approved March twenty-fourth, one thousand nine hundred and two. Known as Chapter 30 (page 59), Laws of 1902.

(6) "A further supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment,' approved May eighteenth, one thousand eight hundred and ninety-eight," approved April first, one thousand nine hundred and two. Known as Chapter 75 (page 238), Laws of 1902.

(7) "An act to amend an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities, except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment,' approved May eighteenth, one thousand eight hundred and ninety-eight," approved April third, one thousand nine hun-

dred and two. Known as Chapter 164 (page 555), Laws of 1902.

(8) "A further supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment,' approved May eighteenth, one thousand eight hundred and ninety-eight," approved April eighth, one thousand nine hundred and two. Known as Chapter 193 (page 626), Laws of 1902.

(9) "A supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or rents in towns, townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment,' approved May eighteenth, one thousand eight hundred and ninety-eight," approved April twenty-second, one thousand nine hundred and two. Known as Chapter 269 (page 791), Laws of 1902.

(10) "A supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or rents in towns, townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment, approved May eighteenth, one thousand eight hundred and ninety-eight," approved March thirteenth, one thousand nine hundred and three. Known as Chapter 33 (page 55), Laws of 1903.

(11) "An act to amend an act entitled 'An act concerning the settlement and collection of arrearages of

unpaid taxes, assessments and water rates or water rents in towns,townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment,' approved May eighteenth, one thousand eight hundred and ninety-eight," approved April fourteenth, one thousand nine hundred and three. Known as Chapter 258 (page 692), Laws of 1903.

(12) "A supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or rents in towns, townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessments,' approved May eighteenth, one thousand eight hundred and ninety-eight," approved April sixth, one thousand nine hundred and five. Known as Chapter 107 (page 211), Laws of 1905.

(13) "A supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or rents in towns, townships, boroughs and other municipalities, except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessments,' approved May eighteenth, one thousand eight hundred and ninety-eight," approved April twenty-eighth, one thousand nine hundred and five. Known as Chapter 201 (page 369), Laws of 1905.

(14) "An act to amend an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rents or water rates in towns, townships, boroughs and other municipalities except cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof,

and to provide for the sale of lands subject to future taxation and assessments,' approved May eighteenth, one thousand eight hundred and ninety-eight," approved May seventeenth, one thousand nine hundred and six. Known as Chapter 265 (page 548), Laws of 1906.

Repeal not to affect acquired rights.

2. The repeal of any statutory provision by this act shall not affect or impair any act done or right vested or accrued or any proceeding before such repeal shall take effect, but every such act done, or every such right vested or accrued shall remain in full force and effect to all intents and purposes as if such statutory provision so repealed had remained in force, but no commissioner, attorney, clerk or other officer heretofore appointed under the provisions of any act hereby repealed shall continue to hold such office after this act shall go into effect.

Certain officers discontinued.

365-3
A-12-804

Effective.

3. This act shall take effect January first, nineteen hundred and thirteen.

Approved April 21, 1911.

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## CHAPTER 193.

An act authorizing the changing of the location of the buildings to be used for the courts, the jail and public offices of the county and the acquiring of land and the erection of buildings thereon for county purposes, and the changing the place of holding the Circuit Court, Court of Oyer and Terminer, the Court of Common Pleas, the Court of Quarter Sessions and the Orphans' Court, in the respective counties of this State, and the borrowing of money and the issuing and sale of bonds for said purposes and the raising of money for the payment thereof.

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

Petition for change of county seat.

1. When in any county of this State fifty per centum of the legal voters of the county as shown

by the last general election returns shall file with the clerk of the board of chosen freeholders of the county, a petition, which may be in several parts or lists verified as hereinafter set forth, that in the judgment of the petitioners the location of the buildings used for the courts, the jail and public offices of the county should be changed from their present site or location to another municipality in such county and the place of holding the Circuit Court, Court of Oyer and Terminer, the Court of Common Pleas, the Court of Quarter Sessions and the Orphans' Court changed to such municipality, it shall be the duty of said clerk to present the same to the board of chosen freeholders of such county at its next regular meeting after the filing of said petition or petitions, and said board shall at said meeting by resolution, call a special election to submit to the legal voters of the county, the question of the selection of a new location for the county buildings to be used for the courts, jail and public offices; the resolution calling for said special election shall fix the time for holding the same, which shall be at least sixty days and not more than ninety days after the passage of said resolution; said special election shall be conducted by the respective boards of registry and election and in the same manner as the general election is or may hereafter be conducted; *provided, however,* that there shall be no new registration required for said special election, but the several boards of registry and election shall procure and use in their several districts at such special election, a copy of the register used at the last general election within such election district; the said registers of voters, however, shall be revised and corrected on the Tuesday next preceding such special election in the manner provided for the revision of registry lists, and each city, borough, town or township clerk of every election district shall secure the place for holding such registration and special election, and shall cause at least five notices of the time and place of such meeting to revise and correct such registry list, to be conspicuously posted each in a public place in such district at least one week before such meeting, and at least five notices to be posted in the same manner of the time and place

**Presented to freeholders.**

**Question submitted at special election.**

**Proviso.**

**Revision of registers.**

of holding said special election at least ten days before such special election; *provided further, however,* that it shall not be necessary to erect booths for the purpose of said special election or to furnish official envelopes; *and provided further, however,* that each election officer shall be entitled to receive from the collector of the county for all services rendered under this act, the sum of ten dollars, and each clerk shall receive for his services in putting up the notices required in this act, the same compensation now provided for in case of general elections; the county clerk shall prepare and have printed at least two ballots of each form herein provided for each voter in the county for the use of the voters, and shall at least one week before the special election herein mentioned transmit to the district boards of registry and election in each election district or precinct in his county, a sufficient number of such ballots for each election district or precinct, and also a sufficient number of blank statements of the result of the election for the use of the voters and the boards of registry and election in such district or precinct; on the back of each of said ballots shall be printed the words "special election (date of election to be inserted) official ballot," then shall follow a facsimile of the signature of the county clerk. The said ballots shall be printed on white paper, and shall be of uniform size, and one-half of them shall have printed or written, or partly printed or written, the words "For changing the location of the buildings to be used for the courts, the jail and public offices of the county, and the place of holding the courts from their present location to .....," and one-half of them shall have printed or written, or partly printed or written, the words, "Against changing the location of the buildings to be used for the courts, the jail and public offices of the county and the place of holding the courts from their present location;" *provided,* that if in any election district, the official ballots shall not have been delivered, or shall have been destroyed or stolen, or the supply of ballots shall become exhausted, the deficiency shall be supplied in the manner provided by the provisions of the law regulating general elections, and such proceedings shall be taken as shall con-

Proviso.

Proviso.

Ballots.

Form of ballot.

Proviso.

Result and canvass by county board.

form as nearly as possible to the requirements of that law. A statement in writing of the result of such special election shall be returned by the proper election officers to the clerk of the county. The members of the county board of canvassers shall meet on the Monday next after such special election at twelve o'clock noon, in the court house of such county, at which time and place the clerk of such county shall attend and bring with him the statements of the results of such election which have been filed in his office, and such members of said county board of canvassers shall proceed to examine the statements which shall be produced before them, and shall canvass the number of votes cast for and the number of votes cast against the aforesaid proposition, and shall forthwith make two statements of the results of such election, and duly certify the same, and deliver one thereof to the clerk of the county, who shall file the same, and one to the clerk of the board of chosen freeholders of the county, who shall file the same and present to the board of chosen freeholders of the county at their next meeting and the same shall be entered in the minutes of such board, and if, by said statement of the result of such special election, it is found that a majority of the votes cast are in favor of changing the location of said buildings to be used for the courts, the jail and public offices of said county and the place of holding the courts to some other municipality, that municipality shall be the place for the erection of the new county buildings to be used for the courts, the jail and public offices and the place of holding the Circuit Court, the Court of Oyer and Terminer, the Court of Common Pleas, the Court of Quarter Sessions and Orphans' Court.

Final determination.

Form of petition.

2. The said petition or petitions shall be verified by an affidavit attached to each list of names composing the same, which shall be in form and substance as follows:

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

.....being duly sworn upon his oath says that he is one of the signers of the petition hereto annexed; that said petition is signed by each of

the signers thereto in his own proper handwriting; that each of such signers is to the best of the knowledge and belief of this deponent a legal voter of the county of.....as shown by the last general election returns.

Sworn and subscribed before me this ..... day of.....

County building committee appointed by court.

3. Whenever in any county of this State, a majority of the votes cast at a special election held under the provisions of the first section of this act, shall be found, in the manner aforesaid, to be in favor of changing the location of the buildings to be used for the courts, the jail and public offices and the place of holding the courts to some other municipality, a county building committee shall be constituted forthwith in such county, which shall consist of three residents and freeholders of such county to be appointed by the justice of the Supreme Court presiding in the Circuit Court of such county, in writing under his hand and filed with the clerk of the board of chosen freeholders of such county, and each member of such committee shall continue in office until said court house and buildings shall be erected and furnished and ready for occupancy, unless sooner removed by writing under the hand of the justice of the Supreme Court presiding in such county, filed with the clerk of such board of chosen freeholders; if any vacancy shall occur by death, resignation, removal from the county, or otherwise, such vacancy shall be filled by the justice of the Supreme Court presiding in such county, in the same manner as the original appointment. Each member of said committee shall receive such compensation for his services, not exceeding three dollars per day, for each day actually engaged in the work for which they were appointed, as said board of chosen freeholders shall fix, by resolution.

Vacancies.

Compensation.

Acquisition of land.

4. The said committee, when so appointed, shall have power to acquire by purchase or condemnation, lands which in the judgment of the committee are suitable, and to erect thereon buildings for the use of the courts, the jail and the county officers, and for the transaction of the public business of the county, and

to furnish the same ready for occupancy and use by such courts and public officers; the title to said premises shall be taken in the name of the board of chosen freeholders of said county, and proceedings in condemnation when necessary shall also be taken in the name of said board of chosen freeholders of said county; said committee shall also have power to employ counsel and architects, to enter into and execute all necessary and appropriate contracts and agreements in the name and on behalf of said board of chosen freeholders for the purpose aforesaid, and to incur any proper and necessary expense in carrying out the provisions of this act, but all contracts and agreements for the doing of any work or the furnishing of any materials exceeding five hundred dollars in amount, shall be awarded only after public advertisement, and to the lowest responsible bidder, shall be in writing, and the faithful performance of all contracts shall be secured by bond to be approved by the said county building committee.

Title.

Counsel, architects.

Contracts.

5. The erection of such buildings, and all the work to be done under this act, shall be carried out and completed under the supervision of a competent architect to be, and who is hereby authorized and required to be, appointed by the board of chosen freeholders; said architect shall hold office only and be removable at the pleasure of said board of chosen freeholders; he may be succeeded at any time by the appointment of his successor in manner aforesaid; said architect shall prepare all the plans, specifications and details for the erection and furnishing of such buildings and shall approve all contracts made therefor; he shall certify to the correctness of and approve in writing all payments of money to be made on such buildings before the same or any of them shall be made; from time to time during the progress of the work he shall make a report of the same in writing to the board of chosen freeholders; such reports shall also be made whenever required by the board; the said board may direct the attention of the architect to the work which may be complained of; the compensation of such architect shall be fixed by the board as part of the cost of the building, in accordance with such order.

Supervising architect.

Plans, specifications, etc.

Reports.

Payments.

6. All money required for the payment of the cost of said lands, and of bills for labor and materials for the construction and furnishing of said buildings, and for all other proper and necessary expenses, shall be paid on the order of the said committee by the county collector of said county, out of any funds which shall be raised in the manner hereinafter authorized.

Bond issue.

7. In order to provide the moneys necessary to carry out the provisions of this act, the board of chosen freeholders of said county shall have power to issue and sell the bonds of the county from time to time to an amount not exceeding in the aggregate five-tenths of one per centum of the total assessed value of the real and personal property in such county.

Amount.

Character of bonds.

8. Said bonds shall be signed by the director of the board of chosen freeholders and the county collector of such county, under its corporate seal; they shall be in denominations of not less than one thousand dollars, and shall state upon their face for what purpose they have been issued; they shall run for such period, not exceeding forty years, as the board may determine; they shall bear interest at not exceeding four per centum per annum, payable half-yearly; they shall be sold at public sale, but for not less than par and accrued interest; they may be either coupon or registered bonds; registered bonds may be exchanged for coupon bonds and vice versa, at the option of the holder, upon reasonable regulation to be adopted by such board; all real and personal property within such county shall be liable for the payment of the principal and interest of such bonds.

Time.

Rate.

Provision for interest and redemption.

9. The board of chosen freeholders of such county shall provide each year in the tax budget for the payment of the interest on said bonds and at maturity for the principal thereof; said board shall also provide each year by taxation for a sinking fund equal to two per centum of the bonds issued hereunder; such two per centum shall be paid over to the sinking fund commission of such county and be invested and re-invested for the payment of such bonds at maturity; *provided, however*, that in any county where no sinking fund commission exists, such a commission may be consti-

Proviso.

tuted and approved by the board of chosen freeholders of such county.

Place for holding court.

10. At the first term of court after the erection of said county buildings to be used for the courts, the jail, and public offices, after the completion of the said buildings and the acceptance of the same by the board of chosen freeholders of the county, the place for holding the Circuit Court, the Court of Oyer and Terminer, the Court of Common Pleas, the Court of Quarter Sessions and the Orphans' Court, shall be changed from the present place of holding the same to the place at which said county buildings have been erected, and all writs and processes, recognizances and other proceedings of said several courts which are now by law required to be returned at a term of such court shall be returnable at and in conformity to the place so selected under the provisions of this act.

Repealer.

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

Approved April 21, 1911.

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## CHAPTER 194.

An Act to apportion the members of the General Assembly among the several counties of the State.

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

Apportionment of members of General Assembly.

1. Hereafter the several counties of this State shall be entitled to elect as members of the General Assembly the number herein provided:

The county of Atlantic shall be entitled to elect two members;

The county of Bergen shall be entitled to elect three members;

The county of Burlington shall be entitled to elect one member;

The county of Camden shall be entitled to elect three members;

The county of Cape May shall be entitled to elect one member;

The county of Cumberland shall be entitled to elect one member;

The county of Essex shall be entitled to elect twelve members;

The county of Gloucester shall be entitled to elect one member;

The county of Hudson shall be entitled to elect twelve members;

The county of Hunterdon shall be entitled to elect one member;

The county of Mercer shall be entitled to elect three members;

The county of Middlesex shall be entitled to elect three members;

The county of Monmouth shall be entitled to elect two members;

The county of Morris shall be entitled to elect two members;

The county of Ocean shall be entitled to elect one member;

The county of Passaic shall be entitled to elect five members;

The county of Salem shall be entitled to elect one member;

The county of Somerset shall be entitled to elect one member;

The county of Sussex shall be entitled to elect one member;

The county of Union shall be entitled to elect three members;

The county of Warren shall be entitled to elect one member;

Interpretation.

2. In the interpretation of this act, all references to counties shall be taken to refer to the counties as they exist at the time of the passage of this act.

Repealer.

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

Approved April 21, 1911.

374-Ch.-195
*Clergymen*
S-12-122
*Grade Crossings*
S-12-914
S-13-91
*Police*
S-12-235
*St. Rys.*
S-13-777
*Toll Bridges*
S-13-614

374-C-195
S-15-686
S-15-802
S-15-859

374-C-195
*Full Crew*
Cf.-17-200

# CHAPTER 195.

An Act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its duties and powers.

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

## I.

**Appointment of board.**

1. There shall be a commission vested with the powers and duties hereinafter specified, which shall consist of three persons, citizens of this State, not under thirty years of age, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall constitute and be designated and known as the Board of Public Utility Commissioners.

**Name.**

**Continuation of present board.**

2. The Board of Public Utility Commissioners, as heretofore constituted, shall be the Board of Public Utility Commissioners under this act until the expiration of the term of office of each of said commissioners respectively, and at the expiration of their respective terms a successor shall be appointed for the term of six years from the date of such expiration. All vacancies, except through expiration of term, shall be filled for the unexpired term only. The Governor may remove any commissioner for neglect of duty or misconduct in office, giving to him a copy of the charges against him and an opportunity of being publicly heard in person or by counsel in his own defense upon not less than ten days' notice.

**Vacancies.**

**Removal by Governor.**

**Salaries.**

3. The members of said board shall each receive an annual compensation of seven thousand five hundred dollars, to be paid in equal monthly payments by the Treasurer of the State.

**Traveling expenses paid.**

4. The commissioners and secretary and other employes of said board shall be entitled to receive from

the State of New Jersey their necessary traveling expenses while traveling on the business of said board, which shall be paid on proper voucher therefor, approved by the president of said board.

Organization; assistants.

5. The board shall organize annually by the election of a president; it shall appoint a secretary, counsel and such other employes as it may deem necessary, fix their duties, compensation and terms of service.

Duties of secretary.

6. The secretary shall keep full and correct minutes of all the transactions and proceedings of the board; perform such other duties as may be required of him, and shall be the official reporter of the proceedings of the board.

Publish findings and decisions.

7. The board shall furnish its secretary such of its findings and decisions as, in its judgment, may be of general public interest; the secretary shall compile the same for the purpose of publication in a series of volumes to be designated "Reports of the Board of Public Utility Commissioners of the State of New Jersey," which shall be published in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the commission therein contained without any further proof or authentification thereof. The contents of said reports shall not be under the supervision or control of the official State editor.

Apparatus, etc.

8. The board shall purchase such materials, apparatus and standard measuring instruments as it may deem necessary.

No connections with public utilities or government.

9. No member or employe of said board shall have any official or professional relation or connection with, or hold any stock or securities in, any public utility as herein defined, operating within the State of New Jersey, or hold any other office of profit or trust under the government of this State or of the United States.

Office and meetings.

10. The board shall have an office in the State House, and in such other place or places as it may designate, and shall meet at such times and places within this State as it may provide by rule or otherwise, and shall be provided with all necessary furniture, stationery, maps, supplies and office appliances.

Rules.

11. The board shall have the power to make all needful rules for its government and other proceedings not inconsistent with this act, and shall have and adopt a common seal.

Total expenses.

12. The total expenses of the board, including salaries, shall not exceed one hundred thousand dollars per annum.

376-12
R-13-763

Single member may take testimony.

13. The members of the board are hereby empowered to sit singly for the purpose of taking testimony in any proceeding. A majority vote of the board shall be necessary to the making of any order.

Annual report.

14. The board shall report annually, on or before the first day of January, to the Governor, making such recommendations as it may deem proper, which report shall be laid before the next succeeding Legislature.

Extent of supervision.

15. The board shall have general supervision and regulation of, jurisdiction and control over, all public utilities, and also over their property, property rights, equipment, facilities and franchises so far as may be necessary for the purpose of carrying out the provisions of this act.

"Public utility" defined.

The term "public utility" is hereby defined to include every individual, co-partnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever, that now or hereafter may own, operate, manage or control within the State of New Jersey any steam railroad, streeet railway, traction railway, canal, express, subway, pipe line, gas, electric light, heat, power, water, oil, sewer, telephone, telegraph system, plant or equipment for public use, under privileges granted or hereafter to be granted by the State of New Jersey or by any political subdivision thereof.

## II.

Powers of board.

16. The board shall have power:

Investigations.

(a) To investigate, upon its own initiative, or upon complaint in writing, any matter concerning any public utility as herein defined.

Appraise and value property.

(b) From time to time to appraise and value the property of any public utility as herein defined, whenever in the judgment of said board it shall be necessary so to do, for the purpose of carrying out any of the provisions of this act, and in making such

valuation the board may have access to and use any books, documents or records in the possession of any department or board of the State or any political subdivision thereof.

Fix rates.

377-c
S-15-682

(c) After hearing, upon notice, by order in writing, to fix just and reasonable individual rates, joint rates, tolls, charges or schedules thereof, as well as commutation, mileage and other special rates which shall be imposed, observed and followed thereafter by any public utility as herein defined, whenever the board shall determine any existing individual rate, joint rate, toll, charge or schedule thereof or commutation, mileage, or other special rate to be unjust, unreasonable, insufficient or unjustly discriminatory or preferential.

Schedules of rates to be filed.

(d) To require every public utility as herein defined to file with it complete schedules of every classification employed and of every individual or joint rate, toll, fare or charge made, charged or exacted by it for any product supplied or service rendered within this State, as specified in such requirement.

Classification service, etc.

(e) After hearing, by order in writing, to fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed, and followed thereafter by any public utility as herein defined.

Standards for electric service, etc.

(f) After hearing, by order in writing, to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product or service rendered by any public utility as herein defined, and to prescribe reasonable regulations for examination and test of such product or service and for the measurement thereof.

Meters.

(g) After hearing, by order in writing, to establish reasonable rules, regulations, specifications and standards, to secure the accuracy of all meters and appliances for measurements.

Test appliances.

(h) To provide for the examination any test of any and all appliances used for the measuring of any product or service of a public utility as herein defined.

Right to enter premises.

(i) By its agents, experts or examiners, to enter upon any premises occupied by any public utility as

herein defined, for the purpose of making the examinations and tests provided for in this act and to set up and use on such premises any apparatus and appliances necessary therefor.

Fees for making tests.

(j) To fix the fees to be paid by any consumer or user of any product or service of a public utility as herein defined, who may apply to said board for such examination or test to be made, and any consumer or user may have any such appliance tested upon the payment of the fees fixed by the board, which fees shall be repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user, and in that event, paid by the public utility.

Junction points and connections.

(k) After hearing, upon notice, by order in writing, to direct any railroad or street railway company to establish and maintain at any junction or point of connection or intersection with any other line of said road, or with any line of any other railroad, street railway, or traction company, such just and reasonable connections as shall be necessary to promote the convenience of shippers of property, or of passengers, and in like manner to direct any railroad, street railway or traction company engaged in carrying merchandise to construct, maintain and operate, upon reasonable terms, a switch connection with any private side-track, which may be constructed by any shipper to connect with the railroad or street railway where, in the judgment of the board, such connection is reasonable and practicable, and can be put in with safety, and will furnish sufficient business to justify the construction and maintenance of the same.

Connections with private sidings.

Gauges.

(l) To permit any street railway or traction company to change its existing gauge to standard steam railroad gauge, upon such terms and conditions as said board shall prescribe.

Additional powers.

17. The board shall have power, after hearing, upon notice, by order in writing, to require every public utility as herein defined:

Compel compliance with laws and charter.

(a) To comply with the laws of this State and any municipal ordinance relating thereto and to conform to the duties imposed upon it thereby or by the pro-

visions of its own charter, whether obtained under any general or special law of this State.

Proper service.

(b) To furnish safe, adequate and proper service and to keep and maintain its property and equipment in such condition as to enable it to do so.

Extensions.

(c) To establish, construct, maintain and operate any reasonable extension of its existing facilities, where, in the judgment of said board such extension is reasonable and practicable and will furnish sufficient business to justify the construction and maintenance of the same, and when the financial condition of the said public utility reasonably warrants the original expenditure required in making and operating such extension.

System of accounts.

(d) To keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business and to that end to require every such public utility of the same class to adopt a uniform system of accounting. Such system shall conform, in so far as in the judgment of the board is practicable, to any system adopted or approved by the inter-state commerce commission of the United States of America.

Annual report.

(e) To furnish annually a detailed report of finances and operations, in such form and containing such matters as the board may from time to time by order prescribe.

Depreciation account.

(f) To carry, whenever in the judgment of the board it may reasonably be required, for the protection of stockholders, bondholders or creditors, a proper and adequate depreciation account in accordance with such rules, regulations and forms of account as the board may prescribe.

Fix rates of depreciation.

The board shall from time to time ascertain and determine, and by order in writing after hearing fix proper and adequate rates of depreciation of the property of each public utility, in accordance with such regulations or classifications, which rates shall be sufficient to provide the amounts required over and above the expense of maintenance to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed, and shall

Depreciation fund.

set aside the moneys so provided for out of earnings and carry the same in a depreciation fund. The income from investments of monies in such fund shall likewise be carried in such fund. This fund shall not be extended otherwise than for depreciation, improvements, new constructions, extensions or additions to the property of such public utility.

Notice of accidents.

(g) To give such notice to the board as the board may by rule require of any and all accidents which may occur within this State upon the property of any public utility as herein defined or directly or indirectly arising from or connected with its maintenance or operation, and to investigate any such accident and to make such order or recommendation with respect thereto as in its judgment may be just and reasonable.

Increases in rates.

(h) When any public utility as herein defined shall increase any existing individual rates, joint rates, tolls, charges or schedules thereof, as well as commutation, mileage and other special rates, or change or alter any existing classification, the board shall have power either upon written complaint or upon its own initiative to hear and determine whether the said increase, change or alteration is just and reasonable.

Burden of proof.

The burden of proof to show that the said increase, change or alteration is just and reasonable shall be upon the public utility making the same.

May order suspension of increase.

The board shall have power pending such hearing and determination to order the suspension of the said increase, change or alteration until the said board shall have approved said increase, change or alteration, not exceeding three months. It shall be the duty of the said board to approve any such increase, change or alteration upon being satisfied that the same is just and reasonable.

## III.

Prohibitions.

18. No public utility as herein defined shall:

Unjust discriminations.

(a) Make, impose or exact any unjust or unreasonable, unjustly discriminatory or unduly preferential individual or joint rate, commutation rate, mileage and other special rate, toll, fare, charge or schedule for any product or service supplied or rendered by it within this State.

(b) Adopt or impose any unjust or unreasonable classification in the making or as the basis of any individual or joint rate, toll, fare, charge or schedule for any product or service rendered by it within this State. Unfair classifications.

(c) Adopt, maintain or enforce any regulation, practice or measurement which shall be unjust, unreasonable, unduly preferential, arbitrarially or unjustly discriminatory or otherwise in violation of law; nor shall any public utility as herein defined provide or maintain any service that is unsafe, improper or inadequate, or withhold or refuse any service which can reasonably be demanded and furnished when ordered by said board. Unjust regulations or service.

(d) Make or give, directly or indirectly, any undue or unreasonable preference or advantage to any person or corporation or to any locality or to any particular description of traffic in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever. Undue preference.

(e) Hereafter issue any stocks, stock certificates, bonds or other evidences of indebtedness payable in more than one year from the date thereof until it shall have first obtained authority from the board for such proposed issue. It shall be the duty of the board, after hearing, to approve of any such proposed issue maturing in more than one year from the date thereof, when satisfied that the same is to be made in accordance with the law and the purpose of such issue be approved by said board. Extension of indebtedness, unless approved.

(f) Capitalize any franchise to be a corporation; capitalize any franchise in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or any political subdivision thereof as the consideration of such franchise; capitalize any contract for consolidation, merger or lease; issue any bonds or other evidence of indebtedness against or as a lien upon any contract for consolidation, merger or lease; *provided, however,* that the provisions of this section shall not prevent the issuance of stock, bonds or other evidence of indebtedness subject to the ap- Capitalize franchises, contracts, etc. Proviso.

proval of said board by any lawfully merged or consolidated public utilities not in contravention of the provisions of this section.

No gratuities to officials.

(g) Hereafter give, grant or bestow upon any local, municipal or county official any discrimination, gratuity or free service whatsoever, but nothing herein contained shall prevent the entry into any public conveyance or in or upon the property of any such public utility as herein defined of any such official in the pursuit of his public duties in connection with the particular conveyance or property so entered by him, upon exhibiting his authority so to do.

No sales, leases, mortgages, except when approved.

(h) Without the approval of the board sell, lease, mortgage, or otherwise dispose of or encumber its property, franchises, privileges or rights, or any part thereof; nor merge or consolidate its property, franchises, privileges or rights, or any part thereof, with that of any other public utility as herein defined. Every sale, lease, mortgage, disposition, encumbrance, merger or consolidation made in violation of any of the provisions hereof shall be void and of no effect. Nothing herein contained shall be construed in any wise to prevent the sale, lease or other disposition by any public utility as herein defined of any of its property in the ordinary course of its business.

Transfer of stock to other companies.

19. No public utility as herein defined incorporated under the laws of this State shall sell, nor shall any such public utility make or permit to be made upon its books any transfer of any share or shares of its capital stock, to any other public utility as herein defined, unless authorized to do so by the Board. Nor shall any public utility as herein defined incorporated under the laws of this State sell any share or shares of its capital stock or make or permit any transfer thereof to be made upon its books, to any corporation, domestic or foreign, result of which sale or transfer in itself or in connection with other previous sales or transfers shall be to vest in such corporation a majority in interest of the outstanding capital stock of such public utility corporation unless authorized to do so by the Board. Every assignment, transfer, contract or agreement for assignment or transfer by or through any person or corporation to any corporation in vio-

Transfers not authorized void.

lation of any of the provisions hereof shall be void and of no effect, and no such transfer shall be made on the books of any public utility corporation. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired.

Not abandon stations without approval.

20. No railroad company shall, without first obtaining the approval of the board, abandon any railroad station or stop the sale of passenger tickets, or cease to maintain an agent to receive and discharge freight at any station now or hereafter established in this State, at which passenger tickets are now or may hereafter be regularly sold, or at which such agent is now or may hereafter be maintained.

Grade crossings.

383-21
A-17-768

21. No highway shall be constructed across the tracks of any railroad company at grade, nor shall the tracks of any railroad company, street railway or traction company be laid across any highway, so as to make a new crossing at grade, nor shall the tracks of any railroad or street railway or traction company be laid across the tracks of any other railroad or street railway or traction company without first obtaining therefor permission from the board; provided, however, that this section shall not apply to the replacement of lawfully existing tracks.

Proviso.

Protection at grade crossings.

383-22
A-12-111

22. Whenever it appears to the board that a public highway and a railroad cross one another, or that a public highway and a street railway cross one another, or that a railroad and a street railway cross one another at the same level, and that conditions at such grade crossing make it necessary for the protection of the traveling public at such grade crossing that gates be erected or that some other reasonable provision for the protection of the traveling public at such grade crossing should be adopted, the board may order and direct such railroad company or such street railway company, or either or both of them, to install such protective device or devices or adopt such other reasonable provision for the protection of the traveling public at such crossing as in the discretion of the board shall be necessary.

List and duties of officials filed with commission.

23. Said board shall have power to require every public utility as herein defined to file with the board a statement in writing, verified by the oaths of the presi-

dent and secretary thereof, respectively, setting forth the name, title of office or position and post-office address, and the authority, power and duties of every officer, member of the board of directors, trustees, executive committee, superintendent, chief or head of construction and operation, or department, division or line of construction and operation thereof, in such form as to disclose the source and origin of each administrative act, rule, decision, order or other action of the corporation, and shall, within ten days after any change is made in the title of, or authority, powers or duties appertaining to any such office or position, or the person holding the same, file with the board a like statement, verified in like manner, setting forth such change.

Grants made by municipalities subject to approval.

24. No privilege or franchise hereafter granted to any public utility as herein defined, by any political sub-division of this State, shall be valid until approved by said board, such approval to be given when, after hearing, said board determines that such privilege or franchise is necessary and proper for the public convenience and properly conserves the public interests, and the board shall have power in so approving to impose such conditions as to construction, equipment, maintenance, service or operation as the public convenience and interests may reasonably require.

Accounts.

25. Every municipality operating any form of public utility service shall keep the accounts thereof in the manner prescribed by the board for the accounting of similar public utilities, and shall file with said board such statements thereof as it may be directed so to do by said board.

## IV.

Rules for hearings.

26. All hearings and investigations before the board or any member thereof shall be governed by rules adopted by the board, and in the conduct thereof neither the board nor such member shall be bound by the technical rules of legal evidence.

Witnesses, production of records, etc.

27. The board shall have power to compel the attendance of witnesses and the production of tariffs, contracts, papers, books, accounts and all other documents, and any member of the board shall have power

to administer oaths to all witnesses who may be called before the board or any member thereof. Subpœnas issued by the board shall be signed by one of the members thereof and by the secretary, and may be served by any person of full age. The fees of witnesses required to attend before the board shall be one dollar for each day's attendance and three cents for every mile of travel, by the nearest generally traveled route, in going to and from the place where the attendance of the witness is required, such fees to be paid when the witness is excused from further attendance, and the disbursements made in payment of such fees shall be audited and paid in the same manner provided for the payment of expenses of the board; *provided, however,* that no witness subpœnæd at the instance of parties other than the board shall be entitled to compensation from the State for attendance or travel, unless the board shall certify that his testimony was material to the matter investigated. If a person subpœnæd to attend before the board, or a member thereof, fails to obey the command of such subpœna without reasonable cause, or if a person in attendance before the board, or a member thereof, refuses, without lawful cause, to be examined or to answer a legal or pertinent question, or to produce a book or paper, when ordered so to do by the board, or any member thereof, the board or such member thereof may apply to the Supreme Court or any justice thereof, who shall have the power of the court for that purpose, upon proof, by affidavit of the facts, for an order returnable in not less than two nor more than ten days, directing such person to show cause before the court, or the justice thereof who made the order, or to any other justice, why he should not comply with the subpœna or order of the board; upon the return of such order the court or justice before whom the matter shall come on for hearing, shall examine under oath such person whose testimony may be relevant, and such person shall be given an opportunity to be heard, and if the court or justice shall determine that such person refused without legal excuse to obey the command of such subpœna, or to be examined, or to answer a legal or pertinent question, or to produce

Subpoenas.

Witness fees and expenses.

Proviso.

Procedure when failure to obey subpoena or testify.

Hearing.

a book or a paper which he was ordered to produce, said court or justice may order said person to comply forthwith with the subpœna or order of the board, and any failure to obey such order of the court or justice may be punished by said court or justice as a contempt of such Supreme Court.

Depositions.

28. The board may, in any investigation or hearing, by its order in writing, cause the depositions of witnesses residing within or without the State to be taken in such manner as it may, by rule, prescribe.

Not excused from testifying on ground of incrimination.

29. No person shall be excused from testifying or from producing any book, document or paper in any investigation or inquiry by or upon the hearing before said board or any member thereof, when ordered so to do by the board or any member thereof, upon the ground that the testimony or evidence, book, document or paper required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence; *provided, however,* that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained is intended to give, or shall be construed in any manner giving, to any corporation immunity of any kind. No member or employe of the board shall be required to give testimony in any civil suit to which the board is not a party, with regard to information obtained by him in the discharge of his official duty.

Proviso.

No immunity.

Certified copies of records valid as evidence.

30. Copies of all official documents and orders filed or deposited in the office of the board, certified by a member of the board, or by the secretary to be true copies of the originals, under the official seal of the board, shall be evidence in like manner as the originals in all courts of this State, and the board may charge and collect for such copies ten cents for each folio; the fees so collected shall be paid into the treasury of the State.

Re-hearings.

31. The board, at any time, may order a re-hearing and extend, revoke or modify any order made by it.

Service of orders.

32. Every order made by the board shall be served upon the person or public utility, as herein defined, affected thereby, within ten days from the time said order is filed, by personal delivering or by mailing a certified copy thereof, in a sealed package, with postage prepaid, to the person to be affected thereby, or in case of a public utility, to any officer or agent thereof, upon whom a summons may be served in accordance with the provisions of the law of this State. All orders of the board to continue service or rates in effect at the time said order is made shall be immediately operative; all other orders shall become effective upon the date specified therein, which shall be at least twenty days after the date of said order.

When orders effective.

Penalty.

33. In default of compliance with any order of the board when the same shall become effective the person or public utility affected thereby shall be subject to a penalty of one hundred dollars per day for every day during which such default continues, to be recovered in an action of debt in the name of the State, and observance of the orders of the board may be enforced by mandamus or injunction in appropriate cases, or by suit in equity to compel the specific performance of the order or orders so made, or of the duties imposed by law upon such public utility.

Performing acts prohibited a misdemeanor.

34. Any person who shall knowingly and willfully perform, commit or do, or participate in performing, committing or doing, or who shall knowingly and willfully cause, participate or join with others in causing any public utility corporation or company to do, perform or commit, or who shall advise, solicit, persuade, or knowingly and willfully instruct, direct or order any officer, agent or employe of any public utility corporation or company to perform, commit or do any act or thing forbidden or prohibited by this act, shall be guilty of a misdemeanor.

Failure or neglect to perform duties.

35. Any person who shall knowingly and willfully neglect, fail or omit to do or perform, or who shall knowingly and willfully cause or join or participate with others in causing any public utility corporation or company to neglect, fail or omit to do or perform, or who shall advise, solicit or persuade, or knowingly and willfully instruct, direct or order any officer, agent

or employe of any public utility corporation or company to neglect, fail or omit to do any act or thing required to be done by this act shall be guilty of a misdemeanor.

Utilities acting unlawfully; penalty.

36. Any public utility corporation which shall perform, commit or do any act or thing hereby prohibited or forbidden, or which shall neglect, fail or omit to do or perform any act or thing hereby required to be done or performed by it, shall be guilty of a misdemeanor.

Rights preserved.

37. This act shall not have the effect to release or waive any right of action by the board or by any person for any right, penalty or forfeiture which may have arisen or which may arise, under any of the laws of this State, and any penalty or forfeiture enforceable under this act shall not be a bar to or affect a recovery for a right, or affect or bar any indictment against any public utility as herein defined, or person or persons operating such public utility, its officers, directors, agents or employes.

Orders reviewable.

38. Any order made by the board may be reviewed on the application of any person or public utility affected thereby, by certiorari in appropriate cases, or by petition, to the Supreme Court of the State of New Jersey, within thirty days from the date upon which such order becomes effective, as herein provided; said petition shall be filed with the clerk of the Supreme Court and a copy thereof served upon the secretary of the board either personally or by leaving same at the office of said board in the city of Trenton. The Supreme Court is hereby given jurisdiction to review said order of the board, and to set aside such order when it clearly appears that there was no evidence before the board to support reasonably such order, or that the same was without the jurisdiction of the board. The evidence presented to the board, together with the finding of the board and any order issued thereon shall be certified by the board to the Supreme Court. The procedure for review, except as herein provided, shall be prescribed by rules of the Supreme Court.

Jurisdiction of Supreme court.

Effect of writs.

39. The allowance of a writ of certiorari or the institution of any proceeding to review any order of the board by the Supreme Court as aforesaid, shall in

no case supersede or stay the order of the board, unless the Supreme Court, or a justice thereof, shall so direct, and the appellant may be required by the Supreme Court or a justice thereof, to give bond in such form and of such amount as the Supreme Court, or the justice thereof allowing the stay, shall require.

Proceedings to have preference.

40. Any proceeding in any court of this State directly affecting an order of the board or to which the board is a party, shall have preference over all other civil proceedings pending in such court.

As to passes.

41. Nothing in this act shall be construed to prevent the issue by any steam railroad, street railway, traction, canal, express, telephone or telegraph companies or other common carriers, of free passes or franks to their employes, officers, agents, surgeons, physicians, attorneys at law, and their families, and the interchange between said public utilities and common carriers, of passes or franks for their employes, officers, agents, surgeons, physicians, attorneys at law, and their families.

Constitutionality of sections.

42. If, for any reason, any section or provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, no other section or provision of this act shall be affected thereby.

Effective.

43. All acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect on the first day of May, Anno Domini one thousand nine hundred and eleven.

Approved April 21, 1911.

## CHAPTER 196.

390-C-196
S-17-776

An Act for the settlement and relief of the poor (Revision of 1911).

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

### I. DEFINITIONS.

Poor person.

1. A poor person, within the meaning of this act, is one who is unable to maintain himself.

Overseer.

An overseer, within the meaning of this act, is such person as may by this act be charged with the superintendence and relief of the municipal poor.

Almshouse.

An almshouse, within the meaning of this act, is a place where the poor are maintained at the public expense.

Town poor.

The town poor are such persons unable to maintain themselves as by this act are required to be relieved or supported at the expense of any municipality.

Settlement.

A settlement, within the meaning of this act, shall be such municipality from which a poor person is entitled to be relieved and maintained.

### II. OVERSEERS OF THE POOR.

Inquiry into condition of applicant for relief.

2. When any person shall apply for relief to an overseer of the poor, such overseer shall inquire into the condition and circumstances of the applicant, and also into the matter of his settlement; if it shall appear that the applicant is unable to earn a livelihood by his or her own labor, and is a poor person and requires permanent relief and support, and can be safely removed, and has obtained a settlement within the meaning of this act, the overseer, by written order, shall cause such poor person to be removed to the almshouse, or to be relieved and provided for as the necessities of the applicant may require; in all cases where a person is removed to the almshouse by order of the overseer

Record of inmate.

said order shall state the name, age, sex, nativity and the cause or causes making such removal necessary or advisable.

Maintenance.

3. Persons so removed shall be received by the warden or superintendent and be supported and relieved in such almshouse until it shall appear that such person is able to maintain himself, when, in the discretion of the warden or superintendent, such person so removed may be discharged, and immediately written notice of such removal or discharge shall be sent to the overseer on whose order such person was received into said almshouse, stating the reason or cause of such removal or discharge and the name of the person, society or board, if any, in whose care or custody such person has been discharged; *providing, however,* that the warden or superintendent of all almshouses shall notify the State Board of Children's Guardians of the commitment of all minors under the age of eighteen years to the almshouse and that the State Board of Children's Guardians shall thereupon become the legal guardians of said child or children.

Proviso.

Temporary assistance.

4. If it shall appear that the applicant requires only temporary relief, or is sick, lame or otherwise disabled so that he cannot be conveniently removed to such almshouse, or that he is a person who should be relieved and cared for at his home, as is hereinafter provided, the overseer shall provide therefor.

As to legal settlement.

5. If such applicant has not obtained a legal settlement in the municipality wherein such application shall be made, it shall be the duty of the overseer to make diligent inquiry into the place of the last legal settlement of such applicant. If upon such inquiry it be found that such applicant has a legal settlement in another municipality of the same county, then it shall be the duty of such overseer to temporarily relieve such applicant and to immediately cause him to be removed to the place of his legal settlement. Such removal shall be made in pursuance of a written order signed by such overseer, and from such order the municipality to which such applicant may be removed shall have an appeal to the Court of Common Pleas of the county.

Record of relieved poor.

6. Overseers who receive and expend money for the relief and support of the poor shall keep books in which shall be entered the name, age, sex and place of nativity of every poor person who shall be relieved by them, together with a statement of the cause, direct and indirect, which shall have operated to render such relief necessary, so far as the same can be ascertained.

Record of children.

They shall also enter in such books a statement of the name and age of every child received by them and committed to an almshouse, and the names and residences of the parents of every such child, and shall file within two days of such commitment a true copy thereof with the State Board of Children's Guardians.

Record of receipts.

They shall also enter in such books a statement of all moneys, goods and materials received by them, when and from whom received, and when and to whom paid out and delivered.

Annual report of overseers.

392-7
A-12-263

7. Overseers shall annually make to their municipal governing body, at the first meeting thereof in each year, a report in writing, which shall be a summary of the entries of the books mentioned in the last preceding paragraph.

Appointment.

Term.

392-8
A-12-264

8. Overseers of the poor shall be appointed by the municipal governing body at the first annual meeting after the passage of this act, and shall hold office for five years; providing that the term of office hereby fixed shall not repeal any existing statute providing for a longer term; they may be removed by such governing body for misconduct or incompetency upon written charges, and after hearing due notice of which shall be given to such overseers in all municipalities having less than twenty-five thousand inhabitants.

Removal.

Women eligible.

Females of full age shall be eligible to appointment as overseers.

Qualifications.

No person shall be elected or appointed an overseer unless he or she be a citizen of this State and a resident of the municipality for which he or she may be appointed for at least one year, and unless such appointee be able to read and write the English language.

Salary.

Overseers of the poor shall receive such salaries as may be fixed by their respective governing bodies; the salaries thereby fixed, or to be fixed, in pursuance of this act shall be in lieu of all fees.

In cities of the first class the governing body may appoint an assistant or deputy overseer and such other assistants, clerks, visitors and nurses as in their judgment may be expedient and fix their respective salaries; the salaries so fixed shall be in lieu of all fees. Such deputies, assistants, clerks, visitors and nurses shall hold office until removed. Assistants.

III. PLACE OF SETTLEMENT AND RELIEF OF POOR PERSONS.

393-9
A-12-29

9. Legal settlement may be acquired in any municipality, so as to oblige such municipality to relieve and support the person acquiring such settlement, in case he become a poor person—nothing in this paragraph contained shall apply to, or affect any person coming to this State from any place outside the United States of America, or in any way to change the rights or liabilities of such persons as may be conferred or imposed by any law of the United States of America —as follows: How legal settlement acquired. Proviso.

(a) Every person of full age, who shall be a resident and inhabitant of any municipality for one year without being a recipient of public or private relief during said year, shall be deemed settled in such municipality, and shall so remain until he shall have gained a like settlement in some other municipality, or shall remove from this State and remain therefrom for one year; A year's residence.

(b) A married woman shall always follow and have the settlement of her husband, if he has any within the State; if he has no such settlement, her settlement shall be as it was at the time of the marriage; *provided,* she shall not have in lieu thereof gained a settlement as provided in section (a) above; Wife to follow husband. Proviso.

(c) Legitimate children shall follow and have the settlement of their father until they shall gain a settlement of their own. If the father has no settlement, they shall follow and have the settlement of their mother. If neither the father nor mother have a settlement within this State, such children shall acquire a settlement in the place of their birth; *provided,* that the parents of such children shall have resided in such place for a period of six months preceding or succeed- Legitimate children. Proviso.

ing the time of such birth without receiving public or private relief during said time.

Illegitimate children.

(d) Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she have any within this State;

Minors separated from parents.

(e) Every minor whose parent has no settlement in this State, who shall have resided one whole year without interruption in any municipality, shall thereby gain a settlement within such municipality; *provided, however,* that no minor who shall be brought into this State, or placed out in any family therein by any person, society or corporation of any other State, shall gain a settlement under this act;

Proviso.

Married women.

(f) Every married woman whose husband has no settlement in this State, who shall have resided one whole year without interruption or being the recipient of public or private relief in any municipality, shall thereby gain a settlement within such municipality.

Apprentices.

(g) Every minor who shall be bound as an apprentice to any person, shall immediately, if such binding be done in good faith, thereby gain a settlement in the municipality where his master or mistress has a settlement;

Minors serving for wages.

(h) Every minor, by being hired and actually serving one year for wages paid to him, shall thereby gain a settlement in the municipality of such service.

Aliens.

(i) Nothing in this paragraph contained shall apply to, or affect any person coming to this State from any place outside the United States of America; or in any way to change the rights or liabilities of such persons as may be conferred or imposed by any law of the United States of America.

Poor must be supported in settlement.

10. No person having acquired a settlement as herein provided shall be removed as a poor person from one municipality to another in the same or any other county, but every such poor person shall be supported in the municipality where he has acquired a settlement.

Support if no settlement acquired.

If he has not acquired a settlement in any municipality in which he shall become poor, sick or infirm, he shall be supported and relieved by the overseer of the municipality where he may be found, and the ex-

pense of such support and relief shall be born by such municipality.

In same county, responsibility for support.

If a person shall become poor in any municipality of the same county in which his settlement is located, he shall be temporarily relieved at the expense of the municipality where he may be, and the overseer thereof shall, within ten days after the application for relief, give notice in writing to the overseer of the municipality in which such poor person shall have obtained a settlement, requiring such overseer to provide for the support and relief of such poor person.

In other county.

If such person shall have become poor, sick or infirm in a municipality of a county other than that in which his legal settlement is located, he shall be supported at the expense of the municipality where he may be, and the overseer shall, within ten days after the application, give notice in writing to the overseer of the municipality in which such poor person shall have obtained a legal settlement, requiring such overseer to provide for the support and relief of such poor person.

After ten days contest precluded.

If, within ten days after the service of such notice, the overseer to whom the same shall be directed shall not proceed to contest the allegations of settlement of such poor person, such overseer, and the municipality which he may represent, shall be precluded from contesting or denying such settlement.

Determination of controversy.

Such contest of the allegation of settlement shall be by application by the overseer who shall receive such notice to the Court of Common Pleas of the county in which such poor person may be, to fix a time and place when and where such court shall hear and determine the controversy, which time and place shall not be less than ten nor more than thirty days from the time of the giving of the notice first above mentioned.

Court to decide settlement.

At the said time and place or upon any adjournment thereof the said court, upon due notice to the overseer who shall have given such notice, shall proceed to hear the controversy and determine the place of settlement of such poor person, and thereafter, until a new settlemnt shall be acquired by such poor person, the place so determined shall support and relieve such person.

Liability for failure to remove poor.

11. If there shall be a neglect to take or remove such poor person upon the determination of the contest by such Court of Common Pleas, such municipality so neglecting shall be liable for the expenses of the support of such poor person, which may be recovered from time to time by the overseer incurring such expenses in the name of his municipality in an action against the municipality so liable.

Penalty for inducing removal of poor.

12. Any person who shall send, remove or entice to remove, or bring or cause to be sent, removed, enticed or brought, any poor or indigent person from any municipality to any other municipality without legal authority, and there leave such person for the purpose of avoiding the charge of such poor or indigent person upon the municipality from which he is so sent, removed or brought, or enticed to remove, shall forfeit fifty dollars, to be recovered by and in the name of the municipality to which such poor person shall be sent, brought or removed, or enticed to remove, and, in addition, shall be guilty of misdemeanor.

Penalty for bringing poor outside State to any municipality.

13. Any person who shall knowingly bring or remove, or cause to be brought or removed, any poor person from any place without this State into any municipality within it, and there leave, or attempt to leave, such poor person, with intent to make any such municipality or the State wrongfully chargeable with his support, shall be obliged to convey such poor person out of the State or support him at his own expense, and shall be guilty of a misdemeanor, and the court before whom any person shall be convicted for a violation of this section may, in lieu of imprisonment, require of such person satisfactory security that he will, within a reasonable time, to be named by the court, transport such person out of the State, and indemnify the municipalities of the State for all charges and expenses which may be incurred in his support.

Action taken if poor found to possess property.

14. If it shall at any time be ascertained that any person who has been assisted by or received support from any municipality has real or personal property, or if any such person shall die, leaving real or personal property, an action may be maintained in any court of competent jurisdiction, by the

overseer of the poor of the municipality which has furnished or provided such assistance or support, or any part thereof, against such person, or his or her estate, to recover such sums of money as may have been expended by their municipality in the assistance and support of such person during the period of ten years next preceding such discovery or death, but no action shall lie against any estate when it shall be shown to the satisfaction of the court that the estate is needed to prevent the widow or minor children of the said pauper from becoming dependent.

Relatives liable for support.

15. The father and grandfather, mother and grandmother, the children and grandchildren, severally and respectively, of every poor, old, blind, lame and impotent person, or other poor person not able to work, being of sufficient ability, shall, at his, her or their charges and expense, relieve and maintain every such poor person as aforesaid in such manner as the overseer of the poor shall order and direct. Should any of the relatives mentioned in this paragraph fail to perform the order or direction of the overseer with regard to the support of such indigent relatives, or should such indigent relative be supported at public expense, and the overseer neglect to make such order or direction, it shall be lawful for the Court of Common Pleas of the county wherein such indigent relative may have a settlement, upon complaint of the overseer or two freeholders resident in said municipality, to order, adjudge and decree the able relatives above mentioned of any indigent person to pay such sum, not exceeding six dollars per week, for each indigent person, as will maintain and relieve such indigent person, and as will relieve the public from the burden of the care and maintenance of such indigent person. Violation of any such order of the Court of Common Pleas shall be and is hereby declared to be a contempt of said court, and the person so violating shall be subject to all the pains and penalties which by law now may be imposed for other contempts of such court.

Court may order payment.

Violations.

Act applies to half-blood.

The provisions of this section shall apply to parents and children of the half-blood in cases where such parents and children of the half-blood shall at any

time, for a space of one year, continuously have been members of the same family.

Overseer to examine claim for relief.

16. Whenever a claim for relief shall be made upon an overseer for the benefit of any person, or the family of any person claiming to be poor and in distress, it shall be the duty of the overseer to carefully investigate the circumstances of such poor persons, and, if such persons, or any members of their family, appear to be in good health, the overseer shall insist that those able to labor shall seek employment. In such cases the overseer shall make every possible effort to secure employment for such applicants.

If able insist on work.

Relationship of applicants.

It shall be the further duty of the overseer to inquire as to the family relationships of applicants for relief, and as far as possible ascertain whether such applicants have relatives able and willing to assist them. If such applicants have relatives able to assist them, who are living in the municipality where such application is made, it shall be the duty of the overseer, immediately after providing temporary relief, to apply to such relatives and request them to help their poor relatives, either with material help or furnishing them with employment.

If any insurance, use thereof.

Should there be, at the time of the application to the overseer for relief, or should thereafter be, any insurance written upon the life of any such applicant, the proceeds of such insurance shall be devoted, first, toward the payment to the overseer or municipality of all such sums as may have been paid or incurred in the maintenance and relief of such applicant before any part of such proceeds shall be paid to the person otherwise designated as beneficiary in the policy of insurance, but no action shall lie against any estate when it shall be shown to the satisfaction of the court that the estate is needed to prevent the widow or minor children of said pauper from becoming dependent.

Co-operation with charitable associations.

17. It shall be the duty of the overseer of the poor to ascertain what societies for relief of the poor, or other organizations incorporated under the laws of the State of New Jersey for charitable purposes, if any, operate within the municipality of which he is overseer, to acquaint himself, as far as possible, with

the work or such charities or organizations, and those whom they are aiding in his municipality, and to obtain such information regarding the poor and needy as they may be able to give him, and to co-operate with them to the end that unnecessary duplication of relief may be avoided. The overseer shall also, if need be, seek the aid of such societies and organizations or their members is procuring employment for those who apply to him when they are found able to labor.

Certificate of overseer filed with commissioner of charities.

18. Every overseer of the poor shall, within ten days after his appointment, file with the commissioner of charities at Trenton a certificate showing the date of his appointment and his post-office and street address, properly authenticated by the secretary of the municipal governing body by whom he was appointed to office. It shall be the duty of the commissioner of charities to keep a complete list of the overseers of the poor, which shall be open for inspection at any time.

List of overseers.

Able-bodied to work.

19. It shall be unlawful for any overseer of the poor to aid any person who is not a resident of the municipality where he is found, otherwise than by some form of labor, unless such person shall be sick, aged, injured or crippled and unable to travel; and all overseers of the poor shall endeavor to provide some form of labor at which they shall set any able-bodied non-resident who may apply for relief to them, and any able-bodied non-resident who shall refuse to perform such labor provided by such overseer may be proceeded against as a vagrant.

Furnishing transportation.

20. It shall be unlawful to furnish any non-resident, who may be sick, aged, injured or crippled, with transportation at the cost of the municipality until the overseer shall have ascertained the legal residence of the person applying; and any transportation furnished to such person or persons shall be to their legal residence, unless it appear that the person in distress has some valid claim for support or some means of support in some other place to which he or she shall ask to be sent.

If non-resident sick or die.

21. It shall be the duty of the overseer of the poor, on complaint made to him that any person not



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an inhabitant of his municipality is lying sick therein, or in distress, without friends or money, so that he or she is likely to suffer, to examine into the case of said person and grant temporary relief as may be required; and if any person shall die in any municipality, who shall not leave money or other means necessary to defray his or her funeral expenses, it shall be the duty of the overseer of the poor of such municipality to provide some person to provide for and superintend the burial of such deceased person, the necessary and reasonable expenses whereof not to exceed the sum of ten ($10) dollars, shall be paid by the municipality and upon the order of such overseer.

Burial expenses.

Municipalities may acquire burial grounds.

May issue bonds to meet cost.

Time.

Rate.

Redemption.

22. Any municipality may acquire by devise, gift, purchase, condemnation, or in any other manner, such land as in the judgment of the governing body may be necessary and proper for a burial ground for those who may die therein without leaving means necessary to defray their funeral expenses. Such lands may be within the boundaries of an existing cemetery. The cost of the acquisition, if in the opinion of the governing body the amount of such cost will be too burdensome to be borne by the taxpayers in any one year, they may issue bonds therefor, to run for a period of not more than ten years, to bear interest at a rate not exceeding five per centum, and may sell such bonds at public or private sale, but in no case for less than the par value thereof. Such bonds may be either coupon or registered, and a sinking fund shall be provided to meet the principal thereof at maturity; and such governing body may, in its discretion, direct that one-tenth of the amount of such bonds shall be paid in each year until the same be fully paid.

Removal to almshouse.

23. The overseers of the poor shall, from time to time, as persons may become permanent charges upon their respective municipalities as paupers, have such persons removed to the municipal almshouse, if there be one.

Cases of desertion.

24. If any husband or father shall desert his wife or children, or if any woman having no husband living, desert her children and leave such children as public charges, the overseer may apply to the Court of Common Pleas of the county, and said court, upon such

notice as said court may direct, and upon due proof of such desertion, and that such wife and children, or children, as the case may be, are or are likely to become public charges, to authorize the said overseer, by warrant of said court, to take and seize the goods and chattels of such father or mother and to sell and dispose of the same at public sale and apply the moneys arising therefrom toward the maintenance of such children, or wife and children, as the case may be. In case any father or mother, as aforesaid, at the time of such desertion, shall be seized of any lands or tenements, then it shall be lawful for the Court of Common Pleas of the county wherein such lands and tenements may be located, upon application of such overseer or some other fit person, to dispose of such lands and tenements in such manner as the court may direct. (See G. S. 2512, Sec. 40 and 41.)

Seizure of goods.

May dispose of lands.

25. The moneys derived from the disposition of such real or personal property shall be applied by the said overseer to the support and maintenance of such children or wife and children, as the case may be, and the said overseer shall account for all such moneys in the same manner as in this act provided for all other moneys.

Application of moneys from sales.

26. Whenever any husband or father shall abscond and desert his wife or children or shall neglect to provide for and maintain them, or whenever any mother shall abscond or desert her children, or neglect to provide for and maintain them, the overseer of the municipality wherein such husband, mother or children may be, or may have a legal settlement, may make complaint of such desertion or neglect to any police judge of any such municipality or to any justice of the peace in municipalities which have no police courts. The wife of any such husband may also make such complaint without the intervention of the overseer. Any two disinterested citizens may make complaint under this section before any such magistrate.

Complaint of desertion.

27. Upon receiving such complaint against any husband or father, or mother, provided for in the last preceding section, the magistrate before whom such complaint is made shall issue his warrant, directed to

Warrant for arrest.

any constable of the county or police officer of the municipality wherein such complaint is made, for the immediate apprehension of the person so complained of and for bringing him or her before such magistrate, upon the return of which warrant said magistrate shall cause such person to enter into a bond to said overseer, in any sum not exceeding five hundred dollars, with good security, conditioned for his appearance before said magistrate at a time therein named, to answer said complaint, and to abide all orders, judgments and decrees that may be made against him touching said complaint; and in default of such person entering into such security, said magistrate shall commit him or her to the county jail to await the investigation of said complaint.

Bond.

In default commitment.

Hearing.

28. At the time of the appearance mentioned in said bond, or at the time appointed for such investigation, the magistrate shall proceed to hear the witnesses produced to substantiate and rebut said complaint and shall decide whether such person is guilty or not guilty thereof; if he decides such person guilty, he shall adjudge him or her to be a disorderly person, and in lieu of the penalties prescribed in an act concerning disorderly persons, such magistrate may make an order requiring such person to pay such weekly sum to said overseer for the support and maintenance of his or her family as to said magistrate may seem proper; but if such person acknowledges himself or herself guilty, then said magistrate may forthwith make such adjudication and order.

Decision.

Order.

May demand jury trial.

29. At any time previous to the hearing of the complaint in the last two sections mentioned, either party may demand a trial by jury, whereupon said magistrate shall issue a venire facias to summon a jury of twelve men competent as jurymen to try said complaint, and to decide whether the person complained of as aforesaid be guilty or not guilty, and such venire shall be issued and returned, and such jury shall be impaneled and sworn, and such complaint tried as in courts for the trial of small causes; and in case said jury decide such person guilty, then said magistrate shall proceed as though he had de-

cided such person guilty if no jury had been demanded.

Appeal may be taken.

30. Either party, upon paying all costs incurred and by filing with said magistrate within five days after trial before him a written notice of his intention to appeal from the decision of said magistrate or jury, may appeal to the Court of Quarter Session of the county wherein such trial was had, and may there demand a trial by jury, and said court shall proceed to try the case and make such adjudication and order thereon as is herein provided in case of such trial before said magistrate; and any order made by said court shall be held to commence to run from the date of the trial before said magistrate; such appeal shall not operate as a stay to any order of support and maintenance made by the magistrate before whom such case was tried, and such case on appeal may be brought to trial on ten days' notice to the other side, or as soon thereafter as the Court of Quarter Sessions can hear the same.

Not act as stay.

Subpoenas, fees, etc.

31. Any magistrate, before any such complaint as aforesaid shall be made, is authorized to issue writs of subpœna and to grant adjournments; and the jurymen and witnesses shall receive such pay, and be subject to such fines and punishments, and the magistrates, constables and police officers shall receive such fees for their services, as are allowed for like services in courts for the trial of small causes; the magistrate shall be entitled to the sum of one dollar for his fees, for making the adjudication and order, the losing party to pay all costs of suit.

Continuance of orders for support.

32. All orders for support made under the provisions of this act shall continue in force until revoked or vacated by the Court of Common Pleas of the county wherein such order was made; but such order shall not be a bar to a subsequent complaint after such revocation or vacation. Upon all trials both husband and wife may be witnesses for or against each other.

Bond to ensure fulfillment of order.

33. Where any order last aforesaid shall be made in pursuance of this act, the person against whom the same is made shall be required to execute a bond, good from one year from the date thereof, with good security to the overseer of the poor of

Action in default of bond.

the municipality, to stand to and obey such order and such other orders as may be made in case an appeal is taken, and in default thereof the accused shall be committed to the county jail or penitentiary until such bond shall be given or in the discretion of the magistrate the imposition of such penalty and the giving of such bond may be suspended, and the magistrate may order such person to be placed upon probation, under the care of the probation officer of the county, for such time and upon such conditions as the magistrate may in his order determine.

In case of aliens arriving by vessel.

34. In all cases wherein any ship or vessel shall arrive within any port or harbor within this State, having on board passengers coming from any foreign port or place, it shall and may be lawful for the overseer or overseers of the poor of any municipality at which said ship or vessel may arrive, to require of the master and commander of such ship or vessel a bond, with approved security, to the inhabitants of such municipality, in a sum not exceeding two hundred dollars, conditioned for the maintenance and support of any passenger on board such ship or vessel as aforesaid who may be sick, infirm or otherwise incapable, in the opinion of said overseer or overseers, of providing for his or her own support.

Bond to care for passenger.

Penalty for master of vessel landing passengers without permission.

35. If the master or commander of any ship or vessel, arriving as aforesaid, shall land or suffer to be landed from on board his said ship or vessel any passenger who may be sick, infirm or otherwise incapable of providing for his or her own support, except by license or permit from the overseer or overseers of the poor, without first having entered into bond as aforesaid, such master or commander shall forfeit and pay, for each offense, the sum of two hundred dollars, to be sued for and recovered by the overseer or overseers of the poor of the municipality for the use of the same, in an action of debt, with costs of suit, before any court having cognizance thereof.

Any property of pauper may be taken to defray expenses.

36. It shall and may be lawful for the governing bodies of the respective municipalities of this State to sell, lease or otherwise dispose of any estate, real or

personal, wheresoever situated in this State, whereof any person who has been or may hereafter become chargeable as a pauper, may be seized, possessed of or in anywise entitled to, and to appropriate so much of the proceeds thereof as shall be necessary to defray the expenses of said paupers whilst chargeable to any municipality of this State; *provided,* that this act shall not apply in any case when the pauper shall have paid his expenses so chargeable, nor to any estate acquired by such pauper after he shall cease to be chargeable as aforesaid; *and provided,* that no real estate of any such pauper shall be sold unless such pauper shall have been chargeable to such municipality for the period of one year immediately prior to such sale, but no action shall lie against any estate when it shall be shown to the satisfaction of the court that the estate is needed to prevent the widow or minor children of said pauper from becoming dependent.

Proviso.

Proviso.

Proceedings to effect sale.

37. The proceedings for such a sale shall begin with the filing of a lis pendens in the county clerk's or register's office in the county in which estate is situated, and all real estate to be sold by virtue of this act shall be at public vendue, upon two months' notice in a newspaper of the county where the lands lie or the property is situated; *provided,* a newspaper be published therein, and if not, in some newspaper circulating in said county, and by advertisements set up in five or more of the most public places of said county for the like space of time; and all conveyances therefor shall be executed by the mayor or other chief executive officer for the time being, and the circumstances showing the application of this act shall be set forth at large in the deed, which said deed of conveyance shall vest in the purchaser or purchasers as good and perfect an estate in the premises so conveyed as the said person shall be seized of at the time of the filing of such lis pendens.

Proviso.

Execution of conveyances.

Disposition of balance.

38. It shall be the duty of said municipal governing body, after paying the expenses of such pauper and the expenses of such sale, to pay over the balance remaining in their hands to such pauper, his executors, administrators or assigns.

Public meeting on relief of poor.

39. It shall and may be lawful for any municipality, with the approbation and consent of the major part of the inhabitants, householders of such municipality, if they shall think it convenient and necessary, at any public town meeting for that purpose met and assembled, of which timely notice shall be given in the usual manner, to build, purchase or hire any house or houses in such municipality, and also to purchase necessary materials for the purpose out of the money provided or to be provided for the relief of the poor, and there to keep, maintain and employ all and every such poor person or persons who shall be kept and maintained in any such house or houses, for the better maintenance and relief of such poor person or persons who shall be there kept and maintained; and in case any poor person or persons claiming relief of any municipality within the State where such house or houses shall be so built, purchased or hired, shall refuse to be lodged, kept to work and maintained in such house or houses, such poor person or persons so refusing shall be put out of the book where the names of the poor are ordered to be registered by virtue of this act, and shall not be entitled to ask or receive any relief from the overseer or overseers of such municipality. Where any municipality may be too small to build, purchase or hire such house or houses aforesaid, it shall and may be lawful for two or more of them, with the consent and approbation of the major part of the voters of each respective place, at a public meeting for that purpose met and assembled, of which timely notice shall be given in the usual manner, to join together and unite in building, purchasing or hiring said house or houses for the lodging, keeping and maintaining of the poor of such places so joining together and uniting, and there to keep, maintain and employ the poor of such united places as aforesaid, and to take and have the benefit of the work, labor or service of any poor there kept, maintained and employed; and when two or more municipalities shall thus unite as aforesaid, the overseers of the poor of such municipalities so uniting shall meet as soon as practicable after the beginning of the fiscal year, and the overseers of the poor of

Houses.

Employment.

If claimant decline offer, name taken off book.

Municipalities may maintain joint homes.

Stewards.

such municipalities so uniting shall each serve by turn as steward of such house or houses for the term of one fiscal year, in such succession of municipalities as shall be agreed upon by the overseers at their first regular meeting after the passage of this act, unless either shall wave his service, when it shall pass to the municipality having the right of succession; and the duties of such steward shall be the same as those of the overseer where the house or houses are kept and maintained by one municipality; and in case any poor person or persons claiming relief of any such united places as aforesaid shall refuse to be lodged, kept to work and maintained in the house or houses built, purchased or hired for such united places as aforesaid, such poor person or persons so refusing shall be put out of the book where the names of the poor are ordered to be registered by virtue of this act, and shall not be entitled to ask or receive any relief from the overseer or overseers of the poor of any such municipality. It shall be lawful, with the consent and approbation of the major part of the voters of such place or places where such house or houses shall be built, purchased or hired for the purposes aforesaid, at a public town meeting for that purpose met and assembled, of which timely notice shall be given in the usual manner, to con tract with overseers of the poor of any other place for the lodging, maintaining and employing of any poor person or persons to such other place belonging as to them shall seem meet; and in case any such poor person or persons belonging to any other municipality in this State shall refuse to be lodged, maintained and employed in such house or houses so contracted for as aforesaid, such poor person or persons so refusing shall be put out of the book where the names of the poor are ordered to be registered by virtue of this act, and shall not be entitled to ask for or receive any relief from the overseer or overseers of any such municipality.

Duties of steward.

If poor refuse, name taken from book.

Municipalities may contract for care of poor.

If poor refuse to abide by contract, name taken from book.

40. The cottage system shall be followed in the preparation of plans and the erection of all buildings used for almshouse purposes after the adoption of this act.

Cottage system.

Classification of inmates.

41. In the management of almshouses the inmates shall be classified according to age, condition of health and ability to perform manual labor. Some form of employment shall be provided for such of the inmates as are able to work. Inmates afflicted with any tubercular disease shall be separated from the other inmates and cared for in separate dwellings.

Tubercular inmates separated.

Medical services.

42. When a physician, surgeon or nurse shall be called to visit any poor person or persons suddenly taken ill or injured, he may visit the same and render such aid as the case may demand, and shall then report the same to the overseer of the poor, who may then grant such further medical or surgical relief to the said poor person or persons as he may deem necessary.

Sexes kept apart.

43. In every almshouse, poorhouse, or other institutions for the reception and maintenance of poor persons in this State, females shall be kept separate from males at all times in their living-rooms, bedrooms, toilets, halls, stairways, kitchens, eating-rooms, outbuildings and yards; and it shall be the duty of the municipal bodies to provide the accommodations necessary to carry out the intentions of this act; *provided, however,* that the provisions of this act shall not apply to aged persons who are lawfully married and living together as man and wife, and who shall now or hereafter become inmates of such almshouse, poorhouse, or other institutions.

Proviso.

Records to be kept in poor house.

44. The keeper and person in charge of every institution for the poor in this State shall keep a book, to be provided by the authority charged with the care of the institution, in which book he shall enter from time to time the name, date of commitment, age, sex, color, description, physical and mental condition, education, habits, occupations, condition of ancestors and family relations, cause of dependence, birthplace and date of discharge, or of death and place of burial of each and every person coming into the care of such institution, together with any other information about them which may be ascertained, and said book shall be open to the inspection of the public at all times.

Penalty for keeping records improperly.

45. For the wrongful neglect or refusal to keep the said book according to the requirements of this

act, or for the willful alteration of any entry in the same, or the willful mutilation or destruction thereof, the said keeper or person in charge shall be liable to a penalty of twenty-five dollars, to be recovered in any court of competent jurisdiction, together with the costs of suit, by the overseer of the poor of the municipality controlling said institution, for the use of the said municipality.

Separate appropriations.

46. When separate appropriations are made for indoor and outdoor relief of the poor in any municipality in this State, and any one of the appropriations has been or shall be expended, or is or may be inadequate alone for either such indoor or outdoor relief, it shall be lawful for the governing body to provide for the continuance of such relief as may be necessary for the balance of the fiscal year, and the board of finance or other body having control of the finances of such municipality may provide the funds necessary for such continuance by the issuance of temporary loan bonds, the amount whereof shall be placed in the budget for the next ensuing fiscal year.

Act how construed.

47. None of the provisions of this act shall be construed or held to repeal any of the provisions of the act entitled "An act concerning disorderly persons (Revision of 1898)," and the several supplements thereto and amendments thereof, nor "An act for the creation of the State Board of Children's Guardians and for defining their duties and powers with respect to the maintenance, care and general supervision over indigent, helpless, dependent, abandoned, friendless and poor children now or hereafter becoming public charges of this State," approved March twenty-fourth, one thousand eight hundred and ninety-nine, and the various amendments and supplements thereto, nor to the provisions of "An act establishing a court for the trial of juvenile offenders and defining its duties and powers," approved April eighteenth, one thousand nine hundred and three, and the several supplements and amendments thereof, nor to an act entitled "An act to provide for the appointment of probation officers and defining their duties and powers," approved April second, one thou-

sand nine hundred and six, and the various amendments and supplements thereto.

Repealer.

48. All acts and parts of acts, general, special or local, inconsistent with the provisions of this act be and the same are hereby repealed; *provided, however,* that nothing in this act shall be construed to alter, change or repeal the existing statutes affecting settlement and indigency in any county of this State, concerning the commitment, care and maintenance of the insane or the settlement or indigency of any alleged insane person under the provisions of the existing statutes.

Proviso.

Approved April 21, 1911.

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## CHAPTER 197.

A Further Supplement to an act entitled "An act respecting conveyances (Revision)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Validating certain affidavits, etc.

1. All affidavits acknowledgments and proofs of deeds, mortgages and other writings and the certificates thereof heretofore taken or made before or by any commissioner of deeds in and for this State, or before or by any foreign commissioner of deeds for this State whose term of office had expired or whose commission was void at the time of taking such affidavit, acknowledgment or proof, and the record of such affidavits, deeds, mortgages and other writings, are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such affidavit, acknowledgment or proof had not expired, nor his office been vacated, nor his commission become void as aforesaid.

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

Approved April 22, 1911.

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## CHAPTER 198.

An Act to establish the New Jersey Commission on Old Age Insurance and Pensions.

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

Commission appointed by Governor.

1. The Governor, by and with the consent of the Senate, shall appoint a commission of five (5) persons, to be known as the Commission on Old Age Insurance and Pensions, one member of which shall be appointed for a term of five (5) years; one for a term of four (4) years; one for a term of three (3) years; one for a term of two (2) years; one for a term of one (1) year. Upon the expiration of the term of any member, a successor, for a term of five (5) years, shall be appointed. One member shall be a representative of employers, one member shall be a representative of employes.

Terms.

Representative.

Secretary.

The commission shall employ a secretary, who shall not be a member of the commission, at a salary not to exceed eight hundred and fifty dollars.

Expenses, but no salary.

The members of the commission shall receive no compensation for their services, but necessary expenses for traveling, stationery and other purposes not to exceed three hundred and fifty dollars in all shall be paid out of the treasury of the State, subject to the approval of the Governor.

Duties.

2. The commission shall act as a bureau of information and assistance for employers and employes, for associations of employers and employes and for municipalities and counties in the State with a view to aiding and advising them regarding the establishment of systems of old age insurance and pensions or annuities. In rendering this service the commission

may formulate plans and superintend their establishment in co-operation with the parties concerned.

Investigation.

The commission shall also make such investigations regarding the operation of pension, insurance and annuity systems as it may deem advisable.

Annual report.

3. The commission shall report annually, on or before the third Tuesday of January.

What report to show.

The report shall set forth the work done by the commission during the preceding year in accordance with the instructions of this act, and shall present such recommendations of legislation on the subject of old age insurance, pensions or annuities as the commission may deem advisable. The report shall also give a tabulated statement of the expenditures of the commission and an estimate of the amount required for the purposes of the commission during the coming year.

4. This act shall take effect upon its passage.

Approved April 22, 1911.

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## CHAPTER 199.

An Act to amend an act entitled "An act to regulate the practice of courts of law" (Revision of 1903).

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

Section 9 amended.

1. Section nine of the act entitled "An act to regulate the practice of courts of law (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three, be and the same is hereby amended so as to read as follows:

Action to recover fees.

9. Every solicitor, attorney and counsellor may commence and maintain an action for the recovery of any reasonable fees, charges or disbursements, in equity or at law, against his client or his legal representative, provided he shall have first delivered to such client or his legal representative or left for him

at his usual place of abode, a copy of his bill of such fees, charges and disbursements.

2. This act shall take effect immediately.

Approved April 22, 1911.

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## CHAPTER 200.

An Act concerning the corporate title of cities.

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

Change corporate name.

1. The board or body having control of the finances of any city in this State shall have power to shorten the corporate title of such city by striking therefrom any such words therein as "The mayor and Common Council of" or "The Mayor and Aldermen of," so that the corporate title of such city shall thereafter be "City of ————" (specifying the name of such city).

Resolution filed with Secretary of State.

2. Upon the filing in the office of the Secretary of State of any such resolution, passed by any such board or body, the corporate title of such city shall be changed as designated in such resolution; *provided,* no suit brought by or against such city shall abate by reason of the change of such corporate title, nor shall the liability of such city or of any person to such city on any contract be changed by reason thereof.

Proviso.

Resolution printed with laws.

3. A copy of such resolution shall be printed with the public laws next issued after the filing of such resolution.

4. This act shall take effect immediately.

Approved April 22, 1911.

414-C-201
S-1914-517

414-Ch.-201
*Appeals*
S-13-350
*Baskets*
S-13-125
*Bottles*
S-12-636
*Employees*
S-12-168
S-12-207
S-12-549

414-C-201
Cf.-16-383

# CHAPTER 201.

An Act to establish a uniform standard of weights and measures in this State, to establish a department of weights and measures, and to provide penalties for the use of other than standard or legal weights and measures.

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

## ARTICLE I.

### *Definitions.*

Weights and measures defined.

1. The words "weight and measure" or "weights and measures" as used in this act shall be deemed to mean and to include any weight, measure, scale beam, patent balance, spring scale, steelyard, tape, counter measure, receptacle of any kind, or any other instrument or apparatus and accesories connected therewith used in weighing or measuring any commodity, fluid, or article of merchandise.

Superintendent.

The word "superintendent" as used in this act shall be deemed to mean in all instances superintendents of weights and measures.

Assistant.

The word "assistant" shall be deemed to mean assistant superintendent of weights and measures.

## ARTICLE II.

### *Standards of Weights and Measures.*

Standards.

2. The standards of weights and measures in this State shall be those recognized or furnished by the United States.

Pounds per bushel.

3. On all sales by weight of the agricultural products hereinafter enumerated the number of pounds per bushel, as stated in the following schedule, shall be true and legal standard:

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A-15-97

*Pounds to Bushel.*

Apples, .....50 pounds;
Apples (dried), .....25 pounds;
Barley, .....48 pounds;
Beans, .....60 pounds;
Beets, .....60 pounds;
Buckwheat, .....50 pounds;
Carrots, .....50 pounds;
Clover seed, .....60 pounds;
Flaxseed (linseed), .....55 pounds;
Indian corn or maize, .....56 pounds;
Oats, .....30 pounds;
Onions, .....57 pounds;
Peaches, matured, .....50 pounds;
Peaches, dried, peeled or unpeeled, .....33 pounds;
Peas, .....60 pounds;
Potatoes (Irish), .....60 pounds;
Potatoes (sweet), .....54 pounds;
Rye, .....56 pounds;
Sugar cane (amber), .....57 pounds;
Timothy seed, .....45 pounds;
Wheat, .....60 pounds.

When a fractional part of the bushel is sold, the fractional part of the above weights shall be required.

Standard ton.

4. The standard gross ton shall consist of two thousand two hundred and forty (2,240) pounds. The standard net ton shall consist of two thousand (2,000) pounds.

Cranberry barrel.

5. The standard measure for a barrel of cranberries shall be one hundred quarts. Barrels to be used for buying or selling cranberries in this State, or for transporting the same outside of this State shall be of the following size, to wit: head, sixteen (16) inches diameter; staves, twenty-eight and one-half (28½) inches long; bilge, fifty-eight and five-eighths (58⅝) inches outside circumference. Such barrels shall be branded or stenciled in a durable manner "standard".

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A-1914-131

Marked.

Cranberry bushel and crates.

6. The standard measure for a bushel of cranberries shall be thirty-two (32) quarts, rounded measure; that crates (or boxes) to be used for buying or selling cranberries in this State or for transporting the same outside of this State shall be of the follow-

ing size, to wit: twenty-two (22) inches in length, twelve (12) inches in depth and seven and one-half (7½) inches in width inside clear measure.

Use of liquid measures.

7. No person shall use a liquid measure in the purchase or sale of other than liquid commodities.

Coal and grain sold by weight.

8. All grain, coal, coke or charcoal, regardless of quantity, shall be sold by weight. No person, firm or corporation shall deliver or cause to be delivered any grain or coal in amounts exceeding one hundred pounds without each sale or delivery being accompanied by a delivery ticket and duplicate thereof; *provided,* that there shall be a delivery ticket and duplicate thereof delivered with each load of grain or coal sold and delivered. On both tickets there shall be distinctly and indelibly expressed, in ink or otherwise, the quantity or quantities in pounds of grain or coal, coke or charcoal contained in the cart, wagon or other vehicle used in such delivery, the name of the purchaser thereof, and the name of the dealer from whom purchased. One of such tickets shall be delivered to the person receiving such coal, and the other ticket shall be retained by the seller of the grain or coal; *provided, however,* that the provisions of this section shall not apply to grain, coal, coke or charcoal sold to be delivered by the entire car or cargo direct from the vessels, boats or cars containing the same to one destination, and accepted by the purchaser on the original bill of lading or invoice as proof of weight; *provided, further,* grain, coal, coke, or charcoal in quantities less than one hundred pounds may be sold by the standard dry measure.

Proviso.

Delivery tickets.

Proviso.

Proviso.

ARTICLE III.

*Superintendents and Assistants.*

Organization.

9. The department of weights and measures shall consist of a State superintendent, of assistant State superintendents, of county superintendents and assistant county superintendents and of a municipal superintendent and assistant municipal superintendents of weights and measures, as hereinafter provided. Each person appointed as hereinafter provided as either superintendent or assistant superintendent shall, be-

fore entering upon his duties, take an oath of office, as provided by law.

Appointment of State and county superintendents.

10. The Governor, by and with the advice and consent of the Senate, shall appoint a State superintendent for a term of five years. The governing bodies of the respective counties shall designate the county superintendent. In addition, the governing body of any municipality may, by ordinance, provide for the office of municipal superintendent of weights and measures and may designate the municipal superintendent; but when such municipal body shall have adopted such ordinance, the clerk of said municipality shall forthwith file, with the State superintendent, a certified copy of said ordinance, and the person so designated shall forthwith be entered upon the records of the State superintendent as the municipal superintendent of weights and measures; *provided,* that in any municipality where by ordinance there already exists departments of weights and measures as provided by law, such department shall continue in existence, which fact shall be certified to the State superintendent as herein provided, and persons holding the position of sealer and assistant sealer of weights and measures under such ordinance, shall continue in office until the expiration of the term for which they were originally appointed, and upon the expiration of their term their successors shall be appointed as in this act provided; but the former officers shall hereafter be known by the titles designated in this act and shall conform to the regulations herein provided; *and provided further,* that two or more counties or two or more municipalities may by agreement employ the same superintendent with the powers and duties of the county or municipal superintendent, as the case may be, which fact shall be certified to the State superintendent in the manner as above provided for such certification.

Municipal superintendents.

Proviso.

Proviso.

Assistants.

11. The State superintendent may appoint three assistant State superintendents. The respective county and municipal superintendents may, upon resolution of the respective governing bodies of said counties or municipalities, appoint assistant county or municipal superintendents. The number of such sup-

erintendents and assistant superintendents for such county or for such municipality shall be fixed by the governing body of such county or such municipality. No other persons shall be engaged within the State for compensation in the capacity of superintendent, sealer or inspector of weights and measures; nor shall any other person act in any official capacity as such superintendent, sealer or inspector, provided that the State superintendent may at his discretion temporarily appoint honorary or special superintendents with all the powers of the regular county or municipal superintendents. Such honorary or special superintendents shall serve without compensation.

Honorary superintendents.

Technical knowledge necessary.

12. The State superintendent shall possess scientific and technical knowledge of the construction and use of standards of weights and measures. All county and municipal superintendents and all assistant superintendents shall be persons of sufficient scientific knowledge to properly inspect, examine and report on the technical condition of said standards. All officers except the superintendent shall be subject to the regulations of the State Civil Service Commission in municipalities which have adopted civil service.

Civil service to apply.

Salaries.

13. The salary of the State superintendent shall be twenty-five hundred dollars ($2,500.00) per annum; the salary of the assistant superintendent shall be twelve hundred dollars ($1,200.00) per annum, except in first-class cities, where the salary shall not be less than one thousand eight hundred dollars per annum, and in second-class cities the salary shall not be less than one thousand five hundred dollars per annum; the salary of the county and municipal superintendents shall be fixed by the governing body of such county or such municipality, but shall not exceed fifteen hundred dollars ($1,500.00) per annum.

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A-15-508

Authority of superintendents.

14. The State superintendent and all assistant State superintendents, county and municipal superintendents and their assistants, shall have full power and authority to weigh or have weighed grain, coal, or other commodities while in transit from the dealer therein to the purchaser thereof, either at the request of the buyer or on the initiative of the superintendent or his assistant, either State, county or municipal, and

it shall be the duty of the State superintendent to send his assistant into any county of the State where county superintendent had not been appointed, and said superintendent may send said assistant into any county of the State, and the expenses of said assistant inspectors while making said tour of inspection shall be paid out of the fund provided by law for the Department of Weights and Measures.

ARTICLE IV.

*Duties of Superintendents of Weights and Measures.*

Possession, keeping, and certification of standards.

15. It shall be the duty of each county and municipal superintendent to take charge of all copies of the standards adopted by this act as the standards of the State, which shall be by order of the State superintendent entrusted to his care as the official standard of such county or municipality; and shall take all other precautions necessary for their safe-keeping and for their maintenance in good order. The State superintendent shall be the custodian of all standards now the property of the State received by law from the federal government or which may hereafter be legally procured from or certified to by the National Bureau of Standards, and he shall submit all standards of said State once in ten years to the said National Bureau of Standards for certification. He shall correct the standards of the several counties and municipalities, and shall at least once in five years compare the same with those in his possession.

Supervising authority.

The State superintendent shall have general supervision of the administration of the provisions of this act; shall make such rules for the administration of the affairs of his office and of the offices of the county and municipal superintendents as may be necessary for its proper enforcement. He shall have general supervision over the work of the said county and municipal superintendents. The assistant State superintendents shall be under the direct control of the State superintendent; the assistant county and assistant municipal superintendents shall be under the direct control of the superintendent of their respective counties or municipalities, and shall have all the powers and authority of

a superintendent of weights and measures in making inspections and measurements.

Jurisdiction of county officers.

16. The jurisdiction of the county superintendents of weights and measures and their assistants shall extend throughout the county for which they were appointed except there be appointed municipal superintendents as above provided, in which case the jurisdiction of the county superintendents will not extend to such municipalities. But nothing in this act shall prevent any county or municipal superintendent or assistant from making official inspections in any municipality in this State upon the designation of the State superintendent.

Tests.

17. Upon the request of any citizen, firm, corporation or other interested party made to the superintendent of the State or the superintendent of any municipality or county thereof, such superintendent shall cause test to be made of any weights or measures; and

Seal of correctness.

if such weight or measure be found correct, or be made correct, such superintendent or assistant shall affix thereto the seal of the department certifying to the correctness thereof.

Weights and measures tested and sealed biennially.

It is the purpose of this act that all the weights and measures used in trade within this State shall be tested and sealed at least once in every two years; and it hereby becomes the duty of every county or municipal superintendent to cause such inspection of the weights and measures used within his jurisdiction to be made as heretofore provided.

Inspections and rules for sales.

18. Whenever any weight or measure has been duly tested as herein provided for, and has been found correct, the superintendent or assistant making the test shall properly seal the same. If such weight or measure shall not be found correct or it shall not be possible to make it correct, said weight or measure shall not be used, but shall be disposed of as hereinafter provided. It shall be the duty of the State superintendent and his assistants to direct and assist the county and municipal superintendents in making inspections, and such State Superintendent may also make rules and regulations which shall govern the sale

of commodities. Every person so employed under any section of this act shall devote all his time to the duties of the office. Each superintendent and assistant superintendent shall be furnished with a badge displaying his official number, and shall exhibit the same when demanded at any time during the performance of his duties. It shall be the duty of the State superintendent to design, number, register and issue such badges.

Official badge.

19. It shall also be the duty of the State superintendent to disseminate such information to the citizens of this State as will tend to protect them from the use of false weights and measures.

Supply information.

Every superintendent shall keep a complete record of all standards examined by him, and every municipal and county superintendent shall annually, within ten days after the first day of January, make a sworn report of his work to the State superintendent, which report shall contain a transcript of the report of all inspections, and the State superintendent shall, before the fifteenth of February, make a report to the Legislature which shall contain, besides any recommendations or suggestions deemed necessary or desirable, an abstract or digest of the reports of the municipal and county superintendents.

Records.

The State superintendent or one of his assistants shall at least once annually test all weights and measures used in checking the receipt or disbursement of supplies in any department or institution maintained wholly or in part by the State. He shall keep a complete record of all the orders and rules of his department, of all the standards, balances and other apparatus in his custody belonging to the State, and shall take an itemized receipt from his successor in office of all such standards, balances and other apparatus.

Annual tests in State departments.

20. It shall be the duty of the State superintendent to procure a set of standards properly certified by the National Bureau of Standards, which shall be paid for out of the funds of the State.

National standards procured.

It shall be the duty of the superintendent of each county or municipality to procure such standards, and the necessary testing and sealing apparatus, to be paid

Standards for county and municipalities.

for out of the funds of the county or municipality, as the case may be.

Exclusive use of standards.

In no case shall said standards, whether furnished by the United States or duly certified by them, be used by any superintendent for any other purpose than proving or adjusting standards of weights and measures as provided for in this act, and all assistant superintendents shall be provided with suitable standards or copies thereof for use in the performance of their duties.

Official seal.

21. The State superintendent shall provide a suitable official seal to be used by him during his term of office and duly surrendered by him to his successor.

Certificates of authority.

He shall also provide for himself and for the use of the county and municipal superintendents, seals or certificates of proper form and wording to be attached to standards of weights and measures which shall have been approved in pursuance of the provisions of this act.

ARTICLE V.

*Provisions for Enforcement.*

If tests show deviation.

22. Whenever any inspection of weights and measures has been made as hereinbefore provided upon the request of the owner thereof, if any weights and measures so inspected shall be found not to conform to the legal standard, the superintendent or assistant superintendent shall notify such owner in writing that the use of such weight or measure is illegal. Within fifteen days after the serving of such notice the owner thereof shall have such weight or measure corrected or substituted for another, and notify in writing the superintendent of such county or municipality to that effect, or shall deliver to such superintendent within said time the defective weight or measure for confiscation; and for his failure to so do, he shall be liable to a fine of twenty-five dollars.

Correction of error if slight.

23. Upon the first official inspection of any weight or measure, except where the inspection is made upon the request of the owner thereof as provided for in the preceding section, if such weight or measure shall be found to deviate from the legal standard, and the de-

viation shall be of such nature as not to be easily known or ascertained by the owner thereof, it shall be lawful for the owner to correct such weight or measure, so that it may conform to the legal standard, and upon failing to do so, within two days after such inspection it shall be lawful for the superintendent to take possession of and destroy such weight or measure. If the said deviation or the causes thereof shall be patent or easily seen or easily capable of being known by the owner thereof, it shall become the duty of the superintendent or assistant superintendent to immediately take possession of and destroy such weight or measure, and the owner thereof shall be liable to a penalty of five dollars in addition to any other penalties and punishments herein provided.

If error easily detected, penalty.

24. If any weights or measures theretofore sealed and certified as correct shall be found thereafter to be incorrect, the owner thereof shall be liable to a penalty of ten dollars.

Incorrectness after sealing.

25. After one year from the passage of this act it shall be unlawful for any person to buy or sell goods by the use of any weight or measure which has not been tested and sealed according to the provisions of this act, under penalty of twenty-five dollars; *provided,* that no contract shall be declared void unless one of the contracting parties has been injured by the use of the weight or measure not tested and sealed.

After a year all weights and measures must be tested.

Proviso.

26. Any person who injures or defrauds another by using, or causes to be used, with knowledge that the same is false, a false weight, measure, or other apparatus, for determining the quantity of any commodity, or article of merchandise, or sells or exposes for sale less than the quantity he represents, is guilty of a misdemeanor.

Penalty.

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A-13-350

27. A person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, is guilty of a misdemeanor.

Retention of false scales a misdemeanor.

28. A person who knowingly marks or stamps false or short weights, or false tare on any cask or package,

Improper marking.

or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor.

Deviation allowable.

29. The State superintendents of weights and measures shall fix tolerances or allowable deviations from the standards as herein prescribed, and he may change the same from time to time, but in no case shall such allowable deviation be less than one-half of one per centum. No penalty shall be imposed for such an allowable deviation. It shall be the duty of the inspector, however, to cause all weights and measures to conform as nearly as possible to the standard, before sealing.

Each piece a separate violation.

30. The use, ownership or possession of each separate weight or measure in violation of any of the provisions of this act shall be deemed as separate violations thereof. Nothing herein shall be construed to create a penalty for any deviation in weights or measures from the standard as herein set forth when such deviation shall be to the disadvantage of the owner thereof.

Scale of penalties.

31. Any deviations from the official standards herein prescribed, either in weights or measures or in packages, crates, barrels or other receptacles in which any commodity is sold or offered for sale, which shall exceed the allowable error as set forth in section twenty-nine hereof by more than three times the amount of such allowable error, shall be punished by a penalty double that otherwise prescribed, and should such deviation exceed such allowable error by more than five times such allowable error, the penalty shall be three times that otherwise provided. The penalty or punishment for an offense or penalty incurred under any of the provisions of this act shall be double that otherwise prescribed herein, upon its being shown that such person has heretofore been fined, punished or convicted under the same or any other section of this act, providing the act, or omission upon which such second penalty or offense is based shall have occurred after the conviction or recovery for such first offense.

Penalty doubled for second offense.

Presence of scales presumption of use.

32. For the purposes of this act, proof of the existence of weights or measures in or about any building, inclosure, stand or vehicle in or from which it is shown

buying or selling is commonly carried on, shall be presumptive proof of their regular use for such purposes and of their ownership by the person so using or possessing them, and such facts shall be deemed to remain established until disproved beyond reasonable doubt.

As to authenticity of standards.

33. Each weight or measure used by any superintendent or assistant superintendent as a standard for testing the weights and measures used in buying or selling shall be stamped or marked by the superintendent of such county or municipality in such manner as he may determine. A certificate which certifies to the correctness of such weight or measure, designating the same by number, and giving the date of its comparison with any of the standard weights and measures deposited with any State, county or municipal superintendent as in this act provided, shall be presumptive evidence that such weight or measure has continuously since the date of such comparison conformed with the said standards and the national and State standards. Such certificate shall be signed by the superintendent of the State or the superintendent of such county or municipality, and any certificate substantially setting forth the above facts and purporting to be so signed by such a superintendent shall upon its production be admitted as such presumptive evidence, without further proof of its authenticity.

Penalty for hindering official.

34. No person shall in any way or manner hinder or molest any duly authorized superintendent or assistant superintendent in the performance of the duties herein imposed upon him, under penalty of one hundred dollars for every such offense.

Penalty for refusing to exhibit weights, etc.

35. No person shall refuse to exhibit any weights or measures to any of said superintendents or assistant superintendents for the purpose of being so inspected and examined, nor shall any person refuse to admit such officer to his store, or place of business, during the usual hours for business, nor shall any person who may be buying, selling or delivering goods, liquids or commodities from any wagon or conveyance refuse to permit such officer to examine any weights or measures which may be in or about such conveyance, under the

penalty of twenty-five dollars for every such offense.

Penalty for altering sealed weights.

No person shall alter or change in any manner any weight or measure, or allow the same to be done, after the same has been tested and sealed by any officer or inspector under the authority of this act, so that the same shall weigh or measure incorrectly, under penalty of one hundred dollars for each such offense.

General penalty.

36. Any person violating any of the provisions of this act for which a specific penalty has not been provided shall be liable to a penalty of ten dollars.

New scales to be standard.

37. Whenever any weight or measure is sold or delivered after sale to any person within this State for the purpose of use in the purchase of or in the sale of commodities, such weight or measure shall be of the legal or true standard as heretofore provided in this act, and any person selling a false weight or measure with knowledge that it is to be used in weighing or measuring commodities shall be liable to a penalty of fifty dollars.

Penalty for selling false scales.

Action if scale easily arranged to defraud.

38. Whenever any superintendent shall find that a particular weight or measure is so constructed as to facilitate the perpetration of fraud, he may decline to seal the same, and in such case shall report his act to the State superintendent, who shall thereupon make an investigation, and if satisfied that its use is prejudicial to the best interests of the public shall make an order that such standard shall be treated as an unlawful standard. Such order may be reviewable both as to the law and to the fact upon application to the Supreme Court.

Recovery of penalties.

426-39
A-13-351

426-39
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39a
39b
39c
1913-353

39. An action to recover any penalty incurred under the provisions of this act may be brought in the name of the State of New Jersey by any duly appointed superintendent or assistant superintendent. It shall be the duty of the city attorney of any municipality wherein such violation shall take place, to assist in the prosecution of the same, unless such municipality has no municipal superintendent of weights and measures as provided for in section ten hereof, in which case the public prosecutor of the county wherein such violation shall take place, shall assist in such prosecution.

All fines or penalties collected from persons offending against the provisions of this act shall be paid by the magistrate receiving the same into the county treasury of such county, unless such penalty was incurred within a municipality or municipalities having a municipal superintendent as provided in said section ten, in which case such penalty shall be paid into the treasury of such municipality or municipalities pro rata. Disposition of penalties.

40. This act shall be deemed a public act, and shall be liberally construed. Should any section or provision thereof be held unconstitutional or invalid, it shall not be held to affect any other section or provision hereof. Act how construed.

41. All acts or parts of acts inconsistent with provisions of this act shall be and the same are hereby repealed, and this act, except as hereinbefore provided, shall take effect on May first, one thousand nine hundred and eleven. Repealer. Effective.

Approved April 24, 1911.

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## CHAPTER 202.

427-C-202
Cf.-16-566
Cf.-16-574

427-C-202
S-17-876

P.L. 1911
427

An Act concerning contagious and infectious diseases among cattle; regulating the importation of cattle into this State, and providing measures to check the spread of diseases among cattle in this State; creating the Commission on Tuberculosis Among Animals, prescribing its powers and duties and fixing penalties for violations of this act.

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

SECTION I. GENERAL PROVISIONS.

1. The president of the State Board of Agriculture, for the time being, shall appoint five persons, citizens and taxpayers of this State, one of whom shall be a physician and surgeon who, together with himself and Commission.

427-I
A-15-69

the secretary of the State Board of Agriculture, for the time being, shall constitute the Commission on Tuberculosis Among Animals, hereinafter referred to as "the commission," who shall exercise the powers and perform the duties hereinafter referred to. Said appointees shall be appointed for a term of three years and until their successors are appointed. Any vacancy occurring in said commission shall be filled for the unexpired term and in the manner herein mentioned.

**Organization.**

428-2
Cf.-12-418

2. The commission may elect one of its members as president and one as secretary may appoint a treasurer, who need not be a member of the commission, a chief inspector, who shall also act as assistant to the secretary, as many inspectors, not exceeding six, as in its judgment are necessary for the proper enforcement of this act, and such clerical assistance as may be necessary. Within the limits of appropriations the commission shall fix the compensation to be paid to these officers and employes. The members of the commission, with the exception of the president and secretary, shall receive traveling expenses while engaged in the work of the commission.

**Compensation.**

**Expenses paid.**

**Record of proceedings.**

3. It shall be the duty of said commission to keep a full and complete record of all its proceedings under this act and report the same annually to the State Board of Agriculture, and such report shall be printed in and form a part of the annual report of the State Board of Agriculture.

**Expenditures.**

4. All bills for money expended under this act shall, after being approved by the president of the commission and attested by its secretary, be submitted to the Comptroller and paid by the State Treasurer to the treasurer of the commission, excepting stated salaries, printing and stationery.

428-II
A-15-70

SECTION II. CATTLE WITHIN THE STATE.

**Valuation of suspected animals.**

5. Whenever the commission shall be notified by the secretary of the State Board of Health, or any owner or owners of dairy animals, requesting them to inspect such animals supposed to be diseased with tuberculosis, or any contagious or infectious disease, a veterinarian

428-5
Cf.-12-418

428-5
A-15-538

and an inspector may be designated by the commission to make such inspection and the inspector may agree with the owner or owners upon a valuation of such animals as are to be inspected; in cases where no agreement can be reached the inspector designated by the commission shall choose one disinterested freeholder, the owner or owners shall choose one and the two shall designate a third, who shall ascertain and decide upon the market value of each animal to be examined by the commission, and shall sign certificates thereof in the presence of a witness who shall attest the same; such valuation shall in each case be made on the basis of the market value of the animals the day the valuation is made; and if upon examination by the veterinarian any animals in said herd are found to be infected with tuberculosis or any contagious or infectious disease, they shall be, in the discretion of the commission, condemned and slaughtered; in such case three-fourths of such valuation so ascertained shall be paid by the State to the owner or owners on presentation of such certificate with the approval of the said commission endorsed thereon; *provided,* such appraisement shall not exceed forty dollars for each animal condemned; *and provided further,* that no compensation shall be made for animals considered by the commission to be of no value. If the meat of the slaughtered cattle shall be passed for use as food by the federal authorities or a State board of health or municipal inspector, the commission is hereby authorized to sell the same and the proceeds from the sale of the meat, hide and other marketable parts of the said animal shall be paid into the State Treasury.

Infected animals slaughtered.

Payment.

Proviso.

Proviso.

Proceeds of sale.

6. Whenever the commission shall have made or caused to be made any examination of any cattle within this State, and shall have ascertained such cattle to be sound and in good health, they shall upon request from the owner thereof give to him a certificate in writing, signed by the president and secretary of said commission, certifying to the fact of such examination and of the good health and condition of such animal or herd of animals.

Certificate issued for healthy cattle.

Co-operation with national system.

7. The said commission shall have the power to co-operate with the Bureau of Animal Industry of the United States in any general national system which may be adopted by such bureau for the prevention of the spread of bovine tuberculosis, or any contagious or infectious disease, and its eradication in the United States and its territories.

SECTION III. IMPORTATION OF CATTLE.

Imported cattle to be certified.

8. The importation of dairy cows and cattle for breeding purposes into the State of New Jersey is hereby prohibited unless such animals shall have passed a tuberculin test within six weeks before their entrance into this State, and their importation shall be accompanied by a certificate as prescribed in paragraph eleven, filled out by the shipper and in the hands of the attendant or drover bringing such animals into the State; or where such transportation is by a common carrier, in the hands of the agent of the common carrier having charge of such transportation. Said attendant, drover or agent shall be required to show said certificate upon request of any official of the commission or to satisfy either shipper or agent that both are fulfilling the provisions of this act.

Certificate shown on request.

Animals may be tested after entry.

9. If, however, permission from the commission is obtained in writing in advance the shipper may import such cattle without a previous tuberculin test, subject to a test in the State by an official veterinarian not later than two weeks after entry; said cattle until tested shall not be sold and shall be kept in quarantine at the point of destination in the State as defined in the written permission of the commission previously granted and shall be kept from other cattle and stock. Any animals reacting in such a test so as to indicate the presence of tuberculosis shall be immediately slaughtered without remuneration to the owner by the commission, but may be sold for beef if passed by a federal, State or municipal health inspector.

If test unfavorable slaughtered.

Standard for tests.

10. All tuberculin tests shall be made according to the standards established by the commission and executed by a veterinarian in good standing recognized by the commission; in the case of tests made outside of

the State the authority of such veterinarians shall be certified by the commission or authorities of the State in which such test is made, having similar jurisdiction with the commission of this State, which certificate shall be attached to the report of the test; *provided, however,* that the commission may refuse to accept such certificate and report if in their judgment such veterinarian is not competent. Proviso.

What certificate to show.

11. The certificate shall be made by the shipper on blanks provided by the commission for this purpose, which may be had free upon application, and must contain the following information:

Number.

(a) The number of cattle to be brought in, the lines and route over which they are to travel.

Tag, breed, etc.

(b) The tag number, gender, breed, approximate age, color and markings of the animal.

Owner and purchaser.

(c) The name and address of the person from whom the cattle were purchased, the name and address of the present owner.

Free from improper treatment.

(d) The signature of the previous owner of the cattle that said cattle have not been treated in any manner to prevent their normal reaction to tuberculin, and the date, if any, of the last time said cattle were subjected to the tuberculin test.

Shipper's signature as to treatment.

(e) The signature of the shipper of the cattle that said cattle have not been treated in any manner to prevent their normal reaction to tuberculin.

Agent of road to make certificate as to correctness.

(f) The signature of the agent of the common carrier at point where shipment is loaded certifying that the name of the shipper on the certificate and the number of cattle to be shipped correspond with the name of the shipper and the number of cattle to be shipped on the bill of lading or similar record of shipment and that the certificate is on an official blank provided by the State of New Jersey.

Test before shipment.

(g) In case the cattle have been tested within six weeks before shipment into the State.

Signature of tester.

1st. The signature of the person making the test that the animal above identified has passed a proper tuberculin test within the time specified above.

Tests recorded.

2d. A complete record of said tests on blanks provided by the commission showing date made; three

temperatures before inoculation, taken at two-hour intervals; the amount of tuberculin; when and where purchased; kind of thermometers; when and where purchased; at least six temperatures after inoculation, taken from the twelfth to twenty-second hour inclusive at two-hour intervals.

If tested after entry.

12. In case the animals are to be tested within two weeks after importation into the State the written permission of the commission as provided in paragraph nine must be attached to the certificate.

Identification tag.

13. All dairy cows and cattle for breeding purposes imported into the State of New Jersey shall bear a tag with a number or other mark of identification, said tag or mark to be furnished or designated by the commission. No two or more tags or marks in the same shipment shall have the same number. No railroad, steamboat, ferry company or other common carrier shall transport dairy cows or breeding cattle from any other State to any destination within the State of New Jersey unless such cattle are accompanied by the required certificate, which certificate shall bear the signature of the agent of the common carrier as provided in subdivision (f) of paragraph eleven.

Shipping certificate.

Copy mailed to commission.

14. A copy of this certificate shall be mailed to the commission on or before the date the cattle are started on their journey into the State. This copy shall serve as notice of the shipper's intention to bring cattle into the State. No shipment of cattle into the State without this notice shall be made. The commission shall have the right to refuse to accept any certificate which, in the judgment of the commission, does not give evidence of a satisfactory test or which is not properly executed, in which case the commission may either proceed against the shipper as violating provisions of this act as hereinafter provided, and quarantine the cattle at the expense of the shipper until a satisfactory record or test can be made or, if the cattle have not entered the State, such entry may be refused.

If improper may be rejected.

As to release of cattle.

15. Cattle coming into the State shall not be sold or removed from their destination in the State until they have been inspected by a representative of the commission, who, if the provisions of this act have been com-

plied with, shall sign the certificates, thus releasing said cattle. A definite charge shall be made by the commission on every shipment of cattle brought into the State without having been satisfactorily tested with tuberculin, which charge shall cover the cost of veterinarian test of the same, and shall be paid for by the shipper before the cattle are tested by the inspector. Nothing in this provision shall be construed to prevent a shipper from removing cattle from the railroad station to his barn. Charge for test.

16. In case cattle included under this act shall have been imported into the State contrary to this act, the commission shall hold the same in quarantine pending their examination and proper testing for tuberculosis and shall cause proceedings to be instituted for violations of this act, as hereinafter provided. Cattle not properly imported held in quarantine.

17. Any person or persons violating any of the provisions of this act shall be subject to a penalty of one hundred dollars for each offense, to be recovered by the commission in an action of debt. Penalty.

18. The sum of thirty-five thousand dollars, or so much thereof as may be necessary is hereby appropriated to the commission for the enforcement of the provisions of this act, and for all expenses in connection therewith, when included in any annual or supplemental appropriation bill. Appropriation.

19. The commission shall have power to recognize and employ as many official veterinarians as may be necessary to make all the tuberculin tests under its jurisdiction. All inspectors, in the performance of their duties, shall have the rights and privileges of constables. Veterinarians employed.

20. All applications which have been made to the present tuberculosis commission pending at the time when this law goes into effect, shall be received by the commission created under this act and dealt with as herein provided, and all appropriations made to and for the use of the present tuberculosis commission shall continue and enure to the benefit of the commission created by this act. Existing applications and appropriations continued.

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

Approved April 24, 1911.

## CHAPTER 203.

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

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

Section 10 amended.

1. Section ten of said act be and the same is hereby amended so as to read as follows:

Board to certify statement of valuation to State comptroller.

10. The said board shall certify and report to Comptroller of the State, on or before the first day of November in each year, a statement of the assessed valuation of the property of each company in the State, and of the separate valuation of property in each taxing district, as made by them, the amount of tax payable by such company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon each company; such statement shall be made separately for each company, and as to said property separately valued, shall be arranged by taxing districts in such manner as to be of easy reference, and shall be recorded in books in the office of the State Comptroller, to be provided by him for that purpose, and shall be public records, subject to public inspection; and the amount of taxables payable by each company, as shown by said statements, shall be due and payable into the State Treasury on any day between the said first day of November and the first day of February following; and the payment or collection thereof shall not be stayed by any writ or order of any court of law or equity; it shall be the duty of the State Treasurer to receive payment of the said taxes from the said com-

Statements kept separately and recorded.

When tax due.

Court processes not to stay payment.

panies; if the taxes of any company, or any portion thereof, remain unpaid on the first day of February following the levying thereof, such company shall be considered in default, and such taxes, or such unpaid portion thereof, shall thenceforth bear interest at the rate of one per centum for each month until paid, notwithstanding the prosecution of any writ of certiorari or other remedy. Interest on unpaid taxes.

2. This act shall take effect immediately.

Approved April 24, 1911.

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## CHAPTER 204.

An Act to authorize municipal corporations owning or controlling water-works to make contracts with any municipal corporation to furnish water for public or private use.

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

1. It shall be lawful for the board of aldermen, common council, board of water commissioners or other governing body of any municipal corporation in this State, owning or controlling water-works, to enter into and make a contract or contracts with any municipal corporation in this state to furnish a supply of water for public or private use for the term of a year or years; *provided*, there shall be first obtained the approval of the State Water-Supply Commission, which approval and consent said commission may withhold or grant upon such terms as it may seem proper, but in case approval and consent are withheld, the reason for such withholding shall be furnished by said commission to the municipality applying therefor. Municipalities may contract with others for water. Proviso.

2. Where said water-works are under the control of a board of water commissioners, no contract shall be made for a term exceeding three years without the Term.

consent of the governing board of the city owning or controlling said water-works.

3. This act shall take effect immediately.

Approved April 24, 1911.

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## CHAPTER 205.

An Act to repeal sundry statutes relating to the use of voting machines.

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

Sundry acts repealed.

1. The following statutes, together with the supplements thereto, as hereinafter stated, are hereby repealed.

"An act to authorize the use of voting machines at elections hereafter to be held in this State, or in any subdivision thereof, and providing that the votes cast at such elections may be registered or recorded and counted, and the result of such elections ascertained by such machines," approved April ninth, one thousand nine hundred and two; also a supplement to said act approved March twenty-sixth, one thousand nine hundred and three; also a supplement to said act approved April eighth, one thousand nine hundred and three; also "An act authorizing the State Board of Voting Machine Commissioners to purchase voting machines for use at elections to be held in this State, and providing for the location, use and care of such machines," said act appearing as Chapter 171 of the Session Laws of 1903; also "An act to abolish the 'State Board of Voting Machine Commissioners,' and to cast the duties of said commissioners upon the Secretary of State," approved October twelfth, one thousand nine hundred and seven; also "An act to provide for the purchase of voting machines, and to regulate the use of the same at elections," approved

April twenty-eighth, one thousand nine hundred and five; also a supplement to said act approved April tenth, one thousand nine hundred and eight.

2. This act shall take effect immediately.

Approved April 24, 1911.

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## CHAPTER 206.

A Further Supplement to an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," which said act was approved March twenty-fourth, one thousand nine hundred and four.

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

Health and safety in foundries.

1. All entrances to foundries shall be constructed and maintained so as to minimize drafts. All passageways in foundries, now in operation or hereafter to be built, shall be constructed and maintained of sufficient width to make them reasonably safe for the workmen, and no unnecessary obstruction shall be allowed in such passageways during the hours of casting. Whenever a foundry is so constructed or operated that smoke, steam, dust or noxious gases are not promptly carried off by the general ventilation, exhaust fans shall be provided. Foundries shall be reasonably well lighted throughout the working hours, and reasonably well heated during the cold and inclement weather. Hot water shall be kept available for washing purposes during the season in which artificial heating is necessary. When it is thought necessary and advisable by a State factory inspector, facilities shall be provided for dry-

Bathing.

ing the clothing of persons employed therein. All pits around furnaces in any such brass factory shall be covered with substantial iron gratings. All stairways around such furnaces shall be constructed of iron.

Medical supplies.

There shall be kept on hand at all times in every foundry a reasonable supply of lime water, sweet oil, vaseline, bandages and absorbent cotton for use by the workmen in case of burns or accident. It is hereby made the duty of each and every State factory inspector to enforce the provisions of this act.

Foundry defined.

2. Any place or establishment where metal castings or cores are made shall be deemed a foundry within the meaning of this act.

Approved April 24, 1911.

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## CHAPTER 207.

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

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

Section 158 amended.

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

Oath administered to witnesses.

158. To every witness produced at the said trial, the clerk of the court, or any constable or sergeant-at-arms in attendance thereon, shall administer the following oath or affirmation:

"You do swear, in the presence of Almighty God (or do affirm, as the case may require), that the evidence you shall give to the court and jury in this matter in difference between....., plaintiff, and....., defendant, shall be the truth, the whole truth and nothing but the truth."

Approved April 24, 1911.

## CHAPTER 208.

An Act to repeal an act entitled "An act authorizing the creation of harbor boards in cities accessible to commerce by water and prescribing their powers and duties," approved April fourteenth, one thousand nine hundred and nine, as amended by an act approved April ninth, one thousand nine hundred and ten.

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

Act repealed.

1. The act entitled "An act authorizing the creation of harbor boards in cities accessible to commerce by water and prescribing their powers and duties," approved April fourteenth, one thousand nine hundred and nine, as amended by an act approved April ninth, one thousand nine hundred and ten, is hereby repealed.

2. This act shall take effect immediately.

Approved April 24, 1911.

## CHAPTER 209.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Township committee has power to appropriate money.

1. Whenever any township shall have accepted the provisions of Article VI of the act to which this act is a supplement, as provided in section two hundred and forty-three of said act, the township committee of such township shall, for the purpose of carrying into effect the provisions of sections seventy-three, seventy-four, seventy-five and seventy-six of said act, be deemed and taken to be a body having the power to make appropriations of money raised by taxes, and the president or chairman of such committee, shall be deemed and taken to be the chief executive officer of such township.

Amount certified to assessor and collector.

2. The township committee of such township, upon the receipt of the certificate as provided in section seventy-five of the act to which this act is a supplement, shall certify to the assessor and collector of such township the amount of money fixed and determined by the board of school estimate as necessary to be appropriated for the use of the public schools in such township for the ensuing school year, exclusive of the amount apportioned to it by the county superintendent of schools, and the said amount shall be assessed, levied and collected in the same manner as moneys appropriated for other purposes in such township shall be assessed, levied and collected; *provided,* that any amount in excess of three-fourths of one per centum of the taxable valuation of the real and personal property

Proviso.

shall be assessed, levied and collected only with the concurrence and consent of the township committee.

Certified amount to be raised,

3. The township committee of such township, upon the receipt of the certificate as provided in section seventy-six of the act to which this act is a supplement, may certify to the assessor and collector of such township the sum or sums fixed and determined by the Board of School Estimate for the purposes named in said section, and the sum or sums so certified shall be assessed, levied and collected at the same time and in the same manner as moneys appropriated for other purposes in said township are assessed, levied and collected; or such township committee may borrow such sum or sums and may secure the repayment of the sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, by the issue of bonds in the corporate name of the township in the manner and subject to the limitations as provided in said section. Such township committee shall annually certify to the assessor and collector of such township the amount of money necessary to pay the principal and interest on bonds falling due during the ensuing year, and the amount so certified shall be assessed, levied and collected at the same time and in the same manner as moneys for other purposes in such township are assessed, levied and collected.

or, may issue bonds.

Rate.

Provision for principal and interest.

4. This act shall take effect immediately.

Approved April 24, 1911.

## CHAPTER 210.

A Further Supplement to an act entitled "An act regulating the age, employment, safety, health and work-hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

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

Additional inspectors.

1. In addition to the inspectors provided by the act to which this is a supplement, and the amendments and supplements thereto, the Commissioner of Labor shall, immediately after the passage of this act, appoint six suitable persons as inspectors, whose salary, powers, duties and term of office shall be the same as the inspectors already provided for.

Tenure act to apply.

2. All inspectors of the Department of Labor, appointed under this act, or the act to which this act is a supplement, shall hereafter be appointed by the Commissioner of Labor, and all inspectors, including those referred to in paragraph one, shall be appointed, hold their offices and perform their duties subject to the provisions of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employes of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, and amendments thereof and supplements thereto.

Repealer.

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

Approved April 24, 1911.

# CHAPTER 211.

An Act to authorize cities of this State to purchase lands and erect buildings thereon and equip the same for the accommodation and use of the fire department of such city, and to issue bonds and provide money to pay for the same.

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

Cities may issue bonds for fire houses.

1. It shall be lawful for the common council, board of aldermen or other governing body of any city of this State having the control of the finances of said city, to borrow money from time to time, for the purpose of building and equipping an additional fire house or additional fire houses, and to secure the payment thereof by the issuance of bonds. The bonds so to be issued shall be of such denomination as the common council, board of aldermen or other governing body of such city, having the control of the finances of such city, shall deem proper, and shall be made payable in not more than thirty years; they shall bear interest at a rate not greater than five per centum per annum, payable semi-annually, and may be either registered or coupon bonds, or may be registered and coupon bonds combined, at the option of the said governing body; they shall be signed by the mayor, countersigned by the comptroller, and attested by the city clerk, shall have the corporate seal affixed, and shall be sold at public or private sale, but not for less than par and accrued interest; *provided, however,* that the bonds issued under this act shall at no time exceed the sum of sixty thousand dollars; *and provided further,* that not more than sixty thousand dollars shall be expended in the building and equipping of any one fire house.

Time.

Rate.

Proviso.

Proviso.

Provision for interest and redemption.

2. There shall be raised by tax each year in such city the interest on the whole amount of the bonds so

issued, together with at least three per centum per annum of the principal of such bonds. The principal so raised shall be paid to the commissioners of the sinking fund of any such city for the purpose of meeting the said bonds when they shall become due,

3. This act shall take effect immediately.

Approved April 24, 1911.

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## CHAPTER 212.

An Act regarding exempt firemen of volunteer fire departments, volunteer fire engine, hook and ladder, hose or supply companies, or salvage corps of the cities, towns, townships, boroughs and fire districts of this State.

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

Tenure of exempt firemen.

1. No person now holding a position or office under the government of this State, or the government of any county, city, town, township or other municipality of this State, or who may hereafter be appointed to any such position, whose term of office is not now fixed by law, and receiving a salary from such State, county, city, town, township or other municipality, who is an exempt fireman of any volunteer fire department, volunteer fire engine, hook and ladder, hose or supply company or salvage corps of any city, town, township, borough or fire district of this State, holding an exemption certificate issued to him as such exempt member of any such volunteer fire department company or corps, shall be removed from such position or office except for good cause shown after a fair and impartial hearing, but such exempt fireman shall hold his position or office during good behavior and shall not be removed for political reasons.

Before dismissal, charges and hearing.

2. Before any such exempt fireman of any volunteer fire department, volunteer fire engine, hook and ladder, hose or supply company or salvage corps, of any city, town, township, borough or fire district of this State, holding an exemption certificate as aforesaid, shall be dismissed from any position or office held by him in any department of the government of this State, or of any department of the government of any county, city, town, township or other municipality of this State, charges shall be preferred against him, a copy of which must be served upon him, and a time set for the hearing of the same, at which such exempt fireman aforesaid, so accused, shall have the right to be represented by counsel, and to produce witnesses and testimony in his own behalf.

Position not to be abolished.

3. It shall not be lawful for any board of commissioners, mayor, aldermen, common council or any other governing body of any municipality in this State, or of any county in this State, or of any department of the State government, to abolish any position or office held by any exempt fireman of any volunteer fire department, volunteer fire engine, hook and ladder, hose or supply company or salvage corps of any city, town, township, borough or fire district of this State, holding an exempt certificate issued to him as an exempt member of any such volunteer fire department company or corps, or to change the title of any such office or position, or to reduce the emoluments thereof for the purpose of terminating the service of any such exempt fireman.

Repealer.

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

Approved April 24, 1911.

## CHAPTER 213.

446-C-213
S-1914-473

An Act authorizing the construction of a waterway connecting Barnegat bay with Manasquan inlet, and making an appropriation therefor.

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

Proposed route given in report of geologist adopted.

446-1
A-1914-472

1. The report of the State Geologist of the State of New Jersey presented to the one hundred and thirty-fifth session of the Legislature of the State of New Jersey, in accordance with a concurrent resolution of the Legislature of the State of New Jersey, passed April sixth, one thousand nine hundred and ten, and the annual report of the State Geologist of the State of New Jersey for the year one thousand nine hundred and three, in accordance with an act entitled "An act making an appropriation for surveying a waterway to connect Barnegat bay with Manasquan inlet for the reclamation of oyster and clam lands in upper waters of said bay," approved April seventh, one thousand nine hundred and three, is hereby adopted in so far as the said reports disclose a proposed route for such inland waterway, together with plans and specifications for the construction of such waterway with a minimum depth of six feet at low water, and a bottom width of sixty feet; and the said waterway from Bayhead to Manasquan inlet shall be constructed in accordance with such route as shown upon the official map now on file in the office of the State Geologist of the State of New Jersey, with the minimum depth at low water of six feet and a bottom width of sixty feet.

Depth and width.

Contract for constructing waterway.

146-2
A-1914-473

2. The Department of Inland Waterways shall have power, after advertising, as required by law, and with the approval of the Governor, to enter into a contract or contracts for the construction of the said waterway, or any section or sections thereof, according to the plans and specifications and upon the route as the same

appears in and by the said report and the maps thereto attached.

Sectional work.

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

Supervision.

Appropriation.

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

Proviso.

5. This act shall take effect immediately.

Approved April 24, 1911.

## CHAPTER 214.

A Supplement to an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

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

Fire escapes and protection.

1. Every factory, workshop, mill or place where the manufacture of goods of any kind is carried on, shall hereafter, under the supervision and direction of the Commissioner of Labor, be provided with ample and proper ways and means of egress or escape in emergency arising from fire or otherwise, sufficient for the use of all persons therein, and as well shall be protected, so far as practicable, against the origin and spread of fire.

SECTION 1. BUILDINGS NOW USED FOR FACTORY PURPOSES.

Number of fire escapes.

2. Buildings two stories in height used for any purpose as stated in paragraph one at the time this act becomes effective, shall have at least two means of egress from the second story thereof, placed as far as possible at opposite ends of the room or building. Such egress may be provided by inside stairways or outside fire escapes, or both, and doors communicating therewith, as the said commissioner shall direct. Buildings more than two stories in height used for any purpose as stated in paragraph one at the time this act becomes effective, shall have at least two means of egress communicating with each story thereof, one of

which shall be an inside stairway and one an outside fire escape. The said commissioner shall have power to order the construction of a second inside stairway and additional outside fire escapes, doors and windows as in his judgment are necessary to furnish proper and adequate protection to the inmates of such building.

Location of doors, windows, etc.

3. All such fire escapes, stairways, doors and windows shall be located at such places in or on said buildings, and shall include as many stories and doors thereon as the commissioner shall direct. All such stairways, fire escapes, doors and windows added by order of the commissioner shall conform to the requirements and standards established by this act for new buildings. The commissioner is hereby given authority to order such changes in existing stairways, fire escapes and elevator shafts, doors and windows as may in his judgment be necessary to establish them as safe and proper means of egress. Any existing fire escape or stairway which in the judgment of the commissioner cannot be made safe and proper by alteration shall be condemned, removed and replaced as the commissioner shall direct.

Changes may be ordered in existing escapes, etc.

SECTION II. NEW BUILDINGS TO BE USED FOR FACTORY PURPOSES.

All plans for fire escapes, etc., approved by commissioner.

4. No building shall hereafter be erected, nor any building not now used for factory purposes be adopted for such use, nor any addition be constructed, more than two stories in height, unless the plans and specifications, as to stairways, elevator shafts, fire escapes and doors and windows, ventilation and sanitation therefor be first submitted to and approved by the commissioner upon the advice of the Department of Charities and Corrections. With such plans and specifications shall be submitted an estimated number of employes to be engaged upon each story or separated subdivision of any story of the proposed building. Such buildings two stories in height shall conform to the provisions of paragraph two.

Inside stairways and outside escapes.

5. Buildings referred to in paragraph four, more than two stories in height, shall be equipped with one

or more inside stairways and one or more outside fire escapes, the number, location and construction thereof to be approved by the Commissioner. All stairways and elevator shafts in such buildings shall be enclosed in walls of fire-proof or fire-resisting material, which shall run from the foundations to and through the roof; the stairways shall be constructed as nearly as possible of fire-proof or fire-resisting material, and all entrances thereto shall be protected by doors of fire-proof or fire-resisting material. The Commissioner of Labor may require that proper fire-stops shall be provided in the floors, walls and partitions of such buildings, and may make such further requirements as may be necessary or proper to prevent the origin or spread of fire therein.

Inside openings enclosed in fire proof material.

Fire-stops.

Construction of fire-escapes; details set forth.

6. The fire-escapes shall be constructed according to specifications to be issued or approved by the Commissioner of Labor, and shall, as near as practicable, conform to the requirements of this act; and shall consist of outside iron balconies, and stairways at each floor above the first, connecting said balconies to the ground, except in the case of a fire-escape over a public highway, or private driveway, when balanced stairs shall connect the lowest balcony to the ground in a manner hereinafter specified; the stairways shall be placed at a slope no steeper than forty-five degrees, or as near as possible thereto, and shall be, where practicable, on the straight run type similar to a flight of stairs; the balcony on the top floor shall be provided with a gooseneck ladder leading from said balcony to and above the roof, when ordered by the commissioner. Fire-escapes may project into the public highway to a distance not greater than four feet six inches beyond the building line. The balconies shall not be less than four feet wide in the clear, when one balcony is placed directly above another, and three feet when the escape is constructed on the straight run plan, taking in at each story above the ground floor at least one door of each part of building separated by inside walls; they shall be not more than one foot below the door sills, and extend in front of and not less than nine inches beyond

Stairways.

Balconies.

each door; there shall be a landing not less than twenty-four inches square at the head and foot of each stairway; the stairway well-hole on each platform shall be of a size sufficient to provide a clear headway, and shall be protected by a railing similar to that provided for balance of platform. All entrances to fire-escape platforms shall be made by means of doors, which must be cut down to the level of the floor, except when some other construction is specified by the Commissioner of Labor. The doors shall open in the manner designated by the Commissioner of Labor. All doors or windows opening onto a fire-escape or directly under a fire-escape shall be metal-covered and all glass used therein shall be wire glass.

Well-holes.

Entrances to escapes.

7. The floors of balconies shall be of wrought iron slats not less than two inches by three-eighths inch refined flat wrought iron placed not more than one inch apart, and well secured and riveted at each intersection with three-eighths inch rivets, the iron runners not less than one and three-quarters inch by one and three-quarters inch by one-quarter inch gusset plate placed at point of bracket one-quarter inch think. Brackets to be riveted together with one-half inch rivets driven hot concentric with sections, riveted together in such a manner that the holes are completely filled, and rivets must be well rounded; wall connections to be provided with one fifteen-sixteenths inch hole. For frame buildings to have feet turned down two inches on lower flange of angle with eleven-sixteenths inch hole in same. For brick, stone or cement buildings to extend in wall one and one-half inches. The openings for stairways in all balconies shall not be less than twenty-four inches wide, and such openings shall have no covers of any kind; the platforms of balconies shall be constructed and erected to safely sustain in all their parts a safe load of not less than eighty pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts.

Floors of balconies.

Brackets.

Openings for stairways.

8. All balcony rails shall in no case be less than three feet above the floor of balcony, and shall extend

Balcony rails.

around the entire platform, and in all cases shall go through the wall at each end and be worked out to three-quarters inch both sides and be properly secured by nuts with washers at least four inches square and three-eighths inch thick, and no top rail shall be connected at angles by gray cast iron. The top rail of balconies shall be one three-quarters inch by one-half inch of wrought iron, or one three-quarters inch angle iron at least three-sixteenths of an inch thick, or a three run three-quarters inch inside diameter wrought iron pipe railing, all pipe railings to be continuous. The bottom rails shall in no case be more than eight inches above the floor of balcony, and shall be of one one-half inch by three-eighths inch wrought iron, or of one one-half inch angle iron at least three-sixteenths of an inch thick, all leaded or cemented into the wall; the standard or filling-in bars shall not be less than five-eighths inch round or square wrought iron well riveted to the top and bottom rails, and shall be placed not more than six inches apart, and the lower rail of the platform shall be riveted or bolted to the frame of platform in such a manner as approved by the Commissioner of Labor. Where the three run pipe-rail is adopted for the balcony railing no additional filling-in bars will be required.

**Construction of stairway; load.**

9. The stairway shall be constructed and erected to fully sustain all parts and carry a safe load of not less than one hundred pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts, with the exception of the tread which must safely stand at said ratio a concentrated load of two hundred pounds. The treads shall be not less than seven inches wide in the clear, and the rising of each step not more than nine inches; the treads shall be constructed of two pieces of one one-quarter inch by one one-quarter inch by three-sixteenths inch angles and one piece of two one-half inch by three-sixteenths inch flat riveted on each end with five-sixteenths inch rivets to one one-quarter inch by three-sixteenths inch angles. Each step will have one piece of one inch by one inch by one-eighth inch

**Treads.**

angle riveted to each of the side angles forming the step and a two one-half inch by three-sixteenths inch slat between same with five-sixteenths inch counter sunk rivets on top, such stiffener to be located in the centre of steps. The stairs shall be not less than twenty-four inches wide between inside of strings, and there shall remain a clear passageway between the stairway and wall. The strings shall be not less than six inches by one-quarter inch flat wrought refined iron. Stairways to be connected to platforms by two one three-quarter inch by three-eighths inch flat wrought iron hooks, one on each side, both secured by two half-inch bolts. The stairs shall have a hand rail of not less than three-quarters inch inside diameter round wrought iron pipe, to be of double run pattern, railing to connect at top and bottom to platform; posts to be not less than thirty-six inches in a vertical line from top of step to top run of railing. All posts to be of three-quarter inch inside diameter wrought iron, pipe to be spaced at intervals not greater than six feet and all fittings to be standard malleable iron; said pipe posts to be secured to the stairway runners by seven-sixteenths inch U bolts. The pipe posts must not be flattened where connection is made to stair runners, but must extend to bottom of said runners in its full and original shape.

Width.

Hand rails.

Posts.

10. Brackets shall be placed not more than four feet apart, and shall extend across full width of balcony and on new buildings shall be set as walls are being built.

Spacing and setting of brackets.

11. Proper balanced stairways of a cantilever type or such other style as may be approved by the Commissioner of Labor reaching to a safe landing place below on the ground, shall be provided from the lower balcony of any fire escape over a public highway or private driveway in place of a stairway and when the floor of such balcony is more than sixteen feet above the sidewalk or ground, a suitable landing platform shall be provided; such platform shall be located not more than ten feet above the ground and shall be connected with the balcony above by means of a stairway con-

Balanced stairway at bottom.

structed as this act requires for stairways between balconies; such platform shall not be less than three feet in width and four feet long and provided with railings as before specified for balconies, and the ground shall be reached in the manner specified for lower balconies not more than sixteen feet in height or by such other method as may be approved by the Commissioner of Labor; the goose-neck ladder shall be securely bolted through the wall of the building and the strings shall extend at least thirty inches above the roof and return down and be secured to same; there shall be a space of not less than fourteen inches between such ladder and the outer rail of balconies.

Goose-neck ladders.

Painting.

12. All the parts of such fire-escapes shall receive not less than two coats of paint, one in the shop and one after erection, and shall be painted thereafter at least once in each year.

SECTION III. GENERAL PROVISIONS.

Order to enforce act.

13. The commissioner shall have power to enforec the provisions of this act by order in writing served upon the owner or owners of any building coming within the operation of this act, specifying the directions to be executed and the time limited for the completion thereof. Any person, firm or corporation failing or neglecting to comply with the terms of such order within the time therein limited, or any extension thereof granted by the said commissioner, shall be liable to a penalty of one hundred dollars for such failure and to a further penalty of ten dollars for each day that shall elapse after the expiration of the time limit until compliance is made with the terms of such order. If the order is not complied with within the time limited, in addition to the foregoing penalty, the commissioner shall forthwith cause the said building to be closed for manufacturing purposes until such order is complied with. The commissioner shall give the owner of such building twenty-four hours' notice, in writing, of a closing order, and then shall post on the doors of such building a notice that such building has been closed for manufacturing purposes pending

Penalty for neglect.

May close building.

Notice given.

compliance with an order of the Department of Labor. If the said building shall be used for any manufacturing purpose until such order shall have been revoked by the said commissioner upon compliance with said order, the owner of such building shall be liable to a penalty of one thousand dollars. Penalty for use of closed building.

For violation of any mandatory portion of this act, if an order of the commissioner with reference thereto have not been issued, the owner of such building shall be liable to a penalty of one hundred dollars. Penalty clause.

14. The provisions of this act shall be construed as furnishing minimum requirements for the guidance of said Commissioner of Labor; he may multiply or add such requirements as in his judgment are necessary and proper in each particular instance, and the orders of the said commissioner shall be construed as the minimum requirements in each particular case. No municipality shall issue orders or permits in derogation thereof, but any municipality may require, in addition thereto, such precautions or devices as are not inconsistent with the provisions of this act, but the municipality shall be responsible for the enforcement of the orders issued under its authority. Act how construed. Municipal orders.

15. All installation of fire-escapes or stairways shall be made with reference to the maximum number of persons to be employed upon each story of any building or separated subdivision thereof, a statement of which number shall be posted by the owner upon the wall of each story or separated subdivision thereof, so as to be visible at all times. Under no circumstances shall this number, when once ascertained and installation of fire-escapes and stairways be made with reference thereto, be exceeded, except by permission of the commissioner. Estimated use of stairways and escapes.

16. In all buildings not detached, a stairway running from the top floor to the roof by means of a bulkhead may be ordered by the commissioner. Exit to roof.

No partitions which interfere with established means of egress shall be erected unless by approval of the commissioner. Partitions.

Pails of water and of sand shall be provided and located as ordered by the commissioner. Water and sand provided.

Inflammable material.

A suitable disposition shall be made of all inflammable articles and suitable waste cans or barrels shall be provided for the proper handling of sweepings, oily waste or other combustible material, as directed by the commissioner.

Door and hand rails.

Such doors and hand rails may be required on stairways as may be approved by the commissioner.

Escapes must be approved.

No fire-escapes shall be constructed without the approval of the Commissioner of Labor, unless specifically required by municipal authorities.

Doors indicated; approaches not obstructed.

Doors leading to fire-escapes shall be clearly indicated by signs posted or painted on the walls above or at the side of such doors. The approaches to such doors shall be kept free and unobstructed at all times.

Fire tower.

A fire tower approved by the commissioner may be substituted for an inside stairway or outside fire-escape.

Exits.

All exit doors throughout the building shall open outward, or be sliding doors, and if kept closed during working hours, shall be fastened only in such manner as to be capable of ready and immediate opening from the inside.

Fire alarm system in factories.

17. Factory buildings more than two stories in height shall be equipped with a system of fire alarm, with sufficiently large gongs, located on each floor of the factory building, or within each separate room where more than one factory is located on a single floor.

Alarm sounded throughout entire building.

The system shall be so installed as to permit the sounding of all the alarm gongs within a single building whenever the alarm is sounded in any one portion thereof. The means of sounding these alarms shall be placed within easy access of all the operatives within the specified factory or room, and shall be plainly labeled. This system of fire alarms is not to be used for any purpose other than in case of a fire or fire drill, and it shall be the duty of the person in charge of any factory or section of a factory wherein a fire originates immediately to cause an alarm to be sounded.

Fire drills.

18. A fire drill sufficient to enable the operatives of a factory immediately and rapidly to leave a building

shall be maintained in every factory building more than two stories in height, and shall be practiced at least once in every calendar month. A demonstration of this fire drill shall be given upon the request of a representative either of the Department of Labor, or of the fire department of the municipality in which the factory is located. The chief of each fire department shall advise the Commissioner of Labor of any violation of the requirements of this law coming to his knowledge.

Demonstration given.

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

Repealer.

Approved April 24, 1911.

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## CHAPTER 215.

An Act to repeal portions of an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

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

1. The following paragraphs of the act referred to in the title of this act are hereby repealed:

Sundry paragraphs repealed.

Paragraphs twelve, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two and forty-three.

2. This act shall take effect immediately.

Approved April 24, 1911.

## CHAPTER 216.

An Act to amend an act entitled "An act respecting the burial of the bodies of honorably discharged soldiers, sailors and marines, the marking of their graves with suitable headstones and the care and preservation of their graves," approved March twentieth, one thousand nine hundred and two.

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

Section amended.

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

Provision for funeral expenses of veterans.

1. It shall be the duty of the board of chosen freeholders in each of the counties of this State to designate some proper authority other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the bodies of all honorably discharged soldiers, sailors or marines (hereinafter throughout this act called "veterans") who served in the army or navy of the United States during any war in which the United States have been engaged, and shall hereafter die without leaving means sufficient to defray funeral expenses, but the expense of such funeral shall not exceed in any case the sum of fifty dollars.

458-1
A-13-594

2. This act shall take effect immediately.

Approved April 24, 1911.

## CHAPTER 217.

An Act to amend an act entitled "An act concerning the militia of the State," approved May sixteenth, one thousand nine hundred and six.

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

1. Section eighty-six of said act be and the same is hereby amended to read as follows: Section 86 amended.

86. Each battery of field artillery shall consist of one captain, two first lieutenants, two second lieutenants, one assistant surgeon, with the rank of captain; one hospital steward with the rank of sergeant; one private, first class, orderly; one first sergeant; one quartermaster sergeant; one stable sergeant; six sergeants; twelve corporals; three cooks; one chief mechanic; four mechanics; two musicians, and not less than one hundred and two privates. Composition of field artillery.

2. This act shall take effect immediately.

Approved April 24, 1911.

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## CHAPTER 218.

An Act prohibiting the sale of tobacco or any spirituous, vinous, malt or other strong or intoxicating liquor to any inmate of the New Jersey Reformatory.

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

1. Any person who shall sell any tobacco or any spirituous, vinous, malt, or other strong or intoxicating **Not sell tobacco or liquor to inmates.**

liquor, to any inmate of the New Jersey Reformatory shall be guilty of a misdemeanor.

Exceptions.

2. This act shall not apply to inmates on parole.

3. This act shall take effect immediately.

Approved April 24, 1911.

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## CHAPTER 219.

An Act to authorize the boards of chosen freeholders in counties in which there have been established tuberculosis hospitals to issue bonds for the maintenance and conduct of such institutions when current appropriation is insufficient.

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

Bond issue to meet deficiency.

1. In any county of this State where there has been established a tuberculosis hospital for the maintenance and conduct of which the appropriation heretofore made is insufficient it shall be lawful for the board of chosen freeholders of such county to issue bonds bearing interest at not exceeding four and one-half per centum and to run for a period not exceeding two years, for such sum as may be needed for the maintenance and conduct of the said institution, not exceeding in amount the sum of twenty thousand dollars, and the proceeds from the sale of the said bonds shall be by the said board of chosen freeholders applied to the maintenance and conduct of such tuberculosis hospital.

Rate.

Time.

Amount.

2. This act shall take effect immediately.

Approved April 24, 1911.

## CHAPTER 220.

An Act providing for the payment of a salary to fire commissioners in cities of this State having a population of not less than sixty thousand or more than one hundred thousand, upon the approval of the provisions of this act by the legal voters of any such city.

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

Salary for fire commissioners.

1. Hereafter there shall be paid to each of the members of the board of fire commissioners in all cities of this State, now or hereafter having within their territorial limits a population of not less than sixty thousand or more than one hundred thousand, according to the United States or the State census, a salary of five hundred dollars, to be paid in the same manner as the salaries of city officials are now paid in such cities; *provided,* this act shall not take effect in any city aforesaid unless the city council, board of aldermen or other governing body shall, by resolution thereof, consent to the payment of such salary, and until its provisions shall have been accepted by a majority of the legal voters of such city, who shall vote either for or against the adoption of its provisions at the next general election succeeding the passage of this act. The city clerk shall give public notice of the submission of the provisions of this act to the voters of such city by posting such notice in at least one public place in each of the wards of such municipality and by publishing notice of the same for at least six days previous to the day of election; and the city clerk of such city, or in case the ballots are furnished by the county clerk, then the county clerk in which such city is located shall cause to be printed upon the official ballots to be used at such election the words "for compensation to the fire com-

Referendum.

Notice of election.

Ballots.

missioners" or "against compensation to the fire commissioners," and the vote on the adoption and rejection of the provisions of this act shall be certified to the city council by the county board of election at the time when said board is required to furnish other information concerning such election to the city council or other legislative body of such city, and in the event of a majority of the legal votes in such city being cast in favor of the adoption of the payment of compensation to such fire commissioners, they shall thereafter and from the date of such election be entitled to the said salary as compensation; *and provided further,* that the submission of this act to the voters at any general election shall not in the event of its defeat at any election preclude its resubmission at any future general election upon a request therefor being made to the city clerk of any such city by a petition signed by one hundred voters of such city, which petition shall be filed at least thirty days preceding the time for holding such election.

Results certified.

Proviso.

2. This act shall take effect immediately.

Approved April 24, 1911.

Cf.-12-175 *Powers, Commissioners, Ordinances* S-13-581 *Publicity* S-12-177 *Water Rents* S-12-511 *Validating* Cf.-13-916 462-C-221 S-15-92 Cf.-15-145

462-C-221 S-1914-170

## CHAPTER 221.

462-Ch.-221 *Title* A-12-643 *Assmbly Bldg.* S-13-197 *Candidates* S-13-499 *Delegates* S-12-178 *Offices Abolished* S-12-177

An Act relating to, regulating and providing for the government of cities, towns, boroughs and other municipalities within this State.

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

APPLICATION OF THIS ACT.

1. All cities, towns, boroughs and other municipalities of this State that hereinafter adopt the provisions of this act shall be governed as herein set forth, and wherever the word "city" or "cities" appears in this act

Municipalities to which act applicable.

462-1 A-1914-254

it shall be construed to mean "town" or "towns," "borough" or "boroughs" or other "municipality" or "municipalities."

ORGANIZATION.

Election of commissioners.

2. At the first election held in such city next after the adoption of the provisions of this act as herein provided, there shall be elected in such cities, by the duly authorized voters therein, the number of persons as hereinafter provided to be commissioners of such city, each of whom shall have been a citizen and resident of such city for at least two years immediately preceding his election as such commissioner, who shall serve as such commissioners until the third Tuesday in May in the fourth year following such election and until their successors are elected and shall have duly qualified; and every fourth year thereafter, at the regular municipal election in such city, there shall be elected the number of persons as hereinafter provided as commissioners with like qualifications to serve for the term of four years and until their successors have been elected and duly qualified. Should any vacancy occur among such commissioners the remaining commissioners shall, within thirty days thereafter, elect a properly qualified person to fill such vacancy to serve for the unexpired term. The term of office of such commissioners first elected under the provisions of this act shall commence on the first Tuesday following such election and the term of office of all succeeding commissioners shall commence on the third Tuesday of May next ensuing after their election, at twelve o'clock, noon, and, upon the organizing of the commissioners in any such city, elected under this act, the City Council or other governing body or bodies theretofore acting as governing body or bodies in such city and having any other functions shall be ipso facto abolished, and the terms of all councilmen, or aldermen, and all other officers whether elective or appointive, shall immediately cease and determine: *providing, however,* that nothing herein contained shall be construed to affect in any way the term of office of any policeman, fireman or other employe of any police

Residence required.

Term.

Vacancies.

When term begins.

Existing government abolished.

Proviso.

Tenure of office act to apply.

or fire department, veteran of any war, or other official or employe now protected by any tenure of office act. Wherever heretofore or hereafter the provision of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employes of this State and of the various counties and municipalities thereof, and providing for a Civil Service Commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, and the acts supplementary thereto and amendatory thereof, have been adopted by any county or municipality in this State prior to the adoption of the provisions of this act, then, and in that event, nothing in this act contained shall apply to any person holding any position or office coming within the classified service of the civil service law.

DUTIES OF BOARD.

Number of commissioners.

464-3
A-12-644

464-3
A-15-404

464-3
A-16-406

Proviso.

3. Every city having by the last preceding State or national census ten thousand population or more shall be governed by a board of commissioners consisting of five commissioners, and every city having by the last census less than ten thousand population shall be governed by a board of commissioners consisting of three commissioners, chosen as provided in this act, each of whom shall have the right to vote on all questions coming before the board of commissioners; *provided, however,* that the number of the commissioners in any city may be increased from three to five or decreased from five to three by an ordinance adopted by the board of commissioners in accordance with all the provisions of this act.

Quorum.

A majority of the members of the board of commissioners shall constitute a quorum and the affirmative vote of a majority of all the members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure unless otherwise provided for in this act.

Ordinances.

Every resolution or ordinance shall be reduced to writing and read before the vote is taken thereon, and the vote upon every such motion, resolution or ordinance shall be by yeas and nays and shall be recorded.

Organization.

At the first meeting after their election,

the said commissioners shall choose one of their number to preside at all meetings of the board of commissioners and he shall be designated "Mayor," but he shall have no power to veto any measure. Every resolution or ordinance passed by the board of commissioners must be in writing and signed by a majority of all the commissioners.

Mayor.

Resolutions and ordinances signed.

POWERS OF BOARD.

4. The board of commissioners shall have and possess all administrative, judicial and legislative powers and duties now had and possessed and exercised by the Mayor and City Council and all other executive or legislative bodies in said city, and have complete control over the affairs of the city adopting the provisions of this act. The executive, administrative and legislative powers, authority and duties in such city shall be distributed into and among five departments, except that in any city having but three commissioners, three departments shall be designated and provided by the consolidation of the first and third departments and the fourth and fifth departments as follows:

All powers vested in board of commissioners.

465-4
A-15-494

City departments.

465-4
A-12-75
A-12-645
A-13-836

465-4
S-16-306
S-16-372

465-4
S-17-767

1. Department of Public Affairs.
2. Department of Revenue and Finance.
3. Department of Public Safety.
4. Department of Streets and Public Improvements.
5. Department of Parks and Public Property.

The board of commissioners shall determine the powers and duties to be performed by each department and assigns such powers and duties to the appropriate departments, and they shall prescribe the powers and duties of all officers and employes, and they may assign particular officers and employes to one or more departments and may require any officer or employe to perform duties in two or more departments, and make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Powers and duties prescribed by board.

The Mayor shall be the director of the Department of Public Affairs, and the board of commissioners shall, at the first regular meeting after the election of

Commissioners assigned to departments as directors.

its members, designate by majority vote one commissioner to be director of the Department of Revenue and Finance, one to be director of the Department of Public Safety, one to be director of the Department of Streets, and Public Improvements, and one to be director of the Department of Parks and Public Property, except that upon the organization of a board of three commissioners but three departments shall be designated, as above provided, and but three directors voted therefor, and such designation may be changed whenever it appears that the public service would be benefited thereby.

**Subordinate boards and officers.**

The board of commissioners shall at the first meeting, or as soon as may be after organization, create such subordinate boards and appoint such officers as it may deem necessary for the proper and efficient conduct of the affairs of the city. Any board created may be abated, or any officer or employe appointed by the board of commissioners may be removed from office at any time for cause, after public hearing, and such board of commissioners shall be the sole judge of the sufficiency of the cause of such removal.

**Salaries in first, second and third class cities.**

The Mayor and board of commissioners shall have suitable offices and their total compensation shall, in cities of the first, second and third classes, be as follows: In such cities having, by the last preceding State or National census, more than two hundred thousand population, the Mayor's salary shall be not more than fifty-five hundred dollars, and that of each commissioner shall be not more than five thousand dollars. In cities having by the last census a population of over ninety thousand and not exceeding two hundred thousand, the Mayor's annual salary shall be not more than three thousand five hundred dollars, and that of each commissioner shall be not more than three thousand dollars. In cities having from forty thousand to ninety thousand population, the Mayor's annual salary shall be not more than two thousand five hundred dollars, and that of each commissioner shall be not more than two thousand dollars. In cities having from twenty to forty thousand population, the Mayor's annual salary

shall be not more than one thousand eight hundred dollars, and that of each commissioner shall be not more than one thousand five hundred dollars. In cities having from ten to twenty thousand population, the Mayor's annual salary shall be not more than one thousand five hundred dollars, and that of each commissioner shall be not more than one thousand two hundred dollars. In cities having from five thousand to ten thousand population, the Mayor's annual salary shall be not more than one thousand dollars, and that of each commissioner shall be not more than seven hundred and fifty dollars. In cities having from twenty-five hundred to five thousand population the Mayor's annual salary shall be not more than seven hundred and fifty dollars, and that of each commissioner shall be not more than five hundred dollars. In cities having from one thousand to twenty-five hundred population the Mayor's annual salary shall be not more than five hundred and that of each commissioner not more than three hundred and fifty dollars. In cities having from five hundred to one thousand population, the Mayor's salary shall be not more than two hundred and fifty and that of each commissioner shall be not more than two hundred dollars, and in cities having less than five hundred population the Mayor's salary shall be not more than seventy-five and that of each commissioner shall be not more than fifty dollars.

Salaries in fourth class cities.

The compensation of the Mayor and the commissioners shall, in cities of the fourth class be as follows: In such cities having, at the last preceding State or National census, more than ninety thousand population, the Mayor's annual salary shall be not more than fifty-five hundred, and that of each commissioner shall be not more than five thousand dollars. In cities having from forty thousand to ninety thousand population, the Mayor's annual salary shall be not more than four thousand and that of each commissioner shall be not more than three thousand dollars. In cities having from twenty thousand to forty thousand population, the Mayor's annual salary shall be not more than three thousand, and that of each commissioner shall be not

more than twenty-five hundred dollars. In cities having from ten thousand to twenty thousand population, the Mayor's annual salary shall be not more than twenty-five hundred, and that of each commissioner shall be not more than two thousand dollars. In cities having from five thousand to ten thousand population, the Mayor's annual salary shall be not more than two thousand, and that of each commissioner shall be not more than fifteen hundred dollars. In cities having from twenty-five hundred to five thousand population, the Mayor's annual salary shall be not more than fifteen hundred, and that of each commissioner shall be not more than twelve hundred and fifty dollars. In cities having from one thousand to twenty-five hundred population, the Mayor's annual salary shall be not more than twelve hundred and fifty, and that of each commissioner shall be not more than one thousand dollars. In cities having from five hundred to one thousand population, the Mayor's annual salary shall be not more than seven hundred and fifty, and that of each commissioner shall be not more than five hundred dollars. And in cities having less than five hundred population, the Mayor's annual salary shall be not more than five hundred dollars and that of each commissioner shall be not more than two hundred and fifty dollars. Such salaries shall be payable in equal monthly installments.

Other salaries.

The salary or compensation of all other officers and employes of the city shall be fixed by the board of commissioners and shall be payable monthly or at shorter periods as they shall determine; *provided, however*, that the compensation of the commissioners shall be fixed by an ordinance adopted by the board of commissioners immediately after the organization of the board, in accordance with all the provisions of this act. The compensation so fixed shall not be increased during the term for which such commissioners are elected.

Proviso.

MEETINGS OF BOARD.

Meetings.

5. The board of commissioners shall designate the time of holding regular meetings, which shall be at

least once a week, and special meetings may be called from time to time by the mayor or by two commissioners. All meetings of the commissioners, whether regular or special, shall be open to the public, and any citizen may have access to the minutes upon application to the city clerk.

Open to public.

The mayor shall be president of the board and shall preside at its meetings and supervise all departments and report to the board for its action all matters requiring the attention of the board on any department. Director of the department of revenue and finance shall be vice-president of the board, and, in case of vacancy in the office of mayor, shall perform the duties of that office.

Mayor to preside.

Vice-president.

PASSAGE OF ORDINANCES AND FRANCHISES.

6. Every ordinance or resolution appropriating money, or ordering any street improvement, or sewer, or authorizing the making of any contract or granting any franchises, or the right to occupy or use the streets, highways, bridges or public places of the city for any purpose, shall be complete in the form in which it is finally passed and remain on file with the city clerk for public inspection at least two weeks before the final passage or adoption thereof. No franchises, or right to occupy or use the streets, highways, bridges or public places in any city shall be granted, renewed or extended except by ordinance; and every ordinance shall be published in said city before being finally passed upon and must receive the approval, by vote, of one more than a majority of all the members before being finally adopted.

Ordinances.
469-6
A-12-649

Franchises.

Vote necessary for adoption.

PROHIBITIONS UPON OFFICIALS.

7. No officer or employe, elected or appointed in any such city, shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the city, and no such officer or employe shall be interested, directly or indirectly, in any contract or job for

Officials and employes not to be interested in contracts, etc.

work or materials or the profits thereof, or services to be furnished or performed, for any person, firm or corporation, operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of said city. No such officers or employes shall accept or receive, directly or indirectly, from any person, firm or corporation, operating within the territorial limits of said city any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket, or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. And for the violation of these provisions the offender shall be punished as now provided, or may be provided hereafter by law or ordinance.

No favors to be granted or accepted.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section.

As to firemen and policemen.

BOND RESTRICTION.

8. All cities adopting the provisions of this act shall be and are hereby vested with the general powers and authority to enact and enforce by imposition of reasonable fines or by imprisonment or both all ordinances necessary for the protection of life, health and property; to declare and prevent and summarily to abate nuisances; to preserve and enforce the good government and general welfare, order and security of such city, and shall have all powers necessary for its government not in conflict with the laws applicable to all cities of this State or the provisions of the Constitution. *Provided, however*, that no ordinance increasing the net bonded indebtedness of the city to a sum in excess of ten per centum of the assessed valuation of all property within said city shall be valid unless the same shall be

Enforcement of ordinances.

470-8
A-1914-254

470-8
A-12-72
A-12-650

Proviso; limit to bonded indebtedness.

first submitted, by a special election, to the voters of the city and receive the approval of a majority of the voters actually voting at such election.

Former legislation effective.

All ordinances or resolutions heretofore passed in any such cities, not inconsistent with the rights and powers herein granted shall remain in full force and effect until altered or repealed by the commissioners in the manner herein provided.

CONTROL OF CANDIDATES.

Qualifications sole test.

9. All officers and employes in any such city shall be elected or appointed with reference to their qualifications and fitness, and for the good of the public service, and without reference to their political faith or party affiliations. It shall be unlawful for any candidate for office, or any officer in any such city, directly or indirectly to give or promise any person or persons any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person or persons under the penalty of being disqualified to hold the office to which he may have been elected or appointed.

No reward to be promised.

Election expenses to be published.

Every elective officer in any such city shall, within ten days after qualifying, file with the city clerk, and publish at least once in a newspaper printed and published in such city, and if no newspaper is printed or published in such city, then in a newspaper of general circulation in such city, his sworn statement of all his election and campaign expenses, and by whom such funds were contributed. Any violation of the provisions of this section shall be a misdemeanor and a ground for removal from office.

PUBLISH FINANCIAL STATEMENTS.

Itemized statements published monthly.

10. The board of commissioners shall each month publish in at least one newspaper in such city, or print in pamphlet form, a detailed itemized statement of all the receipts and expenses of the city and a summary of its proceedings during the preceding month, and shall file and furnish printed copies thereof to all persons

Annual audit.

who shall apply therefor at the office of the city clerk. At the end of each year the board of commissioners shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of this examination in the manner above provided for the publication of monthly expenditures.

CONTROL OF APPROPRIATIONS.

Charge and revision of expenditures.

11. If, at the beginning of the term of office of the first board of commissioners elected in such city under the provisions of this act, the appropriations for the expenditures of the city government for the then current fiscal year have been made, the said board of commissioners shall have power, by ordinance, to revise, repeal or change such appropriations and to make additional appropriations.

PUBLIC INSTRUCTION EXEMPTED.

Schools not affected.

12. The system of public instruction in any city adopting the provisions of this act shall in no way be affected by this act.

RETURN REQUIREMENT.

Primary for commissioners.

13. In every such city there shall be held a primary election for nominations for commissioners to be elected under the provisions of this act, and the first primary election for such nominations shall be held on the fourth Tuesday following the election at which the voters shall have voted to adopt the provisions of this act, and thereafter the primary election for such nominations shall be held on the second Tuesday in April in the fourth succeeding year and on the second Tuesday in April in the fourth year thereafter.

Conduction of election.

The election officers conducting the last general annual election shall be the officers of the primary election as well as the officers of the general municipal election, and the primary and municipal elections shall be held at the same places and conducted in the same manner so far as possible, and the polls shall be opened

and closed at the same hours as provided by the general primary and election laws.

Petitions for commissioners.

The names of candidates for commissioners shall, at least ten days prior to the primary election, be filed with the city clerk in the manner and form and under the conditions hereafter set forth, and the petition of nominations shall consist of individual certificates equal in number to at least one-half of one per centum of the entire vote at the last preceding general election, but in no event less than twenty-five, and said petition shall read substantially as follows:

PETITION OF NOMINATION.

Form of petition.

I, the undersigned, a qualified elector of the city of ....., residing at .....certify that I do hereby join in a petition for the nomination of ....., whose residence is at ..... for the office of commissioner, to be voted for at the primary election to be held in such city on the..... ....., 19.., and I further certify that I know this candidate to be a qualified elector of said city and a man of good moral character, and qualified in my judgment for the duties of such office, and I further certify that I have not signed more petitions or certificates of nominations than there are places to be filled in the above office.

(Signed) .....

Being duly sworn, deposes and says that he is the person that signed the foregoing certificate; that the statements contained therein are true and correct.

(Signed) .....

Subscribed and sworn to before me..... .....

It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Separate certificate for each signer and candidate.

Each certificate must be a separate paper and must contain the name of but one signer thereto, and no more, and shall contain the name of but one candidate, and no more. Each signer must not, at the time of signing the certificate, have signed more certificates for

candidates for that office than there are places to be filled in such office, and in case an elector has signed two or more conflicting certificates, all such certificates shall be rejected.

Petitions examined before filing.

When such a petition of nomination is presented for file to the city clerk, he shall forthwith examine the same and ascertain whether it conforms to the provisions of this section, and if not found in conformity thereto, he shall designate the defect and return the petition to the person signing it, which may again be presented when properly amended.

List of candidates published.

Immediately upon the expiration of the time of filing certificates, statements and petitions for candidates, the said clerk shall cause to be published for three successive days in all the daily newspapers published in such city, in proper form, the names of the persons as they are to appear upon the primary ballots, and if there be no daily newspapers, then in two issues of any other newspapers that may be published in said city; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the said ballot arranged in alphabetical order shall appear the names of the candidates for commissioners with a square at the left of each name, and below the names of such candidates in cities of ten thousand or over shall appear the words "Vote for five," and in cities of less than ten thousand population shall appear the words "Vote for three." The ballots shall be printed upon plain, substantial white paper, and shall be headed:

Arrangement of names.

No party designation.

Candidates for Nomination for Commissioners of City at the Primary Election, but shall have no party designation indicative of the source of the candidacy or of the support of any candidate or mark whatever. The ballots shall be substantially the following form:

Form of ballots to be used at primary election.

(Place a cross in the square preceding the names of the persons you favor as candidates for the respective positions.)

OFFICIAL PRIMARY BALLOT.

Candidates for Nomination for Commissioners of ..... City ..... at the Primary Election.

☐ For Commissioner
(Name of Candidate)
(Vote for ..... (give number)
Official ballot attest
(Signature .....
City Clerk.

Delivery of ballots.

Having caused said ballot to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general election.

Voters.

The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and challenges can be made by not more than two persons, to be appointed at the time of opening the polls by the judges of election; and the law applicable to challenges made at a general municipal election shall be applicable to challenges at such primary election.

Count and returns.

Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city clerk, upon proper blanks, to be furnished by the said clerk, within six hours of the closing of the polls.

Returns canvassed.

On the day following the said primary election the said city clerk shall canvass said returns so received from all the polling precincts, and shall immediately make and file in the office of the city clerk the result thereof. Said canvass by the city clerk shall be publicly made.

475-14
A-13-841

MUNICIPAL ELECTION.

Municipal election.

14. And in every city of ten thousand population or more, five commissioners, and in cities of less than ten thousand population three commissioners, shall be elected, at an election to be held on the fourth Tuesday following the primary election, following the election at which the voters shall have voted to adopt the pro-

Number of candidates.

visions of this act, and on the second Tuesday in May in each fourth year thereafter. The number of candidates equal to twice the number of places to be filled, receiving the highest number of votes at the primary election, shall be the candidates, and the only candidates whose names shall be placed upon the ballot at the succeeding municipal election, and the number of candidates equal to twice the number of places to be filled, receiving the highest number of votes for commissioners, or all such candidates, if less than twice the number of places to be filled, shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for commissioners at such municipal election, and the ballot at such municipal election shall be in the same general form as for said primary election so far as possible, and at all elections in such city the election precincts, voting places, methods of conducting election, canvassing the votes and announcing the results, shall be the same as herein provided for the selection of candidates at the primary election, and the number of candidates equal to the number of places to be filled receiving the highest number of votes shall be elected as commissioners as herein provided.

Election, how conducted.

RECALL.

Removal from elective office.

476-15
A-13-844

15. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by the electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per cent. of the entire vote at the last preceding general election demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought.

Twenty-five per cent. of voters to petition.

476-15
S-15-622

Reasons given.

Signatures.

476-15
A-17-48

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall

make an oath before an officer competent to administer oaths that the statement therein made is true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine, ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

Examination of petitions.

The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if this certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the board of commissioners without delay.

Further examination and action taken.

If the petition shall be found to be sufficient the board of commissioners shall, if the officer sought to be removed shall not resign within five days after the date on the clerk's certificate, order and fix a date for holding the said election, not less than thirty days or more than forty days from the date on the clerk's certificate to the board of commissioners that a sufficient petition is filed.

Ordering election to recall officer.

The board of commissioners shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent re-

Conduction of election.

Successor and term.

Incumbent may be candidate.

ceives the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the person who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Failure to qualify.

Incumbent may continue.

Recalled officer ineligible for a year.

Only one recall after a year.

No recall petition shall be filed against any officer until he has actually held his office for at least twelve months, and but one recall petition shall be filed against the same officer during his term of office.

INITIATIVE.

Voters may submit ordinance.

16. Any proposed ordinance may be submitted to the board of commissioners by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petitions under the last section.

Request for submission.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per centum of the votes cast at the last preceding general election, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the board of commissioners, such board of commissioners shall either—

Conditions.

Pass ordinance;

(a) Pass said ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition, or.

or submit to people.

(b) Forthwith, after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the board of commissioners shall call a special election, unless a general municipal election is

fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of the city.

Board to pass or submit ordinance.

But if the petition is signed by not less than ten nor more than fifteen per centum of the electors, as above defined, then the board of commissioners shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election occurring not more than thirty days after the clerk's certificate of sufficiency is attached to said petition.

Ballots.

The ballots used when voting upon said ordinance shall contain these words: "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature of the proposed ordinance).

Result.

If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

As to repeal of such ordinances.

Several ordinances may be voted upon.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

Proposition for repeal of ordinances.

The board of commissioners may submit a proposition for the repeal of any such ordinance or for amendment thereto, to be voted upon at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly.

Publication of proposed ordinances.

Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city clerk shall cause such ordinance or proposition to be published once in at least one of the newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on.

REFERENDUM.

Ordinances in effect ten days after passage.

480-17
A-13-323

17. No ordinance passed by the board of commissioners, except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the board of commissioners, shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least fifteen per centum of the entire vote cast at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the board of commissioners, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board of commissioners to reconsider such ordinance; and if the same is not entirely repealed, the board of commissioners shall submit the ordinance, as is provided by sub-section b of section sixteen of this act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section sixteen, except as to the percentage of signers, and be examined and certified to by the clerk in all respects as therein provided. Any ordinance or measure that the board of commissioners or the qualified electors of the city shall have authority to enact, the board of commissioners may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this act for ordinances or measures submitted on petition. At any special election called under the provisions of this act, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions

Protest against ordinance to suspend its operation.

Reconsideration.

Submission to voters.

Petition, consideration, etc.

Board may submit ordinances to electors.

Other questions may be submitted.

are such as may legally be submitted to such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

ADOPTION REQUIREMENTS.

Referendum.

481-18
A-15-12

18. This act shall take effect immediately, but its provisions shall remain inoperative in any city of this State until assented to by a majority of the legal voters thereof voting at an election to be held in such city, which election shall be called by the city clerk upon the request or petition in writing of twenty per centum of the legal voters voting at the last general election. Upon such petition or request in writing being filed with the city clerk, the said city clerk shall forthwith call an election to be held on the third Tuesday following the date of the filing of such petition with him, and shall cause public notice of the time and place of holding the same to be given by advertisement signed by himself and set up in at least twenty different places in such cities and published in at least one newspaper printed and published in such city, and if no newspaper is printed or published in such city, then in a newspaper circulated therein, for at least six days previous to the time of such election; and said city clerk shall provide ballots for each voter at such election, to be printed upon plain, substantial white paper, which shall contain these words:

Petition of voters.

Notice of special election.

Ballots.

"For the adoption or the rejection by the city of (here name of city) of the provisions of an act of one thousand nine hundred and eleven, entitled 'An act relating to, regulating and providing for the government of cities, towns, boroughs and other municipalities within this State.'" Upon said ballots shall appear the phrase "For the adoption," and the phrase "Against the adoption," with a square at the left of each phrase, and below shall appear the words "Vote for or against"; "Place a cross in one square."

Wording.

Such election shall be held at the usual places of holding the annual election in such city. The polls shall remain open during the usual hours, and every

Election, how conducted.

New Jersey State Library

such election shall be conducted by the same election officers for the time being in the manner prescribed by law regulating elections, and such officers shall report to the city clerk of such city a true and correct statement in writing under their hands of the results of such election, and it shall be the duty of the city clerk to certify and report the same to the city council, or other legislative body, of such city or municipality, at its first meeting thereafter, and the same shall be entered at large in the minutes of said body. Whereupon, if it is found that the majority of the votes cast are in favor of the adoption of this act, this act shall in all respects become and be operative in such city, and binding upon the inhabitants thereof and upon all persons and property to be affected thereby; *provided, however,* that the votes cast in favor of the adoption of this act is equal to at least thirty per centum of the votes cast for members of the General Assembly at the last general election immediately preceding the submission of this act as aforesaid; and, immediately after the election and organization of the board of commissioners provided herein, it shall abrogate, repeal and annul all acts or parts of acts then existing, whether general or special, in anywise affecting the government of such cities which are contrary to or inconsistent with the provisions of this act; *provided, however,* that this act shall not abrogate, repeal or annul an act entitled "An act concerning district courts (Revision of 1898), approved June fourteenth, one thousand nine hundred and eight," or any supplement thereof or amendment thereto.

Majority vote binding.

Proviso.

Favoring vote of thirty per cent. necessary.

Effect of adoption.

Proviso.

If vote adverse, when further action may be taken.

If a majority of the votes cast are not in favor of the adoption of this act, then the provisions of this act shall remain inoperative and no further proceedings shall be taken until after the beginning of the last year of the term of the mayor, or equivalent officer, elected at the election following the rejection of this act, after which date, upon the presentation of another petition or request, as provided for herein, the same procedure shall be had and the question of the adoption or rejection of the provisions of this act again submitted in the

manner herein set forth, and with the same force and effect.

REVERSION TO THE CHARTER.

After six years city may resume charter.

19. Any city which shall have operated for more than six years under the provisions of this act may abandon such organization hereunder and may resume its charter by proceeding as follows:

By petition.

483-19
A-17-146

Upon the petition of not less than twenty-five per centum of the electors of such city, a special election shall be called at which the following proposition shall be submitted: "Shall the city of (name of city) abandon its organization under the provisions of an act of one thousand nine hundred and eleven, entitled 'An act relating to, regulating and providing for the government of cities within this State,' and resume or adopt a charter under another act?"

Question to be submitted.

Return to charter if majority so decide.

If a majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding regular municipal election shall be those prescribed by the charter, and upon the qualification of such officers such city shall become a city under the charter, but such change shall not in any manner or degree affect the property, right or liability of any nature of such city, but shall merely extend to such change in its form of government.

Effect of change.

Procedure by Article IV.

The sufficiency of such petition shall be determined, the election ordered and conducted and the results declared generally as provided by Article IV of this act in so far as the provisions thereof are applicable.

As to constitutionality of sections.

20. If any proviso, clause or section of this act shall be attacked in any court and shall be declared invalid or unconstitutional, the rest of this act shall stand, and the proviso, clause or section declared invalid or unconstitutional shall be exscinded from this act.

Approved April 25, 1911.

## CHAPTER 222.

An Act to incorporate the Borough of Alpha, in the county of Warren.

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

Corporate name.

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

Boundaries of Alpha.

2. The boundaries of said borough shall be as follows: Beginning at an iron pin in fence line on north side of lane leading from public road to works of Vulcanite Portland Cement Company, said lane being the dividing line between the property of J. Calvin Hamlin and the aforesaid Vulcanite Portland Cement Company; thence down center of said public road leading from Phillipsburg to Springtown south thirty-eight degrees twenty-eight minutes east nine hundred and fifty-eight and two-tenths feet to iron pin in center of said road; thence south forty-eight degrees thirty-four minutes east eight hundred and fifty-four and five-tenths feet to iron pin in center of said road; thence north eighty-three degrees sixteen minutes west three hundred and seventy-four feet along line between George Beers estate and J. Calvin Hamlin; thence along the same course eight hundred and fifty-four feet to iron pin in fence line between lands of J. Calvin Hamlin, Vulcanite Portland Cement Company and Holloway H. Cline; thence south fifty-four degrees forty-four minutes west one thousand five hundred and seventy-two and forty-five-hundredths feet to iron pin in fence line between Holloway H. Cline and Vulcanite Portland Cement Company; thence north eighty-nine

degrees sixteen minutes west one thousand two hundred and fifty-two feet to iron pin in fence line between H. H. Cline, Vulcanite Portland Cement Company and Atlas Portland Cement Company; thence south one degree twenty-one minutes east two hundred and thirty-three feet to iron pipe in line between H. H. Cline, Atlas Portland Cement Company and Lehigh Valley Railroad Company; thence south fifty-two degrees forty-one minutes west eighty-four and five-tenths feet to iron pin situate five feet and six inches from west rail of east-bound siding of Lehigh Valley Railroad Company; thence along said railroad north thirty-nine degrees twenty-four minutes west one thousand five hundred and fourteen feet to iron pin in line of Atlas Portland Cement Company; thence south eighty-seven degrees twenty-eight minutes west six hundred and sixteen feet along line between Atlas Portland Cement Company and Henry Zellers to stone corner; thence south seven degrees five minutes east seven hundred and thirty feet to stake in line of said Atlas Portland Cement Company and Henry Zellers; thence south eighty-six degrees nineteen minutes west eighty-nine feet to stake in fence corner of lands of Henry Zellers, Atlas Portland Cement Company and Alvin Mellick; thence south eighty-three degrees fifty minutes west seven hundred and eighty-seven feet to iron pin in center of road leading from Alpha to Springtown; thence south six degrees fifty-four minutes east one thousand three hundred and eleven and three-tenths feet along center of said road to iron pin at intersection of public road leading from Alpha to Springtown and Springtown to Carpentersville; thence along center of road leading from Springtown to Carpentersville south seventy-five degrees twenty-one minutes west one thousand four hundred and eight and four-tenths feet to stone in south edge of road; thence south sixty-eight degrees thirty-six minutes west one thousand four hundred and thirty-four and two-tenths feet to pin in center of said road; thence along center of said road the following courses: south forty-seven degrees thirty-three minutes west seven hundred and twenty-eight

feet to pin; thence south forty-three degrees fifty-five minutes west five hundred and ninety-two feet to stake; thence south fifty-two degrees forty minutes west six hundred and forty-four feet to iron pin; thence south fifty degrees thirty-five minutes west three hundred and fourteen and eight-tenths feet to iron pin; thence south fifty-three degrees fifty minutes west six hundred and eleven and eight-tenths feet to stake intersection of road leading from Springtown to Carpentersville and to Phillipsburg; thence north fourteen degrees seventeen minutes west one thousand six hundred and fifty-nine and two-tenths feet along center of road leading from Carpentersville to Phillipsburg to stone, said stone being in line between Alpha Portland Cement Company and land of Abram Young; thence north forty-seven degrees twenty-eight minutes east eight hundred and ninety-nine feet along fence line between Alpha Portland Cement Company and Abram Young to iron pin; thence along said line the following courses and distances: north forty-two degrees thirty-five minutes west four hundred and ninety-three and sixty-eight-hundredths feet to pin; thence north sixty-two degrees twenty-five minutes east six hundred and thirty-four and twenty-six-hundredths feet to pin; thence north four degrees thirty-five minutes west six hundred and thirty-six and nine-tenths feet; thence north seventy-eight degrees twenty-five minutes east one hundred and forty-nine and sixteen-hundredths feet; thence north thirty-six degrees twenty-five minutes east one hundred and nine and fifty-six hundredths feet; thence north seventy-seven degrees twenty-five minutes east two hundred and thirty-six and twenty-eight-hundredths feet to pin; thence north four degrees thirty-five minutes west seven hundred and fifty-one and one-tenth feet to pin in line between Alpha Portland Cement Company, Abram Young and Charles Oberly; thence along said line between Alpha Portland Cement Company and Charles Oberly north seventy-six degrees twenty-five minutes east one thousand one hundred and eighty-eight and six-tenths feet to pin; thence north six degrees thirty-five minutes

west three thousand three hundred and seven feet along land of Alpha Portland Cement Company, Old Seitz farm, and Johnson Hummer's land on the east, and Charles Oberly and William Case estate on the west to iron pin in center of public road leading from Phillipsburg to Alpha; thence along said road north eighty-four degrees thirteen minutes east two thousand five hundred feet to iron pin in center of said road; thence north eight degrees forty-five minutes west seven hundred and thirty feet along west bank of Lehigh Valley Railroad to stone corner in right of way between Lehigh Valley Railroad, Sherer and Frank Feit; thence north seventy-five degrees forty-one minutes east two hundred and ninety-seven and seven-tenths feet along line between Sherer and Hawk estate to iron pin in road lading to Alpha; thence north eleven degrees one minute west five hundred and eighty-nine and five-tenths feet along tracks of Phillipsburg Horse Car Railroad Company to iron pin in center of road; thence north seventy-nine degrees forty-two minutes east one hundred and sixty-three and seventy-five-hundredths feet along center of a street called William street to iron pin in center of twenty foot wide street name unknown, between the lands of Willever and Hawk Land and Improvement Company; thence along center of said street north ten degrees eighteen minutes west five hundred and fifty-eight feet to iron pin in right of way fence of Central Railroad of New Jersey; thence south sixty-two degrees forty-six minutes east four hundred and forty-six feet along said right of way to iron pin; thence north seventy-two degrees fourteen minutes east sixty feet to iron pin in center of Central Railroad of New Jersey over center of concrete arch over road leading from Phillipsburg to Alpha; thence north eighty-three degrees forty-two minutes east one thousand and nineteen and seven-tenths feet to iron pin in center of road leading from Phillipsburg to Still Valley; thence south seventy-four degrees twenty-six minutes east four hundred and eighty feet to iron pin in center of said road and fence line between Henry Pursel and William Shimer; thence along said line north fifty de-

grees thirty-four minutes east five hundred and ninety-five feet to corner between Henry Pursel and William Shimer; thence south fifty-nine degrees six minutes east four hundred and thirty feet to iron pin in center of road leading from Phillipsburg to Stewartsville; thence south sixteen degrees twenty-one minutes east four hundred and sixty-one and five-tenths feet to point in center of public road leading from Phillipsburg to Springtown; thence along center of said road south thirty-eight degrees twenty-one minutes east three hundred and ninety-three feet to stake; thence along said road the following courses and distances: south thirty-three degrees fifteen minutes east one hundred and seventy-seven feet to stake; thence south thirty-six degrees forty-five minutes east one hundred and two and three-tenths feet to stake; thence south forty-one degrees thirty-five minutes east one hundred and four feet to stake; thence south forty-four degrees fifty-seven minutes east seven hundred and thirty feet to stone; thence south thirty-six degrees thirty-four minutes east nine hundred and fifty-three and seven-tenths feet to stone; thence south twenty-one degrees and no minutes east four hundred and fifty feet to iron pin; thence south twenty-two degrees and no minutes east one thousand and three feet to iron pin; thence south thirty-eight degrees thirty-seven minutes east to place of beginning.

Referendum.

3. This act shall take effect immediately; *provided*, it shall not operate to effect the incorporation of the territory above described as a borough of this State until it shall have been accepted by a vote of the majority of the qualified voters of the said described territory voting thereon, at a special election to be held within said territory within forty days from the approval of this act, within the hours of six A. M. and seven P. M. on the day appointed and at a place within said territory to be fixed by the clerk of the said township of Pohatcong. The clerk of said township shall cause public notice of the time and place of holding said election, to be given by advertisements signed by himself and set up in at least ten public places within

Notice of special election.

said described territory and published in one or more newspapers printed or circulating therein at least ten days prior to such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and place so appointed, and be conducted by the officers of the election district of said township of Pohatcong, except that no special form of ballot or envelope need be used. The officers holding such election shall make return to the township committee of said township of Pohatcong of the result thereof by a statement, in writing, under their hands and the same shall be entered at length on the minutes of said township committee; and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

Ballots.

Election, how conducted.

Returns.

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

Register used.

Correction of register.

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

Names added.

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

Certified copy filed with county clerk.

Approved April 27, 1911.

## CHAPTER 223.

An Act relative to a monument on the Heights of Middle Brook.

Preamble.

WHEREAS, The Continental Congress on the fourteenth day of the month of June, one thousand seven hundred and seventy-seven, passed an act adopting the Stars and Stripes as the American flag, and thereupon ordered the said flag to be promulgated to the Continental Army; and

WHEREAS, The Continental Army, under the command of General Washington, was then encamped on the Heights of Middle Brook, in the county of Somerset, at which point the American flag was thereupon promulgated to the said army; and

WHEREAS, The property on which was located the headquarters of the said encampment has been donated to the Washington Camp Ground Association, to the end that a memorial to the American flag might be erected at that point as becomes the historic importance of the event there transacted, and

WHEREAS, An effort is now being made by the said Washington Camp Ground Association to secure appropriation to that end from the State of New Jersey, as well as from the United States; now therefore,

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

Appropriation for monument.

1. The sum of ten thousand dollars, if included in the annual appropriation bill, shall be paid as hereinafter specified towards the erection of a monument or a statue of suitable material, on a tract of land in the county of Somerset, near the borough of Bound Brook, and on what is known as the Heights of Middle Brook, or more recently, Middle Brook Heights, as a mem-

Situation.

orial to the American Flag, which under order of the Continental Congress was promulgated to the army at that point.

Commission on design, etc.

2. The Adjutant-General of this State and the President of the Senate and the Speaker of the House of Assembly, for the time being, together with the commission designated by the Washington Camp Ground Association, and if appropriation be made by the United States, such representatives as the United States may select, be and the same are hereby constituted a commission under this act to select a design, to contract for, erect and finish a suitable monument or statue, to be ornamented in such manner as the commissioners shall determine, and also to grade, fence and improve the grounds at an expense not exceeding the sum hereby appropriated, and such amount as may be appropriated by the United States, together with any amounts the said association may secure from other sources; and that said commission commence work upon and finish said monument or statue as soon as practicable. Said commissioners shall not receive any compensation for their services.

Payment.

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

Report.

4. After the monument or statue shall be completed or dedicated, and the grounds properly graded as aforesaid, the commission shall make a report to the Governor of this State, to be laid before the Legislature on the first day of the session next succeeding the completion of the work, and then the duties of the commission shall cease and the care and supervision of said monument shall devolve upon and be vested in the trustees of the Washington Camp Ground Association or their successors in said trust.

Future care.

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

Approved April 27, 1911.

## CHAPTER 224.

Supplement to an act entitled "An act relating to the management of the New Jersey Reformatory," approved March twenty-first, one thousand nine hundred and one.

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

Incorrigibles.

1. The commissioners may for continuous misconduct adjudge any inmate to be incorrigible, and shall enter an order by them to that effect in their minutes.

Delinquency.

Any inmate so adjudged incorrigible shall be deemed to be a delinquent until the board by a subsequent order entered in the minutes shall remove the ban of incorrigibility. The period of delinquency shall not be counted as any part or portion of the time served by such inmate.

To whom act applies.

2. This act shall only apply to inmates committed to the institution subsequent to its enactment.

3. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 225.

An Act to amend an act entitled "An act to provide for the appointment of probation officers and to define their duties and powers," approved April second, one thousand nine hundred and six.

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

Section amended.

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

Probation officers.

1. The judge or judges of the Court of Common Pleas in and for each county in this State are hereby authorized and empowered, if in their judgment the interests of justice will be promoted thereby, to appoint one officer to be known as chief probation officer, to perform the duties of a probation officer, as hereinafter defined, under the direction of said court; and in any county of the first class upon the application of the chief probation officer, the said judge or judges may appoint as many assistant probation officers, not exceeding five (two of whom may be women), as may be needed to carry out the purposes of this act; and in any county of the second class, upon the application of the chief probation officers, the said judge or judges may appoint as many assistant probation officers, not exceeding three (one of whom may be a woman), as may be needed to carry out the purposes of this act.

Assistants.

Salaries.

2. The said judge or judges shall fix annual salaries to be paid to the said chief probation officer and the other probation officers so to be appointed by the said judge or judges by order, under the hand of said judge or judges and filed in the office of the county collector of the said county; and thereafter the said salaries shall be paid in equal monthly payments out of the funds of such county in the same manner as the salaries of the officers of said county are now paid.

Repealer.

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

Approved April 27, 1911.

## CHAPTER 226.

An Act to amend an act entitled "An act to regulate the practice of dentistry in the State of New Jersey, and to repeal certain acts now relating to the same," approved March seventeenth, one thousand eight hundred and ninety-eight.

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

1. Section three of the act referred to in the title of this act be and the same is hereby amended so as to read as follows: Section 3 amended.

3. The board shall from time to time adopt rules for its own government and for the examination of candidates for licenses to practice dentistry; any rule altering the nature or increasing the severity of the examination or the subjects to be included therein shall not be enforced within six months after its adoption and public promulgation; the examination of applicants shall be confined to written or oral, or both written or oral, examinations upon subjects properly relating to the science of dentistry, the knowledge of which is necessary to the proper and skillful practice of said science; the board may also require from applicants, as part of the examination, demonstration of their skill in operative and mechanical dentistry; no person shall be examined by said board unless he or she be twenty-one years of age, of good moral character and shall present to said board a certificate from the Superintendent of Public Instruction of this State, showing that before entering a dental college he or she had obtained an academic education consisting of a four years' course of study in an approved public or private high school or the equivalent thereof; and unless he had been graduated in course with a dental degree from a dental school, college or department of a university approved

Rules for examinations.

Practical demonstration.

Academic education.

property by fire, by friction, by concussion, by percussion or by detonator, such as fixed ammunition for small arms, fire-crackers, safety fuse, etc.

Highway. The term "highway" whenever used in this act shall be held to mean and include any public street or public highway, or any steam, electric or other railroad.

Building. The term "building" whenever used in this act shall be held to mean and include only any building regularly occupied in whole or in part as a habitation for human beings, and any church, school-house, railway station or other building where people are accustomed to assemble.

Person. The term "person" whenever used in this act shall be held to mean and include corporations as well as natural persons.

Factory. The term "factory building" whenever used in this act shall be held to mean any building or other structure containing explosives, in which the manufacture of explosives or any part of the manufacture is carried on.

Magazine. The term "magazine" whenever used in this act shall be held to mean and include any building or other structure used to store explosives.

Barricade. The term "efficient artificial barricade" whenever used in this act shall be held to mean an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet.

Singular and plural. Words used in the singular number shall include the plural and the plural the singular.

Regulations regarding quantity, distance from buildings, etc. 2. No person shall manufacture, have, keep or store explosives except in compliance with this act. The quantity of explosives that may be lawfully had, kept or stored in any factory building or magazine shall depend upon the distance that such factory building or magazine is situated from buildings and highways, and the protection afforded by natural or efficient artificial barricade to such buildings or highways. Whenever any of the quantities given in column one of the quantity and distance table hereinafter set forth is had, kept or stored in any factory building or magazine in this State, the distance that any quantity given in column

one of said table may be lawfully had, kept or stored from buildings is the distance set opposite said quantity in column two of said table, and the distance that any quantity given in column one of said table may be lawfully had, kept or stored from highways is the distance set opposite said quantity in column three of said table. The quantity and distance table governing the making, keeping or storing of explosives is as follows:

Table governing explosives.

| *Column* 1. Quantity that may be lawfully kept or stored from nearest building or highway. | | | | *Column* 2. Distance from nearest building. | *Column* 3. Distance from nearest highway. |
|---|---|---|---|---|---|
| | Lbs. | | Lbs. | Feet. | Feet. |
| Over | 100 | and not over | 200 | 360 | 220 |
| Over | 200 | and not over | 300 | 520 | 310 |
| Over | 300 | and not over | 400 | 640 | 380 |
| Over | 400 | and not over | 500 | 720 | 430 |
| Over | 500 | and not over | 600 | 800 | 480 |
| Over | 600 | and not over | 700 | 860 | 520 |
| Over | 700 | and not over | 800 | 920 | 550 |
| Over | 800 | and not over | 900 | 980 | 590 |
| Over | 900 | and not over | 1,000 | 1,020 | 610 |
| Over | 1,000 | and not over | 1,500 | 1,060 | 640 |
| Over | 1,500 | and not over | 2,000 | 1,200 | 720 |
| Over | 2,000 | and not over | 3,000 | 1,300 | 780 |
| Over | 3,000 | and not over | 4,000 | 1,420 | 850 |
| Over | 4,000 | and not over | 5,000 | 1,500 | 900 |
| Over | 5,000 | and not over | 6,000 | 1,560 | 940 |
| Over | 6,000 | and not over | 7,000 | 1,610 | 970 |
| Over | 7,000 | and not over | 8,000 | 1,660 | 1,000 |
| Over | 8,000 | and not over | 9,000 | 1,700 | 1,020 |
| Over | 9,000 | and not over | 10,000 | 1,740 | 1,040 |
| Over | 10,000 | and not over | 20,000 | 1,780 | 1,070 |
| Over | 20,000 | and not over | 30,000 | 2,110 | 1,270 |
| Over | 30,000 | and not over | 40,000 | 2,410 | 1,450 |
| Over | 40,000 | and not over | 50,000 | 2,680 | 1,610 |
| Over | 50,000 | and not over | 60,000 | 2,920 | 1,750 |
| Over | 60,000 | and not oevr | 70,000 | 3,130 | 1,880 |
| Over | 70,000 | and not over | 80,000 | 3,310 | 1,990 |

| | | | | | |
|---|---|---|---|---|---|
| Over | 80,000 | and not over | 90,000 | 3,460 | 2,080 |
| Over | 90,000 | and not over | 100,000 | 3,580 | 2,150 |
| Over | 100,000 | and not over | 200,000 | 3,670 | 2,200 |
| Over | 200,000 | and not over | 300,000 | 4,190 | 2,510 |
| Over | 300,000 | and not over | 400,000 | 4,670 | 2,800 |
| Over | 400,000 | and not over | 500,000 | 5,110 | 3,070 |

Maximum allowed.

Under certain condition reduction made.

No quantity in excess of five hundred thousand pounds shall be had, kept or stored in any factory building or magazine in this State. Whenever the building or highway to be protected is effectually screened from the factory building or magazine, where explosives are had, kept or stored, either by natural features of the ground or by an efficient artificial barricade of such height that any straight line drawn from the top of any side wall of the factory building or magazine to any part of the building to be protected will pass through such intervening natural or efficient artificial barricade, and any straight line drawn from the top of any side wall of the factory building or magazine to any point twelve feet above the center of the highway to be protected will pass through such intervening natural or efficient artificial barricade, the applicable distance given in columns two and three of the quantity and distance table may be reduced one-half.

Explosives kept in suitable containers.

3. Except only at a factory building no person shall have, keep or store explosives at any place within this State unless such explosives are completely enclosed and encased in tight metal, wooden or fibre containers, and, except while being transported or in the custody of a common carrier awaiting shipment or pending delivery to a consignee, shall be kept and stored in a magazine constructed and operated as provided in section four of this act, and no person having explosives in his possession or control shall, under any circumstances, permit or allow any grains or particles to be or remain on the outside or about the containers in which such explosives are held. All containers in which explosives are held shall be plainly marked with the name of the explosives contained therein.

Plainly marked.

Magazines classified.

4. Magazines in which explosives may lawfully be kept or stored shall be of two classes, as follows:

Over fifty pounds.

(a) Magazines of the first class shall consist of those containing explosives exceeding fifty pounds, and shall be constructed of brick, concrete, iron or wood covered with iron, and shall have no openings except for ventilation and entrance. The doors of such magazine must at all times be kept closed and locked, except when necessarily opened for the purpose of storing or removing explosives therein or therefrom, by persons lawfully entitled to enter the same. Every such magazine shall have sufficient openings for ventilation thereof, which must be screened in such manner as to prevent the entrance of sparks of fire through the same. Upon each side and each end of such magazine, or upon its barricade, there shall at all times be kept conspicuously posted a sign, with the words "Magazine—Explosives—Dangerous" legibly printed thereon in letters not less than six inches high. No matches or fire of any kind shall at any time be permitted in any such magazine. No package of explosives shall at any time be opened in or within fifty feet of any magazine, nor shall any open package of explosives be kept therein. Magazines in which more than fifty pounds of explosives are kept and stored must be detached, and those where more than five thousand pounds are kept and stored must be located at least two hundred feet from any other magazine.

Entrance.

Ventilation.

Warning sign.

Opening packages.

Under fifty pounds.

(b) Magazines of the second class shall be made of fire-proof material, or wood covered with sheet iron, and not more than fifty pounds of explosives shall at any time be kept or stored therein, and, except when necessarily opened for use by authorized persons, shall at all times be kept securely locked. Upon each such magazine there shall at all times be kept conspicuously posted a sign, with the words "Magazine—Explosives—Dangerous" legibly printed thereon, and not more than two such magazines shall be had or kept in any building.

Warning sign.

Caps not kept in magazine.

5. No blasting caps, or other detonating or fulminating caps or detonators, shall be kept or stored in any magazine in which explosives are kept or stored.

Record of sales.

6. Every person selling or giving away explosives within this State shall keep at all times an accurate journal or book of record in which must be entered from time to time, as it is made, each and every sale made by such person in the course of business, or otherwise, of any quantity of explosives. Such

Entries.

journal or record book must show in a legible handwriting, to be entered therein at the time, a complete history of each transaction, stating the name and quantity of explosives sold, name, place of residence and business of the purchaser, name of individual to whom delivered, with his or her address. Such journal or book of record must be kept by the person so selling explosives in his or their principal office or place of business, at all times subject to the inspection and examination of the police authorities of the county or municipality where same is situated, on proper demand therefor.

Who may enter.

7. No person, except a peace officer or a person authorized so to do by the owner thereof, or his agent, shall enter any factory building, magazine or car containing explosives in this State.

Not discharge firearms nearby.

8. No person shall discharge any firearms within five hundred feet of any magazine or factory.

Existing laws not affected.

9. Nothing in this act contained shall affect any existing ordinance, rule or regulation of any city or municipality not inconsistent with this act governing the manufacture, storage and sale of explosives, or affect, modify or limit the power of cities or municipalities in this State to make ordinances, rules or regulations not inconsistent with this act, governing the manufacture, storage and sale of explosives within their respective corporate limits.

Interstate commerce excepted.

10. Nothing in this act contained shall be held to apply to interstate commerce.

Penalty.

11. Whoever fails to comply with or violates any of the provisions of this act shall be guilty of a misdemeanor.

12. All acts and parts of acts inconsistent or in conflict with this act are hereby repealed. Repealer.

Approved April 27, 1911.

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## CHAPTER 228.

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

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

1. The following described property, to wit: all that part of the county of Essex in the State of New Jersey, comprised within the following boroughs, towns and townships within said county, to wit: First judicial district of Essex; how composed.

The town of Montclair, borough of Glen Ridge, borough of Caldwell, borough of West Caldwell, borough of North Caldwell, borough of Essex Fells, township of Caldwell, township of Cedar Grove and the borough of Verona, be and the same hereby is established and incorporated to be the First Judicial District of the county of Essex and the provisions of an act entitled "An act concerning District Courts" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight and the various amendments thereof and supplements thereto, as far as the same may be applicable, shall apply to the district hereby established.

2. This act shall take effect immediately.

Approved April 27, 1911.

# CHAPTER 229.

504-C-229
R-1914-557

An Act to provide for the care, maintenance and custody of idiotic and imbecile males and idiotic male epileptics.

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

Board authorized to provide building, etc.

1. The board of managers of the New Jersey State Village for Epileptics, at Skillman, New Jersey, is hereby authorized, empowered and directed to provide for the care, maintenance and custody of idiotic and imbecile males and idiotic male epileptics by the erection and equipment of buildings, the furnishing of medical attention and such other oversight and care as may be necessary to insure their welfare.

Appropriation.

2. The sum of one hundred thousand dollars be and is hereby appropriated to be expended under the direction of the board of managers of the New Jersey State Village for Epileptics, at Skillman, in the erection and furnishing of buildings, extension of sewers, water-mains, telephones, electric lights.

Admissions.

3. When the buildings are completed and furnished and ready for occupancy the board of managers may proceed to admit persons as hereinafter provided.

Applications.

4. Any parent, parents, guardian or custodian who shall make application to have any person admitted to the institution as an indigent case under this act, shall, in such application, waive all right to remove such inmate either permanently or for a limited time; *provided,* that any inmate may be discharged upon request of the Governor or person administering the government of this State, on the recommendation of the superintendent; *and provided further,* that the superintendent may grant a leave of absence to any inmate for a limited time.

Proviso.

Proviso.

Admissions subject to certain acts.

5. All admissions to the New Jersey State Village for Epileptics shall be made according to the provisions

of an act entitled "An act to establish a village for epileptics and to repeal certain acts inconsistent therewith," approved March twenty-first, one thousand nine hundred and one, and the acts supplementary thereto and amendatory thereof. The words "epileptics" and "patient," wherever used in this act, shall be construed to mean and include idiotic males and idiotic male epileptics. Definition.

6. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 230.

An Act for the relief of William B. Turner, a deputy of the New Jersey State Prison.

WHEREAS, William B. Turner, a resident of the city of Trenton, State of New Jersey, while on duty at the New Jersey State Prison as deputy keeper therein, and while in the performance of and in line of his duty was stabbed by a prisoner confined in the said New Jersey State Prison, and as the result was so serious that it necessitated his removal to a hospital for operation and care; and Preamble.

WHEREAS, He was removed to the St. Francis Hospital, and an operation was performed by Dr. G. N. J. Sommers, of the city of Trenton, State of New Jersey; and

WHEREAS, For the operation and care of the said William B. Turner was incurred an expenditure of the sum of one hundred and sixty-two dollars; therefore

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

1. That there be included in the act making appropriations for the State government, as a supplemental appropriation for the fiscal year ending October thirty-first, one thousand nine hundred and eleven, the sum Appropriation for services.

of one hundred and sixty-two dollars, to be paid to the said Dr. G. N. J. Sommers, by the Treasurer of the State of New Jersey upon the warrant of the Comptroller, upon the presentation of proper certificates.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 231.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Expiration of term.

1. The term of office of all members of the State Board of Education shall expire on the thirtieth day of June, one thousand nine hundred and eleven.

Board appointed by governor.

2. The general supervision and control of public instruction shall be vested in a State Board of Education which shall consist of eight members, not more than four of whom shall be members of the same political party, and not more than one of whom shall be residents of any one county. Said members shall be male citizens who have resided within the State for not less than five years immediately preceding the date of their appointment. They shall be appointed by the Governor by and with the advice and consent of the Senate, for the following terms, to commence on the first day of July, nineteen hundred and eleven: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, one for seven years and one for eight years. Annually thereafter one member shall be appointed by the Governor for a term of eight years. Vacancies shall be filled for the unexpired term. A suitable room in the

Terms.

Vacancies.

State House at Trenton shall be provided for the use of the board.

Said board shall meet in the State House in Trenton at such times as their rules may prescribe in each and every month, and at such other times and places within the State as in its judgment may be necessary. Its meetings, as well as those of every board of education in the State, shall be public and shall commence not later than eight P. M. Meetings.

In addition to the powers now conferred by law upon the State Board of Education it shall— Powers.

I. Appoint an inspector of buildings at a salary not to exceed two thousand dollars per annum, who shall devote his time during the entire twelve months in the year to visiting the schools in the State and to making a thorough report with regard to each. Building inspector.

II. Appoint an inspector of accounts at a salary not to exceed two thousand dollars per annum, who shall devote his time during the entire twelve months in the year to the examination of the accounts of the several school districts. District inspector of accounts.

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III. Prescribe a uniform and simple system of bookkeeping for use in all school districts, and compel all school districts to use the same. System of bookkeeping.

IV. Appoint, upon application, a Supervising Principal over the schools in two or more districts whenever in its opinion it is advisable so to do, and apportion the expense equitably among the districts. Supervising principal.

V. Withhold or withdraw its approval of any secondary school whenever in its opinion its academic work, location or enrollment and per capita cost of maintenance shall not warrant its establishment or continuance. Approval of secondary schools.

VI. Fix rates to be paid by a district for the tuition of children sent from it to the schools of other districts, when the districts cannot agree among themselves as to the proper rate, and require any district having the necessary accommodations to receive pupils from other districts at rates agreed upon or which it may fix in the event of disagreement. Fix rates for pupils outside district.

VII. Compel the production at such time and place within the State as it may designate of any and all Production of records and witnesses.

books, papers and vouchers in any way relating to schools or to the receipt or disbursement of school moneys; compel the attendance before it or before any of its committees or before the Commissioner of Education or one of his assistants or before the Inspector of Accounts or the Inspector of Buildings at such time and place as it may designate of any member of a board of education or of any person in the employ of a board of education, and suspend from office any person refusing to attend or to submit such books, papers and vouchers as he may have been directed to produce.

Subpoenas.

VIII. Issue subpœnas signed by its President and Secretary compelling the attendance of witnesses and the production of books and papers in any part of the State before it or before any of its committees or before the Commissioner of Education or one of his assistants or before the inspector of accounts or the inspector of buildings.

Office abolished.

3. The office of State Superintendent of Public Instruction is hereby abolished.

Commissioner of education.

4. A Commissioner of Education shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of five years, commencing July first, one thousand nine hundred and eleven, and until his successor shall be appointed, at an annual salary of ten thousand dollars per annum, payable in equal monthly installments. Such commissioner shall be selected without regard to whether his place of residence is within or without the State of New Jersey.

Salary.

Duties.

5. The Commissioner of Education shall, with the advice and consent of the State Board of Education:

Secretary of board.

I. Designate one of the clerks in the Department of Public Instruction to act as secretary of the State Board of Education and to perform such services as it may require.

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Assistant commissioners.

II. Appoint four assistant commissioners of education, each at an annual salary of four thousand five hundred dollars, and designate one of them to act in his place during his absence.

Supervisor of secondary schools.

III. Designate one of such assistants to act as Supervisor of Secondary Education and define his duties,

cause him to devote his entire time during school hours to personal inspection and to conduct tests of at least one-half hour each in at least three classes on each visit to a high school or to a high school department.

Supervisor of elementary education.

IV. Designate one of such assistants to act as Supervisor of Elementary Education and define his duties, and cause him to devote his entire time during school hours to personal inspection.

Supervisor of industrial education.

V. Designate one of such assistants to act as Supervisor of Industrial Education, including agriculture, and define his duties, including agriculture, and to cause him to devote his entire time during school hours to personal inspection.

As to controversies and disputes.

VI. Designate one of such assistants to hear all controversies and disputes which may arise under the school laws or the rules and regulations of the State Board of Education or of the Commissioner of Education, subject, however, to a right of appeal to the State Board of Education.

Examinations.

VII. Prescribe minimum examinations throughout the State for graduation from grammar schools and for admission to high schools and high school departments; confine such examinations to arithmetic, writing, spelling, English grammar and composition, history and geography; prepare or cause to be prepared questions for the examinations; prescribe the times and places for holding them and the rules governing them; designate the persons to conduct them, and if admissible, direct superintendents, principals and teachers of one district to conduct them in any other. Such examinations shall be open to all children of the State whether they attend public or private schools.

Studies for elementary and high schools.

VIII. Prescribe a minimum course of study for the elementary schools and for the high schools or for either, if in his opinion it is advisable so to do.

Sub-normal children.

IX. Prescribe such method as to him may seem best for use in ascertaining what children are three years or more below the normal.

Meetings of superintendents.

X. Hold meetings of city and county superintendents at least once in each year for the discussion of school affairs and ways and means of promoting a thorough and efficient system of education.

Withholding funds from districts.

XI. Direct the county collector to withhold funds received by him from the State from any district that refuses or neglects to obey the law or the rules or directions of the State Board of Education or the Commissioner of Education.

Monthly reports.

XII. Report to the State Board of Education once a month and at such other times as it may designate such information as it may prescribe.

Trustee of school fund.

6. The Commissioner of Education shall be one of the Trustees of the School Fund.

Right to administer oaths.

7. The State Board of Education, by its presiding officer, each of its committees, by their chairmen, the Commissioner of Education and each of his assistants shall have authority to administer oaths and to examine under oath, in any part of the State, witnesses in regard to any matter pertaining to the schools and to cause the examination to be reduced to writing. Any person who having been sworn or affirmed by the presiding officer of the State board or by the chairman of any of its committees or by the commissioner or by any one of his assistants to tell the truth, and who willfully gives false testimony shall be guilty of perjury.

Explanation.

8. Whenever in the act to which this is a supplement or in any act amendatory thereof or supplemental thereto or in any other act of the Legislature the words "State Superintendent of Public Instruction" are used the same shall be taken to be and to mean "Commissioner of Education."

Taking appeals.

9. All appeals to the State Board of Education shall be taken within thirty days after the Commissioner of Education has filed his decision and in such manner as the said board may prescribe.

Effective.

10. This act shall take effect June thirtieth, one thousand nine hundred and eleven.

Approved April 27, 1911.

# CHAPTER 232.

An Act to amend an act entitled "An act to provide and furnish an office for the use of the county superintendent of schools, at the county seat of the several counties of this State, and to aid in maintaining the same," approved April sixteenth, one thousand nine hundred and eight.

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

Section 1 amended.

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

Accommodations for school purposes at county seat.

1. The board of chosen freeholders of each county of this State shall provide an office of suitably furnished rooms at the county seat for the use of the county superintendent of schools, in which office shall be kept the school records of the county for the use of the county and State departments of public instruction, the United States Bureau of Education and the United States Commissioner of Education, said office to be kept open to the public the same as other county offices.

Section 2 amended.

2. Amend section two of said act so that it shall read as follows:

Clerk to county superintendent.

2. A sum not exceeding six hundred dollars shall be appropriated annually by said board of chosen freeholders and paid quarterly-yearly to the county superintendent of schools toward the expenses incurred for a clerical assistant in said office. The clerical assistant shall be selected and appointed by the county superintendent.

3. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 233.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Section 38 amended.

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

City school boards.

38. In each city, other than those cities where boards of education now consist of less than nine members each, the mayor or other chief executive officer of said city shall, during the month of January next after the passage of this act, appoint nine persons to be members of the board of education of such school district, who shall severally possess the qualifications for membership described in this article. In making the first appointment the mayor, or the chief executive officer shall appoint three of such persons to serve for one year, three for two years and three for three years and annually thereafter during the month of January the said mayor or other chief executive officer of such city shall appoint members of the said board of education to serve for the term of three years to take the place of those members whose terms shall expire with such year. Any vacancy in such board of education shall be forthwith reported by the secretary of said board to the mayor or other chief executive officer who shall, within thirty days thereafter appoint a person to fill such vacancy for the unexpired term. To every such appointee as aforesaid, said mayor or other chief executive officer shall issue and deliver a certificate of appointment. The term of office of a member of the board of education, except a mem-

Terms.

Vacancies.

Certificate of appointment.

Term begins February 1st.

ber appointed to fill an unexpired term, shall begin on the first day of February next succeeding his appointment. In any township, school district, incorporated under the provisions of article six, for the purposes named in this section, the chairman of the township committee shall be deemed and taken to be the chief executive officer.

Executive officer in townships.

2. The terms of office of all members of boards of education in school districts of cities which are affected by this act, and in districts which adopted article six of the act to which this is an amendment, shall expire on the thirty-first day of January next after the passage of this act.

Term ends January 31st.

3. Sections thirty-nine, forty, and two hundred and forty-one of the act to which this is an amendment are hereby repealed.

Sections 39, 40, 241 repealed.

Approved April 27, 1911.

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## CHAPTER 234.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

1. Each board of education in this State shall ascertain what children, if any, there are in the public schools who are three years or more below the normal. In each school district in this State in which there are ten or more children, three years or more below the normal, the board of education thereof shall establish a special class or classes for their instruction, no class, however, to contain more than fifteen children. In each school district in this State where there are ten or

Sub-normal children.

Special classes.

Classes for the blind.

more blind or deaf children who are not now cared for or who cannot be cared for in an institution, a special class or classes shall be organized for their education, no such class, however, to contain more than fifteen pupils. Such classes shall be discontinued when proper provision is made for the care and education of such blind and deaf children by the State. The medical examiner of the district shall examine the children in special classes at least once in every three months.

Medical examination.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 235.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Sale of school bonds.

1. No school bonds shall be sold at private sale to persons other than the Trustees of the school fund or to the sinking fund commissioners for the Support of Public Schools, unless such trustees or sinking fund commissioners have refused to buy them. No school bonds shall be signed, sealed or delivered except within this State. No school bonds shall be delivered to any purchaser other than the Trustees for the Support of Public Schools except upon payment within the State in cash or by certified check drawn to the order of the custodian of school moneys for the full purchase price.

2. This act shall take effect immediately.

Approved April 27, 1911.

# CHAPTER 236.

An Act to amend an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof.' approved April nineteenth, one thousand nine hundred and three," approved April ninth, one thousand nine hundred and ten.

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

1. Amend section two of the act to which this act is an amendment so that it shall read as follows: Section 2 amended.

2. It shall be lawful for the Trustees for the Support of Public Schools to arrange with any municipality in this State to change any bonds heretofore purchased, or now held or hereafter purchased by said trustees, from coupon to registered bonds, and it shall be lawful for any municipality issuing such bonds so held by said trustees to detach from such bonds the coupons thereon and cancel the same, and stamp upon such bonds the registration thereof, and the necessary agreement for the payment of the interest thereon to effectuate the provisions of this act. Exchange of bonds.

Within sixty days after the passage of this act every coupon bond in the possession of said trustees, and every coupon bond thereafter acquired immediately upon the receipt thereof, shall have stamped upon the bond and upon each coupon the following: "This is the property of the trustees for the Support of Public Schools." Coupons stamped.

2. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 237.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof, approved October nineteenth, one thousand nine hundred and three,' approved April twentieth, one thousand nine hundred and six, approved April eighth, one thousand nine hundred and nine."

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

Section 1 amended.

1. Amend section one of the act of which this act is an amendment, so that it shall read as follows:

Time for distribution of school moneys by state comptroller.

1. The State Comptroller is hereby empowered and directed to make distribution of the moneys assessed, levied and collected for the year one thousand nine hundred and eleven, as provided in and by an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof, approved October nineteenth, one thousand nine hundred and three,' approved April twentieth, one thousand nine hundred and six," as follows: On the first day of September, one thousand nine hundred and eleven such part of said moneys as has been collected and on the twenty-fifth day of October of said year, the balance collected to that date.

Dates for annual distribution.

The Comptroller shall annually, hereafter, make a similar distribution of all such moneys collected and which are distributed under said act, on the first day of September and the twenty-fifth day of October, respectively, of the year next succeeding the year of their assessment.

Section 2 amended.

2. Amend section two of said act, so that it shall read as follows:

Partial distributions.

2. If, hereafter, on the twenty-fifth day of October, in any year, any part of the taxes apportioned on the first day of February of the previous year, as provided in the act to which this is a supplement, shall not have been paid into the State Treasury, the State Comptroller shall cause the part of said taxes which shall not have been paid in by said twenty-fifth day of October to be distributed as and when collected, unless the amounts received are less than five thousand dollars, in which event he shall not make a distribution until the payments aggregate five thousand dollars.

Additional section.

3. Add to the act, of which this is an amendment, the following:

Distribution of funds now in treasury.

6. The moneys now in the State Treasury which would be distributed, under the provisions of the act to which this act is an amendment, among the schools of this State on the fifteenth day of April and the fifteenth day of June, one thousand nine hundred and eleven, shall all be distributed by the State Comptroller within five days after this act takes effect.

4. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 238.

An Act authorizing the board of managers of the Home for the Care and Training of Feeble-Minded Women at Vineland to dispose of, by sale, a barn and house on the grounds of the said home.

Preamble.

WHEREAS, In the year nineteen hundred and ten the State purchased, for the use of the Home for the Care and Training of Feeble-Minded Women at Vineland a tract of land upon which was located a house and barn, both in a dilapidated condition; and

WHEREAS, It is the desire of the board of managers to sell said house and barn; therefore,

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

Managers authorized to sell undesirable property.

1. The board of managers of the Home for the Care and Training of Feeble-Minded Women at Vineland are hereby authorized to dispose of the aforesaid house and barn at the best price obtainable, either at public or private sale, as the board shall deem proper.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 239.

An Act defining the dividing line where two or more municipalities are separated by any public road, avenue or highway, and providing for maintaining, macadamizing and otherwise improving such a road, avenue or highway, and for constructing sewers therein.

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

Dividing line of municipalities.

1. Where two or more municipalities in this State are separated by any public road, avenue or highway, the center line of such road, avenue or highway shall be deemed to be the dividing line between such municipalities for the purpose of maintaining, macadamizing and improving such road, avenue or highway.

Joint care of streets, etc., on dividing line.

2. Any two or more municipalities separated by any such road, avenue or highway are hereby authorized to make and execute by or through their respective governing bodies, any joint agreement or joint contract for the maintenance, macadamizing or improving of any such road, avenue or highway, upon such terms as may be agreed by the governing bodies of such municipalities, the cost thereof to be included in the annual tax levy and assessed and collected in the same manner as other taxes are assessed and collected in such municipalities.

3. Each of such municipalities, so separated by any public road, avenue or highway, is hereby authorized to order or cause to be constructed, leveled, graded and paved with flag or cement pavement or such other materials as may be determined by the governing body of any such municipality, a sidewalk along the whole or any portion of such road, avenue or highway on the side adjacent to any such municipality, and also to order and cause to be constructed a sewer or sewers along the whole or any portion of such road, avenue or highway lying between the center line herein defined and the side line adjacent to the municipality so constructing such sidewalk or sewers. The proceedings for the leveling, grading and paving of any such sidewalk and for the construction of any such sewer or sewers, and for assessing the cost thereof, shall be taken and had pursuant to the laws governing such municipality for the making of like improvements thereof, *provided, however,* that the width of any such sidewalk shall not exceed one-fifth of the width of any such road, avenue or highway; *and provided further,* that this act shall not affect any road, avenue or highway in this State under the control of any board of chosen freeholders.

Sidewalks

Sewers.

Proceedings.

Proviso.

Proviso.

4. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 240.

An Act to amend an act entitled "An act to authorize persons to change their names," approved February twenty-fourth, one thousand eight hundred and seventy-six.

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

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

Section 3 amended.

Copy of order published by applicant.

3. Within ten days after granting such order, such applicant shall cause a copy thereof to be published in a public newspaper printed in the county in which he shall reside at the time of making such application; within twenty days from the granting of such order such applicant shall cause such petition, affidavit or affidavits, order and an affidavit of the publication of such order to be filed and recorded in the county clerk's office of the county in which such applicant shall reside at the time of making such application, and within the same time such applicant shall cause a certified copy of such order to be filed with the Secretary of State. The filing and recording as aforesaid in the office of the county clerk shall have the effect of a judgment of the court in which such application was made and shall be indexed by said clerk accordingly. No costs shall be taxed upon such judgment, but for such filing, recording and indexing the said applicant shall pay to the said clerk the fees provided by the law in effect July third, one thousand nine hundred and ten, for similar services.

Papers filed with county clerk.

Certified copy filed with secretary of state.

Fees.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 241.

520-Ch.-241
Cf.-12-225

520-1
A-13-320

An Act creating the employers' liability commission and prescribing its powers and duties, and requiring reports to be made by the employers of labor upon the operations of the employers' liability law for the information of said commission.

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

Commission appointed by governor.

1. The Governor is hereby authorized to appoint six citizens of this State as an employers' liability commission, who shall hold their offices for the term of two years and until their successors are appointed and quali-

fied. They shall receive no compensation for their services, but their actual traveling expenses incurred upon the business of the commission shall be paid by the State Treasurer, upon warrants approved by the president of the said commission. The commission shall have power to choose one of their number as president and one of their number as secretary, and shall have power to appoint a clerk. The expenses of the commission, the salary of the secretary and of the clerk shall be paid from appropriations made for that purpose in any annual or supplemental appropriation bill. It shall be the duty of the commission to observe in detail, so far as possible, the operations throughout the State of the recent act of the Legislature commonly known as "The Employers' Liability Act," entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employe in the course of employment, establishing an elective schedule of compensation and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven.

No compensation; expenses.

Officers.

Duties.

2. From and after the fourth day of July next, when the said law becomes operative, every employer of labor within the State of New Jersey shall report to said commission, upon the occurrence of any injury to any of his employes the name and nationality of the employe so injured, the nature and extent of such injury, whether said injured employe and the employer at the time of said injury were subject to the provisions of section one or section two of said act, and the amount of compensation when determined, together with such other facts relating to such injury as the commission may request. The information thus received shall be tabulated, from time to time, and the records thereof shall be the private records of the commission; they shall not be made public or open to inspection unless in the opinion of the commission the public interests shall require it, and they shall not be used as evidence against any employer in any suit or action at law brought by any employe for the recovery of damages. The com-

Employers to report injuries giving details.

Information tabulated.

Meetings.

Annual report.

mission shall hold meetings, from time to time, as they may deem necessary, and shall present to each session of the Legislature a report showing the operations under the said act during the preceding year, together with any suggestions or recommendations which they may deem necessary or proper for the improvement of the said act, in order to accomplish with the greatest efficiency the purposes of the said act.

3. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 242.

An Act to amend an act entitled "A supplement to an act entitled 'An act relative to the State House and adjoining public grounds,'" passed May twenty-fifth, one thousand eight hundred and ninety-four, approved April third, one thousand nine hundred and two.

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

1. Paragraph one of the act referred to in the title of this act is hereby amended to read as follows:

State house commission authorized to acquire land.

1. The Governor, Treasurer and Comptroller, constituting the State House Commission, are hereby authorized to acquire, by gift, grant, purchase, condemnation, through a municipal action, or in any other lawful manner, in the name of the State and for its use, so much land in the city of Trenton, with the buildings thereon erected, lying between West State street and the Delaware river, between the State House grounds as at present laid out and Willow street, as, in their discretion, they may think desirable; *provided, however*, that the right of condemnation shall not extend to the premises occupied by the Old Barracks Association, the

Proviso.

522-1
A-13-96

Masonic Temple or any premises fronting on State street.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 243.

An Act to regulate the hours of labor of mechanics, workmen and other laborers employed in the construction or repair of public works of the State of New Jersey, or of any county, city, township or other municipality therein.

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

Eight hours to constitute a day's work in public service.

1. The service and employment of all mechanics, workmen and laborers, who are now or who may hereafter be employed by or on behalf of this State, or by or on behalf of any county, city, township or other municipality therein, or by or on behalf of any contractor or subcontractor in the construction or repair of any of the public works of this State, or of any county, city, township or other municipality therein, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer or agent of this State, or of any county, city, township or other municipality therein, or of any contractor or subcontractor, whose duty it shall be to employ, direct or control the services of any mechanic, workman or laborer employed or engaged upon such public works, to require or permit any such mechanic, workman or laborer to work more than eight hours in any calendar day; *provided,* that in case of accident or unexpected contingency extra labor may be permitted for extra compensation.

Proviso.

Penalty for violation.

2. Any officer or agent of this State, or of any county, city, township or other municipality therein, is

of any contractor or subcontractor, whose duty it shall be to employ, direct or control any mechanic, workman or laborer employed in the construction or repair of any of the public works of this State, or in the construction or repair of any of the public works of any county, city, township or other municipality therein, who shall violate the provisions of this act, shall be guilty of a misdemeanor and for each and every offense shall, upon conviction, be punished by a fine not to exceed one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Not to apply to existing contracts.

3. This act shall take effect immediately, but shall in no manner apply to, affect or limit the hours of daily service of mechanics, workmen or laborers engaged in the construction or repair of the public works of this State, or of any county, city, township or other municipality therein, for which contracts have been entered into prior to the passage of this act.

Approved April 27, 1911.

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## CHAPTER 244.

An Act for extending the time for completing certain railroads.

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

Time extended.

1. Whenever the time limited for the completion of any railroad authorized to be constructed within this State, under any special or general act, has expired or shall expire before the thirty-first day of December, one thousand nine hundred and eleven, such time shall be and the same is hereby extended for the further period of two years from the passage of this act; *provided, however,* that this act shall not apply unless money has actually been expended in surveys or location of route,

Proviso.

or in acquisition of right of way or in construction since January first, one thousand eight hundred and eighty-six; *provided further,* that this act shall not apply to any corporation unless such corporation shall first, and as the condition precedent to the exercise of any power granted by this act, file in the office of the Secretary of State an agreement, to be approved by the Governor and Attorney-General, waiving all right of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this State now in existence or that may be hereafter passed, taxing such corporations as are now authorized to be taxed by the Legislature of the State under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of this State, if any there exist, to take the property of such corporations under any existing law of this State, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the Legislature. Proviso.

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

Approved April 27, 1911.

## CHAPTER 245.

Supplement to an act entitled "An act to empower municipalities to contract with the State Water-Supply Commission for a water-supply and raise and advance moneys for the purpose, and to empower the said commission to acquire lands, water-rights and water-works, and construct works necessary to furnish such supply and sell water and water-power in this State," approved April twelfth, one thousand nine hundred and ten.

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

Disposition and use of moneys.

1. All moneys raised by any municipality or combination of municipalities for the purposes mentioned in the second section of the act to which this is a supplement may be paid to the State Treasurer, by whom, when so paid, such moneys shall be placed to the credit of a fund to be known as "State Water-supply Commission Special Survey Fund." The moneys so deposited shall be kept separate and apart from the State Fund, and shall be dispersed by the Treasurer on requisitions of the State Water-supply Commission.

2. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 246.

527-Ch.-246
S-12-501.

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

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

Penalty for having too many birds in possession.

1. It shall be unlawful to capture, kill, injure, destroy or have in possession in any one day more than ten quail, three English or ring-neck pheasants, three Hungarian partridge, ten woodcock, three ruffed grouse, thirty ducks, fifteen geese, fifteen brant, under a penalty of twenty dollars for each bird captured, killed, injured, destroyed or had in possession in excess of the number permitted by this section; provided, that nothing in this section contained shall apply to any proprietor of a hotel, restaurant or cafe having in possession at his or her hotel, restaurant, or cafe any of the fowl enumerated in this section, or to any dealer in game or fowl having any of the fowl enumerated in this section at his or her place of business during the open season provided by law.

Proviso.

Repealer.

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

Approved April 27, 1911.

## CHAPTER 247.

An Act providing for the disposition of moneys recovered as fines for the violation of the fish and game laws.

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

Use of fines received.

1. Hereafter all moneys recovered as fines for violation of any of the fish and game laws of this State shall be paid to the Board of Fish and Game Commissioners, for the use and purposes of the said Board of Fish and Game Commissioners.

Repealer.

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

Approved April 27, 1911.

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## CHAPTER 248.

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

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

Section 11 amended.

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

Plover protected for five years.

11. It shall be unlawful for five years from the passage of this act to capture, kill, injure, destroy, or have in possession, any upland plover, under the penalty of twenty dollars for each offense, and thereafter it shall be unlawful to capture, kill, injure, destroy, or have in possession, any upland plover excepting only during the months of August and September, under a penalty of twenty dollars for each offense.

Open season.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 249.

An Act to amend an act entitled "An act to regulate fishing by steam and other vessels with shirred or purse seines in the waters of the State of New Jersey, and to require a license for such fishing," approved March twenty-sixth, one thousand eight hundred and ninety-six.

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

Section 1 amended.

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

Unlawful to fish with purse or shirred nets.

1. It shall be unlawful for any person or persons, corporation or corporations, to take or attempt to take with purse or shirred nets, fish of any kind in any waters within the jurisdiction of this State, including the waters of the Atlantic Ocean, within three nautical miles of the coast line of said State, either on his own account and benefit or on account and benefit of his employer; *provided, however,* that any person licensed in accordance with the provisions of this act may take menhaden with a purse or shirred net in accordance with the permission granted by such license.

Proviso.

Section 3 amended.

2. Section three of the act of which this act is amendatory be and the same is hereby amended so that it shall read as follows:

Board to issue licenses good for a year.

3. Upon the receipt of such application the Board of Fish and Game Commissioners shall upon the payment to the said Board of the sum of one hundred dollars for each steam vessel of not more than fifty tons net tonnage, one hundred and twenty-five dollars for each steam vessel of over fifty tons and not more than one hundred tons net tonnage, and two hundred dollars for each steam vessel of over one hundred tons net tonnage, said net tonnage to be determined by custom house measurement; and twenty-five dollars for each sailing vessel with tenders to be so employed in the taking of menhaden by means of such purse or shirred nets, and twenty-five dollars for each vessel other than steam or sailing vessels to be employed in taking menhaden as aforesaid, as a license fee, issue to such person or persons, corporation or corporations, a license to take menhaden with purse or shirred nets, duly signed by the secretary of said Board of Fish and Game Commissioners, which said license shall be valid and in force for the term of one year from the date thereof, and no license shall be issued for a space of time less than one year.

Fees.

Section 4 amended.

3. Section four of the act of which this act is amendatory be and the same is hereby amended so that it shall read as follows:

Penalty for violations.

4. Any person or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall pay a penalty of two hundred dollars. Any person or corporation violating any of the provisions of this act shall, whether or not such person has been criminally prosecuted for such violation, be liable to a penalty of two hundred dollars for each offense, to be sued for and recovered in a civil action as now provided by law.

4. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 250.

An Act to authorize the erection, enlargement and equipment of engine-houses and buildings for the protection of fire apparatus and for other municipal purposes, including police station-houses, crematories for garbage, ashes and refuse and poorhouses and buildings for the care of the sick poor in towns of this State and the purchase of lands whereon to erect said buildings; also the issuing of bonds to provide moneys for the purposes of this act.

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

Town may erect municipal buildings.

1. The common council or other governing body of any incorporated town in this State are hereby authorized and empowered to erect one or more buildings suitable for the use of the fire department of said town and other municipal purposes or for use as police station-houses, crematories for garbage, ashes and refuse and poorhouses, and buildings for the care of the sick poor, and to purchase tracts of land whereon to erect said building or buildings; and in case such building or buildings shall have been heretofore erected, to enlarge and equip the same and to purchase land in one or more localities whereon to erect said building or buildings; *provided,* that the aggregate cost of said lands and of the erection, enlargement and equipment of such building or buildings shall not exceed two hundred thousand dollars beyond the amount heretofore lawfully expended under any other act.

Proviso.

Bond issue.

Amount.

Time.

Rate.

2. To provide moneys necessary to carry this act into effect the common council or other governing body of any such incorporated town shall have power to issue bonds of such town to an amount not exceeding two hundred thousand dollars, having not more than thirty years to run and bearing interest at a rate not exceeding five per centum per annum, and to

pledge the faith, credit and property of said town for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

3. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 251.

An Amendment to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section 159 amended.

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

Clerk to grand jury.

159. It shall be lawful for the respective courts of Oyer and Terminer in the several counties to appoint a clerk for the grand jury in and for each

Term.

county, under the seal of the court, for a term not exceeding three years, unless sooner removed by the court, who shall receive such annual salary as shall be fixed by the court, the same to be paid monthly by the county collector. Nothing in this act contained shall be construed as extending the term of any clerk in office at the time of the passage of this act.

2. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 252.

A Supplement to an act entitled "An act to empower municipalities to contract with the State Water-Supply Commission for a water-supply and raise and advance moneys for the purpose, and to empower the said commission to acquire lands, water-rights and water-works, and construct works necessary to furnish such supply and to sell water and water-power in this State," approved April twelfth, one thousand nine hundred and ten.

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

Commission may mortgage property.

1. The State Water-Supply Commission, in addition to the powers enumerated in the act to which this is a supplement, shall have power to mortgage all lands, lands under water, water-rights and rights to divert water, pumping and filtration works and other works, and any other property whatsoever that it may have acquired by purchase or condemnation, for the purpose of raising moneys necessary for the acquisition thereof or acquisition of other or additional properties which it may require, and for the construction and erection of dams, pumping works, filtration works, pipe lines and other works incidental or appurtenant thereto, and for all and any of its lawful purposes, which mortgages shall be given to secure bonds to be issued by the commission, payable at such times and upon such terms and conditions, and to bear such rate of interest (not exceeding five per centum per annum), and with such provisions for sinking fund, payment and retirement as the commission may determine, and the commission shall have power, in purchasing any such property and rights, to assume the payment of the principal and interest of any outstanding mortgages and mortgage bonds or obligations, and to undertake the fulfillment

Secured by bonds.

Rate.

Sinking fund.

of the terms and conditions of any such outstanding bonds, mortgages and obligations, and to give evidence of its said undertaking by its deed and by endorsement upon any such mortgages, bonds and obligations, and to undertake and assume any existing and outstanding contracts of the vendors of such property for the diversion or supply of water or other contracts incidental to the business of supplying water which the vendors may have entered into.

Power to acquire rights, etc.

2. The commission shall have power to acquire the franchises, privileges, licenses, rights and property of any water company or other company or person used in obtaining, supplying or distributing water for public and domestic use in any municipality; and it shall have power to operate such plant and to sell and convey to such municipality the distribution system, property and mains used in supplying said municipality, constituting the property or a part of the property so acquired; and such municipality is hereby empowered to assume and undertake the operation of such portion thereof and to engage in the distribution of water thereby and to assume and carry out the contracts which may have been lawfully made in connection therewith, whether for the supply and distribution of water within the limits of such municipality or for the construction of pipe lines and works or the obtaining of material and supplies therefor; and the commission shall have power by contract with the municipality to turn over to such municipality the local distribution system and appurtenances or any part thereof, and the management, control and operation thereof or any part thereof, for such time and upon such terms and arrangements as may be agreed upon between the commission and the municipality.

Operate water system.

May turn over to municipality local distribution.

Issue of municipal bonds.

3. All municipalities, in order to provide for the payment of such sums as they may undertake to pay, in pursuance of any purchases, agreements and obligations made under this act, may issue their bonds for such time, upon such terms and at such rate of interest (not exceeding five per centum per annum), and with such arrangements as to sinking fund and payment as may be agreed upon between the municipality and the commission; and the commission may

Rate.

Sinking fund.

receive, at par, said bonds or any part thereof, as may be so issued in payment or fulfillment of such purchases, agreements and obligations of any municipality to the commission, which bonds the commission shall be authorized to hold in any of its sinking funds or other funds, or to sell, using the proceeds thereof for its general purposes in connection with the acquisition and construction of the general scheme of works from which the supply of water for such municipality is drawn.

Governor's consent necessary.

4. The powers herein conferred on the State Water-Supply Commission shall only be exercised when consented to by the Governor of the State of New Jersey, and no obligation, deed, mortgage, conveyance or any contract with any municipality or with any water company or other company or person obtaining, supplying or distributing water for public or domestic use shall be valid unless the Governor of the State of New Jersey shall consent to the same. Any contract for the acquisition of the property of any water company or for any water plant, the incurring of any obligation under this act or the issuance of any bond or mortgage under the provisions of this act shall be subject to review by the Supreme Court as to the reasonableness and fairness of terms and the conditions thereof.

All actions reviewable by supreme court.

5. This act shall take effect immediately.

Approved April 27, 1911.

535-Ch.-253
S-12-154
Cf.-12-462

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## CHAPTER 253.

An Act to provide for the erection and equipment of armories in counties of the second class in this State, and making appropriations therefor.

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

County property conveyed to State for armory.

1. Whenever the board of freeholders of any county of the second class of this State shall agree to dedicate and convey to the State of New Jersey, with-

out cost, such portion of the unoccupied public lands of the said county in any municipality wherein there is or has been located, for thirty years last past, a company or companies of the National Guard of New Jersey as may be suitable and necessary for the erection thereon of an armory, and the land so agreed to be dedicated shall be approved by the State Military Board as suitable and appropriate for the purpose, it shall and may be lawful for the State Military Board, and they are hereby appointed and constituted a commission for the purposes of this act, to proceed to erect an armory thereon.

Approval by military board.

Plans, etc., for erection and equipment of armory.

2. When lands above described shall be conveyed to the State of New Jersey, it shall be the duty of the said commission forthwith to proceed to obtain, by competition or otherwise, plans and specifications for the construction of a suitable armory, drill-rooms, company-rooms and store-rooms, including suitable apparatus for heating and lighting the same, and a suitable range or ranges for rifle gallery practice therein, and for the grading, filling, excavating, draining, paving and fencing of said lands, the entire cost of which said armory, drill-rooms, company-rooms and store-rooms, including suitable apparatus for heating and lighting the same and a suitable range or ranges for rifle gallery practice therein and of the grading, filling, excavating, draining, paving and fencing of said lands shall not exceed the sum of twenty-five thousand dollars, which sum is hereby appropriated for that purpose for such county or counties in which such armory shall be erected; and the Comptroller is directed from time to time to pay the same, or so much thereof as may be necessary for the aforesaid purpose, out of any money in the treasury, not otherwise appropriated, on the written requisition of the said commission; but no expenditures, except for plans and specifications and for printing notices, shall be made as provided in this section until the title to a suitable site for such armory in such counties respectively, free from all encumbrances, certified by the Attorney-General to be sufficient and in due form, shall be vested in the State of New Jersey, nor until a contract or contracts for the completion of the work

Expenditure allowable.

Title certified by attorney-general.

heretofore specified, within the limits of this appropriation, shall have been executed as herein provided.

Erection, grading, etc.

3. When said commission shall have procured suitable plans for an armory to be erected on such site, they shall cause such armory to be erected with suitable drill-rooms, company-rooms, store-rooms and all other necessary and proper appurtenances for the best accommodation of the company or companies of the National Guard of such county, and shall cause the ground to be suitably graded, drained and otherwise prepared for such armory.

Work done by contract.

4. The work aforesaid shall be done by contract, to be awarded to the lowest responsible bidder or bidders, after not less than two weeks public notice of the time and place when and where bids therefor will be received, at which time the bids shall be publicly opened, but the commission may reject any or all bids and advertise anew for bids; and the commission shall prescribe, in the advertisements and in the contracts to be entered into for the erection of such armories, or for doing any work pertaining thereto, such conditions as they shall deem most for the interest of the State.

Building superintendent.

5. Said commission shall have power to employ proper and capable persons to superintend the erection of any such works as aforesaid, and such clerical and other aid as they may need in the performance of the duties herein imposed on them.

Appropriation.

6. For the payment of any expenditures herein authorized, the Comptroller of the Treasury shall draw his warrants of the State Treasury, and the State Treasurer shall pay the same from time to time as the said commission shall certify to the Comptroller to be necessary, and to such persons as they may designate, but not more than twenty-five thousand dollars shall be drawn from the State Treasury in any one year for the purpose aforesaid, no part of the above-named sum, twenty-five thousand dollars, shall be available until the same shall have been included in the annual or the supplemental appropriation bill.

7. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 254.

An Act validating bonds heretofore issued by boroughs.

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

Bond issue by boroughs validated.

1. All bonds heretofore issued by any borough of this State to defray the cost of any improvement or object authorized by law are hereby ratified, validated, approved and confirmed notwithstanding any defect, irregularity or omission of any kind or character in any proceeding had by the council of any such borough; *provided,* that a majority of the ballots cast at any election held for the purpose of authorizing the issue of such bonds was in favor thereof and that the total issue of such bonds did not exceed the amount limited by law.

Proviso.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 255.

A Supplement to an act entitled "An act declaring when the death of persons absenting themselves shall be presumed," passed March seventh, one thousand seven hundred and ninety-seven.

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

Presumption of death.

1. Whenever any person, being a resident of this State, shall remain beyond the seas, or absent himself or herself from this State, or conceal himself or herself in this State for seven years successively, he or

she shall be presumed to be dead; and the ordinary or surrogate of the county in which said person resided at the time when he or she went beyond the sea or absented or concealed himself or herself as aforesaid, shall, upon application in writing made to either for the purpose, by any next of kin of such person, make an order that cause be shown, before the ordinary or the surrogate of said county, at a certain time and place therein to be expressed, not less than thirty days nor more than three months from the time of the making such order, why a decree should not be made declaring said person to be dead, or in case there shall be personal property belonging to said person, why letters of administration should not be granted to the next of kin making the application, or to some other person; which order shall be published in such manner as the ordinary or surrogate making the same shall direct, and if at the time so designated or to which the same may be adjourned, it shall be proven, to the satisfaction of the ordinary or surrogate, that such person has remained beyond the sea or absented himself or herself from this State, or concealed himself or herself in this State for seven years then last past successively, or has not been heard of or from during said period, and sufficient cause shall not be shown to the contrary, then the said ordinary or surrogate may make a decree declaring the said person to be dead, and may also grant letters of administration of the goods, chattels and credits of said person to the next of kin making such application, or to such fit and proper person as the said ordinary or surrogate may deem advisable, upon his or her giving bond to the ordinary in such manner as is required in granting letters of administration in other cases.

Order to show cause made.

Publication of order.

Grant letters of administration.

2. That whenever any person shall have been declared to be dead under the provisions of the first section of this act, it shall be lawful for any person or persons owning an estate in fee or other interest in any real estate which would have been subject to an estate by the courtesy or dower of any such person so declared to be dead, if living, said person or persons may assign, convey, sell, mortgage and lease or devise any interest, estate or right that he, she or they may

Conveyance of real estate subject to dower.

have in any real estate, free and clear of any estate by the courtesy or dower of any such person so declared to be dead; and every deed, release, receipt, assignment, discharge or covenant for the sale, lease, release, assignment, discharge, or conveyance of the said real estate or any interest therein, heretofore or hereafter made, when duly executed and acknowledged in the manner provided by law for the conveyance of real estate, shall be free and clear of any estate by the courtesy or dower therein of such person so declared to be dead.

Deeds, etc., valid.

3. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 256.

An Act to amend "An act amending section two of a supplement to an act entitled 'An act concerning townships (Revision 1899),' which said supplement was approved April thirtieth, one thousand nine hundred and six," which amendment was approved April sixteenth, one thousand nine hundred and eight.

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

Section 2 amended.

1. Section two of the act mentioned in the title hereof be and the same is hereby amended so as to read as follows:

Township committee, how composed.

2. The township committee of any township in this State having a population of more than ten thousand inhabitants, as shown by the official State or United States census, shall have two members from each ward, who shall hold office for the term of two years, and one member-at-large, who shall hold office for the term of two years, and who shall by virtue of his election become chairman of said township committee, and shall be known as the mayor of such town-

Term.

Mayor of township.

ship, and shall receive a yearly salary of five hundred dollars ($500) per annum during the term for which he is elected. Each member of such township committee elected from each ward, as aforesaid, shall receive a yearly salary of three hundred dollars ($300) per annum during the term for which he is elected. A majority of all the members of such township committee shall constitute a quorum for the transaction of business, and no ordinance or resolution shall be adopted, nor shall any standing committee be appointed, except by a vote of the majority of the members of such township committee, and it shall be the duty of such township committee to fix and determine, from time to time, the salary of the township clerk of such township; *provided,* such salary be not less than one thousand five hundred dollars ($1,500) nor more than two thousand dollars ($2,000) per annum.

Salaries.

Quorum.

Clerk's salary.

Proviso.

2. This act shall take effect immediately, but its provisions shall remain inoperative in any such township until the same shall be accepted by a resolution of the township committee of such township at least thirty (30) days before the election herein provided for, and provided it be accepted by the voters of said township by a majority of the votes cast for or against such act at any general or special election hereinafter to be held in such township, at which the acceptance or rejection of this act shall be submitted to said voters. If a majority of those voting for or against the acceptance of this act shall be in favor of its acceptance, the provisions thereof shall be deemed to be accepted by such township, and such township shall be bound by the terms thereof. When the question of the acceptance of this act shall be submitted to the voters, there shall be printed upon the official ballots for every election district or ward of the township the word "For" and the word "Against" above and immediately preceding the words "The act of one thousand nine hundred and eleven, fixing the salary of the township committee and the township clerk." If the word "For" be marked off or defaced upon the ballot, it shall be counted as a vote against acceptance of this act; if the word "Against" be marked off or defaced upon the ballot, it shall be counted as a vote in

Acceptance by committee.

Referendum.

Ballots.

favor of the acceptance of this act; and in case neither the word "For" nor the word "Against" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such acceptance. There shall be a canvass and return of the votes upon the question of the acceptance of this act made by the election officers in the same way and manner as for the election of such township officers, and if the majority of the votes cast for or against the acceptance of this act shall be found to be in favor of its acceptance, it shall then, but not otherwise, become immediately operative and binding upon the township wherein such vote shall have been taken.

Canvass and returns.

Repealer.

3. All acts or parts of acts, general or special, inconsistent herewith, are hereby repealed.

Approved April 27, 1911.

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## CHAPTER 257.

A Further Supplement to an act entitled, "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

Contract not to vary from policy.

1. No fire insurance company or association of fire underwriters or Lloyds in doing business in this State, and no officer, agent, sub-agent, solicitor or representative thereof, and no broker negotiating any fire insurance in this State, shall make any contract of fire insurance other than as plainly expressed in the policy issued thereon; nor pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to insurance, any rebate, discount, abatement or reduction of the premium named in any policy of fire insurance upon property located in this

No rebates.

State, as therein expressed, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy contract of insurance; but commissions or other compensation may be paid by any fire insurance company or association of fire underwriters or Lloyds, licensed to do business in this State, to regularly appointed and licensed agents and sub-agents, and to brokers duly licensed by this State.

or favors.

Commission to regulate agents and brokers.

2. No owner of any property situate in this State nor the agent or representative of such owner shall receive or accept, directly or indirectly, any such rebate, discount, abatement or reduction of the premium payable on any policy of fire insurance upon such property, as therein expressed, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy contract of insurance; *and provided further,* that this act or any part thereof shall not apply to the repayment by any mutual fire insurance company organized under the laws of this State of any portion of its profits or reserve funds to the holder or holders of a policy or policies of or in such company or companies in accordance with its contracts, policies and by-laws.

Owners not to accept rebates, favors, etc.

Proviso.

3. Nothing in this act shall be construed as prohibiting the performance of any contract heretofore or hereafter made, for the introduction of betterments or improvements for reducing the risk by fire on any property located in this State, and containing provisions for obtaining or guaranteeing insurance against loss or damage by fire or water, for a specified time, at a fixed rate.

Betterments to reduce risks.

4. Whoever violates any provision of this act shall, for each and every offense, forfeit and pay the sum of One Hundred Dollars, such penalty to be sued for and recovered, with costs, in an action on contract in the nature of an action for debt, in any court of competent jurisdiction in the county wherein the offense shall have been committed, or in any county wherein such offender may reside or be served with process by any person who shall sue for the same; one

Penalty.

Division of penalty.

half of such penalty shall be for the benefit of the person prosecuting the suit, and the other half shall be paid to the State Treasurer, and in case the defendant in any suit shall not pay the amount recovered against him, it shall be lawful for such court in which such judgment has been obtained to issue its process against the body of the defendant and to cause him to be committed to the jail of the county until the judgment and costs are paid; the imprisonment, however, not to exceed thirty days from the date of such commitment.

Penalty for agents.

Any fire insurance agent, sub-agent or broker who violates any provision of this act shall also forfeit his license and be disqualified from acting as a fire insurance agent, sub-agent or broker for the period of one year thereafter.

Sprinklers may be introduced.

Nothing in this act shall be construed as prohibiting the performance of any contract heretofore or hereafter made for the introduction of automatic sprinklers for reducing the risk by fire on any property located in this State, and such contract may contain provisions for reducing the cost of insurance on such sprinkler protected property, by rebate or otherwise.

Approved April 27, 1911.

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## CHAPTER 258.

A Supplement to an act entitled "An act constituting courts for the trial of small causes," approved April eighth, one thousand nine hundred and three (Revision of 1903).

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

Justice of the peace to have seal.

1. Every justice of the peace shall use a seal, which shall bear the inscription in circular form "The Small Cause Court of the County of ————, New Jersey," and the name of the justice and State, ward or township from which he is elected and every justice of the

peace shall, on or before the first day of July, one thousand nine hundred and eleven, file a certificate with the county clerk of his county, with an impression of his seal thereon. Impression filed with county clerk.

2. Every summons, subpœna, commitment, warrant and transcript of every judgment entered in the docket in said small cause court shall bear the impression of said seal, and no process issued by any justice of said small cause court shall be valid without the impression of said seal. All official papers to bear impression.

3. Every justice of the peace hereafter elected shall, before entering upon his duties, file with the county clerk of the county of which he is elected a certificate bearing an impression of his seal, described in section one of this act. Hereafter certificate filed bearing seal, before acting.

4. This act shall take effect July fourth, one thousand nine hundred and eleven. Effective.

Approved April 27, 1911.

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## CHAPTER 259.

A Supplement to an act entitled "An act to provide for certain street and sewer improvements in cities of this State, for the raising of funds for the payment thereof, and for the assessment of the benefits arising from such improvements upon lands and real estate in the vicinity benefited by reason thereof," approved April twelfth, one thousand nine hundred and ten.

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

1. Any notice required to be given or published under the act to which this is a supplement shall not be invalid, because the same contains notice of separate and unrelated improvements, but there may be combined in any one publication notice of as many of the Notices combined in one publication valid.

various kinds of improvements a board of public works may desire to make in different parts of the city under the act to which this is a supplement.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 260.

A Supplement to an act entitled "An act to provide for the planting and care of shade and ornamental trees in the public highways of any city of this State by the authorities having the management of the public parks in any such city," approved March twenty-eighth, one thousand nine hundred and four.

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

Care of shade trees.

1. In any city wherein the board of aldermen or other governing body thereof has ordained or may hereafter ordain, pursuant to the provisions of the act to which this is a supplement, that the shade and ornamental trees in the public highways of such city shall be planted, regulated and cared for by the board or authorities having the management of the public parks in such city, such board or park authorities shall have absolute power and control over the shade and ornamental trees now standing or hereafter planted in the highways of such city, and such board or park authorities shall have full power and authority and are empowered to pass, enact, enforce, alter, amend and repeal ordinances for the planting, trimming and removal of such trees and for the protection, regulation, care and control of the same. The method now or hereafter prescribed by law for the passing, enacting, altering, amending, repealing and publishing of ordinances by the governing

Penalty for violations.

2. The said board or park authorities may prescribe penalties, not exceeding fifty dollars, for the

violation of any ordinance which they are empowered to enact, and the courts which now or hereafter shall have jurisdiction over actions for the violation of ordinances of such city shall have jurisdiction in actions for the violation of such ordinances as the said board or park authorities shall enact; and said ordinances shall be enforced in the name of said board or park authorities, by like proceedings and processes and the practice for the enforcement of said ordinances shall be the same as that provided by law for the enforcement of the ordinances of the city wherein such board or park authorities exist. All penalties recovered for the violation of any ordinance of said board or park authorities shall be turned over to the said board or park authorities by the court wherein the same are recovered, to be used by said board or park authorities in the planting, regulating and care of shade and ornamental trees in said city.

Use of fines recovered.

3. The officers authorized by law to serve and execute processes in the courts as aforesaid shall be the officers to serve and execute any process issued out of the court under this act.

Officers to serve process.

4. A copy of any said ordinance of said board or park authorities, certified under the hand of their clerk, shall be taken in any court of this State as full and legal proof of the existence of such ordinance and that all requirements of law in relation to passing, publishing and making of the same so as to make it legal and binding have been complied with, unless the contrary be shown.

Certified copy in evidence.

5. This act shall in nowise abridge any power or authority heretofore conferred under the act to which this is a supplement, but the power and authority conferred hereunder shall be in addition thereto, and this act shall take effect immediately.

Powers here given additional.

Approved April 27, 1911.

## CHAPTER 261.

548-Ch.-261
S-13-816

An Act for the erection and management of a house of detention for convict or criminal insane upon the grounds of the New Jersey State Hospital at Trenton, and to regulate commitments thereto.

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

Asylum for criminal insane.

1. The State House Commission is hereby authorized to erect and furnish upon the grounds of the New Jersey State Hospital at Trenton a house of detention for convict or criminal insane, upon plans and specifications to be prepared by the Department of Capacity. Charities and Corrections. The building shall be so planned and constructed as to provide for the accommodation of two hundred inmates, and of such design that a wing or wings may be added thereto to meet the possible future needs of such a house of detention.

Management.

2. The management and control of the said house of detention when constructed is hereby vested in the board of managers of the New Jersey State Hospital at Trenton, who are hereby vested with power to make such necessary rules and regulations for the government of such institution and the care and detention of the inmates therein as may be necessary to carry into effect the purposes of this act.

Commitments.

3. The medical director of the New Jersey State Hospital at Trenton shall receive and take into said house of detention all convict or criminal insane who shall or may be committed thereto by the same procedure now governing the commitment to the New Jersey State Hospital at Trenton, or to the New Jersey State Hospital at Morris Plains, or who may be transferred to such house of detention either from the State Prison or from the New Jersey State Hospital at Morris Plains, or from the New Jersey State Hospital at Trenton. Such commitments may be made either before or after the conviction.

Transfer from Morris Plains to Trenton asylum.

4. When the house of detention provided for by this act shall have been constructed and furnished, all convict or criminal insane who may at such time be detained in the New Jersey State Hospital at Morris Plains shall be transferred to such house of detention, upon a warrant of transfer to be executed by the proper authorities of the New Jersey State Hospital at Morris Plains and forwarded to the medical director of the New Jersey State Hospital at Trenton, and such warrant or warrants shall be sufficient authority for the detention of such convict or criminal insane, so transferred, in the house of detention under the charge and control of the medical director of the New Jersey State Hospital at Trenton as fully and completely as though commitment had been made in the first instance to the house of detention; and all convict or criminal insane, if any, in the New Jersey State Prison at Trenton shall be transferred to the said house of detention by like warrant, executed by the proper authorities of the said New Jersey State Prison, and thereafter no commitments of convict or criminal insane shall be made to the New Jersey State Hospital at Morris Plains, but all such convict or criminal insane shall be committed to the house of detention at the New Jersey State Hospital at Trenton.

Transfer from State prison to asylum.

Repealer.

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

Approved April 27, 1911.

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## CHAPTER 262.

An Act to validate ordinances in boroughs and the proceedings taken thereunder.

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

Certain borough ordinances validated.

1. All ordinances heretofore duly and regularly adopted by the council of any borough in this State

and which have been approved by the mayor of such borough or the president of the council, and all of the proceedings duly taken thereunder, are hereby validated notwithstanding the failure to publish the said ordinances in a newspaper published in or near such borough by insertion for two successive issues;

Proviso. *provided,* such ordinances have been published in such newspaper for at least two issues not more than two weeks apart.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 263.

An Act regulating fishing in the waters of the Delaware river and bay lying between the States of New Jersey and Delaware and all the tributaries of said river and bay within said limits wherein the tide ebbs and flows.

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

Game fish enumerated. 1. For the purposes of this act the following fish shall be designated as game fish, to wit: Black bass or small-mouth bass; large-mouth bass, otherwise called Oswego or yellow bass; strawberry or calico bass; rock bass, otherwise known as red-eye or goggle-eye; white bass, crappie, pike-perch, otherwise called wall-eyed pike or Susquehanna salmon; pike, pickerel, white perch, yellow perch, charr, commonly called brook or speckled trout, or any form of trout. The following

Bait fish. shall be designated as bait fish, to wit: All species of

Food fish. minnows, killi-fishes and stone catfish. All other species or varieties of fish whatsoever shall be designated as food fish.

Fishing in Delaware with hand-lines for game fish. 2. It shall be unlawful to catch or fish for any game fish in any part of the Delaware river and bay lying between the States of New Jersey and Delaware

and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows with any device or by any means or method whatsoever, excepting with rods and lines or hand-lines, commonly called dipsey or throw-lines, each having not more than three hooks, or with trolling-lines with spoon or artificial bait, having not more than one burr or three single hooks attached. The number of rods and lines, or the number of trolling-lines, not to exceed two of one or the other device named, and said lines must be under the direct and immediate supervision of the person fishing therewith. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of twenty dollars. Penalty.

3. It shall be unlawful to fish for bait fish in the Delaware river or bay lying between the States of New Jersey and Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows, except with the following devices, to wit: Rods and lines and hand-lines with not more than three hooks attached; a minnow seine not more than one hundred feet in length; a dip net not more than five feet square; a minnow trap, the opening of which shall not be more than one and one-quarter inches in diameter; a scoop net with a single handle and with a diameter of not more than two feet. Any person who uses any other device, method or means for catching bait fish, other than those specified in this section, shall, on conviction thereof, be subject to a fine of twenty dollars. Fishing for bait fish. Penalty.

4. It shall be unlawful to fish for food fish in the Delaware river and bay lying between the States of New Jersey and Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows with any device, method or means, excepting by the following devices and under regulations and restrictions hereinafter described, to wit: A seine, a gill net, an eel pot or fyke net, each without wings, a parallel net, or stake net at the edge of low water, and rods and lines, or hand-lines, otherwise known as dipsey or throw-lines, each having not more than three hooks. Any person who shall use or employ Fishing for food fish. Penalty.

any method or device for catching food fish other than those named in this section, or shall use or employ any device named in this section contrary to the regulations and restrictions hereinafter mentioned, shall be subject to a fine of twenty dollars.

Sturgeon fishing.

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A-1914-50

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A-12-294

552-5
A-15-128

5. It shall be unlawful for any person to catch and take, or attempt to catch and take, sturgeon from the Delaware river and bay lying between the States of New Jersey and Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows with any device excepting a seine or a gill net, the meshes of which shall not be less than thirteen inches, stretched measure, while being fished, or to catch and take, or attempt to catch and take, any other food fish from said waters with a seine, the meshes of which shall be less than two and one-half inches, stretched measure, while being fished, or any gill net, the meshes of which shall be less than five and one-quarter inches, stretched measure, while being fished; *provided*, that gill nets with a mesh not smaller than three inches may be used from March first to June tenth in each year for the purpose of taking herring only. It shall also be unlawful for any person to catch and take, or attempt to catch and take, any food fish, except sturgeon and striped bass or rock fish, by means of a seine or gill net between the tenth day of June in each and every year and the first day of March next ensuing. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats and appliances used.

Proviso.

Closed season for food fish.

Penalty.

Use of nets.

552-6
A-12-295

6. It shall be unlawful for any person to catch and take, or attempt to catch and take, fish of any kind from the Delaware river and bay lying between the States of New Jersey and Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows, with a pound net, or net of any character, which is anchored or staked or fastened down in any manner, permanently or otherwise, or to use any net so anchored or fastened down in any manner, nor shall any net of any kind or character, excepting a drifting gill net, an eel pot,

or a fyke net, each without wings, or a parallel net for the capture of carp only, be used for the purpose of catching and taking fish in said waters within one-half mile above or below the mouth of any river, creek or stream emptying into said Delaware river below Trenton Falls; *provided,* that gill nets with mesh not smaller than three inches, and not exceeding twenty-five fathoms in length, may be staked within one-half mile of the shore in the Delaware bay below Ben Davis' point. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be subject to a fine of twenty dollars, together with the forfeiture of boats, nets and other appliances used.

Proviso.

Penalty.

7. It shall be unlawful for any person to catch or take, or attempt to catch and take, fish of any kind or description from the Delaware river and bay lying between the States of New Jersey and Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows, by means of a net or to use a net of any character in the waters aforesaid from Saturday at two P. M. until Sunday at twelve o'clock midnight next ensuing in each week. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats and other appliances used.

Prohibited hours for fishing with nets.

Penalty.

8. It shall be lawful to catch food fish with rods and lines and hand-lines, and trolling-lines as described in section four of this act, at any time of the year in the Delaware river and bay lying between the States of New Jersey and Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows, but it shall be unlawful to fish for and take game fish, excepting from the fifteenth day of June to the first day of December, inclusive, in each year. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of ten dollars for each and every fish so taken.

Taking food fish with hand-lines.

Time for game fishing.

Penalty.

9. It shall be unlawful to use eel pots and fyke nets, each without wings, in the Delaware river and bay lying between the States of New Jersey and

Use of eel pots and fyke nets.

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A-12-296

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A-17-568

Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows, from June first to July first in each year, both dates inclusive, but it shall be lawful to use eel pots and fyke nets, each without wings, from July first to May thirty-first, both dates inclusive, in each year, for the purpose of catching carp, catfish, eels and suckers only. All other species of fish which may be caught in said nets must be returned unharmed immediately to the waters from which taken; *provided,* that the entrance of said eel pot and fyke net shall not be more than six inches in diameter and the outside diameter not more than thirty inches. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of twenty dollars, together with the forfeiture of all nets boats, and appliances used.

Proviso.

Penalty.

Use of parallel nets.

10. It shall be unlawful to use a parallel net, otherwise a net set approximately parallel with the shore in the Delaware river and bay lying between the States of New Jersey and Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows and at low-water mark, between the first day of June and the thirty-first day of August in each year, and it shall be lawful to use such parallel net from the first day of September to the thirty-first day of May, inclusive, next ensuing in each year for the purpose of taking carp only; *provided,* that the meshes of said net be not less than three and one-half inches, stretched measure, when being fished; *provided,* that seines not smaller than two and one-half inch mesh may be used from September first to May thirty-first of each year for the purpose of taking striped bass or rock fish, carp and suckers only; *and provided further,* that no such net shall be set in such manner as to impede navigation. All other fish than striped bass or rock fish, carp and suckers must be returned unharmed to the water beyond low-water mark. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of one hundred dollars, together with a forfeiture of all nets and other appliances used.

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A-12-86

Proviso.

Proviso.

Proviso.

Penalty.

Certain sized fish not to be taken.

11. It shall be unlawful for any person to catch and take, or attempt to catch and take, from the Delaware river and bay lying between the States of New Jersey and Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows in any manner whatsoever, any striped bass, otherwise known as rockfish, weighing more than twenty pounds or measuring less than ten inches in length, or any sturgeon less than five feet in length, or any black bass, or any small-mouth bass, large-mouth bass, otherwise known as Oswego or yellow bass, less than nine inches in length, or any pike, or pickerel, or any pike-perch, otherwise known as wall-eyed pike or Susquehanna salmon, less than twelve inches in length, or any calico or strawberry bass, crappie, white bass, rock bass, otherwise known as red-eye or goggle-eye, or trout or charr, less than six inches in length. Any fish of a less length than those described, or any striped bass, commonly called rock-fish, weighing more than twenty pounds, which may be caught, must be returned immediately to the water; *provided,* that nothing in this section shall be so construed as to prevent the fishery authorities of the State of New Jersey capturing fish of any size from said waters, or at any time of the year, or in any manner, for propagation purposes and stocking other waters in the State through its authorized representatives. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be subject to a fine of ten dollars for each and every fish so caught and had in possession.

Proviso.

Penalty.

Penalty for improperly using nets.

12. It shall be unlawful for any person, by boat, anchor, dredge or otherwise, in the Delaware river and bay lying between the States of New Jersey and Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows, to willfully and without reasonable cause interfere with, break, damage or destroy any drifting gill net or hauling seine or nets of any description being lawfully used, and it shall be unlawful for any person to drift a gill net over the waters of a shore fishery while the hauling seine is being used. Any person violating any of the provisions of this section shall,

on conviction thereof, be subject to a fine of twenty dollars.

Explosives, poisonous or deleterious matter must not be emptied into the river or bay.

13. It shall be unlawful for any person to put or place in the Delaware river and bay lying between the States of New Jersey and Delaware and any of the tributaries of said river and bay within said limits wherein the tide ebbs and flows, any explosive or poisonous substances whatsoever, or any drug, or any poison bait for the purpose of catching, taking, killing or injuring the fish, or to allow any dye stuff, coal or gas tar, coal oil, saw dust, tan bark, cocculus indicus (otherwise known as fish berries), lime, vitriol, or any of the compounds thereof, refuse from gas-houses, oil tanks or vessels, or any deleterious, destructive or poisonous substances of any kind or character to be turned into or allowed to run, flow, wash, or be emptied into any of the waters aforesaid, unless it is shown that every practicable means has been used to prevent the pollution of waters in question by the escape of deleterious substances. In the case of the pollution of waters by substances known to be injurious to fishes, or to fish food, it shall not be necessary to prove that such substances have actually caused the death of any particular fish. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of two hundred dollars.

Penalty.

Possession of fish out of season.

14. It shall be unlawful to purchase, sell or offer for sale, or have in possession, any fresh dead game fish, or food fish, except during the lawful period for catching the same, and the space of six days after such period has expired. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of ten dollars for each fish.

Penalty.

Penalty for interfering with officer.

15. Any person or persons who shall, by threat, menace or force, or in any manner attempt to deter or prevent any fish warden or other person authorized to make arrests for violation of the fish laws of this State, from enforcing or carrying into effect any provisions of this act, or who shall resist arrest or the seizure of boats or nets illegally used, shall, on con-

viction thereof, be subject to a fine of one hundred dollars.

Sundry acts repealed.

16. The following acts are hereby repealed:

"A supplement to an act entitled 'An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession (Revision of 1903), approved April fourteenth, one thousand nine hundred and three," approved March seventeenth, one thousand nine hundred and four.

"An act for the better protection of of the fisheries in Maurice river, and in the Oronoken, Dividing and Antuxent creeks, Cumberland county," approved March seventh, one thousand eight hundred and seventy-one.

"An act for the better regulation of fishing in Cohansey creek," passed January twenty-eighth, one thousand eight hundred and twenty, and the supplement to said act passed February third, one thousand eight hundred and forty three.

"An act for the protection of fish and fisheries in Cumberland county," approved April fourth, one thousand eight hundred and seventy-three.

"An act for the further protection of the fisheries in Maurice river, Cumberland county," approved April seventh, one thousand eight hundred and sixty-three.

"An act relative to fishing in the several creeks in the county of Salem," passed February sixth, one thousand eight hundred and fifteen.

"An act to regulate fisheries on islands and bars in the Delaware river," passed February fifteenth, one thousand eight hundred and nineteen, and the supplements thereto, approved April seventeenth, one thousand eight hundred and seventy-four.

"An act to regulate fishing for sturgeon in the Delaware bay, Delaware river and their tributaries," approved April thirteenth, one thousand nine hundred and eight.

Enforcement of act.

17. The procedure for enforcing the provisions of this act shall be the same in all respects as provided for in an act of the Legislature entitled "An act to provide a uniform procedure for the enforcement of

all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven.

Repealer.

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

Approved April 27, 1911.

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## CHAPTER 264.

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

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

County bridge over navigable stream.

1. Whenever the board of chosen freeholders of any county shall determine that the construction of a bridge across any navigable river or stream in such county is a public necessity, and shall so declare, by resolution, as provided by the act to which this act is a supplement and the supplements thereto and amendments thereof, and at the point, place or location, so determined upon by the said board, there

If no road.

shall not be a public road or street on either or both sides of such navigable river or stream extending to the bank or banks of such river or stream, but where a public road or street on either or both sides of such river or stream shall be separated from the bank of such river or stream by ravines, marshes, pits, railroad cuts, embankments or tide-washed lands or other obstructions, which, in the judgment of such board of chosen freeholders, will make the extension of

such road or street, to the bank of such river or stream impossible or impracticable, and the said board of chosen freeholders shall by resolution so declare, it shall thereupon be lawful for said board of chosen freeholders to proceed to construct such bridge and to connect the same with the nearest public road or street on each side of said navigable river or stream by carrying said bridge and its approaches over and across any such ravines, marshes, pits, railroad cuts, embankments, tide-washed lands or other obstructions from the bank or banks of such river or stream to the nearest public road or street by a viaduct or viaducts, embankment or embankments, as in the judgment of said board may seem best and proper.

Make proper connections.

2. Any and all lands or easements over the same, necessary to be obtained for the construction and maintenance of embankments, viaducts, piers, abutments or other structures as authorized and provided for by section one hereof, or for any part or portion of the structure of said bridge, may be acquired by the board of chosen freeholders by agreement and purchase with and from the owners of such lands, and upon failure thereof because of inability to agree or because of the legal disability of any of the parties then by proceedings in condemnation pursuant and under the provisions of a certain act of the Legislature entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred, and the supplements and amendments thereto.

Necessary rights, lands, etc., secured.

3. It shall be lawful for the board of chosen freeholders to pay for such lands or easements over the same as provided for in section two hereof, and also all costs and expenses in acquiring the same, out of any moneys applicable to the construction or completion of said bridge and from and out of the proceeds of any bonds issued or to be issued therefor.

Payments.

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

Repealer.

Approved April 27, 1911.

## CHAPTER 265.

An Act concerning the medical and surgical care and treatment of persons to be cared for and treated at public expense in cities of this State, and providing for the payment of the cost thereof.

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

Cities may contract with hospitals for care of poor.

1. It shall and may be lawful for the board or body having charge of the finances of any city of this State to enter into and make a contract or contracts, not exceeding the term of five years at a time, with any corporation, individual or individuals, maintaining or operating a hospital in any such city, for the medical and surgical care and treatment of those persons, whom such board or body shall consider and determine should be cared for and treated at public expense; and it shall be the duty of such board or body of such city, during the continuance of such contract or contracts, to annually raise by taxation the sum needed to defray the expenses of such medical and surgical care and treatment for the fiscal year then next ensuing.

2. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 266.

An act providing for the salaries of the clerks of the recorders or police courts in the cities of the second class now having or which may hereafter have a population of seventy thousand inhabitants.

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

Clerk of police court.

1. The clerk appointed in and for each of the police courts or recorder's courts in any city of the second class in this State, now having, or which may hereafter have, a population of seventy thousand inhabitants, shall receive and be paid an annual salary, to be fixed by the board of aldermen, common council or other governing body of such city, at not less than nine hundred dollars nor more than fifteen hundred dollars per annum, however, to be paid in equal monthly payments.

Salary.

Repealer.

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

Approved April 27, 1911.

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## CHAPTER 267.

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

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

Preservation of registers.

1. All registers of voters or register books which are required to be filed with the county clerks of the

various counties and the municipal clerks of the various municipalities of this State, by and under the above-stated act, shall be preserved by such county and municipal clerks, respectively, for a period of five years after the holding of the general election at which they were used, and thereafter shall be sold by such county and municipal clerks as waste paper, the proceeds to be paid into the county and municipal treasuries respectively.

Sale after five years.

Sale of old registers.

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

3. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 268.

A Supplement to an act entitled as amended "An act to authorize two or more municipalities in this State to jointly construct and maintain outlet or trunk sewers, and to authorize every such municipality to construct local sewers within its corporate limits, connecting with or discharging into such joint outlet or trunk sewers," approved March fifteenth, one thousand eight hundred and ninety-nine, authorizing the joint construction and maintenance of sewers in highways separating such municipalities.

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

Municipalities may join in building sewers.

1. It shall be lawful for any two or more municipalities, without regard to the form of their incorporation, which have heretofore entered into or may hereafter enter into a joint contract with other municipalities for the construction and maintenance of an

outlet or trunk sewer under the provisions of the act to which this act is a supplement, to jointly construct and maintain in any public street, road or highway separating such municipalities, a sewer or sewers running in and along any such public street, road or highway to and connecting with any joint outlet or trunk sewer owned by or in which either of said municipalities may have an interest or joint ownership with other municipalities.

Plans, specifications, etc., prepared.

2. To that end the governing bodies or boards of any two or more municipalities in this State authorized by law to have charge of sewer systems, established or to be established in such municipalities respectively, may unite and jointly cause to be made at their joint expense by competent engineers, mechanics and others, surveys, maps, plans, reports and estimates of proposed works and improvements relating to any contemplated sewer or sewers, public improvement or works authorized by this act, which they may desire to jointly provide, maintain and operate under the authority conferred by this act; and for such purpose and before determining upon a route and plan for the building and construction of any such sewer or sewers authorized by this act, and for the making of the surveys, maps, plans, reports and estimates as provided in this section, it shall be lawful for the municipalities desiring to make such improvement or work by their officers, agents, servants and employees, to enter upon at all times, such street, road or highway dividing or separating such municipalities for the purpose of exploring, surveying, leveling and laying out the route of any such sewer or sewers, and establishing grades, and for the doing of all necessary preliminary work, doing, however, no unnecessary damage or injury to any property; such surveys, maps, plans, reports and estimates or true copies thereof shall be delivered by the persons making the same to the clerk of each of the municipalities joining in the expense of making the same, together with a statement or estimate of the cost and expense of such proposed improvement, and also an estimate of the annual cost of maintenance, repairs, operation and supervision of such proposed improvement after the completion

Right of entry to make surveys.

Maps, costs, etc., delivered to clerks.

All surveys, etc., submitted to council.

of such improvement; the clerks of each municipality interested as aforesaid shall immediately submit to the governing body or board of the municipality authorized by law to have charge of the sewer system established or to be established in such municipality, all the surveys, maps, plans, reports, estimates and statements so delivered to him, and said municipal body or board shall immediately thereafter proceed to consider the same.

Decision as to approval or rejection.

And if the said board or body of any such municipality shall not approve the same and shall decide not to join in the construction of the proposed improvement to which the matters submitted relate, then such board or body shall pass a resolution declaring its refusal to join in providing the said public improvement, and a copy of such resolution, duly certified by the clerk thereof, shall be served upon the clerk of each of the other municipalities interested therein.

If approved, all plans, etc., a record.

If, on the contrary, such governing body or board of such municipality as aforesaid, shall, after such consideration, by resolution duly adopted, approve the surveys, maps, plans, reports, estimates and statements, so submitted to it as aforesaid, then it shall cause such surveys, maps, plans, reports, estimates and statements to be filed with the clerk of such municipality, there to remain of record.

Interchange of resolutions, etc., between contracting municipalities.

A copy of the said resolution and approval, certified by the municipal clerk, shall be by him served on the clerk of each of the other municipalities interested in the making of the surveys, maps, plans, reports, estimates and statements so submitted and approved as aforesaid; it shall be lawful for the said bodies or boards of any two or more of the municipalities so adopting such resolution and approval, as aforesaid, and desiring to unite in the construction and maintenance of such public improvement as aforesaid, to thereupon respectively authorize, by an ordinance duly passed, (the ordinance of each municipality to be substantially the same), the making and entering into, by and on behalf of such municipalities respectively, of a joint contract or contracts in writing upon such terms and conditions as to them shall seem proper (for which authority is hereby fully given) with such other municipality or municipalities for the making of any one or more of the pub-

lic improvements or the doing of any work authorized by this act, including the maintenance and operation of such improvements at the joint cost and expense of such contracting or associated municipalities, and as may be provided and specified in said contracts, and for acquiring the right to connect with and use any outlet or trunk sewer or sewers or system of sewers and appurtenances that may have been theretofore constructed by any of the municipalities so jointly contracting as aforesaid, or in which any such municipality may have an interest or joint ownership, and for the doing of any other act necessary or convenient for the providing, maintaining and operation of such public improvement or work; such ordinance shall generally describe such public improvement or works to be jointly provided by the municipalities contracting therefor with each other as aforesaid; such ordinance shall also prescribe and fix the percentage of the capacity of such sewer or sewers to the use of which each municipality shall be entitled; also the percentage of the total cost, damages and expense of said improvements or works to be paid by each contracting municipality: After the passage of such ordinance by such municipality pursuant to the laws governing the same, it shall be lawful for the proper officers thereof to join with the proper officers of the other municipalities so authorized by ordinance, in executing a joint contract in accordance with the provisions of the ordinance of such municipality hereby authorized to be enacted by such municipality; and such municipality and all the other contracting municipalities are hereby authorized to do any and all acts necessary or advisable regarding the execution of such joint contract.

General description in ordinance.

Joint contract.

3. After the execution by two or more municipalities in this State of a contract, pursuant to the provisions of the second section of this act, it shall be lawful for the respective governing bodies or boards of the municipalities so contracting, authorized by law to have charge of sewer systems established or to be established therein, and it shall be their duty to meet in joint meeting at such time and place as shall be fixed in writing by a majority of the presiding officers

Joint meeting of municipal boards.

Organization.

of such bodies or boards; and such bodies or boards of such contracting municipalities shall meet at the time and place so to be designated as aforesaid, and shall proceed at once to organize by electing by roll-call of such municipalities a member of one of the bodies or boards of the municipalities composing such joint meeting, a chairman of such joint meeting, and after selecting such chairman, and at the same meeting, proceed to elect in like manner by roll-call a secretary, and shall authorize an advertisement for sealed proposals for bids in the manner hereinafter provided, for the construction of such public work or improvement.

Invite proposals.

Execution of contract.

4. After the awarding of the said contract for the making of such public work or improvement, the said municipalities so composing the said joint meeting shall each execute in duplicate or triplicate, or, as the case may be, the said contract so awarded to the lowest responsible bidder, binding themselves under the corporate seals of the said municipalities, signed by the mayor or other chief executive officer of such municipalities, and attested by the clerk thereof, to pay for the cost of such public improvement or work according to the percentage agreed upon by such municipalities; the form of such contract to be approved by the municipal boards or bodies of such municipalities before the execution thereof, and before the same shall become effective or binding; all sums of money to be paid respecting said public improvement or work, or in any way relating to or arising out of the same, shall be promptly paid to the contractor by the several municipalities contracting, according to the percentage fixed in such contract.

Payments to contractor.

Consent to build sewer in street.

5. The said sewer or sewers shall not be laid or constructed under or along any such public street, road or highway, nor shall the location or grade thereof be altered or changed without the consent of such contracting municipalities, which consent shall be assumed to have been given by the execution of said contract, and the consent of any board or body having charge or control over said street, road or highway, other than the said contracting municipalities, shall also be obtained.

Further proceedings by resolution.

6. Whenever a contract shall be made and entered into in writing and duly executed by two or more municipalities under the provisions of this act, all acts and proceedings which may be necessary to be thereafter taken by such municipalities collectively in a joint meeting or singly in their corporate capacity, relating to said public improvement or work, may be taken by resolution and not by ordinance.

Notice of intention to join with other municipalities given.

7. No ordinance authorizing the making of a contract in writing between municipalities for any public improvement or work under the provisions of this act, shall be passed by the governing body or board of such municipality until public notice shall be given in a newspaper published or circulating in such municipality, of the intention of such municipal or governing body or board to join in such public improvement, and to that end it shall be the duty of the clerk of such body or board, by direction of such body or board, to give such notice; the notice shall briefly describe the improvement proposed, which description may be made by reference to the proposed ordinance or other documents on file in the office of the clerk of such municipality, and shall request such persons as may object thereto, to present their objections in writing at the office of such clerk and file the same with him on or before the expiration of twenty days from the date of the first publication of said notice, or to the said governing body or municipal board at its first regular meeting held after the expiration of the said twenty days, and said governing body or board of said municipality may at said meeting or otherwise proceed to consider and pass such ordinance notwithstanding any objections, and thereafter the proceedings of such body or board regarding said ordinance shall be the same or as nearly as may be as like proceedings regarding ordinances authorized to be passed by such body or board for the construction of sewers within such municipality.

Objections may be filed.

Consideration of objections.

At completion of work, to fix whole cost.

8. Immediately upon the completion of the work or a definite part thereof, the governing bodies or boards of the municipalities jointly contracting for such public improvement shall meet in general meeting as in this act provided, and shall, by resolution,

ascertain and declare the whole amount of the cost, damages and expense of such public improvement or any part thereof, and all of the appurtenances or connections of the same, and of all matters or things connected therewith so far as the same are completed; and of the several amounts thereof to be apportioned to the contracting municipalities respectively, pursuant to the contract and ordinance authorizing the same as aforesaid; and in case it is proposed to assess the whole or any part of the cost of such improvement upon the property specially benefited thereby, each of the said municipalities jointly contracting as aforesaid so proposing to assess such cost, shall, without delay, severally apply to the Circuit Court of the county in which such municipality is situate, for the appointment of three disinterested commissioners to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such improvement apportioned to it as aforesaid, as ascertained and declared as aforesaid, upon all the owners of land and real estate in such municipality fronting on such improvement, which are peculiarly benefited by such public improvement, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and it shall be lawful in assessing the benefits conferred by the construction of any such sewer or public improvement, or any part thereof, to assess such benefits not only upon the lands and real estate fronting or abutting upon the line thereof, but also upon all the lands and real estate situate in and throughout the entire sewerage area or district in such municipality from which the sewage, directly or indirectly, finds or will find an outlet, into such sewer so constructed by such municipality under the provisions of this act.

Amounts apportioned.

Commission to assess benefits.

Property which may be included in assessment.

The assessment upon all lands and real estate which at the time of making such assessment front or abutt on or are situate in the vicinity of the line of such sewer or any other sewer already constructed and connected directly or indirectly therewith, whereby a direct tapping or drainage benefit is or may be secured, shall be collectible at once, and that where such benefit is prospective only, depending upon the construction of

Assessments on property directly connected collectible at once.

When benefit prospective, when collection made.

any other and connecting sewer not yet built, such assessment shall be collectible and bear interest only from the time when the assessment to be made for benefits conferred upon such land and real estate by the construction of such other sewer along the line of which such lands and real estate fronting or abutting or in the vicinity of, shall be confirmed and collectible.

Ascertaining benefit when property does not abut or connect directly.

In ascertaining and estimating the proportion of the cost of such sewer or public improvement which may be assessed upon lands and real estate not fronting or abutting upon or in the vicinity thereof or having no immediate tapping or drainage benefit, the benefit conferred upon the lands and real estate so fronting or abutting thereon or in the vicinity thereof, and having an immediate tapping or drainage benefit, shall be ascertained, and after deducting the amount thereof from the entire cost, the balance, or so much thereof as may be applied, shall be assessed upon such other lands and real estate not having an immediate tapping or drainage benefit, but which shall be situate in such sewerage area or district to the extent that the same is benefited by such sewer or public improvement and to be benefited thereby when the sewer in front of or in the vicinity of such property shall be constructed and connected therewith and in which the said property may secure a direct or tapping benefit.

Application for commissioners.

The said application for the appointment of such commissioners, shall be in writing, and after notice of the time and place of making such application, published at least one week previous thereto in some newspaper published or circulating in such municipality wherein such lands and real estate are situate, and at the time fixed in said notice or at such time to which the said application may be from time to time adjourned, the said court shall appoint three disinterested commissioners to make such assessment for benefits as aforesaid; in case of the death, resignation, refusal to serve, or disability of any commissioner so appointed, the vacancy shall be filled by such Circuit Court as soon as may be and no benefit shall be assessed in respect to the cost of any improvement or work in so far as such improvement or work extends

Vacancies.

beyond the line of the whole property assessed, but the cost thereof shall be assessed upon and paid by the respective contracting municipalities in accordance with the apportionment of the percentage of the costs, damages and expenses of said improvement, provided to be borne and paid by them respectively in the contract made and entered into between them as authorized by ordinance as aforesaid; *provided, however,* that any municipality, instead of causing benefits to be assessed upon the lands and real estate as herein provided, may, at any time after the adoption of an ordinance under section two, by resolution duly passed by a majority of the members of the governing board or body of such municipality at any regular meeting thereof, provide that the entire expense of any such sewer or public improvement imposed upon such municipality shall be borne by the municipality at large and provided for by general taxation, or said governing board or body of each municipality having charge of its finances may issue the registered or coupon bonds of such municipality to an amount sufficient to defray its part, share or percentage of all the costs, damages and expenses of the said improvements or of any contract relating thereto, entered into by it jointly with the other contracting municipalities, pursuant to the provisions of this act, said bonds to be payable in the manner fixed by such body or board having charge of the finances of such municipality, not inconsistent with the provisions of this act, regard being had to the bonds already issued for completed improvements, and to bonds which will probably be required for improvements actually contemplated but not yet authorized to be issued; *and provided further,* that for the purpose of defraying during the course of construction the costs and expenses of such public improvement as is authorized by this act, in respect of which the entire expense thereof may be borne by the municipality at large and provided for by general taxation or by the issuance of bonds of such municipality, the governing body or board having charge of the finances of any such contracting municipality may, if necessary, borrow money and secure the payment of the same by the

Proviso.

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notes and other temporary obligations of such municipality; which notes and obligations may be renewed from time to time until such improvement or work be completed and the entire cost and expenses have been ascertained, at which time said notes or other temporary obligations of such municipality shall be satisfied and discharged from funds provided either by general taxation or by the issuance of bonds as in this act provided.

Renewal of notes.

9. The said commissioners, before they enter upon the execution of their duties, shall severally take and subscribe an oath or affirmation before a master in chancery of this State, to make such assessment fairly and impartially according to the best of their skill and judgment, and thereupon proceed to perform the duties hereby imposed upon them, and they shall, within sixty days, unless the court shall before or after its expiration extend the time, make a just and equitable assessment of the costs, damages and expenses of said improvement or any part thereof as aforesaid, in the manner hereinbefore provided upon the lands and real estate located in the municipality applying for the appointment of such commissioners.

Oath of commissioners.

10. Said commissioners shall make a report in writing of their assessment, signed by them or any two of them, to the Circuit Court, and upon the coming in of such report signed by said commissioners or any two of them, the said court shall cause such notice to be given by advertisement or otherwise, as it shall direct, of the time and place of hearing any objection that may be made to such assessment, and after hearing any matter which may be alleged against the same, it shall, by rule or order, either confirm the said report or refer the same to the same commissioners for revision or correction, or to new commissioners to be appointed by it, or it may itself, upon a hearing had before it, modify or alter such report and any assessment of benefits made therein, in such manner as to it may seem just; and the said commissioners to whom the said report may be so referred, shall return the same corrected and revised or make a new report, and the same, on being so returned, shall be confirmed or again referred or may be modified or

Report of commissioners.

Hearing on report.

Report may be modified.

altered by said court as aforesaid, and so from time to time, until a report shall be made or returned which the said court shall with or without alteration confirm, and such report when so confirmed shall be final and conclusive as well upon such municipality as upon the owner or owners of any land affected thereby.

Confirmed report final.

Compensation of commissioners.

11. The said Circuit Court shall settle and determine the compensation to be paid to said commissioners and the cost and expense of the application, report and proceedings, and such municipality shall immediately pay the said cost and expense as directed by the said Circuit Court.

Clerical errors not to invalidate proceedings.

12. No mistake in naming or omitting to name the owner of lands or real estate in any report, map or proceeding, or in designating the quantity of his or her interest or the nature of his or her estate, or any mis-recitals, shall in anywise invalidate any assessment or sale made under this act.

Ratified assessment furnished collector.

13. Upon the ratification of any such assessment of benefits, the report thereof shall be transmitted immediately to the officer charged by law with the collection of taxes, and it shall be the duty of such officer thereupon to give notice in one or more of the newspapers published and circulating in such municipality, that such assessment has been duly returned to him for collection; all such assessments shall draw interest from the date of confirmation at the rate of seven per centum per annum, and, with the cost of collection, shall be and become, from the date of confirmation, a first and paramount lien upon the land and real estate so assessed, which lien shall remain until such assessment is paid. *Provided, however*, that where assessments are made upon lands and real estate to become due and payable when a direct or tapping benefit is secured, as hereinbefore mentioned, interest at the same rate shall be charged from the time only when such direct or tapping benefit shall have been secured.

Interest.

Proviso.

Notice of assessments published and given each person.

14. It shall be the duty of the collector of taxes to whom any such assessments shall have been returned, in addition to the publication of the return thereof to him for collection, as herein provided, as far as practicable, to cause a notice to be given to

each person assessed of the amount of the assessment so made against him or her, with the costs which have been incurred in the collection of the same, and the interest which has accrued thereon; but if, for any reason, such notice is not given to or received by the person or persons assessed, it shall in no way impair the right of the municipality to collect the assessment so made; in all cases in which the assessment so made and returned shall remain unpaid for the space of six months from the date of confirmation or the date upon which a direct or tapping benefit shall have been secured by lands and real estate as hereinbefore provided, it shall be lawful to collect the same by a sale of the property assessed, and from the date when any such assessment shall have been returned to him, to make sale thereof as herein directed; he shall, before making such sale, make advertisement thereof in one of the newspapers published in such municipality, for the space of four weeks, at least once each week, giving notice of the time and place of sale, together with a description of the lot or tract of land assessed by the letter or number by which it is designated on the municipal maps, and specifying the amount of money so assessed, laid out and expended on the same; and he shall, at the time and place so designated, sell the said land and real estate at public sale for the shortest term of years at which any person will agree to take the same, not exceeding fifty years, and pay the assessment, with interest thereon, and all other expenses incurred subsequent to the time when such assessment shall have become due and payable.....; and thereupon the mayor and clerk of such municipality, at the request of its governing body or board and under its corporate seal, shall make, execute and deliver a declaration of sale to the purchaser thereof, and such purchaser, his executors, administrators or assigns, by virtue thereof, and under the authority of this act, shall lawfully hold and enjoy the said lands and real estate for his and their own proper use, until said term shall be fully completed; and they shall be at liberty to remove therefrom all buildings and improvements they shall erect or place thereon during the said term, and every such purchaser, his heirs and assigns,

Sale of property for assessments due.

Sale advertised.

Terms of sale.

Declaration of sale.

Enjoyment.

Removal after stipulated period.

shall pay all taxes which shall be lawfully assessed against the said land and real estate during the said term; *provided, however,* that if the owner of any such land and real estate, or any person having an estate therein, or any mortgagee thereof, shall, within three months after written notice of such sale shall have been served upon him or them by the purchaser, personally or by registered letter, pay to the purchaser, his executors, administrators or assigns, the amount of money so paid by him to such municipality and all taxes paid by such purchaser, with interest at the rate of twelve per centum per annum, such owner or person having an estate therein or mortgagee, as the case may be, shall be entitled to re-enter and re-possess the said lands and real estate and hold the same, and have such rights therein as if the said sale had not been made; *provided, however,* if such owner or mortgagee shall not redeem said lands and real estate within three months from the date of such service of notice as aforesaid, the estate of the purchaser shall become absolute for the term for which the said lands or real estate were purchased.

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Proviso.

All proceedings according to laws applicable.

15. All proceedings subsequent to such sale, including those relating to the certificates and declarations of sale, and the record and cancellation thereof, the rights of and notices to mortgages, rights of redemption and cancellation of records, and respecting all other matters and things connected therewith or arising out of such sale, shall, as nearly as may be, be done, conducted and had in accordance with and pursuant to the provisions of the laws of this State applicable to like matters and things in the municipality wherein such sale shall be made as aforesaid.

Municipality may borrow money temporarily.

16. For the purpose of defraying the costs and expenses of such public improvement as is authorized hereby in respect of which an assessment for benefits may be made on lands and real estate situated in any such contracting municipality, the governing body or board having charge of the finances of any such contracting municipality may, if necessary, borrow money and secure the payment of the same by the notes or other temporary obligations of such muni-

cipality; these notes and obligations may be renewed from time to time until such improvement or works be completed or the assessment for benefits confirmed; when so confirmed the said governing body or board of such municipality shall provide for the costs and expenses of such improvements in the manner hereinafter mentioned.

Obligations renewable.

17. If a sum equal to or greater than the amount assessed for benefits has already been borrowed by such municipality at the time when such improvements are completed or assessments for benefits confirmed, and the payment of the sums so borrowed has been secured by notes or other temporary obligations of the municipality, then such notes and obligations, to an amount equal to the amount so assessed for such benefits, may be renewed from time to time as far as necessary for a period of five years longer, and all moneys paid in on such assessments during that period shall be exclusively devoted to the payment of and shall be used to pay said notes and obligations as they mature; if the amount so borrowed as aforesaid be less than the amount assessed, the said governing body or board of such municipality may, if necessary, borrow and issue its temporary obligations for such additional sum as with the amount already borrowed will equal the amount assessed; and the indebtedness of the municipality, in whatever form it may exist, shall, to the amount of the assessment, be paid and discharged out of the moneys paid in on such assessments, so far as they may be paid in during said period of five years; if, at the expiration of said period of five years, the said indebtedness, so equal in amount to the benefits assessed, be not paid in full, then such governing body or board, in order to provide for its payment, shall issue the bonds of such municipality for the amount remaining unpaid, which bonds may be registered or coupon bonds, payable in the manner hereinafter provided; and all assessments received by such municipality, after said period of five years, shall go into the treasury and be used as the body or board having control of the finances of such municipality may direct.

Right of municipality to borrow.

If indebtedness not paid in five years bonds shall issue.

18. In order to provide for and pay the amount of the difference between the total amount of the

Bonds may be issued.

costs, damages and expenses of said improvements, including all incidental expenses apportioned to said contracting municipalities respectively as aforesaid, and the total amount of all assessments made and levied for benefits as aforesaid in such municipalities respectively, and on the lands and real estate situated therein, it shall be lawful for the governing body or board of each contracting municipality, by resolution duly adopted, to cause to be issued the bonds of such contracting municipality, in such sum as will be sufficient to pay the share or percentage of such total amount due therefrom, and provided to be paid by the contract entered into by such municipality; such bonds may be registered or coupon bonds, payable in the manner hereinafter provided, and may mature in such time or times not exceeding fifty years from date of issue as the governing body or board of said municipality shall determine; these bonds shall be used (1) to discharge the notes or temporary obligations of the municipality issued as aforesaid, so far as they exceed in amount the assessment for benefits, (2) to satisfy and discharge whatever may remain due from such contracting municipality on the costs and expenses of the work or improvements, according to the contract entered into between such municipalities.

Time.

Use of proceeds.

Sinking fund for retirement of bonds.

19. In order to provide for the retirement of said bonds at maturity the governing body or board of each contracting municipality may, by resolution duly adopted, provide a sinking fund for the retirement of said bonds at maturity, which sinking fund shall be provided by making an annual appropriation, to be raised by tax annually, of an amount which, calculated at compound interest at three and one-half (3½) per centum per annum, shall be sufficient to pay the principal of said bonds as they fall due; or, in lieu thereof, the said bonds may be made payable in successive years beginning not more than three years from the date of issue and ending not more than fifty years from said date; they may be made to mature in such amounts as the said governing body or board may determine, and in thus arranging their maturity regard may be had to bonds already issued for public improvements of any character in such municipality

and also to bonds which will probably be required for improvements actually contemplated but not yet authorized.

If no assessment for benefits, municipality may issue bonds for its share of cost.

20. In case there be no assessment for benefits in any of the said contracting municipalities, then the body or board of such municipality having charge of its finances may issue the registered or coupon bonds of such municipality to an amount sufficient to defray its part, share or percentage of all costs, damages and expenses of the said improvements, or of any contract relating thereto, entered into by it jointly with the other contracting municipalities, pursuant to the provisions of this act, said bonds to be payable in the manner fixed by such body or board having charge of the finances of such municipality, not inconsistent with the provisions of this act, regard being had to the bonds already issued for completed improvements and to the bonds which will probably be required for improvements actually contemplated but not yet authorized to be issued.

Rate of interest.

21. The notes or other obligations of such municipality herein authorized to be issued, shall bear interest at a rate not exceeding six per centum per annum; they shall not be sold for less than par or face value, and they shall not be issued to an amount at any time exceeding ten per centum of the valuation of the taxable property in such municipality as shown on its official books at the date of such issue, such ten per centum to include any and all bonded indebtedness that may be outstanding against such municipality; said notes and obligations shall be signed by the mayor or acting mayor, or chairman or president of the governing body or board or chief officer of such municipality and the clerk of the same, as may be directed by resolution of the body or board having control of the finances of such municipality, and shall be issued under such regulations and restrictions as such body or board shall deem proper.

Amount that may be issued.

Provision for interest and principal.

22. It shall be lawful for the governing body or board having control of the finances of any municipality contracting with any other municipality or municipalities, pursuant to the provisions of this act, to raise by tax in each year, as other moneys are raised

in such municipality, such sum of money as may be necessary to pay the interest on the notes and other obligations of the municipality issued as aforesaid, including, when necessary, interest on such of its obligations as may be payable out of the proceeds of assessments, and also the principal of such bonds, except obligations payable out of assessments and temporary obligations issued as aforesaid, as may mature during the then ensuing fiscal year.

Municipality may raise amount by taxation.

23. It shall be lawful for the said governing body or board having control of the finances of such contracting municipality, in lieu of issuing the bonds of such municipality, to pay its proportion of the costs and expenses of any improvements jointly contracted for and made under this act, with money to be raised by taxation, after the making of the public improvements herein authorized have been determined upon and a joint contract made and entered into pursuant to the provisions of this act, or by paying the whole or part of such indebtedness out of all moneys belonging to such contracting municipality not otherwise appropriated or required.

Expenditures over $500 by contract.

24. Whenever any work to be performed or materials to be furnished in or about any improvement to be made under the provisions of this act shall involve an expenditure of any sum of money exceeding five hundred dollars, the municipal bodies or boards of the contracting municipalities, by their official action taken in joint meeting as herein provided, shall designate a time when they will meet at their usual

Proposals.

place of meeting to receive proposals in writing for doing the work or furnishing the materials, and such joint meeting shall order the chairman and secretary thereof to give notice, by advertisement inserted in one or more newspapers published and circulating in the municipalities jointly contracting, at least two weeks before the time of such meeting, of the work to be done or materials to be furnished, of which at the time of such order they shall cause to be filed in the office of such joint meeting, particular specifications; all proposals received shall be publicly opened by such chairman in the presence and during a session of such joint meeting, and of all others who choose to

Bids opened publicly.

attend the said meeting; not more than one proposal shall be received from any one person, directly or indirectly, for the same contract work or materials; and the said joint meeting may reject any and all of said proposals and direct its chairman and secretary to advertise for new proposals and accept such as shall, in the opinion of a majority of the municipalities represented in said joint meeting, be deemed most advantageous for the said municipalities, subject, however, to the reservations herein provided; the proposal so accepted shall be reduced to a contract in writing, and a satisfactory bond to be approved by such joint meeting shall be required and given for its faithful performance, but all contracts when awarded shall be awarded to the lowest responsible bidder offering satisfactory security; this section shall not apply to any engineer or agent of the joint contracting municipalities engaged in supervising or directing the work of such improvements.

Proposals accepted a contract.

25. Any bonds issued by any municipality under the provisions of this act may be sold at public or private sale. If at public sale, public advertisement and notice thereof inviting sealed proposals shall be made for at least ten days preceding the time fixed for sale, and in the manner provided in the resolution authorizing the issue of such bonds; *provided, however,* that such bonds shall not be sold below their par value.

Sale of bonds.

Proviso.

26. No certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement or any assessment made by such commissioners after the lapse of thirty days from such proceedings respectively or from the making of the order of the court confirming such assessment.

No certiorari after 30 days.

27. The words "joint meeting," as used in this act shall be construed to mean the meeting or assembly of the members of the governing bodies or boards of the several municipalities having authority to make and enter into a contract for the construction jointly of public improvements, pursuant to and by virtue of the provisions of this act.

Joint meeting defined.

28. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 269.

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

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

Assessment of property omitted in returns to State assessors.

1. Whenever real estate, subject to taxation as property used for railroad or canal purposes, has been or shall be omitted from assessment under the provisions of the act to which this is a supplement by the failure of the company using the same to return the same to the State Board of Assessors for valuation and assessment or otherwise, it shall be lawful for the State Board of Assessors upon the complaint of the county board of taxation of the county wherein such property is situated, or upon the complaint of any taxpayer therein, in case it finds that such property has been omitted from its assessment, to cause such real property to be assessed by it, for such omitted years, under the provisions of the act to which this further supplement and the acts supplementary thereto and amendatory thereof; that the said State Board of Assessors shall meet on a day to be fixed by them, not later than twenty days after the making of said assessments, of which immediate notice shall be given by said board to the companies affected thereby, for the purpose of reviewing their said assessments, and may adjourn from time to time until they have finished the hearing; that not more than thirty days shall be spent by said board in said review, and the amount of taxes fixed by said board shall be due and payable into the State treasury on or before fifteen days after the time limited for the reveiw by said board of said assessments.

Review of assessments.

Time for levying taxes limited.

2. The power of the State Board of Assessors to levy taxes upon omitted property used for railroad or canal purposes shall be limited to a period of five years next preceding the filing of the complaint aforesaid.

Amount certified to comptroller; each taxing district shown.

3. The said board shall certify the amount of said assessments to the Comptroller, in detail, and shall divide the same into taxing districts so that the amount assessed for each year in each taxing district shall appear; the same remedies shall exist for the collection of said taxes as exist for the collection of taxes regularly assessed under the provisions of the acts to which this is a further supplement.

Credit for taxes paid locally.

4. Any company or corporation which shall have paid any tax for said omitted years under an assessment made upon said property or any part thereof by the local assessors, shall be entitled to receive a credit for such payment upon the assessment made hereunder by proving such payment to have been made to the satisfaction of the State Board of Assessors during the time herein authorized for the review of said assessments.

Rates to be used.

5. The State board, in making said assessments for the different classes of property, shall adopt and use the average State rate and the local rates in the respective taxing districts that have prevailed for the years when said property should have been assessed.

Disposition of taxes received.

6. The taxes collected by the Comptroller under the provisions of this supplement shall be applied to the extent of one-half of one per centum on said valuation and assessment to the use of the State. The balance of said taxes over and above one-half of one per centum shall as and when collected by the Comptroller, be allotted and paid over to the several taxing districts wherein said lands and real estate are located for the municipal purposes thereof, according to said valuations and assessments as ascertained and divided by the State Board of Assessors hereunder; said taxes so paid shall be used by said taxing districts first for the payment of the expenses incurred in proceedings taken to subject said property to taxation and then for the

sinking funds established or to be established for bond issues other than special street improvement bonds.

7. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 270.

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

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

Township committee may make ordinances.

1. The township committees of the several townships of this State shall hereafter have power to make, amend or repeal ordinances for the following purposes, in addition to the power to make, amend or repeal ordinances for the purposes now vested by law in township committees, viz:

Keeping dogs.

I. To prohibit the keeping or harboring of dogs without having the same registered.

Registration fee.

II. To fix an annual fee to be paid for such registration, not to exceed the sum of two dollars for each dog, and the time and the manner of the payment thereof.

Tag.

III. To provide for the issuing of a registration tag to be attached to a collar worn by all dogs registered as aforesaid.

2. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 271.

An Act to pay the officers and enlisted men of the Third Regiment, National Guard of New Jersey, for services, and to defray expenses in connection with tentative call for duty, October twenty-ninth, one thousand nine hundred and ten.

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

Payment to 3d Regiment for services.

1. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expenses and the payment of one day's service, at State rates, for the officers and enlisted men of the Third Regiment, National Guard of New Jersey, who responded to the tentative call for duty on October twenty-ninth, one thousand nine hundred and ten. Pay-rolls, in the usual form, including only those officers and men who actually responded to said call, together with a detailed statement of the expenses incident thereto, shall be filed with the Paymaster-General, upon which payment shall be made.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 272.

An Act to provide for the protection of county public roads in counties of the first class and to authorize the regulation of traffic thereon.

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

Use of heavily loaded vehicles on roads.

1. The board of chosen freeholders or other body having the control of any public county road in

counties of the first class in this State is hereby authorized to adopt from time to time such rules and regulations in relation thereto, and to regulate, limit and prevent the driving or travel on such roads of vehicles designed for public traffic, loaded or heavy trucks, wagons or carts, and may prescribe penalties for the violations of such rules, which penalties shall not in any case exceed the sum of ten dollars; such penalties may be enforced by the proper method of procedure before any police justice, police magistrate, recorder or justice of the peace in any city, town or township wherein such violations have occurred; in default of the payment of the penalty such magistrate may commit the offenders, on conviction, to the county jail for a period not exceeding five days.

Penalty.

Policing road.

2. In order to ensure the proper observance of such rules the board of chosen freeholders or other body having the control of such roads is hereby authorized to appoint such persons as they may deem proper, not to exceed one for each mile of road, to act as police officers upon such road, and to provide such officers with bicycles, motor vehicles or such other vehicles as in the judgment of such board or body may be proper for the supervision and regulation of traffic upon such roads, and the enforcement of such rules as may have been adopted in pursuance of this act. Such persons, when so appointed, shall have all the powers, with regard to the enforcement of such rules and the supervision of traffic upon such roads, as are now possessed by constables, or deputy sheriffs in counties, or police officers in cities.

Powers of officers.

Freeholders to prescribe duties and pay.

3. The board of chosen freeholders or other body having control of such roads shall have power to prescribe the duties of such appointees and to fix their compensation.

4. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 273.

A Further Supplement to an act entitled "An act regulating the age, employment, safety, health and work-hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

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

Time for noon meal.

1. Every corporation, firm or person owning or operating any place coming under the provisions of the act to which this act is a supplement, shall give all operatives and employes at least one-half hour for their midday meal, after being continuously employed for a period of not more than six hours, on any workday except Saturday.

Period for meal.

2. The period for such meal shall be fixed by every such employer, having in view the health and physical welfare of such operatives and employes in all such factories, workshops, mills and places where the manufacture of goods of any kind is carried on; if any such place is operated at night, or in eight-hour shifts, such meal period shall be fixed as aforesaid for such operatives and employes at such time as may be consistent with the mutual interests of such employer and operatives and employes.

Meal hour posted.

3. Notice of the hours within which such operatives may obtain such meals shall be plainly printed and kept posted in a conspicuous place in all workrooms where any such employes or operatives are engaged.

Penalty.

4. Any such owner or employer, violating any of the provisions of this act shall be liable to a penalty

New Jersey State Library

of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

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

Approved April 27, 1911.

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## CHAPTER 274.

An Act to amend an act entitled "An act to regulate and license pawnbrokers," approved March twenty-ninth, one thousand eight hundred and eighty-seven.

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

Section 7 amended.

1. Section seven of the act entitled "An act to regulate and license pawnbrokers," approved March twenty-ninth, one thousand eight hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

Not receive goods from persons under eighteen.

7. No pawnbroker shall receive by way of pledge or pawn, any goods, articles or things from any person under the age of eighteen years, whether such person be acting on his own behalf or as the agent or representative of another.

2. This act shall take effect immediately.

Approved April 27, 1911.

# CHAPTER 275.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, management and support thereof," approved October nineteenth, one thousand nine hundred and three.

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

Tenure of truant officers.

1. The services of all truant officers of the public schools in any school district in any city of this State shall be during good behavior and efficiency, after the expiration of a period of employment of one year in said school district; *provided*, that the time any truant officer has served in the district in which he or she is employed at the time this act shall go into effect, shall be counted in determining such period of employment.

Proviso.

No dismissal except on charges and hearing.

2. No truant officer shall be dismissed or subjected to reduction of salary except for inefficiency, conduct unbecoming an officer or other just cause, and after a written charge of the cause or causes shall have been preferred against him or her, signed by the person or persons making the same, and filed with the secretary or clerk of the board of education of the school district in which he or she is employed, and after the charge shall have been examined into and found true in fact by the said board of education, upon reasonable notice to the person charged, who may be represented by consel at the hearing.

3. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 276.

An Act to amend an act entitled "An act to amend an act entitled 'An act providing for the pensioning of school teachers in this State', approved March fifth, one thousand nine hundred and three," approved April twelfth, one thousand nine hundred and seven.

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

Section 1 amended

1. Section one of "An act to amend an act entitled 'An act providing for the pensioning of school teachers in this State, approved March fifth, one thousand nine hundred and six,' approved April twelfth, one thousand nine hundred and seven," is hereby amended so as to read as follows:

Retirement on half pay.

1. Any teacher, principal or superintendent who shall have been employed in the public school system of this State or any other State not less than thirty-five years shall, upon application to the board of education or other body, or by which such teacher, principal or superintendent shall be employed, be retired from duty on half the average annual salary during the last five years of service; *provided,* such teacher, principal or superintendent shall have been employed at least twenty years by the board of education or other body by which he or she shall be retired, and the payments to such persons shall be made at the same time and in the same manner as to teachers regularly employed.

Proviso.

2. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 277.

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

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

Section 5 amended.

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

Appointive township officers.

5. In addition to the officers to be elected, the township committee may employ or appoint a township attorney, a township engineer, and a township building inspector, none of whom need be a resident of the township, and a township physician; no member of the township committee shall be eligible for appointment to any office that is now or hereafter may be required to be filled by said committee, except as may be otherwise expressly provided by law.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 278.

A Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

589-2d-1
A-12-39

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

Semi-annual reports by fire insurance companies.

1. Hereafter there shall be filed with the Commissioner of Banking and Insurance on the fifteenth day

of January and the fifteenth day of July in each and every year, a sworn statement by each fire insurance company authorized to do business in the State of New Jersey, and the agents thereof, setting forth the names and addresses of all brokers doing business through the said companies or agents thereof.

License for insurance agents.

590-1st-2
A-12-39

2. There shall be assigned by the Commissioner of Banking and Insurance to each agent applying for a license to do business in this State a number, which number said agent shall have stamped or printed on each policy of insurance issued through him, together with his or her name inscribed on same.

Repealer.

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

4. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 279.

An Act to fix the allowance of sheriffs for victualling, care and keep of the prisoners in the county jails of the respective counties of this State.

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

Sheriff's allowance for feeding prisoners.

1. Hereafter the sheriff of each county of this State, where there now is or hereafter may be a county jail, whose allowance for the victualling, care and keep of each prisoner in said jail is now fixed at the sum of ten cents a day shall hereafter receive as his allowance for the victualling, care and keep of each prisoner in said jail, the sum of fifteen cents a day, to be paid to him by the county collector upon the said sheriff's bill to be rendered monthly and verified under oath.

Repealer.

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

Approved April 27, 1911.

## CHAPTER 280.

An Act to amend an act entitled "An act to amend an act entitled 'An act creating a bureau of shell fisheries,'" approved April thirtieth, in the year of our Lord one thousand nine hundred and seven.

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

Section 1 amended.

1. Section one of the act entitled "An act creating a bureau of shell fisheries," approved April fourteenth, in the year of our Lord one thousand nine hundred and seven, be amended so as to read as follows:

Bureau of shell fisheries; chief, salary, etc.

1. A State Bureau of Shell Fisheries is hereby established. The chief of said bureau shall be appointed by the Governor for the term of four years, and thereafter a successor shall be appointed for a like period of four years whenever said office shall become vacant by death, resignation or expiration of the current term; his salary shall be eighteen hundred dollars per annum, payable monthly by the Treasurer on the warrant of the Comptroller; the chief of such bureau

Assistants.

may employ such clerical assistance as may be necessary from time to time; the several oyster commissions of the State shall file with such bureau a statement in detail, quarterly and oftener if required, of the receipts and disbursements of their several commissions, and such commissions shall further report annually to the said bureau on the first day of November a summary of the work of the said commissions for the preceding year; the director of the New Jersey College Experiment Station, at New Brunswick, shall annually file with said bureau a report of his experiments in the scientific investigation of oyster and clam propagation; all recommendations and reports of said commissions shall be made to the chief of said bureau; the said commissions shall forthwith on the granting of any lease or license transmit a memorandum or copy thereof to

Oyster commissions to report to bureau.

Report of director of experiment station.

Copies of maps, etc., filed.

said bureau; a copy of all maps and surveys of any oyster lands heretofore or hereafter to be leased or surveyed by said commissions for any purpose and copy of all maps and surveys of any ground set apart for clamming grounds shall be filed forthwith with such bureau; the several oyster commissions, oyster superintendents shall also file with said bureau, when required by the chief thereof, or any record, papers, writings or data pertaining to their several offices; an

Office.

office of said bureau shall permanently be maintained at the State House and there shall be kept at all times on file therein all the reports, surveys, papers and records

Duties of chief.

aforesaid; it shall be the duty of the chief of said bureau to procure and compile statistics and information relative to the progress and development of the oyster and clamming industry in this and in other States and countries, and to secure and keep on file the laws of other States regulating such industries; the

Annual report.

chief of said bureau shall make a report to the Governor annually as of November first, each year, and not later than December first, annually, of the general condition of the oyster and clamming industry of the State and the transactions of the various commissioners aforesaid during the preceding year, and shall transmit therewith the reports and recommendations of the oyster commissioners and the report of the director of the experiment station, together with such recommendations as said bureau may deem advisable to make. (a).

Observation stations.

2. The State bureau of shell fisheries acting with the biologist of the State agricultural experiment station is hereby authorized and empowered to install and maintain at various points within the State, adjacent to or upon the oyster or clam producing waters, observation stations for the taking of temperatures, testing of waters and bottoms and gathering such other information as may be essential to the advancement and progress of the shell fish industry.

Repealer.

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

Approved April 27, 1911.

## CHAPTER 281.

A Supplement to an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April twelfth, one thousand nine hundred and six, and the various acts amendments thereof and supplements thereto.

593-1
A-13-741

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

To determine horse power.

1. For registration purposes the horse-power of an automobile shall be computed by the formula of the Association of Licensed Automobile Manufacturers, which rating shall govern in determining the class to which such automobile belongs.

Registration fee for last four months of year one-half.

2. Any applicant for the registration of an automobile made on or after the first day of September in any year shall be required to pay for said registration for the balance of the year but one-half the registration fee provided for in the class to which such automobile belongs.

Repealer.

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

4. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 282.

594-Ch.-282
R-12-640

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Section 31 amended.

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

Validity of district certificates.

31. If any school district shall maintain a normal school or a training school for teachers, which school shall have been approved as to its course of study by the State Board of Education, then the diplomas or certificates issued to pupils of any such school upon graduation therefrom may be accepted by the State Board of Examiners as certificates to teach, valid for the schools of such school district.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 283.

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

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

Treasurer authorized to pay certain sums.

1. It shall be lawful for the Treasurer of the State of New Jersey to pay, upon the warrant of the Comptroller, to the several persons hereinafter named, the following amounts, that is to say:

Item No. 1. To each clergyman, for opening the sessions of the Senate and House of Assembly with prayer, during the session one thousand nine hundred and eleven, ten dollars, $10 00

Item No. 2. To each officer of the Senate and House of Assembly of the session of one thousand nine hundred and ten, who were present and rendered service in opening the session of one thousand nine hundred and eleven, ten dollars, $10 00

Item No. 3. To Charles F. Holcombe for services as clerk to Committee on Appropriations for the session of one thousand nine hundred and eleven, five hundred dollars, $500 00

Item No. 4. To Elwood W. Moore, Jr., for services as stenographer to the Senate, for the session of one thousand nine hundred and eleven, five hundred dollars, $500 00

Item No. 5. To William Dill, for services as assistant stenographer to the Senate, for the session of one thousand nine hundred and eleven, five hundred dollars, $500 00

Item No. 6. To William H. Duffield, for services as clerk to the Secretary of the Senate, for the session of one thousand nine hundred and eleven, five hundred dollars, $500 00

Item No. 7. To William D. Flanders, for services as assistant secretary to the President of the Senate, for the session of one thousand nine hundred and eleven, five hundred dollars, $500 00

Item No. 8. To Edwin S. Nichols, for services as assistant bill clerk of the Senate, for the session of one thousand nine hundred and eleven, five hundred dollars, $500 00

Item No. 9. To Charles P. Corey, for services as Clerk to Committee on Public Health of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 10. To Harry J. Bratton, for services as clerk to Committee on Municipal Corporations of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 11. To Chester Packer, for services as Clerk to Committee on Railroads and Canals of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 12. To Christian W. Van Olst, for services as Clerk to Committee on Revision of Laws of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 13. To Gervas Hall, for services as Clerk to Committee on Education of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 14. To William Wood, for services as Clerk to Committee on Banks and Insurance of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 15. To Walter Homan, for services as Clerk to Committee on Boroughs and Townships of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 16. To George L. Streeter, for services as doorkeeper of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 17. To David Henderson, for services as gallery keeper of the Senate, for the session of one thousand nine hun-

dred and eleven, three hundred and fifty dollars, $350 00

Item No. 18. To John Johnson, for services as gallery keeper of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 19. To Joseph Steelman, for services as gallery keeper of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 20. To George Watson, for services as gallery keeper of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 21. To John Moreland, for services as file clerk of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 22. To William Whittle, for services as file clerk of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 23. To A. Lincoln Scrowcroft, for services as file clerk of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 23½. To William H. Shreeve, for services as file clerk of the Senate, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 24. To Paul Loscalzo, for services as page of the Senate, for the session of one thousand nine hundred and eleven, two hundred dollars, $200 00

Item No. 25. To Thomas S. Mooney, for traveling expenses as clerk to Committee

on Printed Bills of the Senate, for the session of one thousand nine hundred and eleven, fifteen dollars and fifty cents, $15 50

Item No. 26. To Charles F. Holcombe, for traveling expenses as clerk to Committee on Appropriations, for the session of one thousand nine hundred and eleven, twenty dollars and twenty-five cents, $20 25

Item No. 27. To Walter Homan, for traveling expenses as clerk to Committee on Boroughs and Townships of the Senate, for the session of one thousand nine hundred and eleven, eighty-seven dollars and fifty cents, $87 50

Item No. 28. To Charles P. Corey, for traveling expenses as clerk to Committee on Public Health of the Senate, for the session of one thousand nine hundred and eleven, sixty-seven dollars and twenty-five cents, $67 25

Item No. 29. To Chester Packer, for traveling expenses as clerk to Committee on Railroads and Canals of the Senate, for the session of one thousand nine hundred and eleven, sixty-seven dollars and fifty cents, $67 50

Item No. 30. To Christian W. Van Olst, for traveling expenses as clerk to Committee on Revision of Laws of the Senate, for the session of one thousand nine hundred and eleven, eighty-six dollars and twenty-five cents, $86 25

Item No. 31. To Gervas Hall, for traveling expenses as clerk to Committee on Education of the Senate, for the session of one thousand nine hundred and eleven, sixty-eight dollars and seventy-five cents, $68 75

Item No. 32. To William Wood, for traveling expenses as clerk to Committee on Banks and Insurance of the Senate, for the session one thousand nine hundred

and eleven. forty-two dollars and fifty cents, $42 50

Item No. 33. To W. R. Pinker, for traveling expenses as doorkeeper of the Senate, for the session of one thousand nine hundred and eleven, eighty-seven dollars and fifty cents, $87 50

Item No. 34. To Isaac Saxton, for traveling expenses as doorkeeper of the Senate, for the session of one thousand nine hundred and eleven, sixty-seven dollars and twenty-five cents, $67 25

Item No. 35. To Edward C. Holtzhauser, for traveling expenses as doorkeeper of the Senate, for the session of one thousand nine hundred and eleven, sixty-nine dollars, $69 00

Item No. 36. To Joseph Nevatto, for traveling expenses as doorkeeper of the Senate, for the session of one thousand nine hundred and eleven, thirty-eight dollars and seventy-five cents, $38 75

Item No. 37. To William C. C. Zapf, for traveling expenses as doorkeeper of the Senate, for the session of one thousand nine hundred and eleven, fifteen dollars, $15 00

Item No. 38. To George L. Streeter, for traveling expenses as doorkeeper of the Senate, for the session of one hundred nine hundred and eleven, seven dollars and fifty cents, $7 50

Item No. 39. To David Henderson, for traveling expenses as gallery keeper of the Senate, for the session of one thousand nine hundred and eleven, eighty-one dollars and twenty-five cents, $81 25

Item No. 40. To John Johnson, for traveling expenses as gallery keeper of the Senate, for the session of one thousand nine hundred and eleven, eighty-one dollars and twenty-five cents, $81 25

Item No. 41. To Joseph Steelman, for traveling expenses as gallery keeper of

the Senate, for the session of one thousand nine hundred and eleven, fifty-five dollars and fifty cents, $55 50

Item No. 42. To George Watson, for traveling expenses as gallery keeper of the Senate, for the session of one thousand nine hundred and eleven, fifty-six dollars and twenty-five cents, $56 25

Item No. 43. To John Moreland, for traveling expenses as file clerk of the Senate, for the session of one thousand nine hundred and eleven, thirty-one dollars and twenty-five cents, $31 25

Iten No. 44. To William Whittle, for traveling expenses as file clerk of the Senate, for the session of one thousand nine hundred and eleven, sixty-seven dollars, $67 00

Item No. 44½. To A. Lincoln Scrowcroft, for traveling expenses as file clerk of the Senate, for the session of one thousand nine hundred and eleven, eighty-six dollars and twenty-five cents, $86 25

Item No. 45. To Ervin Davis, for traveling expenses as page of the Senate, for the session of one thousand nine hundred and eleven, fifty-nine dollars and seventy-five cents, $59 75

Item No. 46. To Howard Hoover, for traveling expenses as page of the Senate, for the session of one thousand nine hundred and eleven, seventeen dollars and twenty-five cents, $17 25

Item No. 47. To Paul Loscalzo, for traveling expenses as page of the Senate, for the session of one thousand nine hundred and eleven, eighty-seven dollars and fifty cents, $87 50

Item No. 48. To Arthur Craig, for traveling expenses as page of the Senate, for the session of one thousand nine hundred and eleven, sixty-seven dollars and twenty-five cents, $67 25

Item No. 50. To Harry Merino, for traveling expenses as page of the Senate, for the session of one thousand nine hundred and eleven, eighty-six dollars and twenty-five cents, $86 25

Item No. 51. To William H. Shreeve, for traveling expenses as file clerk of the Senate, for the session of one thousand nine hundred and eleven, fifteen dollars and fifty cents, $15 50

Item No. 52. To William Dill, for traveling expenses as assistant stenographer to the Senate, for the session of one thousand nine hundred and eleven, eighty-six dollars and twenty-five cents, $86 25

Item No. 53. To Edwin S. Nichols, for traveling expenses as assistant bill clerk of the Senate, for the session of one thousand nine hundred and eleven, sixty-seven dollars and twenty-five cents, $67 25

Item No. 54. To William H. Duffield, for traveling expenses as clerk to the secretary of the Senate, for the session of one thousand nine hundred and eleven, thirty-eight dollars and seventy-five cents, $38 75

Item No. 55. To William D. Flanders, for traveling expenses as assistant secretary to the President of the Senate, for the session of one thousand nine hundred and eleven, forty dollars, $40 00

Item No. 56. To Owen W. Kite, for services rendered Joint Committee on Appropriations in preparation of the annual and supplemental appropriation bills, for the session of one thousand nine hundred and eleven, three hundred dollars, $300 00

Item No. 57. To Harvey F. Rorbach, for services rendered members of the Legislature as postmaster, for the session of one thousand nine hundred and eleven, one hundred dollars, $100 00

Item No. 58. To John Multop, for services rendered the Senate, for the session of one thousand nine hundred and eleven, one hundred dollars, $100 00

Item No. 59. To Elizabeth Schlottenmeier, for services rendered Members of the Legislature as telephone operator, for the session of one thousand nine hundred and eleven, twenty-five dollars, $25 00

Item No. 60. To George C. Skillman, for services rendered the Senate Committee on Incidentals, for the session of one thousand nine hundred and eleven, ten dollars, $10 00

Item No. 61. To Gaudaloup A. Holl, for postage for the Senate, for the session of one thousand nine hundred and eleven, two hundred and seventy-nine dollars, $279 00

Item No. 62. To Charles Bohm, for postage for bills mailed for Senators, for the session of one thousand nine hundred and eleven, fourteen dollars, $14 00

Item No. 63. To William M. Wright, for services rendered Senate Committee on Incidentals, for the session of one thousand nine hundred and eleven, one hundred and fifty dollars, $150 00

Item No. 64. To State Gazette Publishing Co., for stationery supplies furnished the Senate, for the session of one thousand nine hundred and eleven, one thousand one hundred sixty-one dollars and fifty-seven cents, $1,161 57

Item No. 65. To Van Note Typewriter Inspection Co., for repairs to typewriter furnished the Senate, for the session of one thousand nine hundred and eleven, five dollars and ninety cents, $5 90

Item No. 66. To L. N. Clayton, for toilet supplies furnished the Senate, for the session of one thousand nine hundred and eleven, forty-eight dollars, $48 00

Item No. 67. To Legislative News Bureau, for services rendered the Senate in furnishing copies of bills introduced and passed, for the session of one thousand nine hundred and eleven, ninety dollars, $90 00

Item No. 68. To A. L. Clark, for services rendered engrossing blank oaths of Senators and Members of the House of Assembly and officers of the one hundred and thirty-fifth Legislature for the session of one thousand nine hundred and eleven, fifty dollars, $50 00

Item No. 69. To Stoll Blank Book and Stationery Company, for repairs to typewriter furnished the Senate, for the session of one thousand nine hundred and eleven, one dollar and seventy-five cents, $1 75

Item No. 70. To Western Union Telegraph Company, for telegraphic service furnished the Senate, for the session of one thousand nine hundred and eleven, two dollars and ninety-two cents, $2 92

Item No. 71. To MacCrellish & Quigley, for minute books and pocket calendars furnished the Senate, for the session of one thousand nine hundred and eleven, one hundred and sixty-one dollars, $161 00

Item No. 72. To Arthur Craig, for services rendered the Secretary of the Senate, for the session of one thousand nine hundred and eleven, one hundred and fifty dollars, $150 00

Item No. 73. To Walter W. Ressland, for services as stenographer to the House of Assembly, for the session of one thousand nine hundred and eleven, five hundred dollars, $500 00

Item No. 74. To Walter W. Ressland, for traveling expenses as stenographer to the House of Assembly, for the session

of one thousand nine hundred and eleven, sixty dollars, $60 00

Item No. 75. To Thomas J. Kehoe, for services as stenographer to the House of Assembly, for the session of one thousand nine hundred and eleven, five hundred dollars, $500 00

Item No. 76. To Thomas J. Kehoe, for traveling expenses as stenographer to the House of Assembly, for the session of one thousand nine hundred and eleven, sixty-eight dollars and seventy-five cents, $68 75

Item No. 77. To H. P. Brainard, for services as assistant to bill clerk of the House of Assembly, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 78. To H. P. Brainard, for traveling expenses as assistant to bill clerk of the House of Assembly, for the session of one thousand nine hundred and eleven, sixty dollars, $60 00

Item No. 79. To Frank J. Higgins, for service as clerk to the clerk of the House of Assembly, for the session of one thousand nine hundred and eleven, three hundred dollars, $300 00

Item No. 80. To Frank J. Higgins, for traveling expenses as clerk to the clerk of the House of Assembly, for the session of one thousand nine hundred and eleven, sixty-two dollars and fifty cents, $62 50

Item No. 81. To George A. Roehn, for services as postmaster and general messenger to the House of Assembly, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 82. To Charles M. Platz, for services as messenger to the House of Assembly, for the session of one thousand nine hundred and eleven, one hundred and fifty dollars, $150 00

Item No. 83. To Garrabrant R. Alyea, Jr., for services as messenger to the House of Assembly, for the session of one thousand nine hundred and eleven, one hundred and fifty dollars, $150 00

Item No. 84. To James F. Donnelly, for services as clerk to Committee on Incidentals of the House of Assembly, for the session of one thousand nine hundred and eleven, one hundred and fifty dollars, $150 00

Item No. 85. To James F. Donnelly, for traveling expenses as clerk to the Committee on Incidentals of the House of Assembly, for the session of one thousand nine hundred and eleven, thirteen dollars and seventy-five cents, $13 75

Item No. 86. To Frank T. Greaves, for services rendered in bill room of the House of Assembly, for the session of one thousand nine hundred and eleven, twenty-five dollars, $25 00

Item No. 87. To George C. Skillman, for services rendered the Committee on Incidentals of the House of Assembly, for the session of one thousand nine hundred and eleven, ten dollars, $10 00

Item No. 88. To James M. Glenn, for traveling expenses as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and eleven, fifty-four dollars and twenty-five cents, $54 25

Item No. 89. To Michael Cox, for traveling expenses as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and eleven, sixty-six dollars and twenty-five cents, $66 25

Item No. 90. To William S. Hurff, for traveling expenses as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and eleven, forty-three dollars, $43 00

Item No. 91. To George W. Graham, for traveling expenses as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and eleven, thirty-one dollars and twenty-five cents, $31 25

Item No. 92. To David Prooser, for traveling expenses as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and eleven, eighty-one dollars and twenty-five cents, $81 25

Item No. 93. To George McGuire, for traveling expenses as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and eleven, seventy-three dollars and seventy-five cents, $73 75

Item No. 94. To Maurice McBride, for traveling expenses as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and eleven, seventy-one dollars and twenty-five cents, $71 25

Item No. 95. To Philip Wall, for traveling expenses as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and eleven, sixty-six dollars and twenty-five cents, $66 25

Item No. 96. To Frederick Vaeder, for traveling expenses as doorkeeper of the House of Assembly, for the sessoin of one thousand nine hundred and eleven, ninety-eight dollars and seventy-five cents, $98 75

Item No. 97. To Charles T. Ely, for traveling expenses as doorkeeper of the House of Assembly, for the session of one thousand nine hundred and eleven, ninety-one dollars and twenty-five cents, $91 25

Item No. 98. To Lawrence D. Van Note, for traveling expenses as doorkeeper of the House of Assembly, for the session

of one thousand nine hundred and eleven, sixty-three dollars and seventy-five cents, $63 75

Item No. 99. To Victor E. Johnson, for traveling expenses as page to House of Assembly, for the session of one thousand nine hundred and eleven, sixty dollars and fifty cents, $60 50

Item No. 100. To William Dalton, for traveling expenses as page to the House of Assembly, for the session of one thousand nine hundred and eleven, fifty-four dollars and twenty-five cents, $54 25

Item No. 101. To Richard O. White, for traveling expenses as page to the House of Assembly, for the session of one thousand nine hundred and eleven, seventy-five dollars, $75 00

Item No. 102. To William Fallon, for traveling expenses as page to the House of Assembly, for the session of one thousand nine hundred and eleven, thirty-eight dollars and seventy-five cents, $38 75

Item No. 103. To William H. Hinners, for amount paid for engrossing resolution to be presented to the family of the late member, Garrabrant R. Alyea, for the House of Assembly, for the session of one thousand nine hundred and eleven, twenty-five dollars, $25 00

Item No. 104. To Garrabrant R. Alyea, Jr., for traveling expenses as page to the House of Assembly, for the session of one thousand nine hundred and eleven, seventy-five dollars, $75 00

Item No. 105. To Jesse Perry, for traveling expenses as page to the House of Assembly, for the session of one thousand nine hundred and eleven, thirty-five dollars, $35 00

Item No. 106. To Charles M. Platz, for traveling expenses as page to the House of Assembly, for the session of one thou-

sand nine hundred and eleven, fifty-six dollars and twenty-five cents, $56 25

Item No. 107. To Frank Cole, for traveling expenses as page to the House of Assembly, for the session of one thousand nine hundred and eleven, seventy-three dollars and seventy-five cents, $73 75

Item No. 108. To Victor Y. Schooley, for traveling expenses as clerk to Committee on Judiciary of the House of Assembly, for the session of one thousand nine hundred and eleven, seventy-three dollars and seventy-five cents, $73 75

Item No. 109. To John W. Lane, as traveling expenses as clerk to Committee on Printed Bills of the House of Assembly, for the session of one thousand nine hundred and eleven, sixty dollars, $60 00

Item No. 110. To Joseph A. Wright, for traveling expenses as clerk to Committee on Revision of Laws of the House of Assembly, for session of one thousand nine hundred and eleven, sixty dollars, $60 00

Item No. 111. To Edward C. Meyer, for traveling expenses as clerk to Committee on Railroads and Canals of the House of Assembly, for the session of one thousand nine hundred and eleven, one hundred and thirty-five dollars, $135 00

Item No. 112. To Timothy J. Dooley, for traveling expenses as clerk to Committee on Municipal Corporations of the House of Assembly, for the session of one thousand nine hundred and eleven, seventy-five dollars, $75 00

Item No. 113. To Patrick H. Murray, for postage for bills mailed for Members of the House of Assembly, for the session of one thousand nine hundred and eleven, eight dollars, $8 00

Item No. 114. To James B. Christopher, for postage for bills mailed for Members of the House of Assembly, for the ses-

sion of one thousand nine hundred and eleven, fifteen dollars, $15 00

Item No. 115. To Charles A. Meyer, for expenses as chairman to to Committee on Railroads and Canals of the House of Assembly, for the session of one thousand nine hundred and eleven, nine dollars and thirty-eight cents, $9 38

Item No. 116. To Thomas F. Fitzgerald, for manuals of the Legislature for 1911, furnished the House of Assembly for the session of one thousand nine hundred and eleven, three hundred and ninety dollars, $390 00

Item No. 117. To Joseph F. Galvin, for diagrams of the House of Assembly, furnished the House of Assembly, for the session of one thousand nine hundred and eleven, six dollars, $6 00

Item No. 118. To Union Printing Company, for stationery supplies furnished the House of Assembly, for the session of one thousand nine hundred and eleven, three thousand eight hundred and ninety-four dollars and sixty-one cents, $3,894 61

Item No. 119. To State Gazette Publishing Co., for renewing rubber stamps and for stamps and pads furnished for the House of Assembly, for the session of one thousand nine hundred and eleven, thirty-eight dollars and twenty cents, $38 20

Item No. 120. To West Hudson Press, for copies of list of committees and typewriter ribbon furnished the House of Assembly, for the session of one thousand nine hundred and eleven, six dollars and fifty cents, $6 50

Item No. 121. To The Capital Stationery, for stationery supplies furnished the House of Assembly, for the session of one thousand nine hundred and eleven, three dollars and eighty-five cents, $3 85

Item No. 122. To Legislative News Bureau, for synopsis of bills introduced furnished for House of Assembly, for the session of one thousand nine hundred and eleven, one hundred and twenty-five dollars, $125 00

Item No. 123. To Stoll Blank Book and Stationery Co., for stationery supplies and rental of typewriters furnished the House of Assembly, for the session of one thousand nine hundred and eleven, twenty-five dollars and twenty-five cents, $25 25

Item No. 124. To Martin C. Ribsam, for flowers and ribbon furnished for the House of Assembly, for the session of one thousand nine hundred and eleven, fifty-two dollars and five cents, $52 05

Item No. 125. To MacCrellish & Quigley, for calendars, minute books and statements furnished the House of Assembly, for the session of one thousand nine hundred and eleven, three hundred and six dollars and fifty cents, $306 50

Item No. 126. To The Essex Press, for stamping envelopes and note heads and for die furnished the House of Assembly, for the session of one thousand nine hundred and eleven, thirty-four dollars and twenty-five cents, $34 25

Item No. 127. To Frank J. O'Brien, for tabulating and furnishing typewritten lists of officers and appointments of the House of Assembly, for the session of one thousand nine hundred and eleven, ten dollars, $10 00

Item No. 128. To Connor French, for services as clerk to Committee on Corporations of the House of Assembly, for the session of one thousand nine hundred and eleven, three hundred and fifty dollars, $350 00

Item No. 129. To Emanuel Jaffey, for services rendered as messenger to the

House of Assembly, for the session of one thousand nine hundred and eleven, one hundred dollars, $100 00

Item No. 130. To James Brian, for services rendered Members of the Legislature as telephone messenger, for the session of one thousand nine hundred and eleven, twenty-five dollars, $25 00

Item No. 131. To Western Union Telegraph Co., for telegraphic service furnished the Senate, for the session of one thousand nine hundred and eleven, one dollar and sixty-one cents, $1 61

Item No. 132. To Western Union Telegraph Co., for telegraphic service furnished the House of Assembly, for the session of one thousand nine hundred and eleven, one dollar and seventy-one cents, $1 71

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 284.

An Act prescribing penalties for violations of an act entitled "An act to regulate fishing with seines in Barnegat Bay," approved February seventeenth, one thousand eight hundred and forty-two, and the acts amendatory thereof and supplementary thereto.

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

Penalty for seine fishing.

1. Any person who shall violate any of the provisions of an act of the Legislature of the State of New Jersey entitled "An act to regulate fishing with seines in Barnegat Bay," approved February seventeenth, one thousand eight hundred and forty-two, or any act amendatory thereof or supplementary thereto, shall be liable to a penalty of fifty dollars for each and

"Person" defined.

every offense. The word "person" as used in this act shall be construed to mean and include a corporation.

2. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 285.

An Act to regulate the cremation of dead human bodies.

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

State board of health to license crematories.

1. It shall not be lawful for any person, firm or corporation to engage in or carry on the business of cremating dead human bodies without first obtaining from the State Board of Health a license or permit to engage in and carry on such business subject to such rules and regulations as may be made by the State Board of Health. And no such license or permit shall be given to any person, firm or corporation to engage in or carry on any such business in any building adjacent to or in the immediate vicinity of buildings used as dwellings.

Not to be near dwellings.

Record of bodies cremated.

2. It shall be the duty of the person, firm or corporation carrying on any such business to keep at the place of said business a complete record of any and all bodies cremated there; said record shall contain a statement showing the full name, place of birth and death of the deceased; also age, weight, height, color, and occupation of the deceased, and the disposition of the ashes of each body; and the name and address of the undertaker or other person delivering each and every such body at such place for crematorium; and, within five days from the date of the cremation of such body, said person, firm or corporation engaged in and carrying on such business shall file in the office of the Board of Vital Statistics of the county in which said place of business for crematorium is situated, a

Record filed with bureau of vital statistics.

certificate setting forth all the details called for in this section, and it shall be the duty of said Board of Vital Statistics to receive said certificate and cause same to be properly indexed and filed as a permanent record in said office.

Accompanying certificate.

3. No person, firm or corporation shall receive or cremate any dead human body at its place of business or crematorium unless same be accompanied by the usual certificate allowing the interment or cremation of said body.

Penalty.

4. Violation of any of the provisions of this act shall be a misdemeanor.

5. This act shall take effect immediately.

Approved April 28, 1911.

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## CHAPTER 286.

An Act to provide for extinguishing the public right arising from dedication of streets in cities, towns and boroughs in certain cases.

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

Release of lands dedicated for streets.

1. Whenever in any city, town or borough of this State there has been heretofore or shall be hereafter a dedication of lands as a street or highway, and it shall appear to the common council or other board or body of said city, town, or borough having charge of the streets or highways therein, that such proposed street or highway, or some part thereof, will not be of public benefit or that the public interest will be better served by releasing said lands or any part thereof from such dedication, said common council or other boards or body shall have power by ordinance to release and extinguish the public right arising from said dedication as to the whole or any part of said lands, and thereupon said lands, or the part thereof so released, shall be as effectually discharged therefrom as though said dedication had not taken place; *pro-*

Proviso.

*vided, however,* that such action by said common council or other board or body shall not impair or affect any private right-of-way or access which any person may have acquired in or over said land.

Hearing on proposed ordinance.

2. No ordinance shall be passed as above provided until after a public hearing shall have been granted with respect thereto, notice of which hearing shall be advertised at least once a week for two weeks prior thereto in one or more newspapers circulating in such city, town or borough, the cost of which advertising shall be borne by the petitioner for such release or discharge.

3. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 287.

An Act to amend an act entitled "An act in relation to the appointment of members of the boards of assessment and revision of taxes in the cities of this State and fixing the salary of the same," approved April fifteenth, one thousand nine hundred and nine.

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

Section 1 amended.

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

Board of assessment and revision of taxes.

1. Where in any of the cities of the first class of this State, boards exist having control of the assessment and revision of taxes, and the duties of the assessment and revision are imposed upon the same board or body, the members of such board may, at the discretion of the mayor and common council or other governing body of such city, be hereafter selected and appointed as follows: At the expiration of the term of office of any member or members of such board, the

How chosen.

mayor of such city may nominate, and, by and with the advice and consent of the said council or other governing body, appoint one or more members to fill the vacancy or vacancies so occasioned, and continue to so nominate and appoint until all the members of the said board are in this manner chosen and appointed; and the term of office of the persons so appointed shall be so arranged that the term of one member shall expire each year, and thereafter the term of office of each member so appointed shall be five years; and the annual salaries of such officers shall be the sum fixed by resolution, by the board or body having control of the finances of such city, and shall be payable as other salaries in such city are now paid; *provided,* that this act shall not apply to any city that by popular vote has accepted the provisions of the act approved April sixth, one thousand eight hundred and eighty-nine, entitled "An act concerning the government of cities of this State."

Terms.

Salaries.

Proviso.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 288.

A Supplement to an act entitled "An act providing for the cancelling of record of mortgages by order of a circuit judge or law judge of a county," approved March tenth, one thousand eight hundred and ninety-one.

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

1. Whenever the applicant for the cancellation of any mortgage shall present to the judge to whom the application is made satisfactory proof that the holder of record of said mortgage is dead and that he is not survived by any executor or administrator, and that within the twenty-two years next prior to the time

Application to court for cancellation of mortgage; proof submitted.

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when such application for cancellation is made, no payment either of principal or interest has been made upon the obligation which the said mortgage was given to secure, and the applicant shall produce to said judge the bond and mortgage, the said judge shall have power to make the order for the cancellation of said mortgage without requiring any personal notice of said application to be given to the next of kin of the holder of record of said mortgage; *provided,* that public notice of such application be published in a newspaper published and circulating in the county in which the lands covered by said mortgage lie, for four consecutive weeks once in each week.

Proviso.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 289.

An Act respecting the deposit, withdrawal and disposition of the moneys of the several counties of this State in certain cases.

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

Freeholders to designate depository for county moneys.

1. It shall and may be lawful for the board of chosen freeholders of any county in this State, by resolution, to direct that all moneys belonging to any such county, excepting such as may now or hereafter be subject to the control of some body or commission other than the board of chosen freeholders, shall be deposited in a depository or depositories selected by such board, to the credit and in the name of such board.

Withdrawal of funds.

2. Such board may, by like resolution, direct that such moneys shall be withdrawn from deposit and paid only on the draft, warrant or check of such board, signed by the county collector and countersigned by such other person or persons as such board may by such resolution designate.

3. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 290.

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

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

False representations as to public lodgings by cabmen.

1. Any driver of any vehicle carrying passengers for hire, or any other person who makes any false statement or false representation to any passenger or to any other person of or concerning any hotel, boarding house or lodging house, with the intention of inducing any such person to enter, lodge at or become a guest of any other hotel, boarding house or lodging house, or who by any false statement or false representation induces any person to not enter, lodge at or become a guest of any hotel, boarding house or lodging house, shall be a disorderly person subject to the penalties provided for in the act to which this is a supplement.

Penalty.

2 This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 291.

An Act to amend the title and body of and to further supplement an act entitled "An act to permit the retirement, on pension, from public office or position, after forty years' continuous service therein, of honorably discharged Union soldiers, sailors and marines who served in the War of the Rebellion," approved May seventeenth, one thousand nine hundred and six.

618-Ch.-291
R-12-116

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

Title amended.

1. The title of the act referred to in the title of this act is hereby amended to read as follows:

New title.

"An act to permit the retirement, on pension, from public office or position, after twenty years' continuous, or aggregate, service in public office or position of honorably discharged Union soldiers, sailors and marines who served in the War of the Rebellion."

Section 1 amended.

2. Section one of the act referred to in the title of this act is hereby amended to read as follows:

Retirement of veterans in public service.

1. Whenever any honorably discharged Union soldier, sailor or marine who served in the War of the Rebellion has or shall have been for twenty years continuously or in the aggregate in public office or position in this State, county, city, township or municipal service, it shall be lawful, with his assent, for the body, board or officer having power to appoint his successor in case of vacancy to order his retirement from such service, or he shall be retired upon his own request.

Pension.

3. In case of such retirement, the person so retired shall be entitled, for and during his natural life, to receive by way of pension, one-half the compensation then being received by him for such service, the same to be paid in the same way and the same installments in which such compensation has

heretofore been payable; *provided,* that in case of retirement with pension from office or position under any other law of this State, the person retiring shall waive either his pension under such law or his pension under this act. Proviso.

4. Provisions for all pensions arising under this act shall be made in the appropriation or tax levy for the department of the public service from which such person shall be retired, and no pension shall cease or become invalid by reason of the abolition of the department or office in which he served, or any change in its title, nor shall any pension paid under this act be less than fifty dollars per month. Provision for payments.

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

Approved May 1, 1911.

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## CHAPTER 292.

An Act providing for the licensing of non-resident persons and corporations to sell silverware and jewelry at auction within this State.

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

1. Hereafter it shall be unlawful for any non-resident person or corporation to sell silverware or jewelry at auction in this State without first obtaining a license so to do, in the manner prescribed by this act. License for non-resident to auction jewelry, etc.

2. Every such person or corporation before commencing to sell any silverware or jewelry shall apply to the clerk of the municipality in which such sale is proposed to be had, and shall obtain from such clerk a license for the carrying on of such sale, which license shall only be issued upon the payment to such clerk for the use of said municipality of the sum of one hundred dollars. License issued by municipal clerk. Fee.

Penalty.

3. Any person or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

4. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 293.

An Act to amend an act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February sixth, one thousand nine hundred and seven.

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

Section 1 amended.

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

Petition for investigation of public expenditures.

1. If twenty-five freeholders in any incorporated village, borough, town or city, or in any township or county in this State, shall present to any justice of the Supreme Court an affidavit, sworn to and subscribed by themselves, and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such township or county, are being, or have been unlawfully or corruptly expended, or, if the board of chosen freeholders of any county, or the legislative body of such incoroporated village, borough, town, city or township, by resolution heretofore or hereafter passed, requests such justice to investigate the affairs of the corporation making such request, said justice may, in his discretion, make a summary investigation into the affairs of such corporation, and, at his discretion, he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in such manner as he may deem proper. It shall be the duty of the officers and the legislative body of any such corporation to

Judge may appoint experts.

obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt. The costs incurred under this act shall be taxed by said justice, and upon his order paid by the disbursing officers of the corporation whose expenditures may have been investigated; *provided, however,* if said justice proceeds upon the application of twenty-five freeholders, at least ten days' notice of the hearing thereon shall be given to the disbursing officer and the legislative body of such village, borough, town, city, township or county.

Costs met.

Proviso.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 294.

An Act for the protection of striped bass.

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

1. It shall be unlawful for three years from the passage of this act for any person to take, catch or kill any striped bass, commonly called rockfish, from or in any of the salt or fresh waters of this State, by means of a net, except from November first to March thirty-first, both dates inclusive, in each year; and it shall also be unlawful to catch, kill or have in possession, at any time, any striped bass measuring less than ten inches in length, under a penalty of twenty dollars for each offense.

Time for taking striped bass.

Penalty.

2. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 295.

An Act relating to the compensation of members of the board of chosen freeholders.

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

Salary of freeholders in certain counties.

1. Each of the members of every board of chosen freeholders in any county of this State having a population of not less than seventy thousand inhabitants and not more than one hundred thousand inhabitants shall receive as a salary and compensation for his services the sum of three hundred dollars per annum, and the director of the board shall receive the sum of five hundred dollars per annum, to be paid out of the county treasury by the county collector, in equal quarterly payments, and that no other compensation shall be allowed, given or paid to any of said members for any services or expenses whatsoever; *provided, however,* that this act shall not apply to or be held to affect or regulate the salaries of members of the board of chosen freeholders in any county of this State that has adopted and is now acting under, or that hereafter adopts the provisions of the act entitled "An act to reduce the number of members of the board of chosen freeholders in the counties of this State, and to fix the salaries and provide for the election of the members of said boards," approved March twenty-sixth, one thousand nine hundred and two, and the amendments and supplements thereto.

622-1
A-16-251

Proviso.

Repealer.

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

Approved May 1, 1911.

## CHAPTER 296.

A Supplement to an act entitled "An act relating to, regulating and providing for the government of cities," approved April third, one thousand nine hundred and two.

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

Notice given of proposed ordinance to vacate street.

1. In any and all cities of this State which may have adopted, or which may hereafter adopt, the act to which this is a supplement, when city council proposes to vacate any street, or section thereof, no ordinance shall be passed for that purpose unless there shall have been first given public notice of the intention of such city council to introduce any such ordinance, which notice shall be published in at least two daily newspapers printed and circulating in said city for at least ten days prior to the introduction of such ordinance, and that such notice shall be deemed legal notice.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 297.

An Act to enable cities in this State to extend, alter, enlarge, furnish and equip city hall buildings.

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

Addition to city hall for municipal business.

1. In any city of this State whenever it shall be made to appear to the satisfaction of the board of aldermen, common council or other governing body of such city that the city hall erected in said city and

owned by such city does not afford sufficient accommodations for the proper transaction of municipal business, and sufficient facilities and accommodations for the transaction of the business of the district court, recorder's court, or police court, located in such city, it shall be lawful for the said board of aldermen, common council or other governing body of such city to provide, by ordinance, for the erection of such necessary extension or extensions, enlargement of or alterations to such city hall, and for the necessary furnishing and equipment thereof as they may deem necessary for the proper transaction of the public business and the business of such courts; *provided,* the cost thereof shall not exceed one hundred and twenty-five thousand dollars.

Proviso.

Plans.

2. The said extension or extensions, enlargement or alterations, furnishing and equipment shall be erected and supplied by contracting according to plans and specifications to be drawn for the purpose, and the contract for such work and furnishings shall be awarded to the lowest bidder as provided by the city charter in other cases of public improvements, and the said board of aldermen, common council or other governing body shall have power to issue bonds for the purpose not to exceed the sum aforesaid in the corporate name of the city, duly executed and attested in form as in the case of bonds for other public improvements, bearing interest at a rate not to exceed five per centum per annum, and payable in not less than twenty years from date of issue, pledging the property and credit of such city for the payment thereof, which bonds shall be sold to the highest bidder at public sale.

Contract.

Bond issue.

Rate.

Time.

Sinking fund.

3. For the purpose of redeeming said bonds at maturity and defraying the interest thereon as the same matures, the assessor or assessors of such city shall include in the annual tax levy a sum sufficient to discharge the said principal and interest at maturity, which sum shall be collected annually as in the case of other taxes collected in such city, and shall be deposited in a sinking fund to be created for the purpose of retiring the said bonds at maturity, and which fund shall be used for no other purpose.

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

Approved May 1, 1911.

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## CHAPTER 298.

An Act to annex to the village of South Orange, in the county of Essex, a portion of the city of Newark, in the county of Essex.

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

1. All that portion of the city of Newark, in the county of Essex, and bounded and described as follows: Beginning at a point in the present division line between the village of South Orange and the city of Newark, distant six hundred and twenty feet southwesterly, as measured along said line from an angle in said line near and southwest of South Orange avenue; thence (1) running southeasterly and parallel with Cameron road and distant one hundred and thirty feet northeasterly therefrom, as measured at right angles therewith, for a distance of one hundred and twenty-five feet, more or less, to the northwesterly side of Montrose street; thence (2) running along said side of Montrose street, southwesterly for a distance of one hundred thirty-one feet and seventy-six hundredths of a foot to the north corner of said Montrose street and Cameron road; thence (3) running still southwesterly, along a line parallel with and midway between Milton place and Washington place, three hundred and forty feet, more or less, to the above referred to division line between the village of South Orange and the city of Newark; thence (4) running along said division line, northeasterly four hundred and eighty feet, more or less, to the place of beginning, is hereby set off from said city of Newark, Boundaries of part of Newark annexed to South Orange.

in the county of Essex, and annexed to and made a part of the village of South Orange, in the county of Essex.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 299.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries" (Revision), approved April ninth, one thousand eight hundred and seventy-five.

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

Contracts, certificates, etc., validated.

1. Any and every contract, agreement, trust, deed and trust deed, whether in writing or otherwise, heretofore entered into by any cemetery association incorporated under the act to which this is a supplement, either alone or in conjunction with any other such association, by the terms of which land has been, or was or is, to be purchased by such association or associations, and the purchase price fixed at the amount of not more than one-half of the proceeds of all sales of lots or plots, and all moneys remaining of the other one-half of such proceeds, after deducting such sums as may be expended by such association or associations, for any lawful purchase or reserved for the future embellishment of such cemetery or cemeteries, and any and all certificates, several or joint, issued or to be issued, by such cemetery association or associations, either alone or jointly, evidencing interests in such purchase price and proceeds are validated, ratified and confirmed, and such actions at law or in equity, as may be proper, may be brought to enforce the terms, provisions and conditions thereof, and of any agreement, contract, trust, deed or trust deed based thereon.

2. This act shall take effect immediately.

Approved May 1, 1911.

# CHAPTER 300.

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

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

Supplemental appropriations.

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the State fund for the several purposes herein specified, and for supplying deficiencies in former appropriations for the fiscal year ending October thirty-first, one thousand nine hundred and eleven.

1.

EXECUTIVE DEPARTMENT.

Executive department.

For additional allowance for compensation for assistants in the executive department, three hundred dollars.

2.

STATE LIBRARY.

Archives.

For expenses in connection with the distribution of volume twenty-eight of the New Jersey Archives, one hundred and seventy-five dollars.

3.

SUPREME COURT.

Judges.

1. For additioal allowance for the judges of the Circuit Court, for salaries, sixteen thousand two hundred and forty-nine dollars and ninety-eight cents.

4.

PENSIONS.

Pensions.

For additional allowance for amounts required to pay pensions, pursuant to various acts relative thereto, irrespective of any provision therein that pensions shall be made in the appropriation or tax levy for the department of the public service from which the pensioner shall be so retired, one thousand seven hundred and seventy-one dollars and eighty-five cents;

For amount required to pay pension due Lawrence J. Riordan, from April nineth to October thirty-first, one thousand nine hundred and ten, pursuant to chapter two hundred and one, laws of one thousand nine hundred and ten, three hundred and thirty-six dollars and sixty-seven cents;

For allowance to Walter B. English, a pensioner of this State, as commutation for two hands lost at Trenton, New Jersey, October twenty-fifth, one thousand eight hundred and ninety-nine, one hundred dollars.

5.

COUNTY LUNATIC ASYLUMS.

County asylums.

For additional allowance for the support of county patients in the Essex county lunatic asylum, twelve thousand dollars;

In the Hudson county lunatic asylum, fifteen thousand dollars;

In the Camden county lunatic asylum, five hundred dollars;

In the Passaic county lunatic asylum, two thousand two hundred dollars;

In the Salem county lunatic asylum, two hundred dollars;

In the Atlantic county lunatic asylum, one thousand dollars;

6.

COLLATERAL INHERITANCE TAX.

Collection of inheritance tax.

For additional allowance for surrogates' fees, appraisers' compensation and expenses, legal and other

disbursements, and for the purpose of carrying out the provisions of the collateral inheritance laws, five thousand dollars;

Refunding tax.

For the repayment of collateral inheritance taxes paid, as assessed under the collateral inheritance tax act, and to the refund of which the estates having made payment may be entitled under the decision of the Court of Errors and Appeals of this State, rendered July eighth, one thousand nine hundred and ten, in re Dixon *vs.* Russell (Collard estate), two hundred and fifty thousand dollars; *provided,* the application for such repayment shall be made within two (2) years from the date of the payment of such tax. Payment of such claims shall be made only when proven in form, manner and substance to the satisfaction of the State Comptroller and approved by the Attorney-General of this State.

Proviso.

Payment approved.

## 7.

REFUNDING TAXES ON MISCELLANEOUS CORPORATIONS.

Refunding corporation taxes.

For additional allowance for taxes improperly levied upon or paid by corporations, to be refunded pursuant to law, three hundred dollars.

## 8.

STENOGRAPHIC REPORTERS.

Stenographers.

For additional allowance for amount to be refunded to various counties in this State for salaries of stenographic reporters appointed by the justices of the Supreme Court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, two thousand three hundred thirty-five dollars and six cents.

## 9.

COUNTY BOARDS OF TAXATION.

Salaries of county boards.

For additional allowance for salaries of members of the county boards of taxation, two thousand three hundred forty-one dollars and eighty cents.

10.

OYSTER AND CLAM COMMISSIONER, DISTRICT OF SHARK RIVER, IN THE COUNTY OF MONMOUTH.

Oyster commissioner.

To A. Frank Bennett, Jr., for services as oyster and clam commissioner of the district of Shark river, in the county of Monmouth, pursuant to chapter fourteen, laws of one thousand nine hundred and five, one hundred and twenty dollars.

11.

OFFICE OF THE COMPTROLLER.

Comptroller.

For additional allowance for blanks and stationery for use in the office of the Comptroller, five hundred dollars.

For additional allowance for postage, expressage and other incidental expenses for the Comptroller's office, two hundred dollars.

12.

OFFICE OF THE SECRETARY OF STATE.

Secretary of State.

For additional allowance for postage, expressage and other incidental expenses for the office of Secretary of State, two thousand dollars.

For additional allowance for blanks and stationery for use in the office of the Secretary of State, two thousand dollars.

For additional compensation for clerical services made necessary by the additional duties placed upon the chief clerk, at the suggestion of the Chancellor sitting as Ordinary, in preparing and examining Prerogative Court records, four hundred and fifty dollars.

For the purchase of corporation laws at a rate not to exceed fifty cents per volume, one thousand two hundred and fifty dollars.

For preserving old records by the Emery process, five thousand dollars.

For compensation for additional clerks to finish the work of compiling the new index of wills, three thousand dollars;

For preparing and printing new indices to corporations, three thousand five hundred dollars.

13.

ATTORNEY-GENERAL'S DEPARTMENT.

In full for services of Honorable Bennet Van Syckel, rendered in the case of the Lehigh Valley Railroad Company (Tide Water Basin matter), five thousand dollars; Legal services.

In full for services of Robert H. McCarter, in the case of the Lehigh Valley Railroad Company (Tide Water Basin matter), one thousand dollars;

For Chandler W. Riker, on account of services rendered in the case of the Lehigh Valley Railroad Company (Tide Water Basin matter), one thousand dollars;

In full of balance due to Arthur Lord, of Boston, Mass., for services rendered in the Circuit Court of the United States and in the Supreme Court of the United States in the case of the State of New Jersey vs. The Franklin Trust Company, and in the case of the claim against the Milford Pink Granite Quarries Company for taxes, one thousand nine hundred and ninety-five dollars and thirty-nine cents;

In full for services and disbursements of John S. Parker, of New York City, in the matter of the claim of the State for taxes due by the New York Car and Truck Company, bankrupt, five hundred twenty-seven dollars and sixteen cents.

For additional allowance for compensation and expenses of assistants employed by the Attorney-General, five hundred and seventy dollars.

For Robert H. McCarter, on account of services rendered in the litigation pending in respect to the Passaic Valley Sewerage matter, one thousand five hundred dollars.

To the Attorney-General in order to enable him to appoint special counsel in the matter of the revaluation of railroad property, four thousand dollars.

14.

STATE BOARD OF ASSESSORS.

State assessors.

For additional allowance for compensation for clerical service in the office of the State Board of Assessors, seven hundred and fifty dollars.

For additional allowance for postage, expressage and other incidental expenses for the State Board of Assessors, one hundred and fifty dollars.

For additional allowance for compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, four thousaid six hundred and sixty-eight dollars.

15.

STATE BOARD OF HEALTH.

Board of health.

For additional allowance for the purpose of carrying into effect the provisions of chapter sixty-eight of the laws of one thousand eight hundred and eighty-seven, and the amendments and supplements thereto, one thousand five hundred dollars;

For additional allowance for blanks and stationery for use in the office of the State Board of Health, two thousand dollars;

For additional allowance for postage required in sending to the physicians of this State the annual report of the State Board of Health and of the Bureau of Vital Statistics, one hundred and fifty dollars;

For additional allowance for the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sale thereof," passed at the legislative session of one thousand nine hundred and seven, and "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," pursuant to chapter eighty-four of the laws of one thousand eight hundred and eighty-six, one thousand eight hundred and fifty dollars;

For expert testimony in the Phillipsburg case now being prosecuted by the Attorney-General, five hundred dollars;

For the purpose of carrying into effect the provisions of chapter ninety-six, laws of one thousand nine hundred and eleven; one thousand dollars;

For the purpose of carrying into effect the provisions of a bill pending entitled "An act relating to cold storage and refrigerating warehouses and places, and the sale or disposition of the food kept or preserved therein," one thousand five hundred dollars; *provided,* said bill becomes a law. Proviso.

16.

AGRICULTURAL EXPERIMENT STATION.

For additional allowance for scientific investigation of oyster propagation, pursuant to chapter one hundred and eighty-seven, laws of one thousand nine hundred and seven, three hundred dollars; Experiment station.

For the purpose of meeting the expenses of the experiment orchards at Vineland and High Bridge, one thousand two hundred fifty-eight dollars and sixty-four cents;

For buildings appropriate to the housing of the department of poultry husbandry, pursuant to chapter fifty-two, laws of one thousand nine hundred and eleven, five thousand dollars;

For the purchase of equipment, stock and supplies necessary for the establishment of said department, pursuant to said chapter, two thousand five hundred dollars;

For the maintenance and operation of said department, pursuant to said chapter, one thousand dollars;

For the purpose of erecting and equipping greenhouses for investigation in floriculture, pursuant to chapter one hundred and thirty, laws of one thousand nine hundred and eleven, five thousand dollars;

For additional allowance for the purpose of carrying out the provisions of "An act to provide for locating and abolishing mosquito-breeding salt-marsh areas within the State, for assistance in dealing with certain inland breeding places, and appropriating money to

carry its provisions into effect," approved April twentieth, one thousand nine hundred and six, ten thousand dollars.

17.

NATIONAL GUARD.

National guard.

For pay of officers and men of the Third Regiment, N. G. N. J., and expenses incident to tentative call for riot duty at Jersey City, nine hundred and fifty-two dollars and ninety-nine cents;

For completing concrete work on the State rifle range, Sea Girt, six thousand dollars;

For additional allowance for uniforms and equipments for commissioned officers of the National Guard and Naval Reserve, two hundred and eighty-eight dollars and fifty-five cents;

For building property storeroom at the Trenton armory, four thousand five hundred dollars;

For relief of Private William J. Hartpence, Company K, Second Regiment, injured at Gettysburg, Pa., twenty-eight dollars and seventy-five cents;

For relief of Private Samuel Sykes, Company D, First Regiment, injured at Sea Girt, fifty-nine dollars;

For reimbursement for horses lost at the army maneuvers at Gettysburg, Pa., through contagious disease, one thousand five hundred dollars;

For additional amount required for extraordinary repairs to the Newark armory, one thousand dollars;

For horse allowance to officers required to be mounted for duty at annual encampment, three thousand two hundred dollars;

For paving alley connecting with property adjoining Trenton armory, eight hundred dollars;

For extraordinary repairs to roof, leaders, gutters and snow guards on Paterson armory, eight hundred dollars;

To the city of Trenton, for amount of Cass street pavement assessment levied against the State arsenal, one thousand two hundred and seventy dollars and fifty cents.

NAVAL RESERVE.

Naval reserve.

For additional allowance for pay and expenses of officers and men of the first battalion, on annual cruise and practice cruises, two thousand four hundred dollars;

For additional allowance for pay and expenses of officers and men of the second battalion, on annual cruise and practice cruises, two thousand four hundred dollars.

18.

PRACTICE TEACHING.

Practice teachers.

For additional allowance for extra compensation to the teachers in the various school districts in the State for training the pupils in the State Normal School at Montclair in the art of teaching, nine hundred and forty-five dollars.

19.

STATE NORMAL SCHOOL AT TRENTON.

Trenton normal school.

To the city of Trenton, for pavement assessment for Southard street, levied against the State Normal and Model schools, one thousand nine hundred and two dollars;

For the purchase of new boilers, repairing old boilers and to make proper repairs to the heating and steam plant, eight thousand dollars:

To replace in boarding halls account, moneys received for board of pupils, which was credited to Normal School account, and which lapsed at end of the fiscal year, three thousand dollars; payment under this account to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

20.

SANITORIUM FOR TUBERCULOUS DISEASES.

Sanatorium at Glen Gardner.

For additional allowance for maintenance, eight thousand dollars;

For vegetable-cellar, ware-room and store-house, two thousand five hundred dollars;

For dining-room and additional nurses' quarters, six thousand dollars;

For furniture, five hundred dollars;

For the purchase of the Rachael Groendyke property, one thousand two hundred dollars;

For farm-house, three thousand five hundred dollars.

21.

STATE NORMAL SCHOOL AT MONTCLAIR.

Montclair normal school.

For grading and improving the grounds of the State Normal School at Montclair, six thousand dollars; payment under this account to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

22.

STATE HOUSE COMMISSION.

State House.

For additional allowance for the State House Commission for the care and safe-keeping of the State Capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, fifteen thousand dollars;

For the State House Commission, for alterations and additions in the department of the State Board of Health, three thousand dollars;

For the State House Commission, for the purpose of carrying out the provisions of chapter two hundred and seventy-three, laws of one thousand nine hundred and ten, thirty thousand dollars;

For the State House Commission, for the purpose of carrying out the provisions of chapter one hundred and ninety-eight, laws of one thousand nine hundred and ten, sixty thousand dollars.

23.

COURT OF CHANCERY.

Court of Chancery.

For additional allowance for compensation of sergeants-at-arms, and traveling expenses, one thousand three hundred and fifty dollars;

For additional allowance for compensation of stenographers, and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, one thousand three hundred and fifty dollars;

For additional allowance for compensation and allowance of Advisory Masters, two thousand five hundred dollars;

For additional allowance for rent of rooms in Atlantic City, Jersey City, Newark and Morristown, for the use of the Chancellor, Vice-Chancellors and Advisory Masters, seventy-two dollars;

For compensation of special masters and others in examining the trust funds and appraising securities, to be disbursed under special order of the Chancellor, one thousand dollars.

24.

OFFICE OF CLERK IN CHANCERY.

Chancery office.

For additional allowance for compensation for clerical service in the office of the Clerk in Chancery, one thousand five hundred and eighty-four dollars;

For additional allowance for postage, expressage and other incidental expenses for the office of the Clerk in Chancery, one hundred dollars;

For steel vault fixtures, three thousand dollars.

25.

COURT OF ERRORS AND APPEALS.

Court of errors.

For additional allowance for compensation for judges of the Court of Errors and Appeals, one thousand five hundred dollars.

26.

LAW AND EQUITY REPORTS.

Law reports.

For additional allowance for the publication of the law reports, one thousand three hundred dollars.

27.

TRENTON BATTLE MONUMENT.

Trenton monument.

For extraordinary expenses for cleaning outside of monument and keeping the property in good condition, five hundred dollars.

28.

STATE BOARD OF AGRICULTURE.

Board of agriculture.

For additional allowance for the State Board of Agriculture, for the purpose of carrying out the provisions of an act to prevent the introduction into and spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of State Entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, one thousand dollars;

For the purpose of carrying out the provisions of chapter fifty-four, laws of one thousand nine hundred and eleven, one thousand five hundred dollars;

For the purpose of carrying out the provisions of chapter sixty, laws of one thousand nine hundred and eleven, one thousand dollars.

29.

REVALUATION OF RAILROAD AND CANAL PROPERTY.

Expenses of revaluation of railroads.

For expenses of revaluation of all railroad and canal property in the State, pursuant to chapter sixty-nine and chapter one hundred and twenty-three, laws of one thousand nine hundred and eleven, twenty-four thousand eight hundred and ninety-nine dollars and three cents.

30.

PUBLIC LIBRARY COMMISSION.

State library.

For additional allowance for the purpose of carrying into effect the provisions of chapter sixty-two, laws of one thousand nine hundred; for clerical assistance, necessary traveling and other expenses incurred by the commission, and for carrying into ef-

fect the provisions of chapter one hundred and seventy-five, laws of one thousand eight hundred and ninety-eight, and its supplements, providing for the establishing and maintenance of a system of traveling libraries; and for the purpose of carrying into effect the provisions of chapter one hundred and fifteen, laws of one thousand nine hundred and six, one thousand five hundred dollars.

31.

STATE AGRICULTURAL COLLEGE.

Chemistry building.

For furnishing and equipment of a building known as the chemistry building at the State Agricultural College, pursuant to chapter twenty-four, laws of one thousand nine hundred and ten, five thousand dollars.

32.

INSPECTION OF POWER VESSELS.

Power vessels.

For additional allowance for expenses of chief inspector, one hundred and twenty dollars and ten cents;

For additional allowance for salary and expenses of assistant inspector, two hundred and fifty dollars and ten cents;

For expenses of chief inspector pursuant to chapter seven, laws of one thousand nine hundred and ten, four hundred and sixty dollars and ninety-eight cents.

33.

ADJUTANT-GENERAL'S DEPARTMENT.

Veterans' medals.

For additional allowance for the purpose of carrying out the provisions of Joint Resolution number two, approved March seventeenth, one thousand nine hundred and nine, one hundred dollars.

34.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Clerk hire.

For additional allowance for clerks, for salaries, one hundred dollars.

35.

STATE PRISON.

State prison.

For additional allowance for furniture appliances and repairs of State Prison, two thousand dollars;

For additional allowance for the keeper, for payments to discharged convicts, two thousand dollars;

For sinking artesian wells and the purchase of tank, pump and air compressor, six thousand dollars;

To the city of Trenton, for sewer and pavement assessments for Third and Cass streets levied against the State Prison, one thousand three hundred and seventy-eight dollars and twenty-five cents;

For the purpose of renewing the steam heating system, two thousand dollars;

For the putting in of tubes, safety valves and the rebuilding of walls and fire boxes in boilers, two thousand dollars;

For painting corridors and cells, one thousand dollars;

For cooking apparatus and equipment in kitchen, three thousand dollars.

36.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For additional allowance for patients, being the amount earned in excess of the amount appropriated therefor for the fiscal year ending October thirty-first, one thousand nine hundred and ten, nine thousand six hundred ninety-five dollars and fifty-eight cents;

To the city of Trenton, for amount of assessment levied for sewer connecting the institution with the sewer system of the city of Trenton, twenty thousand dollars;

For the purchase of additional land known as the "Thackeray farm," and the "Knight farm," fifty-two thousand seven hundred and fifty dollars;

For remodeling wards, three thousand dollars;

For renewal of switch-board and rewiring dining-rooms and cellars, one thousand two hundred dollars;

For renewal of insurance policies, three thousand dollars;

For repairing piggery, fences, etc., one thousand dollars;

For painting buildings and fences, five hundred dollars;

For repairing stone roads and walks, five hundred dollars;

For dental equipment, five hundred dollars;

For fire-proof filing cabinet, nine hundred and seventy dollars;

For completing plumbing at annex, one thousand five hundred dollars;

For new furniture for wards, two thousand dollars;

For laboratory equipment, two thousand dollars;

For remodeling museum, eight hundred dollars;

For research work, two thousand eight hundred dollars;

For purchasing cattle, two thousand five hundred dollars;

For additional allowance for tuberculosis shack, one hundred and thirty-five dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

Morris Plains asylum.

For additional allowance for salaries of officers, eight hundred thirty-three dollars and thirty-three cents;

For fire house and equipment, fifteen thousand dollars;

For buildings for patients suffering from tuberculosis, ten thousand dollars;

For dynamo and building, fifteen thousand dollars;

For nurses cottage for men, forty thousand dollars;

For insurance premiums, five thousand four hundred dollars;

For window and door screens, eight thousand dollars.

38.

STATE HOME FOR GIRLS.

Girls' home. For the purchase of the tract of land lying between the institution and the Philadelphia and Reading railway, four thousand two hundred dollars;

For new cottage, twenty-five thousand dollars;

For equipment for laundry, one thousand five hundred dollars;

For purchase of a new engine, three hundred and fifty dollars;

For grading and cement walks, one thousand dollars;

For changing doors in Stokes cottage and brakes in other buildings, one thousand dollars;

For additional toilets and bath tubs, one thousand dollars;

For painting buildings, three hundred and fifty dollars;

For purchase of furniture for Fort cottage, eight hundred and ninety-three dollars and forty-seven cents;

For research work, one thousand eight hundred dollars;

To the city of Trenton, for amount of assessment levied for sewer connecting the institution with the sewer system of the city of Trenton, three thousand seven hundred and fifty dollars;

39.

BLIND AND FEEBLE-MINDED.

Blind. For additional allowance for clothing, maintenance, support and instruction of the blind persons, inhabitants of this State, four hundred and eighty-one dollars and twenty-five cents.

40.

HOME FOR THE CARE AND TRAINING OF FEEBLE-MINDED WOMEN, VINELAND.

Women's home at Vineland. For additional allowance to fireproof new building, ten thousand dollars;

For concrete work, one thousand dollars;

For installation of telephone system, eight hundred dollars;

For general repairs to buildings, three thousand five hundred dollars;

For piggery and equipment, five hundred dollars;

For force pump and heating equipment, one thousand dollars;

For water, one thousand two hundred dollars;

For insurance premiums, one thousand five hundred dollars.

41.

DEPARTMENT OF LABOR.

Labor bureau.

For additional allowance for salaries of six inspectors, four thousand five hundred dollars;

For additional allowance for department clerks, for services, seven hundred and fifty dollars;

For additional allowance for printing, postage, expressage and other incidental expenses, five hundred dollars;

For additional allowance for expenses of commissioner, assistant commissioner and inspectors, one thousand five hundred dollars;

For printing and distributing employers' liability bills (Senate Bill number twenty-seven) in the event the same becomes a law, pursuant to Senate Joint Resolution number five, three thousand dollars; *provided,* said resolution becomes a law.

Proviso.

42.

STATE OYSTER COMMISSION FOR THE DISTRICT OF OCEAN COUNTY.

Ocean county oyster district.

For additional allowance for patrol service, two hundred dollars;

For surveying oyster lands, three hundred dollars;

To Maja C. Mathis, for balance for services rendered surveying oyster grounds, seventy-seven dollars and fifty cents.

43.

PUBLIC ROADS.

Roads. For additional allowance for public roads, one hundred thousand dollars;

For unexpended amount of appropriation for public roads for the year one thousand nine hundred and eight, five thousand nine hundred and three dollars and ninety-one cents;

For experimental road work and for the purchase of an automobile for use of the department, ten thousand dollars.

44.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown school. For necessary repairs and improvements to the buildings, two thousand dollars; payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

45.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Bureau of education. For additional allowance for necessary incidental expenses incurred by the State Superintendent of Public Instruction in the performance of his official duties, one thousand dollars;

For one thousand five hundred copies of the manual of the Legislature of New Jersey, one thousand five hundred dollars; *provided*, manuals are furnished for school use only, all public schools to be included in the distribution;

Proviso.

For one thousand two hundred copies of the school law, two thousand dollars; payments under this account to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

46.

COMMISSION ON FREE BRIDGES OVER THE DELAWARE RIVER.

Free bridges.

For expenses of the commission appointed pursuant to Joint Resolution number seven, approved April eighth, one thousand nine hundred and eight, one thousand dollars.

47.

NEW JERSEY SCHOOL FOR THE DEAF.

Paving assessment.

To the city of Trenton, for pavement assessments for Chestnut avenue, Kent and Division streets, levied against the New Jersey School for the Deaf, seven thousand five hundred dollars and fifty cents; payment under this account to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

48.

STATE HOME FOR BOYS.

Jamesburg school

For the erection of a school building, forty thousand dollars;

For water-supply, two thousand dollars.

49.

COMMISSION FOR AMELIORATING THE CONDITION OF THE BLIND.

Blind.

For additional allowance for the purpose of carrying out the provisions of chapter one hundred and thirty-six, laws of one thousand nine hundred and nine, six hundred and ninety-one dollars.

50.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES AND FOR THEIR WIDOWS, AT VINELAND.

Soldiers' home at Vineland.

For plumbing, gasfitting, steamfitting and repairs, five hundred dollars;

For repairs to the buildings and purchase and repair of furniture, five hundred dollars;

To the Philadelphia Steel and Wire Company and William H. Bozarth, for amount due in connection with the erection of a fire-escape, to October thirty-first, one thousand nine hundred and ten, one thousand and ninety-seven dollars and eighty-six cents;

To William H. H. Paine, for payment of bill for painting, twenty-six dollars.

51.

STATE OYSTER COMMISSION.

State oyster commission.

For expenses of surveying and mapping lands heretofore leased for oyster culture under the tidal waters of the Delaware river, Dalaware bay and Maurice river cove, including re-setting of old corners, making new map and establishing shore ranges at Green Creek, four hundred dollars.

52.

TEACHERS' RETIREMENT FUND.

Teachers' retirement fund.

To the State Treasurer, for clerical services rendered in connection with the administration of the Teachers' Retirement Fund, pursuant to chapter one hundred and thirty-nine, laws of one thousand nine hundred and seven, four hundred and fifty dollars;

To the Board of Trustees, for payment of expenses incurred in connection with the administration of the Teachers' Retirement Fund, pursuant to said chapter, nine hundred and fifty dollars.

53.

NEW JERSEY REFORMATORY.

Rahway reformatory.

For materials for the construction of additional stock buildings, one thousand dollars;

For the purchase of farm lands, twelve thousand dollars;

To Earl B. Phelps, for expert engineer's services in constructing sewer disposal plant, one thousand one hundred and ninety-eight dollars;

For materials, tanks, pipes, appliances and necessary expenses for installing an independent source of water supply, seven thousand five hundred dollars;

For additional allowance for the superintendent, for salary, two hundred forty-one dollars and sixty-one cents;

For additional allowance for salary of parole officer, sixty dollars;

For the removal of graves from the reformatory grounds to a regular cemetery, three hundred dollars.

54.

VILLAGE FOR EPILEPTICS.

Epileptic village.

To furnish school building and men patients' cottage, five thousand dollars;

To enlarge and improve the sewer system, twenty thousand dollars;

For the erection of a hay barn, three thousand five hundred dollars;

For the erection of an ice-house, one thousand five hundred dollars;

For the erection of a building for farm machinery and a root cellar, two thousand five hundred dollars;

For additional allowance for the superintendent, for salary, five hundred dollars;

To Thomas Doudiken, for extra leaders and galvanized iron work on the men's cottage, forty-nine dollars and fifteen cents.

55.

BUREAU OF SHELL FISHERIES.

Shell fisheries.

For expenses of persons appointed by the Governor to attend the convention of the National Association of Shell Fish Commissioners, in the city of Baltimore, Maryland, April eighteenth to twentieth, inclusive, one thousand nine hundred and eleven, two hundred and fifty dollars.

56.

STATE OYSTER COMMISSION FOR THE DISTRICT OF ATLANTIC COUNTY.

Atlantic county oyster district.

To John P. Ashmead, for surveying oyster grounds and preparing plans and leases, six hundred and eighty-seven dollars and forty-nine cents;

For additional allowance for patrol service, four hundred and twenty dollars.

57.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

Charities and corrections.

For salary of assistant draughtsman, six hundred dollars;

For additional services of draughtsmen, two thousand dollars;

For additional allowance for clerical service, three hundred dollars;

For additional allowance for traveling expenses of commissioner and assistants, two hundred and fifty dollars;

For research work, one thousand dollars.

58.

FOREST PARK RESERVATION COMMISSION.

Forest reservations.

For additional allowance for the use of the State Board of Forest Park Reservation Commissioners, pursuant to chapter forty-seven, laws of one thousand nine hundred and five, including maintenance of State forest lands, one thousand dollars;

For additional allowance for the use of the State Board of Forest Park Reservation Commissioners, for the purpose of carrying out the provisions of chapter one hundred and twenty-three, laws of one thousand nine hundred and six, and chapter seventy-four, laws of one thousand nine hundred and nine, four thousand four hundred dollars.

59.

SECRETARY OF STATE, DEPARTMENT OF MOTOR VEHICLE REGULATION AND REGISTRATION.

Motor vehicle department.

For additional allowance for compensation for inspectors, seven hundred and twenty-six dollars;

For additional allowance for expenses and equipment of inspectors, five hundred dollars;

For additional allowance for compensation for clerical services, one thousand dollars;

For additional allowance for postage, expressage and other incidental expenses, one thousand dollars;

For additional allowance for blanks and stationery, two thousand dollars;

For additional allowance for the purchase and packing of identification marks and dies for use in connection with the same, one thousand and five hundred dollars; payment of the above items in this account to be made from the receipts of the department of motor vehicle regulation and registration, pursuant to chapter two hundred and thirty-five, laws of one thousand nine hundred and nine.

60.

CIVIL SERVICE COMMISSION.

Civil service.

For additional allowance for salaries and expenses of the Civil Service Commission, four thousand dollars;

For salaries and expenses in carrying out the provisions of Assembly Bill No. 175, pertaining to the examination of inspectors of election, provided the said bill becomes a law, ten thousand dollars, of which sum the Commission may pay to the chief examiner and secretary for extra work in connection therewith a sum not to exceed one thousand dollars.

61.

DEPARTMENT OF INLAND WATERWAYS.

Inland navigation.

For additional allowance for the purpose of carrying out the provisions of chapter eighty-three, laws

of one thousand nine hundred and eight, twenty-five thousand dollars;

For additional allowance for salary of the Commissioner of Inland Waterways, pursuant to chapter fifteen, laws of one thousand nine hundred and eight, three hundred thirty-three dollars and thirty-three cents;

For marking and staking channels, pursuant to chapter one hundred and four, laws of one thousand nine hundred and eleven, one thousand five hundred dollars;

62.

LIVE STOCK COMMISSION.

Live stock commission.

For additional allowance for the purpose of carrying out the provisions of chapter fifty-six and chapter two hundred and twelve, laws of one thousand nine hundred and eight, seven hundred and fifty dollars.

63.

DEPARTMENT OF ACCOUNTS.

Accounts.

For additional allowance for salary of stenographer, one hundred and twenty-five dollars.

64.

PORTRAITS.

Portrait

For the purchase of a portrait of Honorable George T. Werts, a former Governor of this State, pursuant to Joint Resolution No. 4, approved March twenty-eighth, one thousand nine hundred and four, five hundred dollars.

65.

COMMITTEE TO INVESTIGATE THE ADMINISTRATION OF PUBLIC AFFAIRS IN BERGEN COUNTY.

Bergen county investigation.

For expenses of the committee appointed to investigate the administration of public affairs in Bergen county, pursuant to resolution adopted by the House of Assembly April fifth, one thousand nine

hundred and eleven, five thousand dollars; all bills to be approved by the Governor.

66.

SENATE COMMITTEE TO INVESTIGATE THE PUBLIC SCHOOL SYSTEM.

School investigation.

For expenses of the committee appointed to investigate the methods and practices, expense and disbursements of the free public schools of this State, pursuant to resolution adopted by the Senate April fifteenth, one thousand nine hundred and nine, fifteen thousand dollars.

67.

DEPENDENCY AND CRIME COMMISSION.

Counsel fee.

To Simon Hahn, for services rendered as counsel to the Dependency and Crime Commission, two thousand dollars; *provided,* said sum is received in full for all claims for services rendered said commission.

Proviso.

68.

STATE REFORMATORY FOR WOMEN.

Buy land.

For the purchase of land, pursuant to chapter seventy-two, laws of one thousand nine hundred and ten, twenty thousand dollars.

69.

COMMISSION TO INVESTIGATE PORT CONDITIONS.

Expenses.

For expenses of commissioners appointed pursuant to Joint Resolution number three, approved March twenty-ninth, one thousand nine hundred and eleven, three thousand dollars.

70.

NEW JERSEY CONFERENCE OF CHARITIES AND CORRECTIONS.

Conference proceedings.

For printing and distributing the proceedings of the annual conference of the New Jersey Conference

of Charities and Corrections, pursuant to Joint Resolution No. 4, approved April sixth, one thousand nine hundred and eleven, six hundred dollars.

71.

CONSTITUTIONAL AMENDMENTS.

Advertising. For additional allowance to newspapers for publishing the proposed constitutional amendments, one hundred and twenty dollars.

72.

COMMISSION TO REVISE AND CONSOLIDATE THE PUBLIC STATUTES.

Stationery. To the State Gazette Publishing Company for stationery furnished the commission to revise and consolidate public statutes, six dollars and fifty cents.

73.

HOME FOR DISABLED SOLDIERS AT KEARNEY.

Road repairs. For repairing the roadway from Belgrove drive to a point connecting with the telford roadway in front of buildings, also to a point on Bergen avenue, one thousand five hundred dollars.

74.

LEGISLATURE.

Incidental expenses. For additional allowance for incidental and contingent expenses of the present session of the Legislature, eighteen thousand three hundred and fifty dollars; all bills to be approved by the Committee on Incidental Expenses, and filed with the Comptroller before final adjournment.

75.

ATLANTIC COUNTY INVESTIGATING COMMITTEE.

Atlantic county investigation. For expenses of the committee appointed to investigate election frauds in Atlantic county, pursuant

to resolution adopted by the House of Assembly, January sixteenth, one thousand nine hundred and eleven, fifteen thousand eight hundred and sixty-seven dollars and thirty-five cents, all bills to be approved by the Governor.

76.

SEA GIRT COTTAGE.

For maintenance of cottage at Sea Girt and entertainment therein, including entertainment of Governor's conference, three thousand dollars. Cottage expenses.

77.

JUDICIAL RETIREMENT FUND.

For additional allowance for the purpose of carrying out the provisions of chapter one hundred and eighty-five, laws of one thousand nine hundred and eleven, one thousand two hundred and forty-nine dollars and ninety-six cents. Judges' pensions.

78.

PASSAIC VALLEY TRUNK SEWER.

For compensation and allowance for experts' fees, and expenses in the matter of the suit by the State of New York against the State of New Jersey, in the matter of the Passaic Valley trunk sewer, twenty-five thousand dollars; all bills to be approved by the Governor. Local expenses.

79.

BUREAU OF SHELL FISHERIES.

For additional allowance for the chief of the bureau, for salary, three hundred dollars; *provided,* said sum is authorized by enactment of the present Legislature. Salary. Proviso.

80.

DEPARTMENT OF WEIGHTS AND MEASURES.

Salaries. For salaries and expenses of the department of weights and measures, two thousand dollars; *provided,* a bill pending entitled "An act to establish a uniform standard of weights and measures in this State, to establish a department of weights and measures, and to provide penalties for the use of other than standard or legal weights and measures," becomes a law.

Proviso.

81.

COMMISSIONER OF EDUCATION.

Department of education. For the purpose of carrying out Senate Bill number two hundred and fifty-eight, entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,'" approved October nineteenth, one thousand nine hundred and three, provided the same becomes a law, as follows:

For salary of commissioner, three thousand three hundred and thirty-three dollars and thirty-four cents;

For salaries of assistants, six thousand dollars;

For clerical services, five thousand five hundred and fifty dollars;

For salary of inspector of buildings, six hundred and sixty-six dollars and sixty-seven cents;

For salary of inspector of accounts, six hundred and sixty-six dollars and sixty-seven cents;

For blanks and stationery, six thousand dollars;

For incidental expenses, three thousand dollars;

For one thousand five hundred copies of the manual of the Legislature of New Jersey, one thousand five hundred dollars; *provided,* manuals are furnished for school use only, all public schools to be included in the distribution;

Proviso.

For one thousand five hundred copies of the school law, two thousand dollars;

In case the bill recited in this item becomes a law, then all appropriations heretofore made in this act to

the Superintendent of Public Instruction shall be void, and the moneys thus appropriated shall lapse into the treasury of this State.

The moneys in this item appropriated shall be deducted in the same manner as the moneys heretofore appropriated to the Superintendent of Public Instruction are required to be deducted pursuant to Chapter sixty-five of the laws of nineteen hundred and nine.

82.

BOARD OF PUBLIC UTILITY COMMISSIONERS.

Salaries and expenses.

For additional allowance for salaries and expenses of the Board of Public Utility Commissioners, ten thousand dollars.

Approval of plans and contracts by governor.

2. Before any building or buildings shall be commenced or work undertaken for the cost of which money is appropriated by this act or by the appropriation act for the fiscal year ending October thirty-first, one thousand nine hundred and twelve, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the Governor, and such contracts shall not be approved or entered into if the total expenditure under all of the contracts necessary to the entire completion of such building, buildings or work according to such plans and specifications shall exceed the amount appropriated by this act for such building, buildings or work; and in any and every case where it shall appear that the appropriation is insufficient to complete such building, buildings or work, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, or prosecution of such work, but shall lapse and no payment shall be made therefrom.

If appropriation insufficient, to lapse.

Moneys used as specified.

3. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated in this act and in the act to which this act is a supplement, and except such sums which are by law devoted to specific purposes, namely, State school tax, United States appropriation to Agricultural College, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sail-

ors, marines and their wives, Agricultural College fund and taxes for the use of taxing districts in this State, moneys received pursuant to the laws relating to motor vehicles, moneys received by the State from the taxation of railroad and canal property, which may be by law apportioned to the various counties of the State for school purposes, and loans to "State School Fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year, nor of any payments into the State Treasury by State institutions and commissions pursuant to an act entitled "An act regulating the receipt and disbursement of State moneys in certain cases," approved October thirty-first, one thousand nine hundred and seven (chapter two hundred and eighty-eight, laws of one thousand nine hundred and seven), which moneys by the provisions of chapter forty-one, laws of one thousand nine hundred and eight, are appropriated for the maintenance of said State institutions and commissions making such payments, and nothing in this act contained shall apply to moneys received directly into the State Treasury or through the Board of Fish and Game Commissioners as license fees, under any of the fish and game laws of the State, which moneys may be paid out as other moneys of the State; *provided, however,* that nothing in this section contained shall be construed to apply to payments in the State Treasury by the State Reformatory and State Prison as receipts for the labor of inmates of those institutions.

Section how construed.

Proviso.

4. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 301.

A Supplement to an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and possession (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

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

Season for certain game.

1. It shall be unlawful to capture, kill, injure or destroy or have in possession any quail, rabbit, squirrel, English ring-neck pheasant, Hungarian partridge, prairie chicken, wild turkey or partridge in any of the counties of this State excepting only between the first day of November and fifteenth day of December, both dates inclusive, under a penalty of twenty dollars for each quail, rabbit, squirrel, English ring-neck pheasant, Hungarian partridge, prairie chicken, wild turkey or partridge so captured, killed, injured, destroyed or had in possession.

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Penalty.

Repealer.

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

3. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 302.

An Act extending the time of the completion of certain gas works, pipes, mains and conduits.

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

Time for completing gas plant.

1. Whenever the time limited for the completion of any gas works, or of any pipes, mains or conduits, for supplying gas to public and private consumers,

authorized to be constructed in any public highway or place within this State under any general act shall expire hereafter and before the thirty-first day of December, one thousand nine hundred and eleven, such time shall be, and the same hereby is, extended for the further period of two years from the passage of this act; *provided,* that this act shall not apply unless money has actually been expended in surveys and the location of the route of such pipes, mains, or conduits, and in the acquisition of right of way for the same, or in actual construction, since January first, one thousand nine hundred and ten; *and provided further,* that nothing herein contained shall be construed to give to any such company or corporation any rights to the use of any street or highway which rights they do not now possess; *provided further,* that where the consent of the municipal body having control of such streets is now necessary before any such company or corporation can use any such streets, such consent shall also be necessary after this act takes effect; *provided further,* that whenever any such company or corporation has now the right to use any streets or highways, which right was not obtained from the municipal body having control of such streets, the acceptance of this act shall be a waiver of such rights, and hereafter it shall be necessary to secure such municipal consent before such streets can be used hereunder; *and provided further,* that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file within thirty days after the approval of this act in the office of the Secretary of State a certificate signed by the president and secretary of such corporation accepting the provisions of this act, which shall include an agreement waiving all right of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law now in existence or that may be hereafter passed taxing such corporations as are now authorized to be taxed by the Legislature of the State under any

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general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of this State, if any there exist, to take the property of such corporations under any existing law affecting such corporations shall be subject to alteration or repeal by the Legislature.

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

Approved May 1, 1911.

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## CHAPTER 303.

An Act for the prevention of trespassing upon railway trains and railroad property.

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

Trespassing on trains or property.

1. Any person found entering or being in or upon any railroad engine or car, whether the same be passenger, freight, coal or other car, on any railroad or railroad property in any city, town or township in this State contrary to the rules of the corporation owning or operating the same and with the intention of being in or upon, riding or traveling upon such engine or car or such railroad property without paying fare or of committing larceny, violence or destruction thereon, or of threatening, intimidating or assaulting travelers or other persons upon such engine or cars, shall be adjudged a disorderly person and upon conviction pay a fine of not less than five dollars nor more than fifty dollars, and upon the nonpayment thereof such person so convicted shall be committed to the county jail of such county until such fine is paid for a period not exceeding thirty days.

Penalty.

Apprehension.

2. Any constable or police officer having knowledge or being notified of any violation of this act shall forthwith arrest such offender and take him before any magistrate or justice of the peace, or any such magistrate or justice of the peace shall issue a war-

New Jersey State Library

Hearing and determination.

rant for the arrest of any such offender upon information duly made on oath or affirmation, and said magistrate or justice upon the person charged being produced before him shall forthwith proceed to hear and determine said complaint, and shall commit the person so convicted to the county jail of the proper county for the period aforesaid, and if the person so convicted refuse or neglect to pay such penalty immediately, then the said magistrate or justice shall commit the person so convicted to the common jail of the county as hereinbefore provided.

3. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 304.

An Act to amend the title of and a supplement to an act entitled "An act to provide for the acquirement of turnpike roads for free public use, and for the permanent improvement and maintenance of the same," approved March twenty-second, one thousand nine hundred and one.

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

Title amended.

1. The title of the act to which this is a supplement is hereby amended to read as follows, to wit:

An act to provide for the purchase or condemnation of turnpike roads for free public use, and for the permanent improvement and maintenance of the same.

Acquisition of toll road by condemnation.

2. Whenever the board of chosen freeholders of any county shall be unable to agree with the owner or owners of any turnpike or toll road, or portion thereof, lying within such county and being not less than one mile in length, upon the price to be paid for the same, and shall by resolution adjudge it to be advisable that the same should be acquired for free public use, notwithstanding such inability to agree

upon a price for the same, it shall and may be lawful, and such board of chosen freeholders is hereby authorized and empowered, upon receiving the approval, in writing, of the State Commissioner of Public Roads, to condemn such turnpike or toll road, or portion thereof, lying within such county, in the manner provided by the act of the Legislature entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred, and the acts amendatory thereof and supplemental thereto. Procedure.

3. Upon the filing of the report of the commissioners, and the approval, in writing, of the State Commissioner of Public Roads, such board of chosen freeholders is hereby empowered to borrow temporarily, upon the credit of the county, such sum or sums of money as shall be necessary to pay, in the first instance, the amount awarded by said commissioners, but one-third of the cost of any turnpike or toll road, or portion thereof, condemned in accordance with the provisions of this act shall be paid out of the State road appropriation, as provided by the act to which this is a supplement, in case of the purchase thereof. Provision for cost.

4. Any board of chosen freeholders may, before commencing such condemnation proceedings, require that each township or other municipality in which such turnpike or toll road, or portion thereof, lies shall agree to assume and pay ten per centum of the cost of the part or portion of such turnpike or toll road lying within such township or other municipality. Proportionate division of cost.

5. Two-thirds of the cost of any turnpike or toll road, or portion thereof, condemned in accordance with the provisions of this act, less the sum or sums assumed and paid by any township or other municipality as herein provided, shall be certified to the county board of assessors, and assessed and collected in the manner provided by the fourth section of the act to which this is a supplement. Portion may be assessed.

6. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 305.

An Act making an appropriation for the survey of the mouth of Shark river and for the further purpose of securing plans for and estimates of the cost of making a permanent inlet or mouth to the said river.

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

Survey of Shark river.

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

Direction of survey.

Report.

2. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 306.

An Act to amend an act entitled "An act providing for the construction of sewers and sewer systems in cities of this State and the issuance of bonds for the cost thereof, and providing for collecting rentals for the use of such sewers and sewer systems," passed October eleventh, one thousand nine hundred and seven.

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

Title amended.

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

New title.

"An act providing for the construction of sewers and sewer systems in cities of this State and the issuance of bonds for the cost thereof, and to provide by tax, or rentals, for the payment of the principal of and interest on said bonds."

Section 3 amended.

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

Rules for connections, use, rates.

3. In any city in which the sewers thereof are, or have been constructed, it shall be lawful for such municipality to prescribe rules, regulations, conditions and restrictions as to the connection with, operation and use of said sewers, and may fix, determine, charge and collect rentals for the use of any sewer or sewers comprising any part of such sewer system; and such rules, regulations, charges and rentals may be enforced by the governing body of such city under such terms and penalties as shall be by ordinance of such city prescribed.

Section 4 amended.

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

Sinking fund.

4. The governing body of such city shall create a sinking fund, which, compounded on a basis of four per centum interest per annum, shall be sufficient to retire, at their maturity, all bonds, issued in

accordance with the provisions of this act; the rentals, if any, received by such municipality for the use of said sewers, after the payment therefrom of such amount as may be necessary for constructing, extending and maintaining such sewers during any year, and salaries, charges and incidental expenses connected with the maintenance and operation thereof, shall be applied, first, to the payment of the interest upon the bonds issued for the purpose of constructing such sewers, and next to be placed to the credit of said sinking fund, and safely invested by commissioners of the sinking fund of such city, if any there be, and if none, then by the legislative body, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity; if the amount received from rentals in any year and placed in said sinking fund shall be inadequate, then the additional sum necessary to be placed to the credit of said sinking fund shall be raised and placed to the credit of the said sinking fund by adding the amount thereof to the amount of taxes to be raised annually by the taxing authorities of said municipality.

Application of rentals.

If deficiency balance raised by taxation.

Section 7 amended.

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

Bonds a lien.

7. Any bonds issued under this act shall be a lien on or charge against the property and revenues of such city, and the principal of said bonds or any interest thereon that shall not be provided for under the provisions of this act hereinabove contained, shall be raised and paid by general taxation in such city, and shall be known and designated as "sewer tax" and shall be proportioned, assessed and collected in the same manner and at the same time that other municipal taxes are collected by said municipality, and such sewer tax imposed by this act shall not be counted or included in any limitation as to the maximum tax rate prescribed by any law for such municipality.

Sewer tax.

Section 9 amended.

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

Referendum.

9. This act shall take effect immediately, but its provisions shall remain inoperative in any city until assented to by a majority of the votes of the legal voters voting upon the question at a special election.

to be held in accordance with the provisions of the general election law. Whenever the common council or other governing body of any city shall pass a resolution determining that sewers or a system of sewers shall be constructed, it shall be the duty of the city clerk of such city to transmit the certified copy of said resolution to the county board of registry and election, which board shall thereupon designate a time and place or places for the holding of said election. The only proposition submitted at said election shall be as follows: "For the adoption of 'An act providing for the construction of sewers and sewer systems in cities of this State and the issuance of bonds for the cost thereof, and to provide by tax or rentals for the payment of the principal of and interest on said bonds,' approved .....," and "Against the adoption of 'An act providing for the construction of sewers and sewer systems in cities of this State and the issuance of bonds for the cost thereof, and to provide by tax or rentals for the payment of the principal of and interest on said bonds,' approved ....." If a majority of the votes cast upon such proposition shall be in favor of the construction of sewers, this act shall become operative in any such city, but not otherwise.

Special election.

Ballots.

6. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 307.

A Further Supplement to an act entitled "An act to establish in this State boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

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

Examining board to license plumbers.

1. All local boards of health shall, in addition to the powers now vested in them, have the power to pass, alter or amend ordinances, and to make rules or regulations within their respective jurisdictions for the purpose of regulating therein the practice of plumbing, to issue licenses, and to create an examining board for the proper determining of the qualification of any applicant for a license. Said board shall consist of three persons, of whom one shall be a plumbing inspector in the employ of said local board of health, one a master plumber and one a journeyman plumber.

How board composed.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 308.

An Act concerning playgrounds and recreation places in this State and providing for the establishment, equipment, maintenance, control, use and regulation thereof (Revision of 1911).

665-1
A-12-473
666-C-308
S-15-409

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

Playground commissioners.

1. In any city, town, township, borough, village or other municipality of this State, the mayor, chair-

man or other officer having the power of appointment of such municipality may, in his discretion, appoint not less than three nor more than five fit and suitable persons, citizens and residents of such municipality, who shall be confirmed by the common council or other governing body of such municipality, as commissioners of playgrounds, and who shall constitute and be known as the Board of playground commissioners of such municipality. The commissioners first appointed under this act in any municipality shall hold office for the term of one, two, three, four and five years respectively, according to the number appointed, as fixed and designated by the mayor, chairman or other officer in their respective appointments, and after the first appointments such commissioners shall be appointed for the full term of three or five years, according to the number appointed; vacancies shall be filled for the unexpired term only. They shall not receive any salary or other compensation for their services.

Terms.

No salary.

2. The board of playground commissioners shall have power to acquire lands for public playgrounds and recreation places, by gift or purchase, and it shall be the duty of such board from time to time to select lands for public playgrounds and recreation places, and when deemed necessary or advisable by such board, to select lands for an approach or approaches by way of ingress and egress to and from said land acquired under the provisions of this act of such size and dimensions as they shall think suitable, regard being had to the population of the neighborhood, and to cause surveys and maps to be made thereof together with the careful estimate, as nearly accurate as may be, of the probable costs of acquiring said lands, and a statement of the annual rental and duration of term, if it is proposed to lease the same, together with an estimate of the cost of preparing said lands and suitably equipping the same by the erection of buildings, stands, seats and other structures and apparatus for such playgrounds and recreation places, which surveys, maps and estimates shall be submitted to the common council or other body of such municipality having control of the finances with a request that an appropri-

Acquire lands.

Costs determined.

Equipment.

ation be made for the purpose of acquiring or leasing said lands, as the case may be, and suitably preparing and equipping the same.

Acquisition authorized by council.

3. If the common council or other body of such municipality by resolution authorize the acquisition of the said lands and appropriate a sum for the purchase and equipment thereof, or authorize the leasing thereof and appropriate a sum for the equipment thereof, the board shall proceed to acquire said lands by purchase or condemnation, or lease the same, as the case may be, and suitably to prepare and equip the same for a playground and recreation place, or approach thereto as aforesaid. If said board is unable to agree with the owner or owners of said land as to the price and terms of purchase, or if, by reason of any legal disability, or if the absence of any owner or owners thereof, or for any other cause, an agreement for the purchase of said lands or any part thereof, or any rights or interests therein cannot be made, then said board may cause said lands or any rights or interests therein to be condemned and taken on behalf of such municipality; and the compensation to be made therefor shall be ascertained and paid or tendered in the manner provided in an act of the Legislature of the State of New Jersey entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred, and the acts amendatory thereof and supplemental thereto, or as may hereafter be provided by law, and said board may cause any lands so acquired to be laid out and improved as a public playground, recreation place or an approach thereto as aforesaid. The title to all lands acquired or taken under the provisions of this act shall vest in the municipality, and all leases of land for the purpose of this act shall be in the name of the city.

Lands acquired by condemnation.

Procedure.

Title vested in municipality.

Control of grounds, etc.

4. The board of playground commissioners shall have full control over all lands, playgrounds and recreation places acquired or leased under the provisions of this act and may adopt suitable rules, regulations and by-laws for the use thereof, and the conduct of all persons while on or using the same; and any per-

son or persons who shall violate any of such rules, regulations or by-laws shall be deemed and adjudged to be a disorderly person. The custodians, supervisors and assistants appointed by the board shall, while on duty and for the purpose of preserving order and the observance of the rules, regulations and by-laws of the board, have all the power and authority of police officers of the respective municipalities in and for which they are severally appointed. The said board may appoint a secretary or clerk, and such number of custodians, supervisors and assistants for the several playgrounds and recreation places under its control as they shall think necessary, and fix and determine the salaries of the same.

Preservation of order.

Assistants.

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

Appropriation for current expenses.

Office.

6. The sum or sums of money necessary to pay for lands purchased or condemned for such playgrounds and recreation places, and for providing and equipping the same, from time to time, may be raised and provided by the common council or other body having control of the finances by general taxation, as other taxes are raised and levied, or by the issue of temporary loan bonds, or by the issue of permanent bonds of the particular municipality. If permanent bonds are issued, they shall be for not less than thirty nor more than fifty years, shall bear interest not exceeding four per centum per annum and shall be sold for not less than their par value. If permanent bonds are issued there shall be raised each year by general taxation by the municipality issuing the same, as other taxes are raised and levied, a sum sufficient to pay the annual interest and also a sum for a sinking fund for

Provision for funds.

669-6
A-1914-148

Bonds.

Time.

Rate.

such bonds sufficient to meet, pay and retire the same at maturity. If temporary loan bonds are issued, they shall be so issued that at least one-fifth thereof shall be due and payable each year, and there shall be raised each year by general taxation a sum sufficient to pay and retire the temporary loan bonds falling due that year. All moneys received by the said board shall be paid over to the city treasurer and be by him kept in a special fund which shall be under the control of said board and used only for the purpose of defraying the expenses of improving, maintaining or policing the playgrounds and recreation places of said municipality and other expenses of said board.

If temporary loan.

Moneys kept as special fund.

Games, exhibitions, etc.

7. Said board of playground commissioners, in order to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under its control, shall have the power and authority to arrange and provide for the giving of out-door exhibitions, concerts, games and contests, and the power and authority to use and employ said playgrounds or recreation places for the purpose of giving thereon out-door exhibitions, concerts, games and contests, and the said board shall have the power and authority to charge and collect a reasonable admission fee for each person entering such playground or recreation place during the time or times when the same is being used or employed for such purposes; *provided, however,* that the said board shall not use or employ any such playground or recreation place for such purpose for a greater period than eight hours in any week, nor on more than two days in any one week, and when any such playground or recreation place is used for such purpose no admission fee shall be charged or collected from children under twelve years of age.

Admission fee.

Proviso.

Validity of various sections.

8. Each section of this act and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause shall not affect any other section or part thereof. All acts and parts of acts inconsistent with the provisions of this act, be and the

Repealer.

same are hereby repealed, and this act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 309.

A Supplement to an act entitled "An act respecting the Orphans' Court," approved June fourteenth, one thousand eight hundred and ninety-eight.

Preamble.

WHEREAS, By an act of the Legislature of the State of New Jersey, approved March twenty-eighth, one thousand eight hundred and sixty-six, it was, among other things, provided as follows:

> "26. When any will shall have been admitted to probate in any State or Territory of the United States or the District of Columbia, or in any foreign State or Kingdom, and any person shall desire to have the same recorded in this State, for the purpose of making title to lands or real estate in this State, it shall be lawful for any surrogate of any county in this State, upon an exemplified copy of such will being filed in his office, exemplified and attested as a true copy in the manner required by the laws of the State, district or territory in which such will shall have been admitted to probate, to make it legal evidence in such State, district or territory, to record such will and file the said copy in his office, and any such will upon being so recorded, shall have the same force and effect in respect to all lands and real estate therein devised, as if the same had been admitted to probate in this State, and such record or certified copies thereof shall be received in evidence in all courts of this State."

which said act was re-enacted in the Revision of one thousand eight hundred and seventy-four;

AND WHEREAS, Said act was amended by an act approved March seventeenth, one thousand eight hundred and eighty-two, to read as follows:

"26. *And be it enacted,* That when any will shall have been admitted to probate in any State or Territory of the United States or the District of Columbia, or in any foreign State or Kingdom, and any person shall desire to have the same recorded in this State, for the purpose of making title to lands or real estate in this State, it shall be lawful for any surrogate of any county in this State, upon an exemplified copy of such will being filed in his office, exemplified and attested as a true copy in the manner required by the laws of the State, district or territory in which such will shall have been admitted to probate, to make it legal evidence in such State, district or territory, to record such will and file the said copy in his office, and any such will, upon being so recorded, shall have the same force and effect in respect to all lands and real estate whereof the testator died seized, as if said will had been admitted to probate in this State, and all conveyances of such real estate heretofore or hereafter made by any executor or executors, or the survivor or survivors of them, or by any devisee or devisees, shall be as valid as if said will had been admitted to probate in this State, and such record or certified copies of said will shall be received in evidence in all courts of this State."

AND WHEREAS, The Court of Errors and Appeals of this State in one thousand eight hundred and eighty-eight, construed said act, as amended, to require that "where the object of making a foreign will a record in this State is for the purpose of making title to lands, the record exemplified from another State must contain the proofs taken upon the probate that it may appear by such proofs that the will was made and executed in the manner and with the formalities prescribed by the statute of this State for devises of land."

AND WHEREAS, Many wills made in foreign States or Kingdoms, Territories of the United States or the District of Columbia, and probated therein, contain devises of lands situate in this State, which foreign wills have been admitted to probate in this State, or

a copy of such will or the record thereof filed and recorded in the office of the surrogate of any county in this State, but the record of said probate in this State, or the copy of said will or of the record thereof probated in the foreign State does not contain proofs that the will was made and executed in the manner and with the formalities prescribed by the statute of this State for devises of lands, by reason of which defect said devises are rendered uncertain or fail and the intention of the testator with respect thereto may be defeated;

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

Validity of exemplified copy of probate.

1. Where any foreign will or a copy thereof, or a copy of the record of any foreign will or of the exemplification thereof, shall have been probated, filed or recorded in this State, prior to the fourth day of July, A. D. one thousand eight hundred and eighty-eight, and said record or exemplification of such foreign will, from any foreign State, Territory of the United States, District of Columbia or Kingdom, shall be informal or cannot be found in the office of the surrogate or register of wills of any county in this State wherein such foreign will shall have been probated, it shall be lawful for any person interested therein to file with any such surrogate or register of wills an exemplified copy of the probate in such foreign State, Territory of the United States, District of Columbia or Kingdom, and upon the filing thereof, whether prior to or after the fourth day of July, A. D., one thousand eight hundred and eighty-eight, said exemplification of such probate shall be received in all the courts of this State in the same manner and to the same extent and effect as if such exemplification had remained on file in the office of such surrogate or register of wills continuously from the date of the probate of such foreign will in this State.

Lack of formalities not to invalidate devises of land.

2. Any foreign will or a copy thereof, or a copy of the record of the probate of any foreign will, filed, recorded or probated in this State prior to the fourth day of July, A. D. one thousand eight hundred and eighty-eight, shall be deemed to be valid and effectual in law, notwithstanding the fact that the copy of any

such foreign will or the record thereof or the certificate of probate thereon, or the letters granted thereon in any such foreign State, Territory of the United States, District of Columbia or Kingdom, or the exemplification thereof, on which such foreign will was probated in this State, fail to set forth or contain the proofs that the will was made and executed in the manner and with the formalities prescribed by the statute of this State for devises of lands; and all conveyances of such real estate heretofore or hereafter made by any executor or executors, or administrator or administrators, with the will annexed, trustee or trustees, or the survivor or survivors of them, or by any devisee or devisees, or persons claiming under such devisee or devisees, shall be as valid as if said will had been admitted to probate and letters testamentary, or of administration with the will annexed, had been issued in this State upon proofs taken that the said will was made and executed in the manner and with the formalities prescribed by the statute of this State for devises of lands; and such record of any such proceedings in this State, or certified copies thereof, shall be received in evidence in all courts of this State.

Such conveyances valid.

3. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 310.

An Act to amend an act entitled "An act to encourage the propagation of fish and to regulate the catching, taking and destruction of fish in the Delaware river above Trenton Falls, within the jurisdiction, respectively, of the Commonwealth of Pennsylvania and the State of New Jersey, and providing penalties for violation of its provisions, and to repeal acts inconsistent therewith," approved April twenty-first, one thousand nine hundred and nine.

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

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

Section 9 amended.

9. It shall be unlawful for any person to catch and take, or attempt to catch and take, fish of any kind or description from the Delaware river above Trenton Falls, by means of a net, or to use a net of any character in the waters aforesaid between Saturday at two P. M. and twelve o'clock midnight Sunday night in each week. Any person violating any of the provisions of this section shall, on conviction thereof, be subject to a fine of one hundred dollars, together with a forefiture of all nets, boats and other appliances used.

Prohibited hours for net fishing.

Penalty.

2. This act shall take effect immediately, but shall not be considered as valid or operative until a similar act has been enacted by the Commonwealth of Pennsylvania.

When act operative.

Approved May 1, 1911.

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## CHAPTER 311.

An Act to empower towns to acquire land and other property for water-supply by condemnation.

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

1. Where any town is now supplied with water for fire protection and for the use of its inhabitants, or may hereafter determine to obtain or enlarge such supply, the town council may acquire land, water, water-rights or other property within or without the town, for the purpose of such supply, and, to that end, may take or authorize proceedings to condemn, pursuant to the act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of 1900).

Condemnation proceedings to obtain water supply.

State water commission not affected.

2. Nothing in this act contained shall be construed to interfere with the powers of the State Water Supply Commission, or with their control over the taking of water from surface, sub-surface, well or percolating sources.

3. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 312.

676-C-312
A-15-387?

An Act to amend an act entitled "An act for the prevention of cruelty to animals," approved April tenth, one thousand nine hundred and eight.

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

Section 3 amended.

1. Section three of the act entitled "An act for the prevention of cruelty to animals," approved April tenth, one thousand nine hundred and eight, is hereby amended to read as follows:

Where tried.

3. All persons summarily arrested for violating the provisions of any act for the prevention of cruelty to animals shall be tried before the judge of the Court of Common Pleas, police justice or other magistrate within the county, nearest to where the offense or offenses were committed (or where the defendant or defendants reside); *provided, however,* that an appeal to the Court of Common Pleas shall be allowed from the decision of any such police justice or magistrate.

Proviso.

Repealer.

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

Approved May 1, 1911.

## CHAPTER 313.

Supplement to an act entitled "An act to provide for the purchase or condemnation by boards of chosen freeholders of turnpike or toll roads, or portions thereof, which have been improved by the construction thereon of a macadam, telford, rubble or other stone road, for free public use as county roads, and for the repair, improvement and maintenance of the same," approved April eighteenth, one thousand nine hundred and five, the title of which was amended by the act approved April twentieth, one thousand nine hundred and six.

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

Right to receive proportion of road appropriation.

1. Whenever proceedings to condemn any turnpike or toll road shall be or shall have been instituted under the act to which this is a supplement and shall result or shall have resulted in an award and the amount of said award shall be or shall have been paid by the board of chosen freeholders instituting said proceedings to the persons entitled thereto or into the Court of Chancery as provided by law, it shall be conclusive evidence of the right of said board to receive out of the State road appropriation the proportion of said award to be paid by the State as aforesaid, that said award has been paid by said board of chosen freeholders as aforesaid and that tolls have been discontinued on said road for at least two years, and it shall be conclusive evidence of the right of said board to receive out of the State road appropriation one-third of the cost of improving said road, that said improvement has been completed and has been authorized by the State commissioner of stone roads.

Repealer.

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

Approved May 1, 1911.

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## CHAPTER 314.

An Act to repeal a portion of an act entitled "An act to revise and amend 'An act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," approved March twenty-seventh, one thousand eight hundred and eighty-eight.

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

Section 29 repealed.

1. Section twenty-nine of the act referred to in the title of this act is hereby repealed.

2. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 315.

An Act to amend an act entitled "An act supplementary and amendatory to an act entitled 'An act concerning the appointment of certain officers in certain cities in this State and fixing their tenure of office,' " passed May eighth, one thousand eight hundred and ninety-four, which supplementary and amendatory act was passed March twenty-third, one thousand nine hundred, by changing the minimum limit of population from fifty thousand to fifty-five thousand.

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

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

Section 1 amended.

1. In all cities of this State now or hereafter having within their territorial limits a population of not less than fifty-five thousand nor more than one hundred and twenty-five thousand inhabitants, the common council, board of aldermen, or other governing board of such cities shall, at the regular meeting of such common council, board of aldermen, or other governing body, preceding the expiration of the terms of the present city clerk, city comptroller, city treasurer, city counsel, receiver of taxes and assessments and clerk of the board of aldermen, city inspector of buildings, city engineer, city overseer of the poor, city street commissioner, and sealer of weights and measures, or at the time prescribed by the charter of any such city appoint a city clerk, city comptroller, city treasurer, city counsel (who shall be a counsellor-at-law), receiver of taxes and assessments and clerk of the board of aldermen, city inspector of buildings, city engineer, city overseer of the poor, city street commissioner, and sealer of weights and measures, in lieu of and to

Time for appointing city officials.

be substituted for, and to act in the place of, and who shall in each case respectively be invested with and shall perform all the powers and duties of any such officers by whatsoever title they may be designated now by law to act therein; and which said officers shall be appointed for the term of three years, or until their successors are appointed and qualified, and shall perform the same duties and receive the same emoluments as are now provided by existing laws, and the terms of the first officers appointed hereunder shall date from the time of the expiration of the terms of their predecessors, as specified under this act; and that such officers shall give bonds for the faithful discharge of their duties in such amounts as may now be required of such officers in such cities, and which said bonds shall be approved as to form by the city counsel of such city, and as to the sufficiency thereof by the said common council, board of aldermen, or other governing body thereof; any vacancy in either of the offices herein provided for shall be filled in the same manner, but for the unexpired term only; and all of such officers shall be sworn in as such officers are now sworn in each of said cities; and that the term of service of every such officer hereinbefore named, holding office in any such city, shall end on the appointment and qualification of their successors, as herein provided for; every such officer whose term of office shall so end shall immediately deliver up his office and all property, books and papers, matters and things whatsoever connected therewith to his said successor; *provided*, that in all cities as aforesaid in which by the provisions of the charter thereof the city treasurer and receiver of taxes and assessments is elected by popular vote, such city treasurer and receiver of taxes and assessments shall continue to be elected by popular vote; anything in this act contained to the contrary notwithstanding; and the term of such city treasurer and receiver of taxes and assessments shall commence as provided in such city charter.

Term.

Bond.

Vacancies.

When term ends.

Proviso.

2. This act shall take effect immediately.

Approved May 1, 1911.

# CHAPTER 316.

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

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

Time for filing affidavits and proofs.

1. Where the purchaser, his legal representatives or assigns have omitted to file the affidavits and proofs of mailing and publication required by the act to which this is a supplement and any of the supplements thereto within the time now required by law, such affidavits and proofs may be filed any time within two months after the passage of this act.

Repealer.

2. All acts so far as they conflict herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 317.

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

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

Issue certificates of indebtedness to cover insufficiency of bonds.

1. Whenever heretofore any borough of this State has issued bonds to meet the cost of constructing any drainage or sewerage system, including sewage disposal plant, therein, and it has afterwards been found, or shall be found, that the proceeds of said bond issue are insufficient to cover the total cost of completing such system and plant, then it shall be lawful for the council of said borough by resolution to issue certificates of indebtedness of said borough to an amount not exceeding ten thousand dollars, payable in not exceeding five years from the date thereof, and to bear interest at not exceeding five per centum per annum, to meet such deficiency.

Amount.

Time.

Rate.

Sinking fund created to meet certificates.

2. In order that such certificates of indebtedness may be paid at maturity, the council of such borough shall provide a sinking fund sufficient for that purpose, and not less than ten per centum of the total indebtedness covered by said certificates shall be raised annually, and at the time and in the manner provided for the raising of other moneys to be raised by taxation in said borough, the moneys so raised by taxation for said purpose shall be paid to the commissioners of the sinking fund of said borough to be used by them for the purposes of paying said certificates of indebtedness when they become due.

3. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 318.

An Act to amend an act entitled "An act concerning marriages (Revision of 1910)," approved April eleventh, one thousand nine hundred and ten.

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

Section 7 amended.

1. Section seven of the act to which this is amendatory be and the same is hereby amended so that it shall read as follows:

Parents' consent to marriage of minors.

7. If any such male applicant for a license to marry shall be a minor under the age of twenty-one years, or any such female applicant under the age of eighteen years, such license shall not be issued unless the parents or guardians of the said minor, if there be any, shall first certify under their hands and seals in the presence of two reputable witnesses, their consent thereto; which consent shall be delivered to the assessor, registrar or clerk issuing the license. If the parents, or either of them, or guardian of any such minor shall be of unsound mind, then the consent of such parent or guardian to the proposed marriage shall not be required. If any such male applicant for a license to marry shall be a minor under the age of twenty-one years, and shall have been arrested on the charge of sexual intercourse, with a single, widowed or divorced female of good repute for chastity, and that such female has therby become pregnant, said license to marry such female may be issued to any such applicant without the consent of the parents, or either of them, or of the guardian of either of said parties to such proposed marriage.

If parents of unsound mind, consent unnecessary.

When license issued without consents.

2. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 319.

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

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

Borough tax for advertising purposes.

1. It shall be lawful for the borough council of any borough in this State, bordering on the Atlantic ocean or any bay, to assess and collect whenever such borough council shall deem it expedient, and to the best interests of and for the good of such borough, two mills, or any portion thereof, on each dollar of the assessed valuation of the property rated and returned for taxation therein, as shown by the duplicate of assessments for the previous year, for the purpose of publicly advertising such borough.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 320.

An Act to amend an act entitled "An act to establish an excise department in certain cities of this State," approved April eighth, one thousand nine hundred and nine, by changing the minimum limit of population from fifty thousand to fifty-five thousand.

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

Section 1 amended.

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

Excise commissions in certain cities.

1. In all cities in this State now or hereafter having within their territorial limits a population of not less than fifty-five thousand nor more than one hun-

dred thousand inhabitants, according to the United States or State census, there shall be, and hereby is established, a board of excise commissioners to consist of five members to serve for the term of three years, which board shall be elected on a general ticket at the election in such city next after the passage of this act, in the same manner as other city officers of said city are elected; that the salary of said commmissioners shall be fixed by ordinance in the same manner as the salaries of other city officers, but shall not exceed the sum of five hundred dollars each per year, and the said salary shall be paid out of the license fees; that such board of excise commissioners shall have power within such city to make, establish, amend or repeal ordinances and by-laws; to license and regulate the sale of intoxicating liquors in said city; to prescribe by ordinance the form of application to be used, and to fix the amount of license fees to be paid for the various licenses that may be used, and, when licensed, to revoke or transfer such license, and to prohibit all traffic in or sale of intoxicating drink or drinks; to license, regulate or prohibit billiard saloons and bowling alleys, and to prescribe and enforce a penalty or penalties, either by fine or imprisonment, for the violation of such ordinance or by-laws, which said penalties shall be enforced and collected by said board of excise commissioners in the same manner as any other penalties are enforced and collected in any such city, and that every ordinance or by-law of such board of excise commissioners shall, after its introduction and before it final passage, be published for two insertions in two newspapers, if so many there be published and circulating in such city, and be concurred in by at least three members of such board of excise commissioners as may be present at its final passage, and no license for such purposes within said city, granted by any other authority, shall be lawful; that all fees for licenses granted by said commissioners shall be paid to the city clerk, who shall, in addition to his other duties, act as the clerk of said commissioners, and by him be paid over to the city treasurer; *provided, however,* that nothing in this act contained shall be held to repeal or alter any law of this State

Number.

Term.

Salary.

Powers.

License fees.

Prescribe and enforce penalties.

Proviso.

concerning any misdemeanor or other crime, and that no license shall be prescribed or issued for any character of business different from that now permitted by law or any license fee fixed for any amount less than the minimum fixed by law.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 321.

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

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

Section 24 amended.

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

Dogs running at large.

24. It shall be unlawful for any owner, lessee or custodian of any dog to permit such dog to run at large in woods or fields, except only between the first day of October and the first day of February following; *provided, however,* that at all other times during the year such dog or dogs may be allowed to run when under the control of the owner, lessee or custodian, but at no time shall any dog be allowed to run rabbits at night.

Proviso.

Penalty.

Every person violating any of the provisions of this act shall be liable to a penalty of twenty dollars for each offense.

2. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 322.

A Further Supplement to an act entitled "An act to improve the condition of tenement houses in this State and to establish a State board of tenement house supervision," approved March twenty-fifth, one thousand nine hundred and four.

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

Right to stop work on buildings for violations.

1. In case any house or building shall be in process of construction or alteration in violation of any provision of the act to which this act is a further supplement, the Board of Tenement House Supervision of the State of New Jersey, or such person as may be designated by said board, shall have the right, and they or he are hereby authorized and empowered, to order all further work in and about said house or building to be forthwith stopped except such work as shall be necessary to make such house or building comply with the provisions of the act to which this act is a further supplement.

No further work until compliance with law.

2. After the issuance of any order in accordance with section one of this act, and the service of a copy or copies thereof upon the persons working in and around said house or building, no further work shall be done on said house or building except such work as shall be necessary to make such house or building comply with the provisions of the act to which this act is a further supplement, until all the provisions of the said act to which this act is a further supplement shall have been entirely complied with, so far as said provisions apply to such house or building.

Penalty for not complying.

3. Any person who, after having been served with a copy of the order issued in accordance with section one of this act, shall do any work in or about the house or building in regard to which said order was issued, except such work as shall be necessary to make

such house or building comply with the provisions of the act to which this act is a further supplement, until all the provisions of the act to which this act is a further supplement shall have been entirely complied with, so far as said provisions apply to said house or building, shall be subject to a penalty of one hundred dollars.

Service of order.

4. A copy of any order issued in accordance with the provisions of section one of this act may be served upon the owner of any house or building in regard to which said order was issued. Any owner of any house or building in regard to which any order shall have been issued, in accordance with the provisions of section one of this act, who, after having been served with a copy of such order, shall do or permit or allow to be done any work in or about such house or building, except such work as shall be necessary to make such house or building comply with the provisions of the act to which this act is a further supplement, before all the provisions of the act to which this act is a further supplement, shall have been entirely complied with, so far as the same apply to such house or building, shall be subject to a penalty of two hundred dollars.

Owner's liability.

Penalty.

Recovery of penalties.

5. All penalties incurred under or provided for by the provisions of this act shall be sued for, recovered and collected by the Board of Tenement House Supervision of the State of New Jersey in the same way and manner as penalties incurred under the act to which this act is a further supplement are sued for, recovered and collected.

6. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 323.

An Act to amend an act entitled "An act to improve the condition of tenement houses in this State and to establish a State Board of Tenement House Supervision," approved March twenty-fifth, one thousand nine hundred and four.

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

1. Section one hundred and ninety-four of the act of which this act is an amendment be and the same hereby is repealed. Section 194 repealed.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 324.

A Supplement to an act entitled "An act concerning carriers (Revision of 1904)," approved March twenty-ninth, one thousand nine hundred and four.

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

1. Section four of the act referred to in the title hereof is hereby amended so as to read as follows: Section 4 amended.

4. On application of any railroad company, street railroad company, canal company or steamboat company, the Governor of the State may appoint such persons as the company may designate to act as policemen for such company, and shall issue to each person so appointed a commission, a copy of which shall be filed in the office of the Secretary of State; every person so appointed and commissioned shall, in the counties tra- Railway police. Powers.

versed by the conveyances or route of such company, possess all the powers of policemen and of constables in criminal cases of the several townships and municipalities in such counties, and shall receive from the company by whom employed such compensation as shall be agreed between such company and person; when on duty, except when employed as detective, he shall wear in plain view a metallic shield or device with the words "railway police", "canal police" or "steamboat police" as may be appropriate, and the name or style of the company for whom appointed inscribed thereon; when any such company shall file in the office of the Secretary of State a notice that it no longer requires the service of such policeman, his power as such shall cease and determine; *provided*, that no such appointee shall be qualified to act within the limits of any city of the first or second class in this State until such appointment shall have been registered with and ratified by the board having charge of the police department of such city.

Badge.

Proviso.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 325.

An Act to authorize and empower any municipality to acquire or construct, to maintain and to operate a plant or plants for the production and distribution (or either) of light, heat and power for its own public purposes and for the purpose of selling and supplying the same to its own inhabitants or to any other municipality (or both), and to acquire all necessary real estate and works and machinery for supplying light, heat and power for such purposes, and to purchase light, heat and power produced by any other municipality.

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

Municipalities may acquire property for utility plants.

1. It will be lawful for the governing body of any municipality in this State, whenever it shall deem it expedient so to do, to purchase, condemn, take, have, hold and enjoy, and convey and dispose of, in the name and in behalf of said municipality, all such real or personal property within the corporate limits of such municipality as may be necessary for the manufacture, generation, accumulation, storage, transmission and distribution of light, heat and power for its own public purposes and for the purpose of selling and supplying the same to its own inhabitants or to any other municipality (or both), and to purchase, condemn, take, construct, maintain and operate a plant or plants for producing and distributing (or either) light, heat and power, and all buildings, stations, machinery, apparatus, wires, poles, pipes, subways or conduits and appurtenances of every kind that may be necessary and useful for such purposes, with full power and authority to erect and maintain poles and string wires thereon for the transmission of electric currents on any and all streets, avenues and highways of said municipality, and to string electric wires or lay pipes or other heat, light or power conductors therein; and to exercise any options now or hereafter to become available under any contract heretofore or hereafter entered into by any such municipality for the purchase of a supply of light, heat and power or for the purchase of a plant or plants for the production and distribution of the same or for either purpose.

Objects.

Equipment.

Exercise certain options.

May purchase light, heat, and power,

2. It shall be lawful for any municipality adopting or taking advantage of any of the terms or provisions of this act to contract for and to purchase from any other municipality such light, heat and power as the latter municipality may, through its governing body, agree to sell.

or sell same.

3. It shall be lawful for any municipality adopting or taking advantage of any of the terms or provisions of this act to sell, dispose of and furnish to its own inhabitants or to any other municipality the light, heat or power so to be produced or purchased by it, upon such conditions, according to such rules and regulations and for such rates as the governing body of said municipality may from time to time prescribe.

Officers, employes, etc.

4. It shall and may be lawful for the governing body of any municipality adopting or taking advantage of any of the terms or provisions of this act to elect or appoint any and all officers, agents, engineers, employes or committeemen that they may deem necessary to be employed in and about the maintenance and operation of any such light, heat and power plant or works as aforesaid; to define their duties, regulate their compensation, and provide for their removal; and said governing body of any municipality as aforesaid shall have power, and they are hereby authorized to make, ordain and establish all such ordinances, resolutions, rules and regulations as said body may deem necessary and proper for the introduction, transmission, distribution, use and supply of said light, heat and power, and for the safety, security and protection of the buildings, machinery, apparatus, wires, poles, subways and conduits and other works and appurtenances used in connection therewith, and for fixing and collecting all rates, rents or charges for furnishing and supplying light, heat or power for private or commercial use in such municipality and for imposing penalties for the non-payment thereof; and such rates, rents or charges shall be and remain until paid, municipal liens against the property and premises where such light, heat or power is furnished and if allowed to remain unpaid, shall draw interest at the rate of seven per centum per annum from and after the time when they shall become due, and may, in addition to the other remedies herein provided, be collectible in the same mode and manner as other municipal liens are now or may hereafter be by law collected in such municipality.

Rules and regulations

Charges a lien.

Interest charged if unpaid.

May contract for sale of heat, etc.

5. It shall be lawful for the governing body of any municipality adopting or taking advantage of the provisions of this act as to the sale of light, heat, and power to regulate by contract with any other municipality the terms and rates under which and at which light, heat, and power shall be supplied to the said purchasing municipality, provided, nevertheless, that such light, heat and power shall be supplied to such purchasing municipality upon the like or as favorable terms and conditions as shall be given to inhabitants within the municipality so selling and supplying.

Proviso.

Bond issue.

6. In order to supply the funds necessary to carry into effect the provisions of this act, the governing body of any municipality, after authority shall have been conferred by a referendum to the voters of such municipality, as provided in section seven of this act, is hereby empowered to issue the bonds of such municipality to an amount not exceeding one and one-half per centum of the ratables of such municipality, as shown by the last assessment for taxes therein, which bonds shall be sold at public sale for not less than par and accrued interest; and all moneys received from the sale of said bonds, including any premium or premiums, shall be used exclusively for such purposes.

Amount.

Use of proceeds.

Time.

7. The bonds to be issued under the provisions of this act shall be payable in not more than fifty years from the date thereof, shall bear interest at a rate not exceeding four and one-half per centum per annum, be of such denomination as said governing body shall determine, and shall be executed by the proper officials of said municipality and may be either registered or coupon bonds as the said governing body may direct; and said governing body may, from time to time, at the request and expense of the holders thereof, exchange coupon bonds for registered bonds or change the denomination of said bonds.

Rate.

Sinking fund.

8. In order to redeem such bonds at maturity there shall be established in such municipality a sinking fund, into which it shall be the duty of said governing body to pay or cause to be paid, annually, a sum amounting to not less than one per centum of the amount of the principal of the bonds issued under the provisions of this act, which sinking fund shall be appropriated, raised and provided, by annual taxation or otherwise, by said governing body, and it shall be under the charge and control of the sinking fund commissioners of such municipality by whatsoever name they may be called.

Interest.

9. The interest on said bonds shall be paid semi-annually out of the funds to be provided for that purpose, by way of taxation or otherwise, by said governing body.

Referendum.

10. The referendum above referred to in section three of this act shall be taken by submitting to the

voters of such municipality the question of the issue of bonds therein provided for at an election to be held in such municipality at any time to be fixed by the governing body of such municipality. If the time fixed for holding said election shall be the time for holding any general election, the former shall be consolidated with the latter, and be conducted in the manner required by law governing such general election.

Notice of election.

The clerk of said municipality shall cause public notice of the time, place and purpose of holding the election to be given by advertisements signed by himself and set up at least eight days prior to and within thirty days next preceding the day of election, in at least five of the most public places within such municipality, and published in one or more newspapers printed therein, or circulating therein (if there be no newspapers printed therein) for at least five different days previous to the day of such election; and the clerk, whose duty it shall

Ballots.

be by law to provide ballots for such election, whether he be the clerk of said municipality in which such election shall take place or the clerk of the county in which such municipality is located, shall provide, or cause to be provided, for each voter voting at such election ballots, upon which ballots (and beneath the list of candidates thereon, if any candidates are to be voted for at such election) shall be printed the follow-

Proposition stated.

ing words: "For the issue of bonds for the purchase of distributing plant," (or as the case may be) and immediately thereunder the proposition "Against the issue of bonds for the purchase of a distributing plant," (or as the case may be) and the voters may vote to authorize the issue of bonds for such purpose by marking off or obliterating the second proposition, or may vote against such issue by marking off or obliterating the first proposition; and in case neither the words "For the issue of bonds for the purchase of a distributing plant," (or as the case may be) nor the words "Against the issue of bonds for the purchase of a distributing plant," (or as the case may be) be marked off or obliterated upon the ballot, it shall not be counted as a vote either for or against such proposition, nor shall the person depositing in the ballot-box a ballot on which neither the said words "For the issue of bonds

for the purchase of a distributing plant (or as the case may be) nor the said words "Against the issue of bonds for the purchase of a distributing plant," (or as the case may be) is marked off or obliterated be counted as a voter or as voting in respect of or upon the question or proposition submitted. The polls for such election shall be held at the usual places of holding the annual general election in such municipality and shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election between these hours aforesaid; *provided,* the board of election may adjourn such election from one o'clock until two o'clock in the afternoon, or for such shorter time between these hours as they shall see fit; and such election shall be conducted by the proper election officers of said municipality for the time then being, and in the manner as may then be prescribed by the ordinance of said municipality, if any, regulating elections therein, and such officers shall return to the governing body of such municipality a true and correct statement in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Polling places and hours.

Proviso.

Election, how conducted.

11. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 326.

An Act to enable the board of chosen freeholders of any county, singly or jointly with another county or counties, to acquire and condemn lands for the construction or extension of approaches to bridges now or hereafter built or rebuilt across a highway or highways, intersected by the approach, and to connect with a street or highway suitably located, and making the approaches as extended part of the bridge.

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

Acquire lands for suitable approaches to bridge.

1. Wherever the board of chosen freeholders of any county, singly or jointly with another county or counties, is permitted or charged by law with the duty of building or rebuilding any bridge or bridges, and in the judgment of such board or boards it is proper and necessary, in the building or rebuilding of such bridge or bridges, to extend the approach or approaches to such bridge or bridges across an intersecting highway or highways and over private or other property, to connect with a street or highway suitably located for the traffic over said bridge as a proper approach or approaches to any bridge now or hereafter erected, it shall and may be lawful for such board or boards, upon the passing of a resolution by the single board if the bridge is chargeable as aforesaid to one county, or by concurring resolutions of all the boards of such counties if the bridge is jointly chargeable to more than one county, which resolution or resolutions shall describe the additional lands required for such approach or approaches, to acquire and condemn lands for extending such approach or approaches, as aforesaid, by gift, grant or condemnation, and construct such approach or approaches; and from and after the passage of such resolution or resolutions aforesaid the

lands therein described as aforesaid shall be and be treated as within the limits of the lawful approach or approaches to such bridge or bridges, and when acquired shall form part of such bridge or bridges; and the cost of acquiring such lands and of constructing such approach or approaches shall be included in the cost of building or rebuilding such bridge or bridges, and if several boards aforesaid are jointly chargeable with the duty or duties aforesaid with respect to such bridge or bridges, such boards shall severally bear and pay the same proportion of the cost of acquiring the lands and constructing such approach or approaches as they are charged to bear and pay for the construction of such bridge or bridges, and the moneys required for the acquisition of said lands and the construction of such approach or approaches shall be raised in the same manner as the moneys are raised for the payment of the cost of such bridge or bridges.

Cost of land included in cost of bridge.

Proportionate expense.

2. Any and all lands and easements necessary to be obtained for the construction and maintenance of embankments, viaducts, piers, abutments or other structures as authorized and provided for by section one hereof, or for any part or portion of the structure of said bridge, may be acquired by the board or boards of chosen freeholders by agreement and purchase with and from the owners of such lands or upon failure to agree or because of legal disability of any of the parties then by proceedings in condemnation pursuant and under the provisions of the act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred, and the supplements and amendments thereto.

Lands acquired by purchase or condemnation.

3. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 327.

An Act to amend an act entitled "Supplement to an act entitled 'An act regulating the age, employment, safety, health and work-hours of persons, employes and operatives in factories, workshops, mills and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof,' approved March twenty-fourth, one thousand nine hundred and four," which supplement was approved April fifth, one thousand nine hundred and five.

698-Ch.-327
Cf.-12-180
R-12-188

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

Section 3 amended.

1. Section three of the act to be amended, is hereby amended to read as follows:

Sanitation of workshops.

3. All buildings or rooms where goods are manufactured or made shall be drained and plumbed in a manner that will conduce to the proper and healthful sanitary condition thereof, and shall have airshafts, windows or ventilating pipes sufficient to insure ventilation, and all the doors, windows and other openings shall be thoroughly screened so as to prevent the entrance of flies or other insects between the first day of April and the thirty-first day of October; expectorating is prohibited within the buildings or rooms except into a proper receptacle; no person or corporation shall hereafter engage or continue in the business of making or manufacturing biscuit, pies, bread, crackers, cakes or confectionery for the purpose of distribution or sale, unless he shall first obtain from the Commissioner of Labor of this State a license so to do. The applicant for any such license shall state in his application the location of the place or places at which he intends to engage in such business and such license shall not be issued unless the said commissioner is satisfied that

Spitting.

License to conduct bakery.

Application.

such place or places conform to all the requirements of this act. Such license shall specify the place or places at which such such business is authorized to be carried on, and shall not authorize the engaging in such business at any other place or places. When it shall be made to appear to the said commissioner that any place at which such business is carried on under a license as aforesaid, is not kept in accordance with or does not conform to the requirements of this act, said commissioner may revoke the license of the person engaged in such business at such place. No person whose license to engage in such business has been revoked, shall engage in such business in this State until he has procured a new license in accordance with the terms of this act. Any applicant for any such license shall pay to the Commissioner of Labor a license fee of one dollar, which fee shall be returned to such applicant, in case the license is not granted; no cellar, basement or place which is below the street level shall hereafter be used and occupied as a place in which to manufacture biscuits, pies, bread, crackers, cakes or confectionery, except where the same was used for the purpose at the time of the passage of the act to which this act is an amendment; *provided*, that this act shall not prevent the use for the manufacture of confectionery of any cellar, basement or place which shall, after due inspection and examination by inspectors of the department of labor, be certified to by the Commissioner of Labor as sanitary in all respects and proper to be occupied for such purposes, which certificate may be revoked at any time; and provided further, that no ice cream shall, after the passage of this act, be manufactured in any such cellar, basement or place, unless after inspection of such place of manufacture by the agents of the Board of Health of the State of New Jersey, a license shall be granted by the said board to the proprietor, corporate or otherwise, of such establishment or factory, certifying that the condition and arrangement of such ice cream factory is sanitary, which said license may be revoked by said board, for cause, at any time.

Revocation of license.

License fee.

No bakeries below ground.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 328.

An Act extending the time for the completion of certain water works, pipes, mains and conduits.

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

Time extended.

1. Whenever the time limited for the completion of any water works, or of any pipes, mains or conduits for supplying water, authorized to be constructed within this State under any general act has expired since the first day of January, one thousand nine hundred and eleven, or shall expire hereafter and before the thirty-first day of December, one thousand nine hundred and eleven, such time shall be and the same is hereby extended for the further period of two years from the passage of this act; *provided, however,* that this act shall not apply unless money has actually been expended in surveys or location of the route of such pipes, mains or conduits, and in the acquisition of right of way for the same, or in actual construction, since January first, one thousand nine hundred and six; *and provided further,* that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file within thirty days after the approval of this act, in the office of the Secretary of State, a certificate signed by the president and secretary of such corporation accepting the provisions of this act, which shall include an agreement waiving all right of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law now in existence or that may be hereafter passed, taxing such corporations as are now authorized to be taxed by the Legislature of the State under any gen-

Proviso.

Proviso.

Waiving exemption from taxation.

eral law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of this State, if any there exist, to take the property of such corporations under any existing law of this State, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the Legislature.

State's rights not affected.

2. Nothing in this act contained shall in anywise affect, alter or repeal an act entitled "An act to establish a State Water-supply Commission and to define its powers and duties and the conditions under which waters of this State may be diverted," approved June seventeenth, one thousand nine hundred and seven, nor relieve any such corporation from the terms, provisions or requirements of the said act.

Statute not affected.

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

Approved May 1, 1911.

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## CHAPTER 329.

An Act for the establishment of farms for the propagation of game and fish.

701-1
A-13-88

701-1
A-1914-65

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

1. The Board of Fish and Game Commissioners is hereby authorized to purchase suitable lands and erect buildings thereon within this State for the purpose of propagating game and fish; the said lands and buildings shall be in charge of competent persons who shall engage such additional help from time to time as may be actually necessary, and such additional help shall be engaged only by permission of the Board of Fish and Game Commissioners. The salary of the head gamekeeper and the superintendent of the hatchery shall not exceed nine hundred dollars per year, payable monthly, and the total amount of salaries of the head gamekeeper, the superintendent of hatcheries and all

Establish hatchery and game preserve.

Management.

Salaries.

additional help employed at the game farms and fish hatcheries shall not exceed in any one year the total amount of six thousand dollars. The cost of the hatchery or hatcheries and the game farm or farms complete shall not exceed forty thousand dollars; all expenses incurred in carrying out this act shall be paid by the State Treasurer on warrants of the Comptroller on bills properly approved by said board out of the resident license fund and other receipts of said board, received through said board.

Total cost.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 330.

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

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

Penalty for improperly displaying or using Spanish War Veterans' badge.

1. Any person who shall willfully wear the badge of The United Spanish War Veterans, or who shall use or wear the same to obtain aid or assistance thereby within this State, unless he shall be entitled to use or wear the same under the rules, regulations or by-laws of a camp of The United Spanish War Veterans, duly and regularly organized, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved May 1, 1911.

# CHAPTER 331.

An Act to amend an act entitled "An act for the prevention of frauds and perjuries" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

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

Section 10 amended.

10. No broker or real estate agent selling or exchanging land for or on account of the owner shall be entitled to any commission for the sale or exchange of any real estate, unless the authority for selling or exchanging such land is in writing, and signed by the owner or his authorized agent, or the authority of the broker or real estate agent to make a sale or exchange of such land is recognized in a writing or memorandum signed by the owner or his authorized agent, whether or not such writing or memorandum is signed by said owner or agent before or after such sale or exchange has been effected, and the rate of commission on the dollar shall have been stated therein.

Authority for agent to act must be in writing.

Rate to be stated.

2. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 332.

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

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

Deficiency bonds for maintenance of court house.

1. If in any county in this State the amount heretofore appropriated for the maintenance of the county court house and its adjoining grounds has been or is insufficient, the board of chosen freeholders of any such county may issue a temporary loan bond or bonds

Proviso.

wherewith to pay such deficiency; *provided,* that the total sum thus to be raised shall not exceed the sum of fifty thousand dollars.

Term.

2. All temporary loan bonds issued under this act shall run for a term not exceeding two years, shall

Rate.

bear interest at not more than five per centum per annum, shall be sold at private or public sale, in the discretion of said board, but for not less than par, and shall be executed in the manner in which county bonds are usually executed.

3. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 333.

Supplement to an act entitled "An act to enable boards of chosen freeholders of two or more counties of this State, where such counties now are or hereafter may be charged by law with the maintenance and repair, or now are or hereafter may be in the possession and control of any road or roads lying wholly in one or partly in one and partly in other such county or counties, to rebuild, reconstruct, change the grade of, widen and improve such road or roads, and to acquire lands for such widening by gift, devise, purchase or condemnation, and to agree as to the proportion of the total expense thereof to be borne by each, and to issue bonds for the payment of the same, and to agree with any street railway company using or hereafter using such road or roads as to the share of the expenses thereof to be borne by it for and towards such improvement.

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

Failure to agree reported to road commissioner.

1. Whenever the boards of chosen freeholders, or any joint committee composed of the members of such boards which are or shall hereafter be engaged in rebuilding any road or making any other improvement contemplated by the act to which this is a supplement, shall fail to agree as to the character of pavement to be laid, or as to any other matter connected with or concerning such improvement, said disagreement shall, within ten days, be reported to the State Commissioner of Public Roads. A report from any party to said dispute shall be deemed sufficient notice.

Road commissioner's determination final.

2. It shall be the duty of said commissioner, on receiving any such report, to consider the matter in dispute and to render a decision concerning it, and his

decision shall be final and binding upon all parties to said dispute. Said boards of chosen freeholders shall, upon receiving said decision, immediately proceed with the improvement according to the terms of said decision.

3. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 334.

An Act to provide for the purchase and condemnation of land and the maintenance of public parks in cities of this State.

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

Land for parks.

1. In any city of this State the common council or other governing body thereof may, by ordinance, purchase and condemn land for park purposes, and maintain such park or parks, and if the land sought to be acquired by purchase or condemnation shall lie wholly or partially within the limits of any municipality other than the city desiring to purchase, condemn and maintain such park or parks, then such land shall only be acquired by the consent of the governing body of such other municipality, which said park or parks shall be for the use of the inhabitants of any such city as may acquire the same. The common council, or other governing body of such city, may pass suitable ordinances for the regulation and control of said park or parks.

If land in other municipality.

Suitable ordinances.

Bond issue.

2. The common council or other governing body, of any such city may issue bonds of any such city for the purchase and condemnation of land as aforesaid, and the maintenance of said park or parks, which bonds shall run for the period of not more than twenty-five years, nor less than fifteen years, and shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, which bonds shall

Time.

Rate.

contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive evidence as to the validity and legality of the proceedings leading up to the issuance of said bonds. The said common council, or other governing body, of any such city shall provide a suitable sinking fund for the payment of the said bonds at maturity, together with the interest which shall fall due, semi-annually, under the provisions of this act.

Sinking fund.

3. If it shall become necessary to condemn any land under the provisions of this act, such proceeding shall be had pursuant to the provisions of an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of one thousand nine hundred)," approved March twentieth, one thousand nine hundred, and the acts amendatory thereof and supplementary thereto.

Procedure in condemnation.

4. This act shall take effect immediately, but its provisions shall remain inoperative in any city until the same shall have been adopted by a vote of the majority of voters voting on the proposition of the adopton of this act at any annual election for members of the General Assembly, which said proposition shall be submitted only after the common council, or other governing body, of any such city shall, by resolution, direct that the same shall be so submitted. The method of submission shall be in accordance with the General Election Law of this State, and the vote on the same shall be canvassed and returned in all respects according to said General Election law. If a majority of the voters of any such city voting on the proposition of the adoption of this act shall vote in favor of the same, then this act shall take effect, but not otherwise.

Referendum.

Election, how conducted.

Approved May 1, 1911.

## CHAPTER 335.

An Act to consolidate with and annex to the town of Bloomfield, in the county of Essex, a part of the territory embraced within the bounds of the town of Belleville, in the county of Essex.

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

Boundaries of part of Belleville annexed to Bloomfield.

1. There shall be and hereby is annexed to and made part of the town of Bloomfield, in the county of Essex, all that part of the territory embraced within the bounds of the town of Belleville described as follows: Beginning at a point where the line dividing the town of Bloomfield and the town of Belleville intersects the center line of Bloomfield avenue; thence along the said line dividing the town of Bloomfield and the town of Belleville in a southwesterly direction to the center line of the stream dividing the town of Belleville and the city of Newark; thence along said stream dividing the town of Belleville and the city of Newark in an easterly direction to a point which is distant northwesterly one hundred and thirty feet at right angles from the center line of North Thirteenth street; thence parallel with the said center line of North Thirteenth street north, twenty-nine degrees fifty-five minutes east, to a point which is distant southwesterly one hundred and forty-nine and forty-three one hundredths feet at right angles with the center line of Bloomfield avenue; thence north, seventy degrees forty-nine and one-half minutes east, one hundred and forty-nine and forty-three one hundredths feet to a point on the said center line of Bloomfield avenue; thence along the said center line of Bloomfield avenue north, nineteen degrees ten and one-half minutes west, to the point or place of beginning.

Effective.

2. This act shall take effect July fourth, one thousand nine hundred and eleven.

Approved May 1, 1911.

## CHAPTER 336.

An Act to enable the board of chosen freeholders of any county in this State to erect, construct and maintain a viaduct connecting streets or roads within such county, and to extend roads to connect with such viaduct, and to acquire lands for the same, and to issue bonds for the payment of the cost of the erection, construction and acquisition thereof.

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

Freeholders to build viaduct.

1. Whenever the board of chosen freeholders in any county of this State shall deem it proper and necessary for public travel that a viaduct should be built connecting a street or road, whether municipal or county, with another street or road, whether municipal or county, within such county, and shall be of the opinion that such viaduct should be built at the expense of the county at large, and shall so declare by resolution, then it shall and may be lawful for such board of chosen freeholders to erect, construct and maintain the same at the expense of such county.

Suitable approaches and connections.

2. If, in the judgment of such board, it is wise and expedient to erect such viaduct at a point where it does not connect at one or more ends with a public highway, then it shall and may be lawful for such board to construct and maintain a road from either one or more ends of such viaduct, to connect with a street or streets, road or roads of such county or any municipality; and such viaduct proper and the road or roads so constructed shall be considered and classed as a viaduct within the meaning of this act; and whereever in this act the word "viaduct" is used it shall be construed, treated and considered as referring to such viaduct proper, as well as the road or roads which

"Viaduct" explained.

may be constructed at either one or more ends thereof, as aforesaid.

Surveys, plans, etc.

3. If such board should conclude to build such viaduct, it shall cause surveys to be made and fix the location thereof, and cause drawings, plans and specifications to be made therefor, and shall advertise in one or more newspapers in such county and in such other manner as the board may direct, for at least two weeks, the time and place of the reception of bids and the terms of the bidding, which said bids shall be enclosed in sealed envelopes and presented in open meeting at the time and place appointed, and the several bids publicly announced, and the contract shall be awarded to the lowest responsible bidder who shall furnish security satisfactory to such board.

Bids asked.

Contract.

Acquire lands by purchase or condemnation.

4. If it shall become necessary to acquire lands for the building of such viaduct, the board of chosen freeholders of such county is authorized to acquire such lands by gift, grant, purchase or in the manner set out and under the act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use," approved March twentieth, one thousand nine hundred (Revision of 1900), and the supplements thereto and amendments thereof, and the title to the lands shall be taken in the name of such board.

Total expense.

5. The total expense of viaducts contracted to be built under this act in any one year shall not exceed one-tenth of one per centum of the ratables of such county as ascertained for the then current fiscal year; nor shall there be issued for the erection of viaducts under this act in any period of five years bonds in the aggregate to exceed one-tenth of one per centum of the ratables as aforesaid.

May issue bonds.

6. If, in the opinion of the board of chosen freeholders of such county, to place the entire cost of such viaduct in the tax levy for any one fiscal year would be too burdensome to the taxpayers of such county, it shall and may be lawful for such board to issue the bonds of such county to defray the expense thereof, which said bonds shall be of the denomination of one thousand dollars each, and be registered or coupon, as such board may determine, and shall bear interest at



Rate.

a rate not exceeding four per centum per annum, payable semi-annually, and shall run for a period not exceeding thirty years and shall be signed by the director and clerk of such board and countersigned by the county collector, and shall be sold at public sale to the highest bidder for not less than par; and said county shall annually thereafter place in the tax levy a sum sufficient to pay the interest on such bonds as they mature and shall likewise create a sinking fund for the payment of said bonds at maturity, and place in the tax levy annually thereafter a sum sufficient with the accumulations thereof to pay off and discharge said bonds at maturity.

Time.

Sinking fund.

7. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 337.

An Act to repeal a portion of an act entitled "A supplement to an act entitled 'An act to reorganize the boards of chosen freeholders of the several counties of this State, reducing the membership thereof, fixing the salaries, and providing for the election and terms of office of the members, and also for the appointment and terms of office of officers appointed by such boards,'" approved March twenty-sixth, one thousand nine hundred and two, which supplement was approved April seventh, one thousand nine hundred and eleven.

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

1. Paragraph two of section one of an act entitled "A supplement to an act entitled 'An act to reorganize the boards of chosen freeholders of the several counties of this State, reducing the membership thereof, fixing the salaries, and providing for the

Paragraph repealed.

election and terms of office of the members, and also for the appointment and terms of office of officers appointed by such boards,' " approved March twenty-sixth, one thousand nine hundred and two, which supplement was approved April seventh, one thousand nine hundred and eleven, which paragraph reads as follows: "1. The boards of chosen freeholders in all counties of this State having between one hundred thousand and three hundred thousand inhabitants shall consist of seven members," be and the same hereby is repealed.

2. This act shall take effect immediately.

Approved May 1, 1911.

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## CHAPTER 338.

An Act respecting the sewering of streets and public highways in towns, townships, boroughs, villages and municipalities governed by boards of commissioners or improvement commissions and providing for the payment of the same, and further providing that the assessment upon property for special benefits shall be payable in full or in installments at the option of the property owner.

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

Discretionary power as to sewering.

1. That in addition to any power now vested in any improvement commission, board or body having control of the streets and highways of any town, township, borough, village or other municipality in this State, said improvement commission, board or body shall have further power, either upon the application of any owner or owners of property liable to assessment for any contemplated sewer improvement, or in its own discretion to sewer any street, avenue or public highway in such town, township, borough, village or municipality.

Specifications prepared.

2. That when, in the judgment of said improvement commission, board or body, it is desirable that any improvement contemplated by this act should be made, then said improvement commission, board or body may cause to be made specifications describing the location and character of such improvement, together with a preliminary estimate of the probable cost thereof, which when so prepared and presented to said improvement commission, board or body, shall be filed, and upon the filing thereof, it shall cause to be advertised in a newspaper published or circulating within the said municipality once a week for two weeks an advertisement soliciting proposals for the doing of the work and for the furnishing of the materials necessary to complete the improvement, and when such proposals shall be presented, the said improvement commission, board or body may, at the time of said presentation or at any time thereafter, not exceeding six months, at a public meeting of said improvement commission, board or body, receive the said proposals.

Proposals invited.

Preliminary map of proposed improvement; probable cost.

3. That when the said proposals shall be received as hereinbefore provided, such improvement commission, board or body shall cause to be prepared a preliminary sketch or map of such improvement and the probable cost thereof, which shall also show the probable amount to be assessed upon the property specially benefited thereby; and upon the filing thereof the clerk of said town, township, borough, village or municipality shall thereupon cause to be published a notice to parties interested in said proposed improvement of the time and place for hearing parties in objection thereto; said notice shall be inserted in a newspaper published or circulating within the municipality for a period of two weeks, prior to the time named in said notice for such hearing, and at such time and place said improvement commission, board or body shall proceed to hear and adjudicate upon any objections which may be presented, and no improvement shall be proceeded with under the provisions of this act if objection thereto in writing is presented to said improvement commission, board or body by persons representing properties liable to more than one-half of

Notice of hearing.

Hearing and determination.

Contract awarded.

the probable assessment for said improvement, on the basis of the preliminary sketch and estimate. In case objection shall not be so presented, or if in the opinion of said improvement commission, board or body, a sufficient reason shall not be presented for stopping said improvement, an award of such contract shall then be made.

Assessment for benefits.

4. That the costs, damages and expenses of such improvement shall be assessed upon all the property benefited thereby, not exceeding the special benefit in any case in like manner as the costs, damages and expenses of constructing sewers within such town, township, borough, village and municipality are or may be assessed.

May issue bonds.

5. The costs, damages and expense of constructing such improvements, including the cost of real estate required therefor, beyond the amount assessed for special and direct benefits, shall be paid by the municipality constructing any such improvement, and such municipality may issue its bonds to the amount not exceeding in the aggregate the total cost of said improvement and of lands acquired therefor, together with all expenses incident to the assessment for the costs, damages and expenses of constructing such improvement, and all other expenses, and all interest upon such costs, damages and expense; said bonds to be issued in the name of such municipality and pledging for the redemption thereof the faith and credit of such municipality bearing interest at such rate as the governing body of said municipality may

Rate.

determine upon, not exceeding the rate of five per centum per annum, which bonds shall be made payable at such time or times as the governing body of such

Time.

municipality issuing the same may determine, not exceeding twenty years from the date of issuing the same, that approximately an equal portion of the same shall become and be due and payable in each year after

Details of issue.

five years from the date of said bonds; said bonds shall be issued in such denominations as the governing body of such municipality may determine, and may be disposed of by such municipality from time to time as may be necessary at the highest rate for which they can dispose of the same; said bonds shall be issued

under the seal of such municipality and be signed by the president, chairman, mayor, or other head officer and treasurer of such municipality, and shall specify the purpose for which the same are issued, and shall be a lien upon the real estate within such municipality.

Acquisition of land by purchase or condemnation.

6. When any such improvement shall be located upon any lands other than public highways or streets, and such lands, or any easement, right or estate therein, shall be necessary for the construction of said improvement, then it shall be lawful for any such municipality, as aforesaid, to acquire the said land by purchase, or by condemnation, and in case condemnation proceedings are necessary, they shall be carried on and conducted under the provisions of such acts as may be in force regulating the assessment and payment of compensation for property condemned, or taken for public use.

Temporary loans.

7. This money for such improvement as aforesaid may be raised by temporary loans, or by the issue or sale of improvement certificates, which loans or certificates may be taken up and paid by the proceeds of the bonds of such municipality, the issue and sale whereof are authorized by this act.

Powers deemed additional.

8. The powers conferred by this act shall be deemed additional to and independent of any and all powers and authority conferred by, and not subject to any limitation contained in any and all other law or laws.

9. This act shall take effect immediately.

Approved May 1, 1911.

## CHAPTER 339.

An Act to amend an act entitled "An act for the appointment of commissioners for the better protection of the fishing interests of the State of New Jersey," approved March seventeenth, one thousand eight hundred and seventy.

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

Section 3 amended.

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

Fish and game wardens.

Protector.

Assistant protector.

Bond exacted.

Salaries.

3. The said Board of Fish and Game Commissioners may appoint twenty-six competent men, who shall be known as fish and game wardens, whose powers and duties are hereinafter defined, and the said board shall, from time to time, designate one of said wardens as the fish and game protector, who shall hold such office during the pleasure of the said board, and who shall, under the supervision of the board, have the direction, supervision and control of the other fish and game wardens; and said board shall designate one of the said wardens to be assistant fish and game protector; the fish and game protector shall give bond to the State of New Jersey, with sureties in the penal sum of one thousand dollars, and each of the said wardens shall give bond to said State, with sureties in the penal sum of five hundred dollars, conditioned for the faithful discharge of his duties, such bond to be approved by the commissioners, and upon default an action thereon shall be brought in the name of the State; the compensation of the fish and game protector shall be one hundred and fifty dollars per month, payable monthly, and he shall be allowed his expenses in the performance of his duties; the compensation of the assistant fish and game protector shall be twelve hundred dollars per annum, payable monthly,

and his expenses in the performance of his duties. The compensation of said wardens, other than the protector and assistant protector, shall be nine hundred dollars per annum, payable monthly, and an allowance to each for expenses not exceeding three hundred dollars per annum; each of the said wardens, when appointed, shall give his entire time to the duties prescribed for wardens, and they shall not be engaged in any other business or occupation; the payment of traveling and incidental expenses for said fish and game wardens shall be made upon the statement of said fish and game protector, duly sworn to by him that the charges for which payment is asked have been incurred in the discharge of official duties, and that the bill is true and correct; such bill so certified to by the said fish and game protector shall be approved by the said board before payment; the compensation and expenses incurred under this act may be paid by the said State Treasurer on warrants of the Comptroller on bills properly approved by said board out of the resident license fund and other receipts of said board, received through said board or otherwise.

Pay and expenses of wardens.

Statement of expenses and payment.

2. This act shall take effect immediately.

Approved May 2, 1911.

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## CHAPTER 340.

A Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies," which said act was approved April ninth, one thousand eight hundred and seventy-five.

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

1. The failure of any person insured against loss or damage by fire in any insurance company doing business by or under the authority of the Department of Banking and Insurance of this State to furnish proofs of loss shall not be or considered a waiver of

Failure to furnish proof of loss not to be waiver of right to collect.

any rights accruing under the policy of insurance, and shall not debar the person so holding insurance from a recovery under said policy or the collection of such sum as should properly be paid under said policy, unless after said loss sixty days' notice, in writing, that said company desires said proofs of loss be furnished the person so insured.

Act fully binding.

2. The provisions of the foregoing section shall not be varied, altered, contradicted or affected by any agreement or contract, but shall remain in full force and effect, any and all provisions in any contract of insurance or other agreement to the contrary notwithstanding.

Repealer.

3. All acts or parts of acts inconsistent with this act, so far as the same are or may be inconsistent, be and the same are hereby repealed.

4. This act shall take effect immediately.

Approved May 2, 1911.

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## CHAPTER 341.

718-C-341
S-17-129

An Act relating to the appointment of court attendants in certain counties and placing such attendants in the competitive class of the civil service.

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

Court attendants.

1. It shall be the duty of the sheriff of counties of the first class, of this State to appoint from the body of the electors of his county such and so many persons as may be necessary to attend upon the several courts of his county and to perform the duties now performed by the constables of the said county summoned to attend such courts; that such persons so appointed shall receive such yearly compensation as the board of freeholders of such county may direct.

Duties and pay.

Present incumbents to continue.

2. All persons holding said positions at the present time shall continue in office irrespective of the expiration of their terms as constables, and shall be placed

by the Civil Service Commissioners of this State in the competitive class without examination, in such of said counties as have adopted an act entitled "An act regulating the employment, tenure and discharge of certain officers and employes of this State and of the various counties and municipalities thereof, and providing for a Civil Service Commission and defining its powers and duties," approved April tenth, one thousand nine hundred and eight.

Repealer.

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

Approved May 2, 1911.

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## CHAPTER 342.

719-C-342
Cf.-17-826

An Act concerning the transportation and carriage of explosives.

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

Carrying explosives.

1. It shall be unlawful to transport, convey or carry liquid nitroglycerin, fulminate in bulk in dry condition, or other like explosives between points in this State, on any vessel or vehicle of any description operated by a common carrier in the transportation of passengers or articles of commerce by land or water.

Not with passengers.

2. It shall be unlawful to transport, convey or carry any dynamite, gunpowder or other explosive, between points in this State, on any vessel or vehicle of any description operated by a common carrier in the transportation of passengers; *provided,* that it shall be lawful to transport on any such vessel or vehicle such fuses, torpedoes, rockets or other signal devices, as may be essential to promote safety in operation; small-arms ammunition in any quantity, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at

Proviso.

one time in a single vessel or vehicle; such samples, however, shall not be carried in that part of a vessel or vehicle which is intended for the transportation of passengers; *provided further,* that nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger equipment vessels or vehicles.

Proviso.

Contents af packages marked.

3. It shall be unlawful for any person to deliver, or cause to be delivered, to any common carrier for shipment between points within this State, on any vessel or vehicle of any description, any package containing explosives which shall not have plainly marked on the outside thereof a true statement of its contents, and the true character of the contents of which shall not have been made known in writing to the agent of said common carrier at the point of shipment at or before the time such delivery is made.

Regulations for carrying explosives.

4. The Board of Public Utility Commissioners for this State shall formulate regulations for the safe transportation of explosives, which regulations shall bind all common carriers engaged in intrastate commerce between points in this State. Such regulations shall be in accord with the best known means for securing safety in transit, covering the packing, marking, loading, handling in delivery and while in transit, and the precautions necessary to determine whether the article or material when offered is in proper condition to transport, and shall conform, as near as may be, with the regulation of the Inter-State Commerce Commission. The said board, of its own motion, or upon application by any interested party, may rescind, change, alter or modify such regulations from time to time as new information or altered conditions may, in its judgment, require.

When effective.

Such regulations, and all alterations, changes or modifications thereof, shall take effect thirty days after the same shall be formulated by said board and served as orders of said board are required to be served, and shall continue in effect until reversed, set aside or modified.

Interstate commerce excepted.

5. Nothing in this act contained shall apply to the transportation, conveyance or carriage in inter-

state commerce of any of the articles or materials mentioned therein.

Penalty.

6. Whoever shall knowingly violate, or cause to be violated, any of the provisions of this act, or any regulation made by the Board of Public Utility Commissioners in pursuance thereof, shall be guilty of a misdemeanor.

Liability for explosion.

7. When the death or bodily injury of any person is caused by the explosion of any article or material named in any of the preceding sections hereof while the same is being placed upon any vessel or vehicle, to be transported in violation hereof, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, every person knowingly placing, or aiding in or permitting the placing of such articles or materials upon any such vehicle or vessel to be so transported shall be guilty of a high misdemeanor.

8. This act shall take effect immediately.

Approved May 2, 1911.

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## CHAPTER 343.

An Act to amend an act entitled "An act for the publication of the law and chancery reports," approved February twenty-eighth, one thousand eight hundred and seventy-seven.

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

Section 10 amended.

1. Section ten of the act referred to in the title of this act is hereby amended so as to read as follows:

Distribution of legal reports.

10. The Custodian of the State House shall, on the receipt of said reports, after retaining one copy for his office, cause the residue to be distributed under the direction of the State House Commission, as follows: To the Governor of this State, two copies; to each member of the Legislature, one copy; to the State Librarian, to be deposited in the State Library, twenty

copies; to the Department of State of the United States for the Congressional Library, four copies; to the library of each State and Territory in the United States, to be deposited in such library, one copy; to the Chancellor of this State and each Vice-Chancellor, one copy; to each judge of the United States Circuit Court and District Courts for the District of New Jersey, the Supreme Court, Court of Errors and Appeals, Circuit Court and Common Pleas Court, one copy; to the Secretary of State, Comptroller, Treasurer, Clerk of the Supreme Court, Clerk in Chancery, one copy; to the Attorney-General for the use of his office, three copies; to the Commissioner of Banking and Insurance, Superintendent of Public Instruction, the State Board of Assessors, the State Board of Taxation, the State Board of Health, the Adjutant-General and Quartermaster-General, for their respective offices, each one copy; to each prosecutor of the pleas, county clerk, surrogate in this State for their respective offices, one copy; to the State Prison and the New Jersey State Hospitals for the Insane, each one copy; to the Library of the New Jersey Historical Society for the use of said society, one copy; to the Burlington Library and the Newark Library Association, for the use of their respective libraries, each one copy; to each incorporated library association in this State which has a law library at the county seat of the county in which the same is located, one copy; to every library provided by the board of chosen freeholders of any county in this State, at the court house in such county, one copy; to the library of every county bar association of this State, one copy; the remainder to be reserved subject to the order of the State House Commission.

Repealer.

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

Approved May 2, 1911.

## CHAPTER 344.

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

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

1. Section ninety-six of the act referred to in the title of this act be and the same is hereby amended to read as follows:

Section 96 amended.

96. The judge of election, or such one of their number as the board of registry and election shall designate, shall within two days next after election personally deliver one of said statements of the result of such election to the clerk of the county, who shall forthwith file the same; and whenever an election shall be held for senator, members of assembly, or for any county, township, city, or other municipal officers, such judge or member so designated, shall at the same time and with the ballot-boxes as hereinafter provided, personally deliver the other of said statements to the clerk of the township, city or municipality wherein such election is held, who shall forthwith file the same; but whenever an election shall be held for member of the House of Representatives or for electors of President and Vice-President, or for Governor, separate statements of the result of such election for Representative, electors or Governor shall be made and certified by said board, and such judge or member so designated shall within two days next after such election personally deliver one of said statements to the clerk of the county, and shall inclose, seal up and transmit the other statement to the Secretary of State by mail, directing the same in the following manner: "To the Secretary of State of New Jersey, Trenton, New Jersey," and the Secretary of

Delivery of statement to county clerk.

Statement and boxes delivered to municipal clerk.

Separate statement filed with county clerk and secretary of state.

State on receiving such statement shall forthwith file the same in his office.

Approved May 2, 1911.

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## CHAPTER 345.

An Act to amend an act entitled "An act to empower municipalities to establish and maintain plants for the treatment, disposal or rendering of sewage," approved April fourteenth, one thousand nine hundred and nine.

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

Sections 8 and 9 amended.

1. Sections eight and nine of an act entitled "An act to empower municipalities to establish and maintain plants for the treatment, disposal or rendering of sewage," approved April fourteenth, one thousand nine hundred and nine, be and the same are hereby amended so as to read, respectively, as follows:

Bond issue to meet cost.

8. Any city proceeding under this act shall have power and authority to issue its negotiable bonds for the purpose of providing funds for the payment of the costs and expenses incurred or to be incurred hereunder for the purchase of lands, rights, or interests in lands, or other property or rights, and for the construction of said plant or works, including engineering, administrative and other expenses connected therewith. Such bonds shall be payable at a time, not exceeding fifty years from their date, and at such place, and shall be in such form as the said city may by ordinance prescribe, and shall bear interest at a rate not exceeding five (5) per centum per annum, payable semi-annually. In cities having no board or commission in charge of the sewers therein, said bonds shall be signed by the mayor of the city and shall be sealed with the corporate seal of the city, attested by the city clerk; and in cities having a board or commis-

Time.

Rate.

Details of issue.

sion in charge of the sewers therein, said bonds shall be executed in the name and on behalf of the city by the president of such board or commission, and shall be sealed with the seal of such board or commission, and attested by the secretary thereof. And in case of coupon or coupon registered bonds, each of the interest coupons attached to said bonds shall be executed by the original or by the engraved or lithographed facsimile signatures of the officers aforesaid. Said bonds may be so issued as to make the same or any part thereof fall due at stated periods, but not extending beyond fifty years from their date, and may contain a provision reserving an option to redeem or pay the same, or any part thereof, at any time prior to their absolute maturity. Such bonds may be either coupon or registered bonds, or partly coupon and partly registered bonds. Registered bonds, whether with or without interest coupons, shall be registered in the office of the city comptroller or other officer having charge of the financial accounts thereof, or by the secretary of the board or commission having charge of the sewers therein, as the case may be, in a book provided and kept in his office for that purpose. All such bonds may be sold at either public or private sale and disposed of at not less than their par value, and the proceeds thereof shall be used solely for the purposes provided for in this act.

Redemption.

In a city having no board or commission in charge of the sewers therein, the board, commission or body having charge of the finances thereof, and in a city having a board or commission in charge of the sewers therein, such board or commission which shall issue the bonds of such city under the provisions of this act shall in the ordinance authorizing and directing the issuance of such bonds provide for the levy of an annual tax upon all of the ratables of such city, in addition to all other taxes, sufficient in amount to pay the interest on said bonds promptly when and as the same falls due; and shall also provide for the levy of an annual tax, beginning the third year from the date of said bonds, for sinking fund purposes, sufficient in amount to pay the principal of said bonds at maturity, not exceeding in amount to be raised in

Who may issue bonds.

Sinking fund.

any one year five per centum, or less than three per centum of the face value of the bonds issued. Such sinking fund shall be kept in a separate account and shall be irrevocably pledged to and used solely for the payment or redemption of said bonds at maturity;

Proviso.

*provided, however,* that in case of the issuance of straight maturity bonds said sinking fund may be invested from time to time in securities in such saving banks of this State as are by law authorized to invest.

May borrow in anticipation of bond issue.

9. Any city having no board or commission in charge of the sewers therein, through its board, commission or body having charge of the finances thereof, and the board or commission in charge of the sewers of any city having such board or commission, may from time to time, in anticipation of the issuance of bonds as provided in this act, borrow such sum or sums of money, not exceeding in the aggregate the estimated cost of the whole work, as may be required to pay the cost and expenses incurred or to be incurred in and about the construction of said plant or works, and may evidence such loans by short-time certificates of indebtedness, promissory notes or other obligations, bearing interest at a rate not to exceed five (5) per centum per annum, and payable from the proceeds of the bonds hereinabove authorized as the same are sold and issued.

Certificates of indebtedness.

Rate.

2. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 346.

An Act extending the application of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employes of this State and of the various counties and municipalities thereof, and providing for a Civil Service Commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, to all school districts of this State.

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

Civil service applied to school districts.

1. The provisions of an act entitled "An act regulating the employment, tenure and discharge of certain officers and employes of this State and of the various counties and municipalities thereof, and providing for a Civil Service Commission, and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, are hereby extended and shall hereafter be construed to apply to all school districts of this State, as fully and completely as though the same had been included in the title and body of said act; *provided, however,* that the said act shall not become effective in any school district of the State until the same shall have been adopted by the vote of the qualified voters of such school district, in the manner provided by the thirty-first section of said act.

Proviso.

Repealer.

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

Approved May 2, 1911.

## CHAPTER 347.

An Act to amend an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three (Revision of 1903).

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

Section 53 amended.

1. Section fifty-three of an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three (Revision of 1903), be and the same is hereby amended to read as follows:

Taxes on land not redeemed.

53. Where a parcel of land has been purchased and is held by the taxing district under a tax sale not redeemed, all subsequent taxes shall be assessed in the name of the owner as if no sale had been made, and shall be and remain a paramount lien on the land and be added to the purchase money and shall be paid before the land can be redeemed from the sale, and no further sale for taxes of said parcel while held by the taxing district shall be made by the collector unless directed by resolution of the governing body of the taxing district, in which case the clerk shall certify to the collector the amount required to be paid to redeem the land from the previous sale or sales and the collector shall advertise and sell the land for the said amount added to the tax and costs of the current year; the taxing district may sell any land purchased by it for taxes and direct the transfer of the certificate of sale, subject to the right, if any, to redeem, to any person paying not less than the amount for which sold and interest and subsequent taxes; *provided,* that if the said land cannot be sold at private sale for the amount of taxes for which it was purchased and held by the taxing district, together with interest and subsequent taxes, then said taxing district may sell said land at

Proviso,

public sale in the manner prescribed by the law governing the sale of lands by sheriffs and other public officers to the highest bidder, and direct the transfer of the certificate of sale, or other evidence of title, subject to the right, if any, to redeem, to such highest bidder.

2. This act shall take effect immediately.

Approved May 2, 1911.

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## CHAPTER 348.

An Act to repeal an act entitled "A supplement to an act entitled 'An act relating to the State Reformatory,'" approved March twenty-eighth, one thousand eight hundred and eighty-five.

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

1. The act entitled "A supplement to an act entitled 'An act relating to the State Reformatory,'" approved March twenty-eighth, one thousand eight hundred and eighty-five, which supplement was approved March fifteenth, one thousand nine hundred and ten, is hereby repealed. Act repealed.

2. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 349.

A Supplement to an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, one thousand eight hundred and seventy-six.

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

Third class cities may increase water supply facilities.

1. It shall and may be lawful for the municipal board, council or other governing body of any city of the third class in this State having charge and control of the water-works for the supply of the inhabitants thereof, erected and operated under the provisions of the act to which this is a supplement, whenever in its judgment it shall be expedient so to do, to cause to be constructed an additional suitable cast-iron pipe line or main to connect its pumping station, located outside the limits of said city, with any reservoir or water-supply of said city, and to enlarge or raise any such reservoir and to cause to be constructed an additional suitable cast-iron pipe line or lines, main or mains, to connect such reservoir with any pipe line in the limits of such city, and to purchase and install an additional pumping equipment for its pumping station and to make such other improvements and additions to its water system as may be deemed expedient by the said municipal board, council or other governing body; *provided*, that such pipe line or lines, main or mains, shall be constructed, and the purchase of the additional pumping equipment be by contract, after public bidding therefor in the manner prescribed in the laws now governing such city.

Enlarge reservoir.

Pumping equipment.

Proviso.

Bond issue.

2. In order to supply the funds required for any or all of the purposes authorized in the first section of this act, the municipal board, council or other governing body of any city of the third class may issue the water bonds of such city, to the amount required, to pay for the cost of construction of said pipe line or

lines, main or mains, the enlargement or raising of the reservoir, the purchase and installation of an additional pumping equipment, and such other improvements and additions to its water system as may be deemed expedient, which said bonds shall be sold to the highest bidder therefor, after advertisement for bids for at least two weeks, once in each week, in a newspaper published and circulating in said city; *provided,* that bonds shall not be issued under this act to an amount exceeding seventy-five thousand dollars.

Proviso.
Amount.

3. The said municipal board, council or other governing body of any city of the third class may, during the construction of the pipe line or lines, main or mains, ad the other work contracted for by virtue of the first section of this act, issue notes or obligations to pay for the cost thereof, as necessity may require, which said notes or obligations shall be sold for not less than par, and shall bear interest at a rate not exceeding six per centum per annum; at the completion of such work and upon the issuance of the bonds heretofore authorized, all of said notes or obligations shall be paid.

Part payments.

4. All of the bonds to be issued under the provisions of this act shall be payable in not more than forty years, and at periods determined upon by the municipal board, council or other governing body of such city; they shall bear interest at a rate not exceeding five per centum per annum, said interest payable semi-annually, and be in such sums as such municipal board, council or other governing body shall determine; they shall be executed under the corporate seal of such city, and the signature of the mayor and such other officer as the municipal board, council or other governing body issuing the same may determine, and may be either registered or coupon bonds, as determined by said municipal board, council or other governing body.

Time.
Rate.
Details of issue.

5. Such portions of the moneys received from the water rents or prices paid for the use of water in such city, and interest on arrears of water rents, as may remain after paying all expenses and costs for purchasing water-works or for constructing and maintaining water-works and raising and distributing the

Use of income.

water, and salaries, wages and incidental expenses and charges, shall be applied by said body, first to the payment of interest upon the debt created for the purchase and construction of the works under the act to which this is a supplement; and next to the payment of interest upon the debt created for the purposes authorized in the first section of this act, and next to the payment of bonds issued under the act to which this is a supplement; and next, for the payment of the bonds issued by virtue of this act.

Referendum.

6. This act shall take effect immediately, but its provisions shall remain inoperative in any city designated in the first section thereof until assented to by a majority of the legal voters of such city, voting at an election to be held in said city at any time to be fixed by the municipal board, council, or other governing body of such city, of which election the city clerk of said city shall cause public notice of the time and place of the holding of the same to be given by advertisements signed by himself and set up in at least twenty public places in said city, and published in one or more newspapers printed therein for at least six days previous to the day of such election, and said clerk shall provide for such voters voting at such election, ballots to be printed or written, or partly printed and partly written, on which shall be either the words "For the adoption for this city of the provisions of an act entitled 'A supplement to an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water,"' approved April twenty-first, one thousand eight hundred and seventy-six, which supplement was approved (giving the date of the approval of this supplement)"; or "Against the adoption for this city of the provisions of an act entitled 'A supplement to an act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water,"' approved April twenty-first, one thousand eight hundred and seventy-six, which supplement was approved (giving the date of the approval of this supplement); that the polls for such election shall be held in the usual places of holding the election for Assemblymen in said city and shall be opened at one o'clock in the afternoon, and closed

Notice of election.

Ballots.

Election, how conducted.

at seven o'clock in the afternoon; and such election shall be conducted by the proper election officers of said city for the time then being and in the same manner as elections for Assemblymen are conducted in said city, and such officers shall return to the municipal board, council or other governing body of said city a true and correct statement in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body. Returns.

Approved May 2, 1911.

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## CHAPTER 350.

An Act to cure defective proofs of deeds, mortgages, mortgages of goods and chattels or assignments of mortgages, or chattel mortgage.

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

1. All proofs of deeds, mortgages, chattel mortgages, or assignment of mortgages, or chattel mortgages, and the certificates thereof, whether of natural persons or bodies corporate, heretofore made or taken by a subscribing witness to the execution of said deed, mortgage, chattel mortgage or assignment of mortgage or chattel mortgage, and to which the oath or affidavit had been taken by any officer of the State of New Jersey, authorized at the date thereof to take oaths or affidavits generally, are hereby confirmed and made valid and legal and effectual, to the same extent that the same would have been valid and legal and effectual if said instrument had been acknowledged by the grantor or grantors thereinbefore, or said proof by subscribing witness had been taken by an officer qualified under the law to take the acknowledgments and proofs of deeds, and mortgages. Validating proof of deeds, etc.

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

3. This act shall be construed as a remedial statute and shall take effect immediately. How construed.

Approved May 2, 1911.

## CHAPTER 351.

An Act to amend an act entitled "A supplement to an act entitled 'An act respecting the Orphans' Court and relating to the powers and duties of the ordinary, and the Orphans' Court and surrogates (Revision 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight," which supplement was approved March twenty-third, one thousand nine hundred and eight.

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

Section 2 amended.

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

Surrogate not required to report failure to file inventory, etc.

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

2. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 352.

An Act to amend an act entitled "An act relating to and providing for the government of cities of this State containing a population of less than twelve thousand inhabitants," approved March twenty-first, one thousand eight hundred and ninety-nine.

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

Sections 58, 59, 60 amended.

1. Sections fifty-eight, fifty-nine and sixty of an act entitled "An act relating to and providing for the government of cities of this State containing a population of less than twelve thousand inhabitants," approved March twenty-first, one thousand eight hundred and ninety-nine, be and they hereby are amended so as to read as follows:

Ratified report transmitted to collector.

58. Upon the ratification of any such assessment of benefits the report thereof shall be transmitted immediately to the officer charged by law with the collection of taxes, and it shall be the duty of any such officer thereupon to give notice in one or more of the newspapers published and circulating in such city, that such assessment has been duly returned to him for collection; all such assessments shall draw interest from the date of confirmation at the rate of seven per centum per annum, and with the cost of collection shall be and become from the date of confirmation a first and paramount lien upon the land and real estate so assessed, which lien shall remain until such assessment is paid; *provided, however,* that where assessments are made upon lands and real estate to become due and payable when a direct or tapping benefit is secured, as hereinafter mentioned, interest at the same rate shall be charged from the time only when such direct or tapping benefit shall have been secured.

Assessment draws interest.

Proviso.

Collector to notify each person assessed.

59. It shall be the duty of the collector of taxes to whom any such assessments shall have been returned,

in addition to the publication of the return thereof to him for collection, as herein provided, as far as practicable, to cause a notice to be given to each person assessed of the amount of the assessment so made against him or her, with the costs which have been incurred in the collection of the same, and the interest which has accrued thereon; but if, for any reason, such notice is not given to or received by the person or persons assessed, it shall in no way impair the right of the city to collect the assessment so made; in all cases in which the assessment so made and returned shall remain unpaid for the space of six months from the date of confirmation or the date upon which a direct or tapping benefit shall have been secured by lands and real estate as herein provided, it shall be lawful to collect the same by a sale of the property assessed, and from the date when any such assessment shall have been returned to him, to make sale thereof as herein directed; he shall, before making such sale, make advertisement thereof in one of the newspapers published in such city, for the space of four weeks, at least once each week, giving notice of the time and place of sale, together with a description of the lot or tract of land assessed, by the letter or number by which it is designated on the city maps, and specifying the amount of money so assessed, laid out and expended on the same; and he shall, at the time and place so designated, sell the said land and real estate at public sale for the shortest term of years at which any person will agree to take the same, not exceeding fifty years, and pay the assessment, with interest thereon, and all other expenses incurred subsequent to the time when such assessment shall have become due and payable; and thereupon the mayor and clerk of such city, at the request of the common council, shall make, execute and deliver under the corporate seal of said city, a declaration of sale to the purchaser thereof, and such purchaser, his executors, administrators or assigns, by virtue thereof and under the authority of this act, shall lawfully hold and enjoy the said lands and real estate for his and their own proper use until said term shall be fully completed; and they shall be at liberty to remove therefrom all

Property may be sold for unpaid assessments.

Notice of sale.

Terms of sale.

Declaration of sale.

buildings and improvements they shall erect or place thereon during the said term, and every such purchaser, his heirs and assigns, shall pay all taxes which shall be lawfully assessed against the said land and real estate during the said term; *provided, however,* that if the owner of any such land and real estate, or any person having an estate therein, or any mortgages thereon shall, within three months after written notice of such sale shall have been served upon him or them by the purchaser, personally or by registered letter pay to the purchaser, his executors, administrators or assigns, the amount of money so paid by him to such city and all taxes paid by such purchaser with interest at the rate of twelve per centum per annum, such owner or persons having an estate therein or mortgagee, as the case may be, shall be entitled to re-enter and re-possess the said lands and real estate and hold the same and have such rights therein as if the said sale had not been made; *provided, however,* if such owner or mortgagee shall not redeem said lands and real estate within three months from the date of such service of notice as aforesaid, the estate of the purchaser shall become absolute for the term for which the said lands or real estate were purchased.

Proviso.

Proviso.

Assessment on property benefited.

60. It shall be lawful for the common council to cause so much of the cost, damage and expense of any public improvement, authorized by and made under the authority of this act, as represents the special and peculiar benefit conferred upon the owners of land and real estate benefited thereby, to be assessed thereon in the manner herein provided, in proportion to the benefit each shall be deemed to acquire. And it shall be lawful in assessing the benefits conferred by the construction of any sewer or sewers, to assess such benefits not only upon the lands and real estate fronting or abutting upon the line thereof, but also upon all the lands and real estate situate in and throughout the entire sewerage area or district in such city from which the sewage directly or indirectly finds or will find an outlet into such sewer so constructed. The assessment upon all lands and real estate which, at the time of making such assessment, front or abut on or are situate in the vicinity

Assessment throughout district affected.

Certain assessments collectible at once.

of the line of such sewer or sewers or any other sewer already constructed and connect directly or indirectly therewith, whereby a direct tapping or drainage benefit is or may be secured, shall be collectible at once, and that where such benefit is propective only, depending upon the construction of any other and connecting sewer not yet built, such assessments shall be collectible and bear interest only from the time when the assessment to be made for benefits conferred upon such land and real estate by the construction of such other or connecting sewer along the line of which such lands and real estate front or abut or are in the vicinity thereof, shall be confirmed and collectible, or when a direct tapping benefit to such lands is secured. In ascertaining and estimating the proportion of the cost of such sewer or public improvement which may be assessed upon lands and real estate not fronting or abutting upon or in the vicinity thereof, or having no immediate tapping or drainage benefit, the benefit conferred upon the lands and real estate so fronting or abutting thereon or in the vicinity thereof and having an immediate tapping or drainage benefit, shall be ascertained, and after deducting the amount thereof from the entire cost, the balance, or so much thereof as may be applied, shall be assessed upon such other lands and real estate not having an immediate tapping or drainage benefit, but which shall be situate in such sewage area or district, to the extent that the same is benefitted by such sewer or public improvement and to be benefitted thereby when the sewer in front of or in the vicinity of such property shall be constructed and connected therewith and in which the said property may secure a direct or tapping benefit.

As to prospective benefits.

Ascertainment of proportion of cost.

2. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 353.

An Act to amend an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof (Revision of 1907)," approved May twentieth, nineteen hundred and seven.

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

Section 42 amended.

1. Section forty-two of the act of which this act is amendatory be, and the same hereby is amended so that it shall read as follows:

To whom penalty paid.

42. Any penalty recovered in any action brought under the provisions of this act shall be paid to the plaintiff therein. When such plaintiff is the State Board of Health, such penalty shall be paid by such board into the treasury of this State. When such plaintiff is a local board of health, such penalty shall be paid by such local board into the treasury of the township, city, borough, town or other local municipal government within which such local board has jurisdiction.

2. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 354.

A Supplement to an act entitled "Supplement to an act entitled 'An act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder'" (which said act was approved March twelfth, one thousand eight hundred and eighty), and which supplement was approved May twenty-eighth, one thousand nine hundred and seven.

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

Failure to record judgment by confession not to invalidate proceedings.

1. No judgment entered before the passage of this supplement in any court of this State, by confession, upon any bond where a mortgage shall have been given for the same debt, shall he held or taken to be invalid or ineffectual because of the failure to have filed and have recorded the written notice of such judgment as provided for by the provisions of the act entitled "Supplement to an act entitled 'An act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder, approved March twelfth, one thousand eight hundred and eighty,'" which said supplement was approved May twenty-eighth, one thousand nine hundred and seven, but all such judgments by confession entered before the passage of this supplement and all proceedings thereunder, shall be held to be, and be and remain, as valid and effectual in law as if the said notice had been filed and recorded in due time and form as by the said statute required; *provided, however,* that the time limited by law and the statute of this state for the commencement of suit or proceedings for the redemption of the lands and premises described in the

Proviso.

mortgage given for the same indebtedness as that evidenced by the bond whereon such judgment by confession is based has expired and no suit for the redemption of such lands has been commenced at the time of the passage of this supplement.

2. This act shall take effect immediately.

Approved May 2, 1911.

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## CHAPTER 355.

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

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

Borough advertising.

1. Whenever, in the judgment of the council of any borough created under the above act, it would be of benefit and advantage to such borough to advertise the advantages, attractions and matters of interest of said borough for the purpose of inducing persons and business enterprises to settle there, it shall be lawful for said council to appropriate, by resolution, sufficient money for advertising, by circulars, pamphlets or in newspapers, said advantages, however, not exceeding in any one year five mills on the dollar of the amount of taxes to be raised during that year.

Amount allowable.

2. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 356.

742-C-356
S-16-159

An Act concerning fees and costs and the taxation thereof in the courts of law in this State.

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

Fees for entering and docketing.

1. Upon the filing or entering of the first paper or proceeding by either party to any action or proceeding in any court of law in this State, and the entering or docketing of such action or proceeding, such parties shall pay the clerk of such court, in lieu of the fees heretofore provided for the filing and entering of such papers, actions or proceedings, the following fees: The plaintiff, two dollars, and the defendant, one dollar and fifty cents, respectively; which sums shall cover the cost of the filing of all papers or pleadings in the cause down to the entry of judgment or dismissal, discontinuance, removal, or other final disposition of the cause, except the postea fee, which shall be three dollars and fifty cents as heretofore, and except filing fees as herein otherwise provided.

Entry of judgment, etc.

2. Upon the entry of judgment nisi or interlocutory; entering or remittitur or mandate from a court of appeal or otherwise; judgment for applying creditor in attachment; or making rule to show cause for new trial absolute; the party entering the same shall pay to the clerk the sum of one dollar and ten cents; and upon the entry of judgment final, in all cases, including non-suit, non-pros, cognovit, and relicta, except as herein otherwise provided, five dollars; but where, except as herein otherwise provided, judgment shall be entered upon consent, without trial or argument, one dollar shall be so paid; which said sums, respectively, shall be in lieu of the fees heretofore provided by law for such services, and shall include the fee for taxation of costs and the issuing of one final process.

Dismissal, etc.

3. Upon the dismissal or discontinuance of any cause, action or proceeding, or the filing of a retraxit or disclaimer, the moving party shall pay to the clerk the sum of two dollars, which shall include the fee for taxation of costs and a copy of the taxed bill.

Unlitigated motions.

4. Upon all unlitigated motions, with or without notice, upon consent or otherwise, except as herein otherwise provided, the moving party shall pay to the clerk the sum of one dollar; and upon all other litigated or special motions subsidiary or interlocutory, upon consent or otherwise, the prevailing party shall pay to the clerk the sum of two dollars; which sums shall include the fee for the taxation of costs upon such motion and a copy of the taxed bill.

Litigated motions.

Taxation of costs.

5. Upon the taxation of costs in any other proceeding the party applying therefor shall pay to the clerk the sum of one dollar and twenty-five cents, which sum shall include the fee for the taxation of such costs and copy of the taxed bill.

Trial.

6. Upon the trial of any action, cause or proceeding, the same fees shall be paid as are now provided by law.

Judgment on bond, docketing, etc.

7. Upon entry of judgment on bond and warrant of attorney, and docketing judgments or decrees from other courts, and in all other proceedings not herein specifically provided for, the moving party shall pay to the clerk the fees provided by law in effect July third, one thousand nine hundred and ten.

Fees for benefit of state.

8. Such fees shall be received and collected by the clerk of the Supreme Court for the sole use of the State of New Jersey as public moneys belonging to the State, and shall be accounted for by said clerk and paid over as such in the manner now provided for by law.

Disposition of fees paid county clerk;

In section one.

9. Where such fees are collected by the clerks of the several counties they shall be disposed of in the manner following:

Of the fees specified in section one of this act, one-half of said fees shall be received and collected by said clerks for the sole use of the State of New Jersey as public moneys belonging to the State, and shall be accounted for by said clerks and paid over as such, in the manner now provided for by law; and the

balance disposed of in the same manner as now provided for by law with respect to other fees received and collected by the clerks of the several counties.

In section two. Of the fees specified in section two of this act, two-fifths of said fees shall be received and collected by said clerks for the sole use of the State of New Jersey as public moneys belonging to the State, and shall be accounted for by said clerks and paid over as such in the manner now provided for by law; and the balance disposed of in the same manner as now provided for by law with respect to other fees received and collected by the clerks of the several counties.

In section three. Of the fees specified in section three of this act, two-fifths of said fees shall be received and collected by said clerks for the sole use of the State of New Jersey as public moneys belonging to the State, and shall be accounted for by said clerks and paid over as such in the manner now provided for by law; and the balance disposed of in the same manner as now provided for by law with respect to other fees received and collected by the clerks of the several counties.

In section four. Of the fees specified in section four of this act, two-fifth of said fees shall be received and collected by said clerks for the sole use of the State of New Jersey as public moneys belonging to the State, and shall be accounted for by said clerks and paid over as such in the manner now provided for by law; and the balance disposed of in the same manner as now provided for by law with respect to other fees received and collected by the clerks of the several counties.

In sections five and six. Of the fees specified in sections five and six of this act, the whole amount shall be disposed of in the same manner as now provided for by law with respect to other fees received and collected by the clerks of the several counties.

Proviso. 10. *Provided, however,* that nothing in this act contained shall be construed to require the payment to the State of New Jersey of any fees collected for services in the courts of common pleas, but such fees shall be collected and paid to the counties, respectively.

11. This act shall take effect immediately.

Approved May 2, 1911.

# CHAPTER 357.

An Act authorizing the creation of a sinking fund in any village in this State.

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

Sinking fund established in villages.

1. In all villages of this State, it shall be lawful for the board of trustees, by ordinance, to create and establish a sinking fund for the gradual payment of any bonded indebtedness, excepting temporary bonds or obligations of the village, and to provide for the raising of a sufficient sum of money by taxation in each year to meet the annual installment that shall be required by such ordinance to be paid into such fund; and to provide for the honest and faithful disposition and management of the property of such fund.

Commissioners selected.

2. The board of village trustees shall and may have power after the passage of an ordinance creating and establishing such sinking fund to appoint and remove from time to time five honest and discreet freeholders of the village, who shall be known as "The Commissioners of the Sinking Fund," and who shall, under the direction of the board of trustees, have the control, management and disposition of the said fund and of the property securities belonging thereto; and that the same and all proceeds thereof shall be held and kept inviolably for the redemption and payment of the indebtedness of the village and shall be used for no other purpose whatsoever; that the president of the board of trustees shall also be ex officio one of the said commissioners; that all such property and securities shall be taken and held in the corporate name of the village and that it shall not be lawful to assign or transfer the same, except by deed of assignment or transfer under the common seal of the village and signed by at least three of the commissioners besides the president of the board of

Duties.

Use of proceeds.

Records, etc.

trustees and village clerk; that the books, papers, property and security of every kind which may be held by the said commissioners shall be at all times open to the examination of the auditor of accounts of the said village or any of the board of trustees; and the said commissioners shall as often as at least once in each year make a detailed report to the board of trustees of all the property and securities in their hands, after being verified and approved by the board of trustees, shall be published in one of the newspapers circulating in said village.

Annual report.

Special funds turned over to commissioners.

3. Upon the creation and establishment of a sinking fund under this act, all moneys in the hands of any other commissioner of any special sinking fund in said village, holding funds for the liquidation of any special indebtedness, shall pay over to the sinking fund commissioners established under this act all moneys, books, papers, property and securities of every kind which may be held by said commissioners for such special purpose, and thereupon the terms of office of the said commissioners of such special sinking fund shall terminate and be at an end, and the moneys so paid over to the sinking fund established under this act shall be held and disposed of by them along with the other fund that may come into their hands for the liquidation of any bonded indebtedness of said village when same becomes due, excepting temporary bonds or obligations.

4. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 358.

An Act to annex to the city of Newark, in the county of Essex, a portion of the village of South Orange, in the county of Essex.

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

Boundaries of portion of South Orange annexed to Newark.

1. All that portion of the village of South Orange, in the county of Essex, and bounded and described as follows: Beginning at a point in the present division line between the village of South Orange and the city of Newark where the same is intersected by the southwesterly line of lands of Tuxedo park, incorporated (formerly known as the Kilburn farm), and at the southeasterly corner of the territorial limits of the village of South Orange; thence (1) running along said southwesterly boundary line of Tuxedo park, incorporated, which is also the southerly boundary line of the village of South Orange, northwesterly for a distance of one hundred and fifty feet; thence (2) running in a northeasterly direction, for a distance of one hundred and fifty feet to a point on the northeasterly side of Varsity road, midway between Milton place and Washington place; thence (3) running still northeasterly, along a line parallel with and midway between Milton place and Washington place, for a distance of three hundred and forty-five feet, more or less, to the before mentioned division line between the village of South Orange and the city of Newark; thence (4) along said present division line, southwesterly for a distance of four hundred and ninety-five feet, more or less, to the place of beginning, is hereby set off from said village of South Orange, in said county of Essex, and annexed to and made a part of the city of Newark, in the county of Essex.

2. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 359.

An Act to authorize and empower boroughs to sell and convey certain real estate.

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

Boroughs may sell property not needed.

1. The council of any borough in this State owning real estate now or heretofore used for police and jail, lock-up, fire house or borough hall, which has acquired more suitable real property for the same purpose and no longer needing the real estate heretofore used as aforesaid, is hereby authorized and empowered to sell and convey such real estate no longer needed. The same shall be sold at public sale to the highest cash bidder after due adoption by the council of an ordinance directing the time and place of sale, and directing the advertisement of such sale for at least one month by posting notices in ten or more public places in said borough and by publishing such notice in a weekly newspaper published or circulating in said borough, for five insertions immediately prior to said sale. After the said sale, it shall be confirmed by the council by resolution and the mayor and clerk directed and empowered to execute a conveyance thereof in the name of the borough to the purchaser.

Conditions of sale.

Conveyance.

2. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 360.

An Act to amend an act entitled "An act to enable cities which have no city hospital to assist in maintaining hospitals located in such city," approved March twenty-second, one thousand eight hundred and eighty-six.

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

Section 1 amended.

1. Section one of the act referred to in the title of this act is hereby amended to read as follows:

Appropriation toward hospital for indigent cases sent by city.

1. It shall and may be lawful for any city in this State which has no hospital located therein maintained by such city, to make an appropriation of a sum of money not exceeding ten thousand dollars each year in the same manner that appropriations for other municipal purposes are made, which sum so appropriated shall be included in the annual tax levy of such city and collected in the same manner and at the same time as other city taxes, and shall be applied to the purpose of supporting and maintaining such indigent patients as may be sent by order of any city physician, overseer of the poor, or other proper authority of such city to any hospital or hospitals supported by private charity and located in such city; the moneys so raised shall be kept as a separate fund, known as the hospital fund, and shall not be used for any other purpose whatever; and such city shall have power, by ordinance, to regulate the mode of sending such patients to such hospital or hospitals, and also the mode and terms of paying for the care and maintenance of such patients so sent to such hospital or hospitals.

Regulations.

Repealer.

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

Approved May 2, 1911.

## CHAPTER 361.

An Act validating certain sales of lands, tenements, hereditaments or real estate made under any decree or order of, and confirmed by any court of this State.

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

Validating sale though not advertised.

1. No sale of any lands, tenements, hereditaments or real estate heretofore made by virtue of any decree or order of, and confirmed by any court of this State, shall be invalidated by reason of any omission to advertise such sale, or any adjournment thereof, in the manner and for the length of time then required by law, or by reason of any other irregularity or default in such advertisement. But the purchaser or purchasers of such lands, tenements, hereditaments or real estate having paid the price thereof, and having received his or her deed therefor, and his or her heirs and assigns, shall be deemed to have as good and complete title thereto as if such sale or adjournment had been in all particulars duly advertised.

Purchaser's title good.

2. This act shall take effect immediately.

Approved May 2, 1911.

751-Ch.-362
A-13-143

# CHAPTER 362.

An Act to establish a commission to inquire into the condition, welfare, distribution and industrial opportunities of aliens in the State of New Jersey.

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

Commission on immigration.

1. The Governor is hereby authorized to appoint a commission of immigration, which shall consist of three members, who shall serve without compensation, and which shall make full inquiry, examination and investigation into the conditions, welfare, distribution, and industrial opportunities of aliens in the State of New Jersey.

Subjects investigated.

Witnesses and documents.

For this purpose said commission is hereby authorized to send for persons and papers, administer oaths, and to examine witnesses and papers respecting all matters pertaining to this subject and to employ all necessary clerical and other assistance, without expense to the State.

Report.

Said commission shall make a final report to the Governor, including such recommendations for legislation as in its judgment may seem proper.

2. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 363.

An Act regulating the employment of persons as messengers for the distribution, transmission or delivery of goods, messages or the performance of other service.

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

Night messenger service.

1. No person under the age of twenty-one years in cities of the first class, and no person under the age of eighteen years in other municipalities, shall be employed or permitted to work as a messenger for or by any telegraph, telephone or messenger corporation, firm or person owning, engaged in or operating the business of distributing, transmitting or delivering goods or messages or in the performance of other service, before five o'clock in the morning or after ten o'clock in the evening of any day; *provided,* that the Commissioner of Labor shall have the power to grant permits under extraordinary circumstances for the delivery of telegrams or telephone messages between the hours of ten P. M. and five A. M.

Proviso.

Penalty.

2. Any such corporation, firm or person engaged in or operating the business of distributing, transmitting or delivering goods or messages as aforesaid, who shall violate any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each offense, to be sued for in an action of debt, for the use of the State as hereinafter provided. Any repetition or repetitions thereof shall each constitute a separate offense.

Labor bureau to inspect and enforce law.

3. It shall be the duty of the Commissioner of Labor and his authorized deputies to enforce the provisions of this act, and to examine and inspect, at reasonable intervals, the business and practice of all telegraph, telephone or messenger corporations, firms and persons owning, engaged in or operating the busi-

ness of distributing, transmitting or delivering goods or messages or in the performance of other service, for the purpose of enforcing the provisions of this act.

Bringing legal proceedings.

4. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the Commissioner of Labor, but for the use of the State, to be instituted in any District Court of a city, recorders' courts of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served on the owner or owners, person or persons, engaged in or operating the business as aforesaid wherein the alleged violation of the law has taken place, if such owner or owners, person or persons reside in the county where the offense was committed; or if the owner or owners, person or persons as aforesaid, do not reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business; service upon a corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, or cannot be found therein, then said service may be made upon the superintendent, foreman or person in charge of the business, at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under

Summons.

If owner non-resident.

Service on corporations.

Executions.

Fines turned into state treasury.

the provisions of this act shall be paid into the treasury of the State of New Jersey.

Repealer. 5. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved May 2, 1911.

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## CHAPTER 364.

An Act to provide for the revision and consolidation of the public statutes of this State in relation to primaries and elections.

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

Revision of election laws. 1. The Governor of the State is hereby authorized to appoint a commissioner, who shall be a counsellor-at-law of this State, to revise, simplify, arrange and consolidate all the public acts of the Legislature of this State in relation to primaries and elections which are in force at the time such commissioner shall make his report.

Duties. 2. Said commissioner shall collect and reduce into one act all the different acts and parts of acts in relation to primaries and elections, and arrange them under appropriate titles, sections or sub-divisions, with head notes briefly indicating the matter contained therein, and with side notes indicating the contents of the text.

Draft submitted to legislature. 3. The said commissioner shall submit to the next Legislature of this State a report containing a draft of the revision herein authorized, together with an explanation of such contradictions, omissions and imperfections as may appear in the acts consolidated or revised, and the mode in which he has reconciled, supplied or amended the same; and such recommendations as he may deem wise as to the repeal of any acts or parts of acts, or the enactment of new acts.

Compensation. 4. The said commissioner shall receive the such sum as shall be fixed by the Governor not exceeding

the sum of one thousand five hundred dollars as compensation, to be paid by the Treasurer, upon the warrant of the Comptroller, with the approval of the Governor. Said commissioner may also incur such reasonable expenses for stenography, typewriting and printing as he may find necessary in the preparation of his report, subject to the approval of the Governor, and said expenses shall be paid by the Treasurer of the State upon the warrant of the Comptroller.

Clerical assistance.

5. This act shall take effect immediately.

Approved May 2, 1911.

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## CHAPTER 365.

An Act relating to and providing for the government of cities in this State containing a population of less than twelve thousand inhabitants.

WHEREAS, As doubt has arisen as to the proper form of government of cities of this State having a population of less than twelve thousand inhabitants, and that were created after the passage of an act of the Legislature of the State of New Jersey entitled "An act relating to and providing for the government of cities in this State containing a population of less than twelve thousand inhabitants," approved March twenty-first, one thousand eight hundred and ninety-nine, and that have not adopted the provisions of said act in the manner prescribed therein; therefore,

Preamble.

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

1. All cities of this State containing a population of less than twelve thousand inhabitants, and that have not adopted the provisions of an act entitled "An act relating to and providing for the government of cities of this State containing a population of less than twelve thousand inhabitants," approved March twenty-first, one thousand eight hundred and ninety-

Act applicable to certain cities under 12,000.

nine, in the manner prescribed therein, may be governed by the provisions of an act entitled "An act relating to and providing for the government of cities in this State containing a population of less than twelve thousand inhabitants," approved March twenty-fourth, one thousand eight hundred and ninety-seven, which said act is hereby declared to be a general law and applicable to cities of the class herein provided for.

Elections, proceedings, etc., validated.

2. All elections, ordinances, appointments and other proceedings heretofore lawfully conducted, passed, approved or made in accordance with the provisions of the act of the Legislature of the State of New Jersey last above recited by cities having a population of less than twelve thousand inhabitants created after the passage of the act entitled "An act relating to and providing for the government of cities in this State containing a population of less than twelve thousand inhabitants," approved March twenty-first, one thousand eight hundred and ninety-nine, are hereby ratified, validated, approved and confirmed.

3. This act shall take effect immediately.

Approved May 2, 1911.

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## CHAPTER 366.

756-C-366
S-16-155

An Act concerning fees and costs and the taxation thereof in the courts of law in this State.

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

Party entitled to costs.

1. The prevailing party in any action, motion or proceeding in the courts of law in this State shall be entitled to costs, except where otherwise provided by law, and unless the court or judge before whom such action, motion or proceeding shall be taken shall order otherwise.

Taxing costs.

2. Costs shall be taxed by the clerk of the respective courts upon application of the party entitled

thereto, or may be taxed by the court or a judge thereof, and shall be taxed upon application of any party in cases where such taxation is necessary or proper in order that such party may proceed in the action, motion or proceeding. The amount of costs as taxed shall be inserted in the judgment, but need not be stated in any subsidiary or interlocutory order; but if the costs shall not be taxed within two terms next after the entry of any such judgment or order, no costs shall thereafter be allowed or taxed; *provided, however,* that if any such judgment or order shall become the subject of review or further litigation, then and in such case costs may be taxed at any time within two terms next after such judgment or order shall be finally disposed of. In cases where costs are in the discretion of the court, the report, or decision, or finding must specify which party or parties are entitled to costs, but the amount thereof shall be ascertained by taxation.

Proviso.

Discretionary costs.

3. Costs may be taxed upon notice to the attorney for each adverse party who has appeared and is interested in reducing the amount thereof. The notice must be accompanied by a copy of the bill of costs, specifying the items in one column, with the disbursements stated in detail in another column, and the notice must set forth that the accompanying bill of costs and disbursements will be presented to the clerk for taxation on a certain day and time, which must not be less than five days after the service of such notice, unless otherwise directed by the court or a judge thereof, and unless the attorneys serving and served with the notice all reside or have their offices in the city or town where the costs are to be taxed, in which case a notice of two days shall be sufficient. Proof of service of such notice shall be filed with the clerk one day prior to the day named for such taxation, unless otherwise directed by the court or a judge thereof.

Costs taxed on notice.

4. Costs may be taxed without notice, but in such case a copy of the bill of costs must immediately afterwards be served upon the attorney for each adverse party who has appeared and is interested in reducing the amount thereof. Any party objecting

Costs taxed without notice.

to such taxation of costs shall give notice to the party at whose instance they were taxed to the effect that said bill of costs has been taxed without notice and will be presented to the clerk or the court, as the case may be, for re-taxation on a day and time therein named, which must be not less than five days after the service of such notice, unless otherwise directed by the court or a judge thereof, and unless the attorneys serving and served with the notice all reside or have their offices in the city or town where the re-taxation is to take place, in which case a notice of two days shall be sufficient. Proof of service of such notice shall be filed with the clerk one day prior to the day named for such re-taxation, unless otherwise directed by the court or a judge thereof. The court may, in its discretion, upon the application of the party interested, direct a re-taxation of costs at any time. Any sum deducted upon a re-taxation must be credited upon the execution or other process issued to enforce the judgment.

Re-taxation of costs.

5. The taxation or re-taxation of costs may be reviewed by the court upon a motion for new taxation. The order made upon such motion may allow or disallow any item objected to before the taxing officer, in which case it shall have the effect of a new taxation, or it may direct a new taxation before the proper officer, specifying the grounds or the proof upon which the item may be allowed or disallowed by him. Any sum deducted upon such new taxation must be credited upon the execution or other process issued to enforce the judgment, and any sum allowed in addition thereto must be added thereon.

Examination of bills by taxing officer.

6. The officer authorized to tax costs in any action or proceeding must, whether the taxation be opposed or not, examine the bills presented to him for taxation, satisfy himself that all the items allowed by him are correct and legal, and strike out all charges for fees other than the prospective charges expressly allowed by law, where it does not appear that the services for which they are charged were necessarily performed.

Affidavit attached.

7. An affidavit must be attached to the bill of costs to the effect that the items of disbursements there-

in set forth have been necessarily incurred and are reasonable in amount, and in the case of disbursements claimed to have been made for the attendance of witnesses the affidavit must set forth the number of days of actual attendance, and, if mileage be charged, the distance traveled.

8. Costs awarded to a party shall be as follows:

Costs awarded to plaintiff.

I. To the plaintiff:

For all proceedings before notice of trial, twelve dollars;

For each additional defendant served with the summons or other original process, not exceeding ten, two dollars, and for each necessary defendant in excess of that number, one dollar;

For each applying creditor in attachment, eight dollars;

For procuring the appointment of a guardian ad litem or next friend for one or more infant parties, five dollars;

For procuring an order directing the service of summons or other original process by publication, or personally without the State, on one or more defendants, five dollars;

For procuring an order of arrest, or discharge upon habeas corpus, five dollars;

For all proceedings before notice of argument where there is no issue of fact to be tried; in actions of certiorari, except to remove the judgment or proceedings of an inferior court; mandamus, quo warranto and other prerogative writs, except habeas corpus, and in all summary actions and proceedings, twelve dollars;

Costs awarded to defendant.

II. To the defendant:

For all proceedings before notice of trial, or before notice of argument, where there is no issue of fact to be tried, eight dollars;

Costs taxed to either party.

III. To either party:

For all proceedings after notice of trial and before trial, five dollars;

Upon the entry of judgment interlocutory by default and issuing writ of inquiry, two dollars and fifty cents;

Upon making rule to show cause for new trial absolute, where costs in such cases are by law taxable, eight dollars;

For drawing interrogatories to be annexed to a commission or to letters rogatory, issued pursuant to law, five dollars;

For the argument of an issue of law, or the entry of judgment upon such issue, or other disposition of it, without argument, eight dollars;

For the trial of an issue of fact, or upon judgment of nonsuit, cognovit or relicta, or the assessment of damages, upon default, pursuant to law, fifteen dollars;

Upon entry of judgment upon consent, in all cases except as herein otherwise provided, five dollars;

Upon entering a remittitur from a court of appeal, four dollars;

Upon any other litigated or special motion, subsidiary or interlocutory, a sum to be fixed by the court or judge, not exceeding ten dollars, besides necessary disbursements as hereinafter provided, but where no sum be so fixed, five dollars shall be allowed;

For each term, after the first, at which the case is necessarily on the list or calendar for trial, not exceeding four, excluding the term at which it shall be tried, or otherwise finally disposed of, five dollars;

Upon an appeal to the Supreme Court from an inferior court, or certiorari or error from the Supreme Court to a court inferior thereto, before notice of argument, six dollars. Double costs, however, shall be allowed and taxed in error as otherwise provided by law.

In cases of adjournment or postponement.

9. Where application is made to the court or judge or referee or other officer to whom a cause may have been referred for trial, to adjourn or postpone a trial, the payment to the adverse party of a sum not exceeding five dollars if the parties reside in the same county, or a sum not exceeding ten dollars if the parties reside in different counties, besides necessary disbursements, as hereinafter provided, already made or incurred, which are rendered ineffectual by the adjournment or postponement, may be required as a condition of granting the adjournment or postpone-

ment, and where no sum be so fixed the maximum sum, respectively, including said disbursements, shall be allowed.

Disbursements included in bill of costs.

10. A party to whom costs are awarded or allowed by law in an action, motion or other proceeding, is entitled to include in his bill of costs his necessary disbursements, as follows:

The legal fees of witnesses, referees, commissioners and other officers;

The fees for taking depositions, as provided by law;

The legal fees for publication where publication is directed pursuant to law;

The legal fees paid for a certified copy of a deposition or other paper or document, or map, recorded or filed in any public office, necessarily used or obtained for use on the trial of an issue of fact or the argument of an issue of law, or upon appeal, error or otherwise;

The reasonable expenses of printing the papers and points for a hearing or argument;

Prospective charges for the expenses of entering and docketing the judgment or final order;

Sheriff's fees for service of process or other mandate or proceeding;

All filing and docketing fees and charges paid to the clerks of the respective courts;

Such other reasonable and necessary expenses as are taxable according to the course and practice of the court or by express provision of law.

Allowance on dismissal, retraxit, etc.

11. Upon the dismissal or discontinuance of any action or proceeding without trial or argument, or the filing of a retraxit or disclaimer, or upon judgment of non-pros, eight dollars shall be allowed the moving party.

Subsequent proceedings.

12. In proceedings after judgment in aid of execution, if the result of the examination shall, in the opinion of the court or judge thereof, as evidenced by his certificate to that effect, show that such proceedings were well founded, the moving party shall be allowed the sum of ten dollars and his necessary disbursements as hereinbefore provided; if the examination shows that such proceedings were not well founded, the party against whom such proceedings

are taken shall be allowed the sum of five dollars and said disbursements.

Fees allowed in other cases.

13. In all proceedings not herein specifically provided for the fees provided by law in effect July third, one thousand nine hundred and ten, shall be allowed.

14. This act shall take effect immediately.

Approved May 2, 1911.

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## CHAPTER 367.

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

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

Time for filling vacancy on primary ticket.

1. No vacancy on any primary ticket caused by the death of any candidate endorsed in any petition, or by a declination in writing by any candidate so endorsed, shall be filled unless the said vacancy occurs at least fifteen days before the primary election.

Time for filing petitions and certifying nominations.

2. All petitions endorsing any person or persons as candidates for nomination of any political party to any public office of any county, including members of the General Assembly and State Senate, shall be filed with the county clerk of such county at least twenty-five days prior to the time fixed by law for the holding of such primary election, and the said county clerk shall certify all of said nominations to the clerk of each municipality in his county at least twenty days prior to the time fixed by law for the holding of said primary election.

3. This act shall take effect immediately.

Approved May 2, 1911.

## CHAPTER 368.

A Supplement to an act entitled "An act prescribing the liability of an employer to make compensation for injuries received by an employe in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder," approved April fourth, one thousand nine hundred and eleven.

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

Contracts in operation to continue.

1. Every contract of hiring, verbal, written or implied from circumstances, now in operation or made or implied prior to the time limited for the act to which this act is a supplement to take effect, shall, after this act takes effect, be presumed to continue subject to the provisions of section two of the act to which this act is a supplement, unless either party shall, prior to accident, in writing, notify the other party to such contract that the provisions of section two of the act to which this act is a supplement are not intended to apply.

Effective.

2. This act shall take effect on the fourth day of July next succeeding its passage and approval.

Approved May 2, 1911.

## CHAPTER 369.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Section 128 amended.

1. Amend section one hundred and twenty-eight of the act to which this is an amendment so that it shall read as follows:

Standard building plans prepared.

128. The Commissioner of Charities and Corrections shall, upon the request of the State Superintendent of Public Instruction, cause to be prepared standard plans and specifications for school buildings to contain one, two, four, six, eight, twelve, sixteen, twenty and twenty-four rooms. The State Superintendent of Public Instruction shall, upon receipt of such plans and specifications, cause blue-prints to be made of the plans, and shall have printed copies of the specifications and shall loan copies to any district upon its application. The Commissioner of Charities and Corrections shall also, upon the request of the State Superintendent of Public Instruction, cause to be made a thorough examination of any school building and to report to the State Superintendent his findings in regard thereto. The State Superintendent of Public Instruction may direct the entire or partial abandonment of any building used for school purposes and may direct the making of such changes therein as to him may seem proper.

Examination of school buildings.

Section 129 amended.

2. Amend section one hundred and twenty-nine so that it shall read as follows:

Approval of plans by State board.

129. No contract for the erection of any public school building or any part thereof shall be made until and after plans and specifications therefor have

been submitted to and approved by the State Board of Education. A copy of the plans and specifications as approved shall be filed forthwith with the State Board of Education. A copy of the contracts for the erection of the whole or any part of the school building and for the furnishing thereof shall be filed with the State Board of Education within ten days after the same have been signed. No change in the plans or specifications shall be legal unless the same have been submitted to and approved by the State Board of Education. A copy of all changes as approved shall be be filed forthwith with the said board.

Contracts filed.

3. Section one hundred and thirty-one (131) of the act to which this is an amendment is hereby repealed.

Section 131 repealed.

4. This act shall take effect immediately.

Approved April 27, 1911.

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## CHAPTER 370.

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

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

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

Section 6 amended.

6. The salaries of the judges of said courts shall be fixed as follows: In cities having two hundred thousand inhabitants or over, an annual salary of four thousand dollars; in cities having between one hundred thousand and two hundred thousand inhabitants, an annual salary of thirty-five hundred dollars; in cities having between sixty thousand and one hundred thousand inhabitants, an annual salary of three thousand dollars; in cities having between twenty-five thousand and sixty thousand inhabitants, an annual salary of twenty-five hundred dollars; and in cities

Salaries of judges.

New Jersey State Library

having between twenty-three thousand and twenty-five thousand inhabitants, an annual salary of two thousand dollars; and in cities having between seventeen thousand and twenty-three thousand inhabitants, an annual salary of fifteen hundred dollars; in judicial districts the population of which, as ascertained by any State or federal census, is more than one hundred thousand, an annual salary of two thousand dollars; in judicial districts the population of which, as ascertained by any State or federal census, is less than one hundred thousand, an annual salary of twelve hundred dollars.

Salaries in judicial districts.

Section 8 amended.

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

Salaries of clerks.

8. The salaries of clerks of said courts shall be fixed as follows: In cities having two hundred thousand in habitants or over, an annual salary of two thousand dollars; in cities having between one hundred thousand and two hundred thousand inhabitants, an annual salary of seventeen hundred and fifty dollars; in cities having between sixty thousand and one hundred thousand inhabitants, an annual salary of fifteen hundred dollars; in cities having between twenty-five thousand inhabitants and sixty thousand inhabitants, an annual salary of twelve hundred and fifty dollars; in cities having between twenty-three thousand and twenty-five thousand inhabitants, an annual salary of nine hundred dollars; in cities having between seventeen thousand and twenty-three thousand inhabitants, an annual salary of seven hundred and fifty dollars; in judicial districts, the population of which, as ascertained by any State or federal census, is more than one hundred thousand, an annual salary of twelve hundred dollars; in judicial districts, the population of which, as ascertained by any State or federal census, is between forty thousand and one hundred thousand, an annual salary of eight hundred dollars; in judicial districts, the population of which, as ascertained by any State or federal census, is less than forty thousand, an annual salary of six hundred dollars; which salaries of such clerks shall be in lieu of all fees whatsoever.

Salaries in judicial districts.

3. This act shall take effect immediately.

Approved April 27, 1911.

## CHAPTER 371.

An Act to provide for the payment by railroad companies of wages in lawful money of the United States twice each calendar month.

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

Semi-monthly payments.

1. Every railroad company authorized to do business by the laws of the State of New Jersey shall, on or before the first day of each month, pay the employes thereof the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and on or before the fifteenth day of each month pay the employes thereof the wages earned by them during the last half of the preceding calendar month; *provided, however,* that if at any time of payment any employe shall be absent from his or her regular place of labor, and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and at the place when the next pay is due; any such railroad company which shall violate any of the provisions of this act shall forfeit and pay the sum of twenty-five dollars for each violation of this act which shall be proved, to be recovered in any court of competent jurisdiction by any person who shall sue for the same, one-half of said penalty to go to said person so suing therefor, and the other half to go to the State; *provided, further,* complaint of such violation be made within sixty days from the date such wages become payable, according to the tenor of this act.

Proviso.

Penalty.

Proviso.

Law not to be abrogated by agreement.

2. It shall not be lawful for any railroad company to enter into or make any agreement with any employe for the payment of wages of any such employe otherwise than as provided in section one of this act, ex-

cept it be to pay such wages at shorter intervals than herein provided. Every agreement made in violation of this act shall be deemed to be null and void, and it shall not be a defense to the suit for the penalty provided for in section one of this act; and each and every employe with whom any agreement in violation of this act shall be made by such railroad company shall have his or her action and right of action against such railroad company for the full amount of his or her wages in any court of competent jurisdiction of this State.

Penalty.

Approved June 7, 1911.

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## CHAPTER 372.

768-C-372
S-15-684

An Act providing for the employment of inmates of penal, correctional or reformatory institutions of this State and creating a board for the control, regulation and supervision of the labor of such institutions, and for the disposal of the products of the labor of such inmates.

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

Contract prison labor prohibited.

768-1
Cf.-12-202
A-12-847

1. From and after the passage of this act no contract whatsoever shall be made by which the labor or time of any inmate of any penal, correctional or reformatory institution of this State or of any political subdivision thereof, or the product or profit of his work, shall be let, contracted for, leased, farmed out, given or sold to any person, firm or corporation, except that the inmates in such institutions may work for, and the product of their labor may be disposed of to the State or any political subdivision thereof, or to any public institution owned, managed and under the control of the State or any political subdivision thereof, for the purposes and according to the provisions of this act; *provided, however,* that

Proviso.

nothing herein contained shall affect any existing contract for prison labor; *and provided further,* that no existing contract for such labor shall be renewed or extended.

Proviso.

Daily employment of prisoners.

2. The board of managers, superintendents or wardens of all penal, correctional or reformatory institutions in this State shall cause all inmates in such institutions, who are physically capable thereof, to be employed for not exceeding eight hours of each day, other than Sundays and public holidays. Such employment shall be either for the purpose of the manufacture and production of supplies for such institutions or for the State or any political subdivision thereof; or for any public institutions owned, managed and controlled by the State or any political subdivision thereof; or for the preparation or manufacture of building materials for the construction or repair of a State penal, reformatory or correctional institution; or for the purpose of industrial or scholastic training and instruction; or partly for one and partly for the other of such purposes.

Purpose of employment.

Production desired.

3. The labor of inmates shall be so directed as to produce the greatest amount of actual products, articles and supplies needed in or by said institutions, in the buildings, departments or offices of the State, or in any public institution or department owned, managed and controlled by the State or any political subdivision thereof.

Commission on prison labor.

769-4
A-1914-562

769-4
A-12-847

4. The Commissioner of Charities and Corrections of the State of New Jersey, the warden of the State Prison at Trenton, the superintendent of the State reformatory at Rahway, together with two other persons to be appointed by the Governor, by and with the advice and consent of the Senate, who shall serve without compensation, shall comprise a commission to be designated the Prison Labor Commission, which commission shall have general control and supervision over the employment of the inmates of all State penal, correctional or reformatory institutions, and the disposal of the products of their labor as herein provided for. The two appointive members of said commission shall be appointed for the terms of three years and five years, respectively, from May

Duties.

Terms.

first, one thousand nine hundred and eleven, as fixed in the original appointment, and all future appointments of said commissioners shall be for the term of five years; all appointments to fill vacancies occurring in the office of said commissioners shall be for the unexpired term. The necessary expenses of the members of said commission incurred in the discharge of their duties as such, shall be paid out of an appropriation made for the use of said Prison Labor Commission.

Vacancies.

Expenses.

Assignment of work.

5. It shall be the duty of the said commission to assign the labor and industries to said institutions, due regard being had to the location and convenience of the institutions and of the other institutions to be supplied, the machinery now therein and the number of inmates, in order to secure the best service and distribution of the labor.

Orders of commission carried out.

770-6
A-12-848

6. Under the direction and supervision of the Commissioner of Charities and Corrections it shall be the duty of the several boards of managers, superintendents or wardens of all penal, correctional or reformatory institutions in this State, to carry out the orders of said commission and to provide such appliances, machinery and other facilities as may be necessary therefor. The said boards of managers, superintendents or wardens shall cause to be manufactured by the inmates of their several institutions such articles as are needed therein and also such as are required for the use of all State departments, institutions supported in whole or in part by the State, or what may be required for the use of political subdivisions of the State, or in the buildings, offices and public institutions owned or managed and controlled by the State, including articles and materials to be used in the erection of buildings.

Equipment.

Articles to be made.

When possible articles so produced taken by State, etc.

7. The several boards of managers, superintendents or wardens of all institutions supported in whole or in part by the State, and all State departments and all political subdivisions of the State are, authorized and directed to purchase through the Prison Labor Commission herein provided for, all articles or supplies manufactured under the provisions of this act in the penal, correctional or reformatory institutions

of this State needed for use in such institutions and departments and political subdivisions, and they shall not purchase any supplies or articles that are manufactured in said penal, correctional or reformatory institutions under the provisions of this act from any other source, unless the said Prison Labor Commission shall first certify on requisition made to it that such articles or supplies cannot be furnished. All requisitions for articles or supplies made as herein provided shall be honored by said Prison Labor Commission as far as possible.

Styles, qualities, etc.

8. All articles manufactured under the provisions of this act and that are not required for use in the institution where same are produced or manufactured, shall be of the styles, patterns, designs and qualities fixed by the commission and may be furnished to the State, or to any political subdivision thereof or for or to any public institution owned or managed and controlled by the State or any political subdivision thereof at and for such process as shall be fixed and determined as hereinafter provided, upon the requisitions of board of managers, superintendents or other proper officials thereof.

Estimates for year reported to commission.

9. On or before October first in each year, the proper officials of the State, and of the political subdivisions thereof, and of the institutions of the State and political subdivisions thereof, shall report to the commission estimates for the ensuing year of the amount of supplies of different kinds required to be purchased by them, that can be furnished by the said penal, correctional or reformatory institutions of the State. The commission is authorized to make regulations for said reports, and to provide for the manner in which requisitions shall be made for supplies.

Information furnished.

10. The boards of managers, superintendents or wardens of said penal, correctional or reformatory institutions shall upon request and under the direction of said commission furnish full and complete information as to the number of prisoners available for the manufacture of goods herein provided for, and of supplies for manufacturing purposes, and of condi-

tions and circumstances in their respective institutions concerning the employment of prisoners therein.

Cost and selling price.

11. The said commission shall have power to determine the cost of production of any articles manufactured as herein provided for, and the price at which such articles are to be sold as herein provided for, and for this purpose may establish a uniform system of accounting and cost of production for materials and labor provided for in this act.

Agricultural, etc., employment.

772-12
A-1914-563

12. It shall be the duty of the said Prison Labor Commission to secure the employment of as many inmates of the penal, correctional and reformatory institutions of the State as may be employed advantageously, in agricultural pursuits and in horticulture and floriculture; and all surplus products resulting from such industries, over and above those required for the use of the institutions where produced, shall be disposed of in the same manner as all other products; *provided*, that whenever there shall be produced or raised at any penal, correctional or reformatory institution any articles or products that cannot be sold or otherwise disposed of as herein provided, the said commission may cause said surplus articles or products to be disposed of at public sale to the highest bidder, or upon sealed bids, after such advertisement as said commission may direct; and the said commission shall have authority to determine the date and place of such public sales, and the terms upon which such surplus supplies shall be sold; and said commission shall cause all such public sales to be advertised in at least two daily newspapers in each of the cities of Newark and Jersey City, New Jersey; New York city and Philadelphia, Pennsylvania; *provided*, that the said commission may authorize the sale in such manner as in their judgment may be deemed wise of such perishable products of farm and garden as cannot be advantageously disposed of as hereinbefore provided.

Proviso.

Sale of surplus.

Advertisements.

Proviso.

Catalogue and list price furnished.

13. The said commission shall cause to be prepared a catalogue containing a description and price list of all articles manufactured under the provisions of this act and copies of said catalogue shall be sent to all institutions supported in whole or in part by the State, to all State departments, and to all political

subdivisions of the State and to all institutions supported in whole or in part by said political subdivisions and the receipt of said catalogue by said institutions and political subdivisions shall be sufficient notice to them that the articles described in said catalogue are or are about to be manufactured in the penal, correctional and reformatory institutions of this State and said institutions, departments and political subdivisions of the State shall thereafter purchase any and all articles described in said catalogue and needed for the use of said institutions, departments and political subdivisions, from the penal, correctional or reformatory institutions where said articles are manufactured or produced and they shall pay for such articles or products the price or prices fixed by the said Prison Labor Commission; and said institutions, departments or political subdivisions shall not purchase elsewhere any article or product described in said catalogue without first securing from said Prison Labor Commission a certificate of release stating that the articles or products required for the use of said institutions, departments and political subdivisions cannot be furnished by said penal, correctional or reformatory institutions. And said Prison Labor Commission shall issue such certificate of release when the articles or products for which requisition is made as herein provided cannot be supplied.

Articles purchased by State, etc.

Release from purchasing State made articles.

14. Wherever in any county or municipality of this State there is established a county or municipal penitentiary, workhouse or other penal or correctional institution, the inmates of said penitentiary, workhouse or other correctional institution may be employed for the benefit of the county or municipality by which said institutions are maintained, and the proper officials of said counties or municipalities are hereby authorized to employ the inmates of such institutions in the manufacture or production of goods or articles that may be required for the use of said county or municipality by or in any other institution or department maintained and controlled by said county or municipality. Nothing herein contained shall prevent any charitable institution of this State from employing its inmates in useful occupations or in the manufacture

As to work in county or municipal prisons.

Charitable institutions.

or production of any article or articles for their own use.

Shackled convicts.

15. Nothing herein contained shall permit the marching or other transportation of shackled convicts through the streets of any community to or from the places of employment assignment to them, nor shall such convicts be employed under guard on public improvements where free labor is also employed. Nothing herein contained shall permit the employment of convicts to take the place of free labor locked out or on strike, nor shall any convict labor be employed upon any public improvement when free labor sufficient to carry on the work makes application for employment thereon.

Not to conflict with free labor.

Payment made to family of inmate when working.

774-16
A-1914-563

16. The board of inspectors of the State Prison at Trenton, and the Board of Commissioners of the New Jersey Reformatory at Rahway are hereby authorized, subject to the approval of the Commissioner of Charities, to pay to the wife, children or parents of any inmate of their respective institutions who, by reason of the imprisonment of such inmate, are thereby made dependent upon public or private charity for their support, a sum not exceeding fifty cents a day for each working day that said inmate is employed at productive labor in either of said institutions, and said inspectors and commissioners are hereby authorized to avail themselves of the services of any organized bureau of associated charities or charity organization society within the district where said dependent wife, children or parents may reside, in making investigation of their condition and needs; *provided,* the expenditures for the relief of dependent families of prisoners as herein provided for shall not exceed in any one year a sum equal to five per centum of the value of all goods or articles manufactured or produced by the labor of the inmates of each of said institutions.

Proviso.

Estimates for carrying out this act.

774-17
A-12-849

17. The boards of managers of said penal, correctional and reformatory institutions effected by this act and the Commissioner of Charities and Corrections shall incorporate in their annual estimates for appropriations from the State such sums as may be required by each of them for carrying out the pro-

visions of this act, and they are hereby authorized to employ such additional officers or agents as will enable them to carry out the provisions of this act.

Annual report.

18. The Prison Labor Commission shall make an annual report to the Governor containing full information of its work as provided for by this act, together with such recommendations as it may deem necessary.

Repealer.

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

Approved June 7, 1911.

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775-Ch.-373
A-12-133
A-13-424

775-C-373
R-1914-113

## CHAPTER 373.

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

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

Township recorder.

1. In any township in this State having a population of more than three thousand five hundred inhabitants, as shown by the official State or United States census, the township committee may, in its discretion, appoint some fit person residing in such township to be recorder, to hold office for three years, and may fix the compensation to be paid such recorder, not to exceed four hundred dollars per annum, in lieu of all fees allowed by law in such cases; and all fees collected by such recorder shall be accounted for to the township committee and paid over to the township treasurer.

Term.

Salary.

Fees.

Jurisdiction.

2. Such recorder shall have the same jurisdiction, power and authority in criminal matters, cases of bastardy, relief, removal and settlement of the poor, breaches of the peace, vagrancy, and disorderly con-

duct and violation of municipal ordinances as is by law conferred upon justices of the peace of such municipality.

3. This action will take effect immediately.

Approved June 7, 1911.

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## CHAPTER 374.

An Act concerning pawnbrokers and dealers in second-hand goods, and requiring the furnishing of records of transactions.

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

**Pawnbrokers and dealers in second-hand goods to make daily returns to police.**

1. Every person, corporation or firm now or hereafter engaged in or carrying on the business of a pawnbroker, or engaged in or carrying on the business of loaning money upon mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or articles of household use or ornament, or of purchasing such property on condition of selling the same back again at a stipulated price, or as dealers in second-hand goods in any city, town, township, borough or municipality of this State, shall by noon on each and every business day furnish and deliver to the chief of police or other head of the police department of any such city, town, township, borough or municipality of this State, at the office of such chief of police or such head of the police department, in which any such person, corporation or firm shall carry on such business, a correct record of each and every transaction had in any such business during the previous day, in such city, town, township, borough or municipality, legibly written in the English language, containing an accurate account and description, including all distinguishing marks and numbers, of all and every the goods, articles or things pawned or pledged, or purchased on condition of selling the same back again at a stipulated price, or second-hand

**What record to show.**

goods purchased by such person, corporation or firm, and containing the rate of interest to be paid on any such loan, the general description, including the color, sex, approximate height and age, and any distinguishing features, and where known, the name and residence of the person pawning or pledging such goods, articles or things, or from whom the same may be purchased on condition of selling the same back again at a stipulated price, or from whom such second-hand goods may be purchased.

Penalty.

2. Any person, corporation or firm who shall violate or fail to comply with any of the provisions of this act shall be guilty of a misdemeanor.

3. This act shall take effect immediately.

Approved June 7, 1911.

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## CHAPTER 375.

A Supplement to an act entitled "An act to secure the payment of laborers, mechanics, merchants, traders, and persons employed upon, or furnishing materials toward the performing of, any work in public improvements in cities, towns, townships and other municipalities in this State," approved March thirtieth, one thousand eight hundred and ninety-two.

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

Laborer's lien has priority over assignment by contractor.

1. The lien of any laborer hereafter filed under the act to which this is a supplement shall have priority over any assignment by a contractor or subcontractor to any third person or persons of any money due to such contractor or subcontractor for any labor or material furnished for any public improvement referred to in said act, notwithstanding such assignment may have been made prior to the filing of notice by any such laborer, provided such money shall not have been

paid to such assignee at the time of the filing of such notice.

Notice of lien claim served on contractor.

2. The city, town, township or other municipality with whom any laborer may hereafter file any notice of lien claim under the act to which this is a supplement may serve notice upon the contractor against whom such claim is made, and upon any person who by the records of the municipality may appear to have any interest in the fund in the possession of the municipality against which such labor claim is filed, that such claim has been filed, and requiring the said contractor or person in interest to show cause before the governing board of such municipality within five days from the service of such notice why the said claim should not be paid. And unless, within the time so limited, the said contractor or person in interest shall file with the financial officer of the municipality a statement, duly verified, that the claim of the said laborer is unfounded and untrue, and specifying in what respects the said claim is unfounded and untrue, the said municipality may pay, without the order of any court, the claim of such laborer out of the fund in its possession upon which such laborer has a lien. The said city, town, township or other municipality shall be entitled to credit upon its contract for any money so paid, and shall not be obliged to pay the same to the contractor or any other person whatever.

778-2 A-15-138?

Municipality may pay claim.

Credit given for payment.

3. This act shall take effect immediately.

Approved June 14, 1911.

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## CHAPTER 376.

An Act to amend an act entitled "An act relating to the Court of Common Pleas (Revision of 1900)," approved March twenty-third, one thousand nine hundred.

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

Section 12 amended.

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

Sergeant-at-arms.

12. In each county of the first class, the judge of the Court of Common Pleas is hereby authorized to appoint a suitable person as sergeant-at-arms, whose duty it shall be to attend said court during the several terms thereof. A sergeant-at-arms now acting as such, or who shall hereafter be appointed, shall receive an annual salary not exceeding sixteen hundred dollars, to be paid monthly by the county collector of said county, on the certificate of the judge of the said court.

Salary.

2. This act shall take effect immediately.

Approved June 14, 1911.

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## CHAPTER 377.

An Act to regulate the tenure and terms of office of the officers and patrolmen employed in the police department of any borough or third class city in this State.

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

Permanency of policemen.

1. In any borough or third class city of this State the officers and patrolmen employed in the police department thereof shall severally hold their respective employment as such officers and patrolmen during good behavior, efficiency and residence in any such borough or city, and no officer or patrolman shall be removed from office or employment in the police department of any such borough or city for political reasons or for any other causes than incapacity, misconduct, non-residence or disobedience of the rules and regulations established or which may be established for the police force or police department of any such borough or city, and any officer or patrolman of the police department of any such borough or city who shall be absent from duty without just cause for the term of five days, shall, at the expiration of said five

Causes for removal.

Proviso.

days, cease to be a member of such police force; *provided, however,* that nothing in this section shall be construed to interfere with the reduction in numbers of any police force which has been determined by the proper municipal authorities to be too large.

Requirements.

2. Each member and officer of the police force of any such borough or city shall be a citizen of the United States, and a resident of the borough or city in which he is appointed; able to read and write the English language understandingly, and he must be of good moral character, and of good health and sound body.

Age.

3. No person shall be appointed an officer or member of the police force of any such borough or city who is less than twenty-one years of age at the time of his appointment.

Procedure to effect removal.

4. No person, whether officer or patrolman in the police department of any such borough or city, shall be removed from office or employment therein except for just cause as provided in the first section of this act, and then only after written charge or charges of the cause or causes of complaint shall have been preferred against any such officer or patrolman, signed by the person or persons making such charge or charges, and filed with the board of commissioners or committee having charge of such police department in which the complaint arises, and after the said charge or charges have been publicly examined into by the appropriate board or commission, upon reasonable notice to the person charged. It being the intent of this act to give every person against whom charges for any cause may be preferred under this act a fair trial upon said charges, and every reasonable opportunity to make his defense, if any he has or chooses to make; and the board or body having power to try such charges shall have the power to issue writs of subpœna to compel the attendance of witnesses, which writs shall be served in the same manner as subpœnas issued out of the court for the trial of small causes, and every person who neglects or refuses to obey the command of such writs shall be liable to a penalty of twenty-five dollars, to be sued for in the corporate name of the borough or city where the violation occurred, in any

Opportunity for defense.

Witnesses.

court of competent jurisdiction, and the penalty, when collected, shall be paid into the treasury of the borough or city so suing.

Referendum.

5. This act shall take effect immediately, but its provisions shall remain inoperative in any borough or third class city of this State until accepted by a majority of the legal voters of such borough or third class city, at any general election or at any special election at which the question of the acceptance of this act shall be submitted by resolution of the committee or other governing body of such borough or third class city. Every such submission to vote and the canvass of votes thereon shall be in accordance with such provisions of an act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight, and the several acts supplementary and amendatory thereto. This act shall be styled in such submission "Borough and third class city police tenure of office act of one thousand nine hundred and eleven."

Conduction of election.

Approved June 14, 1911.

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## CHAPTER 378.

An Act relating to certain officers and employes of various municipalities of the first class and counties of the first class of this State, abolishing their term of office and prohibiting their removal except for cause.

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

Term of office abolished.

1. The term of office of all persons, except those hereinafter excepted from the provisions of this act, holding a position or office under the government of any municipality of the first class of this State, is hereby abolished. No person, except those hereinafter excepted from the provisions of this act, now or

Removal for cause only.

hereafter holding a position or office under the government of any municipality of the first class or any county of the first class of this State shall be removed from his position or office, or reduced in pay or position, except for just cause and after a public hearing as hereinafter provided.

Written charges preferred.

2. The officer or board appointing the person sought to be removed shall formulate or receive charges in writing against such person and shall fix a time and place for a hearing thereon. A written copy of such charges and a written notice of the time and place of such hearing shall be served upon the person sought to be removed, at least five days prior to such hearing.

Hearing.

At such hearing the appointing officer or board shall hear witnesses and receive all other evidence produced, and if such charges are found to be true in fact, may remove, or reduce the pay or position of the person against whom such charges are made.

To whom act not applicable.

3. The provisions of this act shall not be construed to apply to the following officers:

All officers elected by popular vote.

All appointees of the mayor or other head officer of a municipality.

All employes of any board of education who are required to hold certificates of qualification for eligibility for such employment.

All law officers of any municipality of the first class and their legal assistants, who must of necessity be attorneys or counsellors at law.

The deputy, or first assistant of principal executive officers, authorized by law to act generally for and in place of his principal.

The members of commissions, boards and financial officers appointed or elected by the board of aldermen, common council, board of chosen freeholders or other governing body of a municipality.

Definitions.

4. The words and terms used in this act shall have the following meaning:

"Municipality of the first class" signifies city of the first class or county; "Appointing officer" signifies the officer, commission, board or body having the power of appointment or election of any officer or

employe; "Just cause" signifies inefficiency, incapacity or conduct unbecoming a public officer or employe.

Application of act.

5. The provisions of this act shall not apply to such municipalities of the first class as have now, or may hereafter, adopt the provisions of an act of the Legislature of this State entitled "An act regulating the employment, tenure and discharge of certain officers and employes of this State and of the various counties of the first class and municipalities of the first class thereof, and providing for a civil service commission and defining its powers and duties," approved April tenth, one thousand nine hundred and eight, nor shall it apply to any counties other than counties of the first class nor to any municipalities except municipalities in counties of the first class.

Approved June 14, 1911.

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## CHAPTER 379.

An Act relating to certain officers and employes of second class cities of this State now having or which may hereafter have a population of seventy thousand inhabitants and not exceeding ninety thousand inhabitants, abolishing their term of office and prohibiting their removal except for cause.

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

Certain terms of office abolished.

1. The term of all persons, except those hereinafter excepted from the provisions of this act, holding a position or office under the government of any second class city of this State now having or which may hereafter have a population of seventy thousand inhabitants and not exceeding ninety thousand inhabitants, is hereby abolished.

Removal for cause only.

No person, except those hereinafter excepted from the provisions of this act, now or hereafter holding a position or office under the government of any second class city of this State

now having or which may hereafter have a population of seventy thousand inhabitants and not exceeding ninety thousand inhabitants, shall be removed from his position or office or reduced in pay or position, except for just cause and after a public hearing as hereinafter provided.

Written charges preferred.

2. The officer or board appointing the person sought to be removed shall formulate or receive charges in writing against such person and shall fix a time and place for a hearing thereon. A written copy of such charges and a written notice of the time and place of such hearing shall be served upon the person sought to be removed, at least five days prior to such hearing. At such hearing, the appointing officer or board shall hear witnesses and receive all other evidence produced, and if such charges are found to be true in fact, may remove, or reduce the pay or position of the person against whom such charges are made.

Hearing.

To whom act not applicable.

3. The provisions of this act shall not be construed to apply to the following officers:

All officers elected by popular vote.

All appointees of the mayor or other head officer of a municipality.

All employes of any board of education who are required to hold certificates of qualification for eligibility for such employment.

All law officers of any municipality and their legal assistants, who must of necessity be attorneys or counsellors-at-law.

The members of commissions, boards appointed or elected by the board of aldermen, common council, or other governing body of the said municipality.

Definitions.

4. The words and terms used in this act shall have the following meaning:

"Appointing officer" signifies the officer, commission, board or body having the power of appointment or election of any officer or employe; "just cause" signifies inefficiency, or conduct unbecoming a public officer or employe.

Application of act.

5. The provisions of this act shall not apply to such cities of the second class of this State now having, or which may hereafter have a population of seventy thousand inhabitants and not exceeding ninety thou-

sand inhabitants, as have already adopted the provisions of an act of the Legislature of this State entitled "An act to regulate the employment, tenure and discharge of certain officers and employes of this State and of the various counties and municipalities thereof, and providing for a civil service commission and defining its powers and duties," approved April tenth, one thousand nine hundred and eight.

6. This act shall take effect immediately.

Approved June 14, 1911.

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## CHAPTER 380.

A Supplement to an act entitled "An act for the protection of the public health," approved March twenty-second, one thousand eight hundred and ninety-five.

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

Physicians to report diseases at dairies.

1. Every physician who shall attend any person sick with typhoid fever, dysentery, scarlet fever, diphtheria or tuberculosis, on any dairy premises where milk is produced for sale or distribution, shall report to the Secretary of the State Board of Health within twelve hours after he first ascertained that any such person is sick with any of said diseases, which report shall be in writing, and shall state the nature of the disease, the name of the person who is ill with said disease and the location of the place where such person is ill as aforesaid, and the name of the owner or manager of said dairy premises if the same can be ascertained.

Further report.

2. Every physician who shall attend any person sick with any of the diseases mentioned in section one, who shall have knowledge of the fact that any member of the family of such person ill as aforesaid, or

any person living in the same family is employed on any dairy premises where milk is produced for sale or distribution, shall report to the Secretary of the State Board of Health in writing, within twelve hours after he first ascertained that any such person is sick as aforesaid, or within twelve hours after gaining the information above mentioned as aforesaid, which report shall state the name of the person who is ill with said disease, the nature of the disease and the location of the place where such person is sick as aforesaid, and shall further specify the name of the member of the family of such person or of the person living in the same family as the person ill as aforesaid, who is employed on dairy premises as aforesaid, and the name of the owner or manager thereof if the same can be ascertained and the location of the dairy premises where said person is employed.

Penalty.

3. Every person who shall fail to make the report provided for by sections one and two of this act in the manner and within the time therein mentioned, shall, for every such failure, forfeit the sum of fifty dollars, to be recovered in the manner provided for the recovery of penalties in the act to which this act is a supplement.

Approved July 6, 1911.

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## CHAPTER 381.

An Act to amend an act entitled "An act for the protection of the public health," approved March twenty-second, one thousand eight hundred and ninety-five.

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

Section 1 amended.

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

Physicians to report cases of contagious diseases.

1. Every physician shall, within twelve hours after his first professional attendance upon any person who is suffering from cholera, yellow fever, typhus fever, leprosy, plague, trichinosis, small-pox, varioloid, enteric or typhoid fever, diphtheria, membranous croup, scarlet fever, malaria, tuberculosis in any of its manifestations, trachoma, hydrophobia, glanders, anthrax, chicken-pox, anterior poliomyelitis or infantile paralysis, or any other contagious, infectious or communicable disease which may hereafter be publicly declared by the State Board of Health to be preventable and specially dangerous to the public health, report such sickness to the assessor of the township in which such sickness may be; if such sickness be within the limits of the jurisdiction of any local board of health other than the local board of health of any township, then such physician shall report such sickness to the secretary of the local board of health having jurisdiction over the territory within which such sickness may be, if such board has a secretary; if such board has no secretary, then to the clerk of such board; *provided, however,* that any local board of health may designate some officer of such board, other than the clerk, secretary or township assessor, to receive such reports, in which case all such reports shall be made to such officer; such report shall be in writing, signed by such physician and shall set forth the name, age and precise location of the person suffering from such disease; and every houseowner or householder who has reason to believe that any person living, dwelling or being in any building under his control is affected by any of the contagious, infectious or communicable diseases hereinabove specified or referred to shall, when no physician has professionally attended such sick person, within twelve hours after discovering the same, report the fact in writing to the same person and in the same manner as any physician attending such sick person would be required to do as hereinabove set forth; and on the thirtieth day of June and the thirty-first day of December in each and every year every physician, houseowner and householder making any report or reports as in this section required, shall be entitled to receive from the officer

Local board notified.

Proviso.

Certain facts set forth.

Others may report diseases.

Fees allowable.

to whom such report or reports shall have been made during the preceding six months, a certificate in writing under the hand of such officer, setting forth the number of names of persons reported to have been affected with any of the diseases hereinabove specifically named or referred to, which certificate when presented by such physician, houseowner or householder to the proper disbursing officer of the city, borough, town or other local municipal government or township with which such affected person may have been, shall entitle such physician, houseowner or householder to receive from such disbursing officer the sum of ten cents for each and every name by such certificate certified to have been reported, unless such notification shall be found to have been erroneous, and any physician, houseowner or householder who shall fail to perform the above-mentioned duty at the time and in the manner above provided shall be liable to a penalty of fifty dollars for each such failure.

Penalty.

Section 2 amended.

2. Section two of the act of which this act is amendatory be, and the same hereby is amended so that it shall read as follows:

Facts contained in report recorded.

2. That the facts contained in every report filed pursuant to the provisions of the first section of this act, shall be entered by the officer to whom the same shall be delivered in a book kept exclusively for that purpose, which book shall be subject to the inspection of the local board of health and its proper officers, and to the State Board of Health and its officers only; the officer to whom such report shall be delivered, and whose duty it is to make record of same, as in this section above set forth, shall also, at least once in each week, and daily when required by the State Board of Health, transmit the facts stated therein by mail to the secretary of the Board of Health of the State of New Jersey, at Trenton, and shall upon request by the said State Board of Health or any of its officers give full information concerning the measures which are employed by the local board of health to prevent the spread of the diseases in such reports mentioned, which facts and information shall be conveyed to the secretary of the said State Board of Health in writing; any officer whose duty it is to

Local report to state board.

Further information furnished.

Penalty.

make any report to said State Board of Health or the secretary thereof, as in this section above provided, and who fails to perform such duty at the time and in the manner above provided, shall be liable to a penalty of fifty dollars for each and every such failure of duty. Proof that the secretary of said State Board of Health has not received the report of such facts or such information from any such officer shall be *prima facie* evidence that such facts and information have not been transmitted to said secretary by such officer. Every officer whose duty it is to receive the reports mentioned in section one of this act shall, during the month of October in each year, upon presentation of a certificate signed by the secretary of the State Board of Health stating the whole number of such cases reported as aforesaid from each municipality or township by such officer to the State Board of Health during the preceding year, be entitled to receive from the proper disbursing officer of the township, city, borough, town or other local municipal government within the limits of which the sickness so reported occurred, the sum of ten cents for each case reported, as aforesaid, to the secretary of the State Board of Health; *provided, however,* that such officer shall not be entitled to any payment for or on account of any such case unless report of such case was received by the secretary of the said State Board of Health within ten days after the date such said case was reported to the officer transmitting the same, and no such case shall be included in such certificate unless so received. Such certificates shall be sent to the officers above mentioned during the month of October of each year.

As to receipt of report.

Yearly statement.

Proviso.

3. This act shall take effect immediately.

Approved July 6, 1911.

## CHAPTER 382.

An Act making appropriations for the support of the State government and for the several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and twelve.

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

Annual appropriations.

1. The following sums, or so much thereof as may be necessary, be and they are appropriated out of the State fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and twelve, namely:

### 1.

### EXECUTIVE DEPARTMENT.

Executive department.

For the Governor, for salary, ten thousand dollars;

For the secretary to the Governor, for salary, four thousand dollars;

For compensation for assistants in the executive department, four thousand six hundred dollars;

For blanks and stationery for the use of the executive department, one thousand dollars;

For postage, expressage and other incidental expenses for the executive department, two thousand dollars.

### 2.

### OFFICE OF THE COMPTROLLER.

Comptroller's office.

For the Comptroller, for salary, six thousand dollars;

For the Deputy Comptroller, for salary, three thousand six hundred dollars;

For compensation for clerical services and expenses, seven thousand one hundred dollars;

For blanks and stationery for use in the office of the Comptroller, one thousand five hundred dollars;

For postage, expressage and other incidental expenses for the Comptroller's office, one thousand seven hundred dollars.

3.

OFFICE OF THE TREASURER.

Treasurer's office.

For the Treasurer, for salary, six thousand dollars;

For compensation for clerical services in the office of the Treasurer, eleven thousand seven hundred dollars;

For blanks and stationery for use in the office of the Treasurer, eight hundred dollars;

For postage, expressage and other incidental expenses for the office of the Treasurer, eight hundred and fifty dollars.

4.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state.

For the Secretary of State, for salary, six thousand dollars;

For the Assistant Secretary of State, for salary, three thousand dollars;

For compensation for clerical services in the office of the Secretary of State, eleven thousand three hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of Secretary of State, two thousand five hundred dollars;

For blanks and stationery for use in the office of the Secretary of State, five thousand five hundred dollars;

For the purpose of compiling indices of wills, deeds and other records, in the general vault of the office of the Secretary of State, two thousand four hundred dollars;

For services and expenses for the purpose of carrying out the provisions of "An act respecting the recording of certificates and other papers relating to and affecting corporations," approved March twenty-

eighth, one thousand nine hundred and four, three thousand five hundred dollars;

For the care, inspection and other expenses connected with voting machines, five hundred dollars;

For additional compensation for clerical services made necessary by the additional duties placed upon the chief clerk, at the suggestion of the Chancellor sitting as Ordinary, in preparing and examining Prerogative Court records, seven hundred and fifty dollars;

For preserving old records by the Emery process, two thousand five hundred dollars;

For compensation for additional clerks to finish the work of compiling the new index of wills, one thousand dollars;

For printing new index of wills, three thousand dollars;

For the purpose of carrying out the provisions of a bill pending, entitled "A supplement to an act entitled 'An act to regulate elections (Revision of 1898),' approved April fourth, one thousand eight hundred and ninety-eight," known as Assembly Bill No. 175, five thousand dollars; provided, said bill becomes a law.

5.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-General's office.

For the Attorney-General, for salary, seven thousand dollars;

For the Assistant Attorney-General, for salary, five thousand dollars;

For compensation and expenses of assistants employed by the Attorney-General, fourteen thousand three hundred dollars;

For additional allowance for compensation and expenses of assistants employed by the Attorney-General, one thousand one hundred and forty dollars;

For blanks and stationery for use in the office of the Attorney-General, nine hundred dollars;

For postage, expressage and other incidental expenses for the Attorney-General's department, one thousand five hundred dollars;

For compensation and expenses of counsel employed by the Attorney-General in foreign States to collect taxes due from bankrupt and other insolvent corporations, one thousand three hundred dollars.

6.

STATE BOARD OF ASSESSORS.

State assessors.

For the members of the State Board of Assessors, salaries, ten thousand dollars;

For secretary of the State Board of Assessors, for salary, two thousand five hundred dollars;

For compensation for clerical service in the office of the State Board of Assessors, nine thousand dollars;

For blanks and stationery for use in the office of the State Board of Assessors, nine hundred dollars.

For postage, expressage and other incidental expenses for the State Board of Assessors, one thousand one hundred dollars;

For compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, twenty thousand six hundred dollars;

7.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and insurance.

For the Commissioner of Banking and Insurance, for salary, six thousand dollars;

For the Deputy Commissioner of Banking and Insurance, for salary, two thousand five hundred dollars;

For compensation for assistants in the Department of Banking and Insurance, ten thousand nine hundred dollars;

For blanks and stationery for use in the Department of Banking and Insurance, four thousand dollars;

For postage, expressage and other incidental expenses for the Department of Banking and Insurance, three thousand five hundred dollars;

For compensation of building and loan association examiners, fifteen thousand three hundred dollars;

For actual and necessary traveling and incidental personal expenses of building and loan association examiners, four thousand dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, five hundred dollars.

8.

BOARD OF EQUALIZATION OF TAXES.

Board of equalization.

For salaries for president and four members, nineteen thousand dollars;

For salary of clerk, two thousand five hundred dollars;

For salary of assistant clerk, one thousand two hundred dollars;

For additional clerical services, six hundred and sixty dollars;

For blanks and stationery for use of the Board of Equalization of Taxes, six hundred dollars;

For postage, expressage and other incidental expenses for the Board of Equalization of taxes, six hundred and fifty dollars.

9.

STATE LIBRARY.

State library.

For the Librarian, for salary, three thousand dollars;

For compensation for assistants in the State Library, two thousand seven hundred dollars;

For the repair, preservation and purchase of useful books for the State Library, three thousand five hundred dollars;

For blanks, stationery, postage, expressage and other incidental expenses for the State Library, five hundred dollars.

10.

STATE BOARD OF HEALTH.

State board of health.

For salaries of members of the State Board of Health, pursuant to chapter two hundred and ninety-nine, laws of one thousand nine hundred and eight, seven thousand five hundred dollars;

For the State Board of Health, pursuant to the provisions of chapter sixty-eight, laws of one thousand eight hundred and eighty-seven, and the amendments and supplements thereto, twenty thousand three hundred dollars;

For compensation to the secretary of said board, pursuant to said chapter, two thousand five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, two thousand dollars;

For blanks and stationery for use in the office of State Board of Health, two thousand five hundred dollars;

For maintenance of the bacteriological laboratory, seven thousand dollars;

For postage required in sending to the physicians of this State the annual report of the State Board of Health and of the Bureau of Vital Statistics, six hundred dollars;

For the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," passed at the legislative session of one thousand nine hundred and seven, and amendments and supplements, and "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," pursuant to chapter eighty-four of the laws of one thousand eight hundred and eighty-six, and amendments and supplements, twenty-three thousand seven hundred dollars;

For the purpose of carrying into effect the provisions of chapter one hundred and thirty-nine, laws of

one thousand nine hundred and six, eight thousand four hundred and fifty dollars;

For the purpose of carrying into effect the provisions of chapter seventy-two, laws of one thousand nine hundred, and the amendments and supplements thereto, twenty-six thousand five hundred and forty dollars;

For the purpose of carrying into effect the provisions of chapter twelve of the laws of one thousand nine hundred and ten, ten thousand dollars;

For the purpose of carrying into effect the provisions of a bill pending entitled "An act relating to cold storage and refrigerating warehouses and places, and the sale or disposition of the food kept or preserved therein," three thousand five hundred dollars; *provided,* said bill becomes a law.

Proviso.

## II.

### BUREAU OF STATISTICS.

Statistics.

For the chief of the Bureau of Statistics, for salary, two thousand five hundred dollars;

For the deputy chief of the Bureau of Statistics, for salary, two thousand dollars;

For the current expenses of the Bureau of Statistics, seven thousand dollars;

For blanks and stationery for use in the office of the Bureau of Statistics, five hundred dollars.

## 12.

### STATE HOUSE COMMISSION.

State House.

For the State House Commission, for the care and safe-keeping of the State Capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, seventy-five thousand dollars;

For insurance upon State House and contents thereof, five hundred dollars.

13.

STATE MUSEUM.

Museum.

For Curator, for salary, one thousand five hundred dollars;

For the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, one thousand five hundred dollars;

14.

GEOLOGICAL SURVEY.

Geological survey.

For the State Geologist, for salary, four thousand dollars;

For services and expenses of the department of the geological survey, including the continuance of forestry investigations and expenses in connection with the publication of the reports and maps of the geological survey, twelve thousand five hundred dollars.

For the purpose of carrying out the provisions of a bill pending, entitled "An act making an appropriation for the survey of the mouth of Shark river and for the further purpose of securing plans for and estimates of the cost of making a permanent inlet or mouth to the said river," one thousand dollars; provided, said bill becomes a law.

15.

SUPREME COURT.

Supreme court.

For the Chief Justice and Associate Justices of the Supreme Court, for salaries, eighty-two thousand dollars;

For the judges of the Circuit Court, for salaries, sixty-three thousand dollars;

For compensation of sergeants-at-arms and criers, one thousand three hundred dollars;

For the payment of expenses incurred by the order of the Supreme Court pursuant to chapter one hundred and forty-nine of the laws of one thousand nine hundred, two thousand dollars;

For blanks and stationery for use of the Chief Justice and Associate Justices of the Supreme Court, and incidental expenses, four hundred dollars.

16.

OFFICE OF THE CLERK OF THE SUPREME COURT.

Clerk of Supreme court.

For the Clerk of the Supreme Court, for salary, six thousand dollars;

For compensation for clerical services in the office of the Clerk of the Supreme Court, eighteen thousand two hundred and fifty dollars;

For blanks and stationery for use in the office of the Clerk of the Supreme Court, one thousand five hundred dollars;

For postage, expressage and other incidental expenses for the office of the Clerk of the Supreme Court, one thousand seven hundred and fifty dollars.

17.

COURT OF CHANCERY.

Court of Chancery.

For the Chancellor, for salary, ten thousand dollars;

For the Vice-Chancellors, for salaries, seventy thousand dollars;

For compensation of sergeants-at-arms and traveling expenses, six thousand seven hundred dollars;

For compensation of stenographers, and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, twenty-one thousand three hundred and fifty dollars;

For compensation and allowance of Advisory Masters, ten thousand seven hundred and fifty dollars;

For rent of rooms in Atlantic City, Jersey City, Newark and Morristown, for the use of the Chancellor, Vice Chancellors and Advisory Masters, six thousand six hundred and forty-four dollars;

For miscellaneous expenses in connection with such rooms, one hundred and fifty dollars;

For compensation of stenographer for the Chancellor, one thousand seven hundred and fifty dollars;

For allowance for stationery for the Court of Chancery, seven hundred and fifty dollars.

18.

OFFICE OF CLERK IN CHANCERY.

Chancery office.

For the Clerk in Chancery, for salary, six thousand dollars;

For compensation for clerical service in the office of the Clerk in Chancery, twenty-nine thousand one hundred dollars;

For blanks and stationery for use in the office of the Clerk in Chancery, one thousand nine hundred dollars;

For postage, expressage and other incidental expenses for the office of the Clerk in Chancery, two thousand five hundred dollars.

19.

COURT OF ERRORS AND APPEALS.

Court of Errors.

For compensation of judges of the Court of Errors and Appeals, twenty-one thousand dollars;

For additional salary for the Chancellor, Chief Justice and Associate Justices of the Supreme Court, ten thousand dollars;

For compensation of officers of the Court of Errors and Appeals, one thousand two hundred and fifty dollars;

For furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, one thousand dollars.

20.

COURT OF PARDONS.

Court of Pardons.

For compensation for judges of Court of Pardons, three thousand dollars;

For compensation of subordinate officers and incidental expenses, one thousand three hundred dollars.

21.

LAW AND EQUITY REPORTS.

Legal reports.

For the publication of the Chancery reports, seven thousand dollars;

For the publication of the law reports, five thousand dollars;

For salary of Chancery reporter, five hundred dollars;

For salary of Supreme Court reporter, five hundred dollars;

For binding Chancery and law reports, eight hundred dollars.

22.

NATIONAL GUARD.

Military.

For expenses for division, brigade and regimental headquarters, four thousand dollars;

For allowances for two batteries of artillery, two thousand dollars each, four thousand dollars;

For allowance for two troops of cavalry, at two thousand dollars each, including rent of armory, four thousand dollars;

For allowances for sixty companies of infantry, at five hundred dollars each, thirty thousand dollars;

For allowance for one signal and telegraph corps, two thousand dollars;

For transportation for battalion drills, inspections, parades, and for pay and expenses of inspecting officers, five thousand dollars;

For compensation of officers and employes, and expenses incurred in connection with rifle practice, nine thousand five hundred dollars;

For pay of officers and enlisted men, and expenses in connection with the annual encampment, sixty thousand dollars;

For compensation of the superintendent and employes, and for forage, fuel and maintenance of the State camp grounds, ten thousand dollars;

For fuel, light and maintenance of the State arsenal, one thousand five hundred dollars;

For expenses of military boards and courts-martial, one thousand five hundred dollars;

For transportation of diabled soldiers of the late rebellion and the Spanish-American war, fifty dollars;

For maintaining, heating and lighting armories at Jersey City, Camden, Newark (two), Paterson and Trenton, at four thousand five hundred dollars each, twenty-seven thousand dollars;

For maintaining, heating and lighting company armory at Somerville, two thousand dollars;

For insuring regimental armories, buildings at the State camp grounds at Sea Girt, the State arsenal and all public military stores, three thousand seven hundred dollars;

For horse allowance to officers required to be mounted for duty at annual encampment, three thousand two hundred dollars;

For ordnance stores, uniforms, clothing, camp and garrison equipage, freight and expressage and miscellaneous supplies, eight thousand dollars;

For allowances for uniforms and equipments for officers of regiments, troops, batteries, companies, signal corps, and the naval reserve, as provided in section one hundred and twenty-seven of "An act concerning the militia of the State," approved May sixteenth, one thousand nine hundred and six, six thousand dollars;

For pay of mechanics having charge of the care and preservation of three-inch field guns and equipment of batteries A and B, field artillery, at six hundred dollars each, one thousand two hundred dollars;

For horse allowance to mounted organizations providing horses for State service, at fifty dollars per horse per annum, three thousand nine hundred dollars;

For construction of armory for battery A, field artillery, East Orange, pursuant to chapter two hundred and twenty-four, laws of one thousand nine hundred and nine, twenty-five thousand dollars;

For construction of armory for the second battalion, second regiment, Elizabeth, pursuant to chapter one hundred and seventy, laws of one thousand nine hundred and ten, twenty-five thousand dollars;

For construction of armory for battery, B, field artillery, Camden, pursuant to chapter twenty, laws of one thousand nine hundred and ten, twenty-five thousand dollars.

NAVAL RESERVE.

First battalion.

First battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, six thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise and practice cruises, four thousand eight hundred dollars;

Second battalion.

Second battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, six thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise and practice cruises, four thousand eight hundred dollars;

23.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-General's office.

For the Adjutant-General, for salary, two thousand five hundred dollars;

For compensation for clerical service in the Adjutant-General's office, seven thousand four hundred and twenty dollars;

For blanks and stationery for use in the Adjutant-General's office, one thousand five hundred dollars;

For postage, expressage and other incidental expenses for the Adjutant-General's office, one thousand dollars;

For annual dues to Interstate National Guard Association, for the year one thousand nine hundred and eleven, fifty dollars;

For printing, binding and distributing the annual report of the proceedings of the department of New Jersey, Grand Army of the Republic, five hundred dollars;

For clerical services and expenses incident to the compilation of the roster of officers and enlisted men of New Jersey in the Revolutionary and other wars, at Trenton, New Jersey, and elsewhere, two thousand five hundred dollars;

For the purpose of carrying out the provisions of Joint Resolution number two, approved March seventeenth, one thousand nine hundred and nine, providing for the Civil War veteran medal, one hundred dollars.

24.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster-General's department.

For the Quartermaster-General, for salary, two thousand five hundred dollars;

For compensation for assistants in the department of the Quartermaster-General, namely:

For chief clerk, for salary, two thousand five hundred dollars;

For clerks, for salaries, two thousand two hundred dollars;

For military storekeeper, for salary, one thousand two hundred dollars;

For carpenter, machinist and to persons having in charge accoutrements, et cetera, cleaning arms, et cetera, teamster and laborer, for salaries, four thousand seven hundred and fifty-four dollars and twenty-five cents;

For blanks and stationery for use in the Quartermaster-General's department, five hundred dollars;

For postage, expressage and other incidental expenses for the Quartermaster-General's department, four hundred and fifty dollars.

25.

MONMOUTH BATTLE MONUMENT.

Freehold monument.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

26.

TRENTON BATTLE MONUMENT.

Trenton monument.

For the Trenton Battle Monument Association, for the purpose of keeping said property in good condition and repair, five hundred dollars.

27.

PENSIONS.

Pensions.

For amount required to pay pensions, pursuant to various acts relative thereto, irrespective of any provision therein that pensions shall be made in the appropriation or tax levy for the department of the public service from which the pensioner shall be so retired, ten thousand three hundred and ninety-four dollars.

28.

HOME FOR DISABLED SOLDIERS AT KEARNEY.

Kearney home.

For the support of the New Jersey Home for Disabled Soldiers at Kearney, and for the chaplain thereof, fifty thousand dollars.

29.

SOLDIERS' STATE PAY.

Civil War claims.

For claims of volunteers in the Civil War, for State pay, pursuant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars.

30.

WASHINGTON ASSOCIATION OF NEW JERSEY.

Morristown headquarters.

For trustees of the Washington Association of New Jersey, pursuant to chapter three hundred and nine, laws of one thousand eight hundred and seventy-four, twenty-five hundred dollars.

31.

STATE BOARD OF AGRICULTURE.

Board of agriculture.

For the State Board of Agriculture, ten thousand dollars;

For the State Board of Agriculture, for the purpose of carrying out the provisions of an act to prevent the introduction into and spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of State Entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, five thousand dollars;

For the purpose of carrying out the provisions of chapter fifty-four, laws of one thousand nine hundred and eleven, three thousand dollars;

For the purpose of carrying out the provisions of chapter sixty, laws of one thousand nine hundred and eleven, two thousand dollars.

32.

TUBERCULOSIS COMMISSION.

Tuberculosis.

For expenses and payments by the State Tuberculosis Commission, thirty-five thousand dollars.

33.

AGRICULTURAL EXPERIMENT STATION.

Experiment station.

For salaries and expenses of the Agricultural Experiment Station, twenty two thousand five hundred dollars;

For printing bulletins of the Agricultural Experiment Station, two thousand dollars;

For expenses incurred by the New Jersey Agricultural Experiment Station in carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs," three thousand dollars;

For the purpose of carrying out the provisions of "An act to provide for locating and abolishing mosquito-breeding salt-marsh areas within the State, for

assistance in dealing with certain inland breeding places, and appropriating money to carry its provisions into effect," approved April twentieth, one thousand nine hundred and six, fifteen thousand dollars;

For scientific investigation of oyster propagation, pursuant to chapter one hundred and eighty-seven, laws of one thousand nine hundred and seven, six hundred dollars;

For buildings appropriate to the housing of the department of poultry husbandry, pursuant to chapter fifty-two, laws of one thousand nine hundred and eleven, five thousand dollars;

For the purchase of equipment, stock and supplies necessary for the establishment of said department, pursuant to said chapter, two thousand five hundred dollars;

For the maintenance and operation of said department, pursuant to said chapter, two thousand dollars;

For the purpose of erecting and equipping greenhouses for investigation in floriculture, pursuant to chapter one hundred and thirty, laws of one thousand nine hundred and eleven, six thousand dollars;

For the purpose of maintaining and carrying on the work pursuant to said chapter, three thousand dollars.

34.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

Visitors to State College.

For the Board of Visitors to the Agricultural College of New Jersey, for personal expenses incurred pursuant to chapter three hundred and sixty-five of the laws of one thousand eight hundred and seventy-three, fifty dollars;

For advertising pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine. ninety dollars.

35.

STATE HOSPITALS.

State asylums.

For traveling expenses of managers, eight hundred dollars;

For expenses in transferring insane convicts, two hundred dollars;

For medical examination of insane convicts, three hundred dollars.

36.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For maintenance of county patients, at the rate of two dollars per week; for support and clothing of insane convicts, at the rate of five dollars per week for each insane convict; and support and clothing of indigent patients, at the rate of four dollars per week, one hundred and sixty-nine thousand two hundred and eight dollars;

For salaries of officers, seventeen thousand two hundred dollars;

For appraisement of personal property, two hundred dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

Morris Plains asylum.

For maintenance of county patients, at the rate of two dollars per week; for support and clothing of insane convicts, at the rate of five dollars per week for each insane convict; and support and clothing of indigent patients, at the rate of four dollars per week, three hundred thirty-eight thousand two hundred and thirty dollars;

For salaries of officers, eighteen thousand eight hundred dollars;

For appraisement of personal property, two hundred dollars;

For insurance, premiums, three thousand dollars.

38.

COUNTY LUNATIC ASYLUMS.

County asylums.

For the support of county patients in the Essex county lunatic asylum, one hundred and thirty-five thousand dollars;

In the Hudson county lunatic asylum, eighty-five thousand dollars.

In the Camden county lunatic asylum, twenty-four thousand dollars;

In the Burlington county lunatic asylum, sixteen thousand dollars;

In the Passaic county lunatic asylum, four thousand two hundred dollars;

In the Gloucester county lunatic asylum, one thousand dollars;

In the Cumberland county lunatic asylum, thirteen thousand dollars;

In the Salem county lunatic asylum, one thousand two hundred dollars;

In the Atlantic county lunatic asylum, ten thousand dollars.

39.

STATE PRISON.

State Prison.

For maintenance of the State Prison and the convicts therein, one hundred and thirty thousand dollars;

For maintenance of principal keeper and resident physician, pursuant to chapters one hundred and sixty-three and two hundred and forty-four, of the laws of one thousand nine hundred and six, one thousand six hundred dollars;

For furniture, appliances and repairs of State Prison, twelve thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the physicians, deputy keepers and employes, for salary, one hundred and twelve thousand dollars;

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, six thousand dollars;

For teacher and moral instructor to the convicts in the State Prison, pursuant to section seven, chapter one hundred and fifty-five of the laws of one thousand

eight hundred and seventy-six, for salary, one thousand dollars;

For traveling and other necessary expenses incurred by the parole agent, pursuant to chapter two hundred and thirty-two, laws of one thousand nine hundred and five, seven hundred dollars;

For maintenance of the electrocution plant, pursuant to the provisions of chapter seventy-nine, laws of one thousand nine hundred and six, and acts amendatory thereto, six thousand dollars;

For the maintenance of a school in the State Prison, pursuant to chapter sixty-five, laws of one thousand nine hundred and seven, one thousand six hundred dollars.

40.

STATE HOME FOR BOYS.

Jamesburg school.

For the trustees of the New Jersey State Home for Boys, ninety-one thousand nine hundred and eighty dollars;

For the trustees of said home, for expenses incurred by them in the discharge of their duties, five hundred dollars;

For repairs to the buildings and grounds, five thousand dollars.

41.

STATE HOME FOR GIRLS.

Girls' home.

For the trustees of the New Jersey State Home for Girls, for the support and necessary repairs to the home, seventy thousand dollars;

For the trustees of said home, for expenses incurred in the discharge of their duties, six hundred dollars;

For the salary of a probation officer, nine hundred dollars;

For traveling expenses of the probation officer, five hundred dollars;

For fire insurance premiums, four hundred and twenty dollars;

For a hospital fund, six hundred dollars.

42.

PRESERVATION OF RECORDS.

Archives. For the purpose of publishing and completing the early records of this State, known as "New Jersey Archives," three thousand dollars.

43.

EMPLOYERS' LIABILITY COMMISSION.

Expenses. For expenses of the Employers' Liability Commission, five thousand dollars; *provided,* a bill pending entitled "An act creating the Employers' Liability Commission and prescribing its powers and duties, and requiring reports to be made by the employers of labor upon the operations of the employers' liability law for the information of said Commission," becomes a law.

Proviso.

44.

BLIND AND FEEBLE-MINDED.

Blind: feeble-minded. For clothing, maintenance, support and instruction of the blind persons, inhabitants of this State, twenty thousand dollars;

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this State, seventy-five thousand dollars;

For maintenance, support and instruction of feeble-minded women, fifty thousand dollars;

For additional allowance for maintenance, support and instruction of feeble-minded women, new patients, at the Home for the Care and Training of Feeble-minded Women, Vineland, five thousand dollars;

For furnishing hospital and dormitory building and tubercular shack, at the Home for the Care and Training of Feeble-Minded Women, Vineland, seven thousand five hundred dollars.

45.

DEPARTMENT OF LABOR.

Labor bureau. For the commissioner, for salary, three thousand five hundred dollars;

For the assistant commissioner, for salary, two thousand dollars;

For nineteen inspectors, for salaries, twenty-eight thousand five hundred dollars;

For department clerks, for services, five thousand two hundred dollars;

For printing, postage, expressage and other incidental expenses, two thousand five hundred dollars;

For expenses of commissioner, assistant commissioner and inspectors, eight thousand dollars.

46.

STATE CHARITIES AID ASSOCIATION.

For expenses of the association, pursuant to chapter one hundred and twenty, laws of one thousand eight hundred and ninety-two, six hundred dollars. Charities' aid.

47.

STATE HORTICULTURAL SOCIETY.

To the treasurer of the New Jersey State Horticultural Society, pursuant to chapter one hundred and forty-one, laws of one thousand nine hundred and eleven, one thousand two hundred dollars. Horticulture.

48.

STATE OYSTER COMMISSION FOR THE DISTRICT OF OCEAN COUNTY.

For the commissioners, for salaries, seven hundred and fifty dollars; Ocean county oyster district.

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand dollars;

For incidental expenses, four hundred and fifty dollars; *provided,* all bills are approved by the Governor; Proviso.

For office rent, fifty dollars.

49.

ADVERTISING.

Advertising. For advertising proclamations issued by the Governor, notices of the Attorney-General in relation to delinquent miscellaneous corporations, and notices of the Comptroller in regard to public printing, et cetera, three thousand dollars.

50.

PRINTING.

Printing. For printing and binding public documents, forty thousand dollars;

For compensation of an expert printer for services in preparation of specifications for bids, supervision of work, examination of bills, and such other duties as may by law be imposed upon him, nine hundred dollars;

For preparing index of session laws, one hundred dollars;

For printing and circulation of the laws, six thousand dollars;

51.

PUBLIC ROADS.

Roads. For public roads, three hundred thousand dollars;

For State Commissioner of Public Roads, for salary, five thousand dollars;

For compensation of supervisor for assisting the State Commissioner of Public Roads in supervising, constructing and performing such other duties as necessity may require, three thousand six hundred dollars;

For expenses for clerk hire, consulting engineer, fees, stationery and actual traveling expenses, eight thousand dollars.

52.

OFFICES OF THE STATE COMPTROLLER AND STATE TREASURER.

Receipts and disbursements.

For the purpose of carrying out the provisions of chapter two hundred and eighty eight of the laws of one thousand nine hundred and seven, five thousand dollars.

53.

LEGISLATURE.

Legislature.

For compensation of Senators and members of the General Assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents;

For compensation of officers and employes of the Legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, four hundred dollars;

For manuals of the Legislature of New Jersey, two thousand dollars;

For indexing the journal of the Senate and minutes of the executive sessions and the minutes of the House of Assembly, and other incidental and contingent expenses of the Legislature, seven thousand dollars;

For toilet and other necessary supplies for use at the legislative session, to be furnished by the State House Commission, eight hundred dollars.

54.

COLLATERAL INHERITANCE TAX.

Inheritance tax.

For surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, and for the purpose of carrying out the provisions of the collateral inheritance laws, thirty thousand dollars;

Refunding certain inheritance taxes.

For the repayment of collateral inheritance taxes paid, as assessed under the collateral inheritance tax act and to the refund of which the estates having

made payment may be entitled under the decision of the Court of Errors and Appeals of this State, rendered July eighth, one thousand nine hundred and ten, in re Dixon vs. Russell (Collard estate), two hundred and fifty thousand dollars; *provided,* the application for such repayment shall be made within two (2) years from the date of the payment of such tax. Payment of such claims shall be made only when proven in form, manner and substance to the satisfaction of the State Comptroller and approved by the Attorney-General of this State;

Proviso.

There is hereby appropriated the unexpended balance remaining in the State Treasury at the close of the fiscal year ending October thirty-first, one thousand nine hundred and eleven, of the amount appropriated in paragraph two, item number six, in the supplement to the annual appropriation act for the fiscal year ending October thirty-first, one thousand nine hundred and eleven, for the repayment of collateral inheritance taxes paid, as assessed under the collateral inheritance tax act and to the refund of which the estates having made payment may be entitled under the decision of the Court of Errors and Appeals of this State, rendered July eighth, one thousand nine hundred and ten, in re Dixon vs. Russell (Collard estate), provided the application for such repayment shall be made within two (2) years from the date of the payment of such tax. Payment of such claims shall be made only when proven in form, manner and substance to the satisfaction of the State Comptroller and approved by the Attorney-General of this State.

55.

REFUNDING TAXES ON MISCELLANEOUS CORPORATIONS.

Refund taxes.

For taxes improperly levied upon or paid by corporations, to be refunded, pursuant to law, five hundred dollars.

56.

COMMISSION FOR AMELIORATING THE CONDITION OF THE BLIND.

Aiding the blind.

For the purpose of carrying out the provisions of chapter one hundred and thirty-six, laws of one thousand nine hundred and nine, five thousand dollars.

57.

PRACTICE TEACHING.

Practice teaching.

For extra compensation to the teachers in the various school districts in the State, for training the pupils in the State Normal School at Trenton in the art of teaching, five thousand dollars;

For extra compensation to the teachers in the various school districts in the State, for training the pupils in the State Normal School at Montclair in the art of teaching, six thousand dollars.

58.

BODIES THROWN UPON SHORES OF THE STATE BY SHIPWRECK.

Ship-wrecked bodies.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

59.

COURT EXPENSES.

Transferred suits.

For compensation of judges of the Court of Common Pleas, pursuant to section forty-nine, chapter one hundred and forty-nine of the laws of one thousand nine hundred, two thousand dollars.

60.

AGRICULTURAL COLLEGE FUND.

Agricultural College fund.

To the treasurer of Rutgers College, for interest on one hundred and sixteen thousand dollars, certificates of indebtedness of the State of New Jersey, due January first and July first, one thousand nine

hundred and twelve, pursuant to the provisions of chapter one hundred and thirty-five of the laws of one thousand eight hundred and ninety-six, five thousand eight hundred dollars.

61.

RIPARIAN COMMISSION.

Riparian commission.

For salaries of Riparian Commissioners, six thousand dollars;

For salaries and expenses incurred in the prosecution of the work of the commissioners, six thousand five hundred dollars.

62.

OBSTRUCTIONS TO NAVIGATION.

Removing sunken vessels.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this State, two hundred dollars.

63.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown school.

For maintenance of the Manual Training and Industrial School for Colored Youth, eighteen thousand dollars; payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

64.

NEW JERSEY SCHOOL FOR THE DEAF.

Deaf-mute school.

For the erection and equipment of a new building to provide additional accommodations, forty thousand dollars;

For the New Jersey School for the Deaf, for the teaching, maintenance and clothing of pupils taught therein, for purchase and repair of furniture, school apparatus and other appliances, for making needed improvements and repairs in the buildings and grounds, for insurance thereof, and for maintaining the sys-

tem of manual and industrial education in said school, forty-nine thousand dollars; payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

65.

STATE NORMAL SCHOOL AT TRENTON.

Trenton Normal school.

For the support of the State Normal School at Trenton, sixty-five thousand dollars;

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, eight thousand dollars; payments under this account to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

66.

FREE SCHOOL LIBRARIES.

School libraries.

For the formation of libraries in the free public schools of the State, seven thousand dollars.

67.

FARNUM PREPARATORY SCHOOL.

Farnum school.

For the support of the Farnum Preparatory School at Beverly, two thousand five hundred dollars.

68.

INDUSTRIAL EDUCATION.

Manual training.

For payments to schools established for industrial education, pursuant to chapter seventy-eight, laws of one thousand nine hundred and nine, thirty thousand dollars;

For payments to schools for manual training, one hundred and twenty-five thousand dollars.

69.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Department of education

For salary of State Superintendent of Public Instruction, five thousand dollars;

For salary of Assistant Superintendent and for clerical services in the office of State Superintendent of Public Instruction, fourteen thousand five hundred and fifty dollars;

For stationery and blanks, five thousand dollars;

For necessary incidental expenses incurred by the State Superintendent of Public Instruction in the performance of his official duties, three thousand dollars;

Legislative manuals.

For two thousand five hundred copies of the manual of the Legislature of New Jersey, two thousand five hundred dollars; *provided,* manuals are furnished for school use only, all public schools to be included in the distribution; payments under this account to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

Proviso.

## 70.

### SCHOOL FUND EXPENSES.

School fund.

For necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof, four thousand dollars.

## 71.

### STATE BOARD OF EDUCATION.

State school board.

For necessary expenses of the State Board of Education, three thousand dollars;

For expenses of bureau of information for teachers and school officers, five hundred dollars.

## 72.

### TEACHERS' INSTITUTES.

Institutes.

For expenses of teachers' institutes, two thousand five hundred dollars.

73.

TEACHERS' LIBRARIES.

For the establishment and maintenance of libraries for use of teachers, three hundred dollars. Teachers' libraries.

74.

COUNTY SUPERINTENDENTS.

For county superintendents of schools, for salaries, forty-two thousand dollars; payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine. County superintendents.

75.

EMERGENCY.

For the Governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, and to cover any incidental expense of commissioners appointed by him under statute or in his discretion, the sum of ten thousand dollars. Emergency fund.

76.

STATE BOARD OF EXAMINERS.

For expenses incurred by the State Board of Examiners and compensation for the person appointed by the State Board of Education, one thousand dollars. Examinations.

77.

REMOVAL OF THE REMAINS OF MAJOR-GENERAL PHILIP KEARNY.

For the purpose of carrying into effect the provisions of "A Joint Resolution providing for the removal of the remains of Major-General Philip Kearny to the National Cemetery at Arlington, Virginia," approved March twenty-third, one thousand nine hundred and eleven, five thousand dollars. Removal of body.

78.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES AND FOR THEIR WIDOWS, AT VINELAND.

Soldiers' home at Vineland.

For salary of commandant, one thousand five hundred dollars;

For salary of adjutant, one thousand dollars;

For salaries of assistants, eleven thousand four hundred dollars;

For maintenance and all other expenses, fifty-two thousand six hundred dollars;

For fire insurance premiums, three hundred and forty dollars;

For traveling expenses of the Board of Managers, five hundred dollars.

79.

STATE OYSTER COMMISSION.

Oyster commission.

For the better regulation and control of the taking, planting and cultivating of oysters on the lands lying under the tide waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the State of New Jersey, thirteen thousand dollars;

For the protection of the natural seed oyster grounds on lands lying under the tidal waters of the Delaware river and Delaware bay, north of "southwest line," in the State of New Jersey, four thousand dollars;

For expenses of surveying and mapping lands to be leased for oyster culture under the tidal waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the State of New Jersey, eight hundred dollars.

80.

STATE BOARD OF CHILDREN'S GUARDIANS.

Children's guardians.

To the State Board of Children's Guardians, for expenses, twelve thousand eight hundred and fifty dollars.

81.

PUBLIC LIBRARY COMMISSION.

Library commission.

For the purpose of carrying into effect the provisions of chapter sixty-two, laws of one thousand nine hundred; for clerical assistance, necessary traveling and other expenses incurred by the commission, and for carrying into effect the provisions of chapter one hundred and seventy-five, laws of one thousand eight hundred and ninety-eight, and its supplements, providing for the establishing and maintenance of a system of traveling libraries; and for the purpose of carrying into effect the provisions of chapter one hundred and fifteen, laws of one thousand nine hundred and six, seven thousand dollars.

82.

TEACHERS RETIREMENT FUND.

Retirement fund.

To the board of trustees, for payment of expenses incurred in connection with the administration of the teachers' retirement fund, pursuant to chapter one hundred and thirty-nine, laws of one thousand nine hundred and seven, four thousand nine hundred dollars;

To the State Treasurer, for expenses incurred in connection with the fund, pursuant to said chapter, as follows:

For clerical services, two thousand dollars;

For blanks, stationery, postage, expressage, et cetera, five hundred dollars.

83.

NEW JERSEY REFORMATORY.

Rahway reformatory.

For traveling and other official expenses of commissioners, one thousand dollars;

For the superintendent, for salary, four thousand dollars;

For the subordinate officers and employes, for salaries, sixty-three thousand five hundred dollars;

For maintenance, sixty-five thousand dollars;

For furniture, appliances and repairs (including industrial departments), fifteen thousand dollars;

For the superintendent, for payments to discharged inmates and recapturing escapes, three thousand dollars;

For traveling expenses of parole officers, one thousand five hundred dollars;

For fuel and water, fifteen thosand dollars;

For farm live stock, implements, et cetera, one thousand dollars;

For rent of house for superintendent, six hundred and sixty dollars;

For salary of parole officer, one thousand five hundred dollars.

84.

VILLAGE FOR EPILEPTICS.

Epileptic village.

For expenses of managers, six hundred dollars;

For salaries of officers, nine thousand four hundred and fifty dollars;

For maintenance, including fuel and light, ninety-five thousand dollars;

For tuberculosis shack, three thousand dollars;

For the erection of one custodian building, forty thousand dollars;

For the erection of one patients' building, thirty thousand dollars;

For the erection of a mortuary and laboratory, four thousand dollars;

For the extension of water-mains and fire hydrants, ten thousand dollars;

For the erection of a piggery, two thousand dollars;

For repairs and improvements, five thousand dollars;

To furnish hospital, shack and two buildings for patients, ten thousand dollars;

For the erection of an additional dairy barn and milk house, five thousand dollars;

For trees and shrubbery, one thousand dollars;

For roads, five thousand dollars.

85.

STATE AGRICULTURAL COLLEGE.

State college.

To the Treasurer of Rutgers College, to pay the State Agricultural College for the benefit of agriculture and the mechanic arts, pursuant to chapter ninety of the laws of one thousand nine hundred and five, and amendments thereto, twenty-five thousand dollars, payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine;

For salaries, supplies and all other expenses for the maintenance of short courses in practical and scientific agriculture, pursuant to chapter fifty-five of the laws of one thousand nine hundred and five, and chapter forty-three of the laws of one thousand nine hundred and seven, sixteen thousand five hundred dollars;

For the purpose of carrying into effect the provisions of "An act to provide for the establishment of a course in practical and scientific instruction in the art of clay working and ceramics in the State Agricultural College," approved March seventeenth, one thousand nine hundred and two, and a supplement approved March fourteenth, one thousand nine hundred and seven, being chapter seven, laws of one thousand nine hundred and seven, five thousand dollars;

For the purpose of arranging, furnishing and equipping an entomology building and physics laboratory at the State Agricultural College, pursuant to chapter twenty-three, laws of one thousand nine hundred and eleven, ten thousand dollars.

86.

BURIAL GROUNDS.

Cemeteries.

For the care and maintenance of burial grounds purchased by the State, pursuant to chapter one hundred and seventy-one, laws of one thousand eight hundred and ninety-eight, seventy-five dollars.

87.

STENOGRAPHIC REPORTERS.

County court stenographers.

For amount to be refunded to various counties in this State for salaries of stenographic reporters ap-

pointed by the justices of the Supreme Court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, twelve thousand eight hundred and thirty dollars.

88.

STATE SCHOOL TAX.

School tax. For the purpose of reducing the State school tax to be assessed for the year one thousand nine hundred and twelve, one hundred thousand dollars.

89.

BUREAU OF SHELL FISHERIES.

Shell fisheries. For the chief of the bureau, for salary, one thousand two hundred dollars;

For additional allowance for the chief of the bureau, for salary, six hundred dollars; *provided,* said sum is authorized by enactment of the present Legislature;

Proviso.

For salary of stenographer, six hundred dollars;

For blanks, stationery and other incidental expenses, six hundred dollars.

90.

SANATORIUM FOR TUBERCULOUS DISEASES.

Sanatorium. For maintenance, ninety-one thousand dollars.

91.

INSPECTION OF POWER VESSELS.

Inland navigation. For salary of chief inspector, six hundred dollars;

For expenses of chief inspector, three hundred and fifty dollars;

For salary and expenses of assistant inspector, seven hundred and fifty dollars;

For expenses of maintaining office at Lake Hopatcong for registration of boats, et cetera, pursuant to chapter seven, laws of one thousand nine hundred and ten, five hundred dollars.

92.

TENEMENT HOUSE SUPERVISION.

Tenement house supervision.

For rent of offices, two thousand dollars;

For printing and stationery, two thousand dollars;

For clerical service and stenographer, four thousand two hundred dollars;

For salary of architect and plan examiner, one thousand eight hundred dollars;

For twenty-seven inspectors, one thousand two hundred dollars each, thirty-two thousand four hundred dollars;

For assistant plan examiner, one thousand two hundred dollars;

For salary of chief clerk, one thousand two hundred dollars;

For salary of law clerk, one thousand two hundred dollars;

For salary of record clerk, one thousand two hundred dollars;

For salary of assistant record clerk, one thousand two hundred dollars;

For additional clerk, one thousand two hundred dollars;

For secretary and executive officer, three thousand dollars;

For incidentals, postage and expressage, one thousand dollars;

For inspectors' expenses, three thousand five hundred dollars;

For traveling expenses of executive officer and plan examiners, four hundred dollars;

For expenses of members of the Board of Tenement House Supervision, five hundred dollars;

For office furnishings and supplies, three hundred dollars.

93.

EVENING SCHOOLS FOR FOREIGN-BORN RESIDENTS.

Night schools.

For the purpose of carrying out the provisions of an act entitled "An act providing for the establishment of evening schools for foreign-born residents in

the State of New Jersey," approved April eleventh, one thousand nine hundred and seven, five thousand dollars; payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

94.

HIGH SCHOOL INSPECTION.

School inspection.

For salary and expenses of high school inspector, four thousand dollars.

95.

STATE OYSTER COMMISSION FOR THE DISTRICT OF ATLANTIC COUNTY.

Atlantic county oyster district.

For the commissioners, for salaries, nine hundred dollars;

For the superintendent, for salary, one thousand dollars;

For patrol service, two thousand two hundred and eighty dollars;

For incidental expenses, three hundred dollars;

For surveys, one hundred and fifty dollars.

96.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

Charities and corrections.

For salary of commissioner, four thousand dollars;

For salary of assistant (architect), three thousand six hundred dollars;

For salary of draughtsman, two thousand five hundred dollars;

For salary of assistant draughtsman, one thousand two hundred dollars;

For allowance for clerical service, one thousand six hundred dollars;

For traveling expenses of commissioner and assistants, seven hundred and fifty dollars;

For blanks, stationery, postage, et cetera, one thousand dollars;

For salary of person appointed to assist the commissioner, pursuant to chapter thirty-five, laws of one

thousand nine hundred and ten, one thousand two hundred dollars;

For research work, two thousand dollars.

97.

FOREST PARK RESERVATION COMMISSION.

Forestry commission.

For the use of the State Board of Forest Park Reservation Commissioners, pursuant to chapter forty-seven, laws of one thousand nine hundred and five, including maintenance of State forest lands, eight thousand five hundred dollars;

For the use of the State Board of Forest Park Reservation Commissioners, for the purpose of carrying out the provisions of chapter one hundred and twenty-three, laws of one thousand nine hundred and six, and chapter seventy-four, laws of one thousand nine hundred and nine, fifteen thousand dollars.

98.

STATE NORMAL SCHOOL AT MONTCLAIR.

Montclair Normal school.

For support of the State Normal School at Montclair, fifty-two thousand five hundred dollars;

For necessary improvements and repairs to the grounds, buildings and furniture, and for keeping the same insured, five thousand dollars; payments under this account to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

99.

HEALTH OFFICERS OF THE PORT OF PERTH AMBOY.

Port health officers.

For salary of the health officer of the port of Perth Amboy, pursuant to chapter three hundred and twenty-eight, laws of one thousand nine hundred and six, one thousand dollars;

For salary of the deputy health officer of the port of Perth Amboy, pursuant to said chapter, two hundred and fifty dollars.

100.

COUNTY BOARDS OF TAXATION.

County tax boards. For salaries of members of the county boards of taxation, ninety-six thousand six hundred dollars.

101.

SECRETARY OF STATE, DEPARTMENT OF MOTOR VEHICLE REGULATION AND REGISTRATION.

Motor vehicle department. For salary for the Commissioner of Motor Vehicles, one thousand five hundred dollars;

For salary for the chief inspector, one thousand five hundred dollars;

For compensation for inspectors, seven thousand six hundred and eighty-six dollars;

For expenses and equipment of inspectors, four thousand dollars;

For compensation for clerical services, five thousand dollars;

For postage, expressage and other incidental expenses, three thousand dollars;

For blanks and stationery, two thousand five hundred dollars;

For the purchase and packing of identification marks and dies for use in connection with the same, fifteen thousand dollars; payment of the above items in this account to be made from the receipts of the department of motor vehicle regulation and registration, pursuant to chapter two hundred and thirty-five, laws of one thousand nine hundred and nine.

102.

BOARD OF PUBLIC UTILITY COMMISSIONERS.

Utility commission. For salaries and expenses of the Board of Public Utility Commissioners, sixty-five thousand dollars;

103.

DEPARTMENT OF PUBLIC REPORTS.

Reports. For salary of Commissioner of Public Reports, two thousand dollars;

For salary of clerk, six hundred dollars;

For blanks and stationery for use of the department, twenty-five dollars;

For postage, expressage and other incidental expenses for the department, twenty-five dollars.

104.

STATE WATER-SUPPLY COMMISSION.

Water-supply commission.

For salaries of commissioners, twelve thousand five hundred dollars;

For salary of secretary, two thousand five hundred dollars;

For salary of stenographer, blanks, stationery, postage, and other incidental expenses of the commission, one thousand five hundred dollars;

For expenses incurred in connection with new or additional water supplies, one thousand dollars;

For engineers, inspectors, field work, et cetera, two thousand five hundred dollars.

105.

CIVIL SERVICE COMMISSION.

Civil service.

For salaries and expenses of the Civil Service Commission, thirty-five thousand dollars;

For salaries and expenses in carrying out the provisions of Assembly Bill number one hundred and seventy-five, pertaining to the examination of inspectors of election, provided said bill becomes a law, ten thousand dollars, of which sum the Commission may pay to the chief examiner and secretary for extra work in connection therewith a sum not to exceed one thousand dollars.

106.

DEPARTMENT OF INLAND WATERWAYS.

Inland waterways.

For the purpose of carrying out the provisions of chapter eighty-three, laws of one thousand nine hundred and eight, fifty thousand dollars;

For salary of the Commissioner of Inland Waterways, pursuant to chapter fifteen, laws of one thousand nine hundred and eight, two thousand dollars.

107.

SUMMER COURSES IN AGRICULTURE, ETC.

Summer schools.

For the purpose of carrying out the provisions of chapter fifty-five, laws of one thousand nine hundred and eight, two thousand dollars.

108.

LIVE STOCK COMMISSION.

Live stock commission.

For the purpose of carrying out the provisions of chapter fifty-six and chapter two hundred and twelve, laws of one thousand nine hundred and eight, ten thousand dollars.

109.

JUDICIAL RETIREMENT FUND.

Judges' pensions.

For the purpose of carrying out the provisions of chapter three hundred and thirteen, laws of one thousand nine hundred and eight, and chapter one hundred and eighty-five, laws of one thousand nine hundred and eleven, ten thousand three hundred and thirty-three dollars and thirty-three cents.

110.

DEPARTMENT OF ACCOUNTS.

State auditors.

For salary of Auditor of Accounts, three thousand dollars;

For salaries of three assistants, two thousand dollars each, six thousand dollars;

For salary of stenographer, seven hundred and fifty dollars;

For traveling expenses of Auditor and three assistants, and incidental office expenses, one thousand dollars.

111.

COMMISSIONERS OF THE PALISADES INTERSTATE PARK.

For expenses incurred by the Commissioners of the Palisades Interstate Park, two thousand five hundred dollars; said expenses to be approved by the Governor. Palisades Park commission.

112.

REVALUATION OF RAILROAD AND CANAL PROPERTY.

For expenses of revaluation of all railroad and canal property in the State, pursuant to chapter one hundred and twenty-three, laws of one thousand nine hundred and eleven, thirteen thousand dollars. Revaluation.

113.

INDIGENT PATIENTS WITH INCURABLE DISEASES.

For the maintenance, treatment and support of indigent patients, inhabitants of this State, in institutions in this State, suffering from incurable diseases, pursuant to chapter one hundred and thirty-eight, laws of one thousand nine hundred and eleven, seven thousand five hundred dollars. Incurable indigents.

114.

DEPARTMENT OF WEIGHTS AND MEASURES.

For salaries and expenses of the department of weights and measures, five thousand dollars; *provided,* a bill pending entitled "An act to establish a uniform standard of weights and measures in this State, to establish a department of weights and measures, and to provide penalties for the use of other than standard or legal weights and measures," becomes a law. Weights and measures. Proviso.

115.

COMMISSIONER OF EDUCATION.

For the purpose of carrying out Senate Bill No. 258, entitled "A supplement to an act entitled 'An act School system.

to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," provided the same becomes a law, as follows:

For salary of commissioner, ten thousand dollars;

For salaries of four assistants, eighteen thousand dollars;

For clerical services, sixteen thousand dollars;

For salary of inspector of buildings, two thousand dollars;

For salary of inspector of accounts two thousand dollars;

For blanks and stationery, six thousand dollars;

For incidental expenses, eight thousand dollars;

Legislative manuals.

For two thousand five hundred copies of the manual of the Legislature of New Jersey, two thousand five hundred dollars; *provided,* manuals are furnished for school use only, all public schools to be included in the distribution.

Proviso.

Certain appropriations to lapse.

In case the bill recited in this item becomes a law, then all appropriations heretofore made in this act to the Superintendent of Public Instruction shall be void, and the moneys thus appropriated shall lapse into the treasury of this State.

The moneys in this item appropriated shall be deducted in the same manner as the moneys heretofore appropriated to the Superintendent of Public Instruction are required to be deducted pursuant to chapter sixty-five of the laws of one thousand nine hundred and nine.

School aid.

2. The following sum is hereby appropriated out of the income of the school fund for the purpose specified for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and twelve:

FREE PUBLIC SCHOOLS.

For the support of free public schools, two hundred thousand dollars;

There shall be paid from the income of the school fund such sums required to pay premiums and ac-

crued interest on bonds purchased by the trustees for the support of public schools.

Approval of plans and contracts by governor.

3. Before any building or buildings shall be commenced or work undertaken, for the cost of which money is appropriated by this act, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the Governor, and such contracts shall not be approved or entered into if the total expenditure under all the contracts necessary to the entire completion of such building, buildings or work according to such plans and specifications shall exceed the amount appropriated by this act for such building, buildings or work; and in any and every case where it shall appear that the appropriation is insufficient to complete such building, buildings or work, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, or prosecution of such work, but shall lapse and no payment shall be made therefrom.

If appropriation insufficient, to lapse.

Moneys used as specified.

4. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated, and except such sums which are by law devoted to specific purposes, namely, State school tax, United States appropriation to Agricultural College, United States appropriation for disabled soldiers, United States appropriations for disabled soldiers, sailors, marines and their wives, Agricultural College Fund and taxes for the use of taxing districts in this State, moneys received pursuant to the laws relating to motor vehicles, moneys received by the State from the taxation of railroad and canal property, which may be by law apportioned to the various counties of the State for school purposes, and loans to "State School Fund'," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year, nor of any payments into the State Treasury by State institutions and commissions pursuant to an act entitled "An act regulating the receipt and disbursement of State moneys in certain cases," approved October thirty-first, one thousand nine hundred and

seven (chapter two hundred and eighty-eight, laws of one thousand nine hundred and seven), which moneys by the provisions of chapter forty-one, laws of one thousand nine hundred and eight, are appropriated for the maintenance of said State institutions and commissions making such payments, and nothing in this act contained shall apply to moneys received directly into the State Treasury or through the Board of Fish and Game Commissioners as license fees, under any of the fish and game laws of this State, which moneys may be paid out as other moneys of the State; *provided, however,* that nothing in this section contained shall be construed to apply to payments in the State Treasury by the State Reformatory and State Prison as receipts for the labor of inmates of those institutions.

Effective.

5. This act shall take effect on the first day of November, one thousand nine hundred and eleven.

Approved July 6, 1911.

# JOINT RESOLUTIONS

(835)

# Joint Resolutions.

## JOINT RESOLUTION No. 1.

Joint Resolution for the protection and preservation of certain historical landmarks in the Commonwealth of New Jersey.

Preamble.

WHEREAS, There exists within the Commonwealth of New Jersey certain historical landmarks, whose natural scenic beauty will soon be a thing of the past, providing legislation is not enacted to prevent their further destruction; and

WHEREAS, It should be the duty of the law-making power of the State to prevent further destruction of those beautiful spots of natural scenery; therefore

Commission on historical landmarks.

BE IT RESOLVED *by the House of Assembly* (the Senate concurring herein), That the Governor is hereby authorized to appoint a commission to consist of three (3) members of the Senate and three (3) members of the General Assembly, who shall serve without remuneration, and whose duties shall be to thoroughly investigate and report to the Governor a draft of a bill providing a plan to protect from further destruction those historical landmarks of our State, for consideration and action by the members of the One Hundred Thirty-sixth (136th) General Assembly.

Approved March 7, 1911.

## JOINT RESOLUTION No. 2.

A Joint Resolution providing for the removal of the remains of Major-General Philip Kearny to the National Cemetery at Arlington, Virginia.

Preamble. WHEREAS, The remains of Major-General Philip Kearny lie in a vault in Trinity church yard, in the city of New York, unmarked by his name or fame. His history is so combined with that of the United States and with this State as to make it eminently fitting that he should lie with the nation's other great warriors at the National Cemetery, Arlington, Virginia. On March eighth, one thousand eight hundred and thirty-seven, he was appointed second lieutenant of the First United States Dragoons, his uncle, Stephen Watts, colonel, commanding the regiment. In July, one thousand eight hundred and thirty-seven, he was appointed first lieutenant and in August of that year, by leave, sailed from New York to join the French army for study. August eighth, one thousand eight hundred and thirty-eight, obtained leave to accompany the Duke of Orleans to witness and participate in the war of Algiers, his gallantry being such as to obtain for him distinction and a desire on the part of the King of France to decorate him. He returned to the United States in one thousand eight hundred and forty and acted as aide-de-camp to General Macomb, chief commander of the United States army, and afterwards occupying the same position on the staff of General Winfield Scott, returning to his regiment on May twelfth, one thousand eight hundred and forty-four; on April sixth, one thousand eight hundred and forty-six, he resigned, and immediately thereafter, it becoming manifest that war was likely soon to result with Mexico, he applied for reinstatement and was restored to the army, and on the fifteenth of April, one thousand eight hundred and forty-six, was ordered to complete his company of Dragoons. In December, one thousand eight hundred and forty-

six, he was commissioned as captain and his company detailed as bodyguard to Major-General Scott, but obtained, at his own request, permission to participate in the battle of Churubusco, and on August eighteenth, one thousand eight hundred and forty-seven, at this battle received such a wound in his left arm as to suffer the loss of it, and in the summer of one thousand eight hundred and fifty-one he was ordered to California to take part in a campaign against the Indians and received his commission as major, and on October ninth, one thousand eight hundred and fifty-one, he resigned and sailed from San Francisco on a voyage around the world. At the outbreak of the civil war in one thousand eight hundred and sixty-one, he was commissioned brigadier-general from New Jersey of the First New Jersey Brigade and reported to General Scott at Washington, June twenty-ninth, one thousand eight hundred and sixty-one, having active participation with his brigade until April, one thousand eight hundred and sixty-two, when he was commissioned major-general commanding the Third Division, which afterwards became the First Division of the Third Corps. While serving in General Pope's Army of Virginia, August twenty-third, one thousand eight hundred and sixty-two, while placing his division in line, he was killed by a Confederate bullet inside of the enemy's line; and

WHEREAS, His surviving son and daughter are willing that his remains should be removed and re-interred in the National Cemetery at Arlington, Virginia; therefore,

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

Commission on removal.

1. The Governor is hereby authorized and requested to appoint seven persons as commissioners to secure proper consent for the removal of the remains of Major-General Philip Kearny from Trinity church yard in the city of New York, and their transportation and re-interment in the National Cemetery at Arlington, Virginia.

Military escort.

2. The Governor is hereby authorized upon request of the said commissioners to appoint a suitable mili-

tary escort to the said remains to the place of interment.

Appropriation.

3. The necessary expense of the said removal and re-interment not to exceed the sum of five thousand dollars, as certified by the said commissioners, when approved by the Governor, shall be paid by the Treasurer of the State out of the treasury of the State, on the warrant of the Comptroller.

4. This resolution shall take effect immediately.

Approved March 23, 1911.

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## JOINT RESOLUTION No. 3.

Preamble.

WHEREAS, Many autonomous communities in both the States of New Jersey and New York are embraced within the confines of the port of New York;

WHEREAS, Each of such communities exercises local control of its water-front facilities without co-operation, for the common good, with other communities within the port;

WHEREAS, Questions of vital importance to said communities, such as the extension of pierhead lines, the harmonizing of the relations of water and rail-carriers, the intelligent reduction of port charges, the adaption of modern methods to the trans-shipment of freight between rail and water and to local distribution of freight in congested localities are arising daily and urgently call for joint action if the port is to hold its pre-eminence among the ports of the world;

WHEREAS, An adequate study of the needs of the port should demonstrate what action is desirable on the part of public authority to bring about needed reforms and improvements; now, therefore,

Commission on port facilities.

BE IT RESOLVED, That the Governor of the State of New Jersey is hereby authorized and requested to appoint three commissioners of experience and skill in

matters relating to the construction and operation of port facilities, both rail and water, to act jointly with three commissioners similarly appointed by the Governor of the State of New York, and with a seventh commissioner appointed by the President of the United States, said commission of seven members having for its purpose a thorough investigation of port conditions in this country and abroad, and the submission of a joint report to the President of the United States and the Governors of the States of New Jersey and New York, recommending the proper policy that should be pursued for the best interests of the entire port of New York, and the legislation, State and federal, that will be necessary to make said recommendations effective.

Report.

Approved March 29, 1911.

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## JOINT RESOLUTION No. 4.

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

1. That the New Jersey Conference of Charities and Corrections be authorized to print two thousand copies of their annual conference for one thousand nine hundred and eleven; and the sum of six hundred dollars is hereby appropriated for the printing and distribution of the same, to be paid out of the State Treasury, upon warrant of the State Comptroller, upon vouchers duly approved by the Governor.

Appropriation for report of conference.

2. This resolution shall take effect immediately.

Approved April 6, 1911.

## JOINT RESOLUTION No. 5.

Preamble. WHEREAS, At a meeting of the Philadelphia-Trenton-New York Deeper Waterways Association, held at the State House, in the city of Trenton, it was resolved that the Governor of this State be requested to appoint a committee of five to co-operate on behalf of this State with a committee of fifty of the Atlantic Deeper Waterways Association to consider and report upon matters in connection with a proposed co-operation between the State of New Jersey and the Federal Government, looking toward the construction of a ship canal across New Jersey and the development of the inland waterways of this and other coast States, in accordance with which resolution the Governor did appoint Messrs. David Baird, Peter Campbell, Samuel Heilner, Benjamin F. S. Brown and Frederick W. Donnelly as the members of such commission; and

WHEREAS, The said commission has met from time to time to discuss the matters submitted in accordance with the said resolution, and has received such information as could be afforded by the Federal Government with reference to the survey made by the engineers of the United States Army in such detail as the same is now perfected; and

WHEREAS, It is apparent that in order to bring about the undertaking of this important work by the Federal Government co-operation by the State of New Jersey is necessary and proper, since such co-operation on the part of the State is better calculated to induce the Federal Government to undertake the construction of this canal; and

WHEREAS, It is believed by the commission above referred to, upon information received from the Chief of Engineers of the United States Army, under whose direction the said survey was made, that the right of way of the said canal, according to the survey made, will require about four thousand acres of land, the cost of which, including damage claims

for water-rights extinguished, is estimated to be about five hundred thousand dollars; and

WHEREAS, It is believed that the benefits which will accrue to the State of New Jersey by reason of the construction of the proposed canal are a sufficient warrant for the co-operation of the State with the Federal Government in the construction of the said canal;

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

Canal approved.

1. That the construction of a canal across the State of New Jersey, connecting New York bay with deep water in the Delaware river at Bordentown, New Jersey, by the Federal Government, is an enterprise which is likely to result in great benefit to this State and its inhabitants, in encouraging the various industries of the State, and affording a more ready method of communication and transportation between points within this State and other points in this country and abroad, particularly in view of the importance of this canal as a necessary link in the intra-coastal system of inland waterways extending from Maine to Florida, which, when completed, will be of inestimable benefit to transportation along the entire Atlantic seaboard.

Route.

2. That in order to bring about the construction of this canal and its completion within as short a time as possible, on behalf of the people of this State it is hereby declared that when the government of the United States shall finally settle upon the route of the said canal, and shall make provision for its construction by suitable appropriation, the State of New Jersey shall acquire the right of way for the said canal by purchase or condemnation from the owners thereof and cede the same to the Federal Government for the uses of the government in construction and maintaining the said canal, upon condition that the said canal, when completed, shall be free and open to the commerce of the world, without tolls or charges for the passage of vessels or freight thereon; *provided,* the right of way can be obtained by purchase or condemnation for a sum not exceeding five hundred thousand dollars, or such sum as may be appropriated by the Legislature for that purpose at the time when such

Right of way.

Proviso.

appropriation and other legislation necessary to carry into effect the purposes of this resolution shall become necessary and appropriate.

Resolution forwarded.

3. That a certified copy of this resolution be forwarded by the Secretary of the Senate to the Honorable The Secretary of War.

4. This joint resolution shall take effect immediately.

Approved April 15, 1911.

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## JOINT RESOLUTION No. 6.

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

Copies printed.

1. That one hundred thousand copies of Senate Bill No. 27 in the form in which it is finally enacted, in event that the same becomes a law, be printed in pamphlet form, and ten thousand copies of a synopsis of the provisions thereof be printed on card board and delivered to the Commissioner of Labor as soon as possible if and after said bill shall become a law.

Distribution.

2. That the Commissioner of Labor shall be in charge of such printing and shall distribute the pamphlets among the employers of labor and their employes, and to all persons who may desire to receive the same, in such manner as to secure, so far as possible, a complete distribution of such pamphlets among those persons who will be affected by said law. He shall distribute the synopsis of said law among the employers of labor in this State and cause at least one copy thereof to be posted in a conspicuous place in every building where the manufacture of goods of any kind is carried on and distribute the same generally among other employers of labor to be posted for the information of all concerned.

Appropriation.

3. For the purposes of this resolution the sum of three thousand dollars is hereby appropriated, to be used for the payment of the cost of printing and so

much of the balance as may be necessary to be used by the Commissioner of Labor to defray the cost of such distribution.

Approved April 24, 1911.

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## JOINT RESOLUTION No. 7.

Joint Resolution providing for the collection, and transmission to the State of New York, of certain New Jersey laws, reports, journals, minutes, documents, etc.

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

Sundry documents sent to New York State Library.

1. The State House Commission be authorized and is hereby directed to collect and transmit to the Director of the New York State Library, for the use of the State of New York, the following: A complete set of the New Jersey Law and Equity Reports, a set of New Jersey Session Laws from one thousand eight hundred and twenty-one to date, the New Jersey Law Journal and Digest, a copy of Leaming & Spicer's "Grants and Concessions" (1881 edition), as nearly complete sets of the Senate Journal, Assembly Minutes, and Legislative documents as can readily be obtained, and copies of the various compilations and revisions of public statutes and digests of reports that have been published.

Duplicates contributed.

2. The State Librarian be directed to contribute from the duplicate volumes of documents, journals and minutes in the State Library, such as may be needed to aid in carrying out the object of this joint resolution.

Appropriation.

3. The sum of twelve hundred dollars, or so much thereof as may be necessary, is hereby appropriated for carrying into effect this joint resolution, and the Committee on Appropriations is requested to place that sum in the supplemental appropriation bill of this session.

2. This resolution shall take effect immediately.

Approved April 24, 1911.

## JOINT RESOLUTION No. 8.

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

Commission on ship canal.

1. The Governor is hereby authorized to appoint five persons to constitute "The New Jersey Ship Canal Commission," who shall hold their offices for three years, and who shall serve without compensation, either for services or expenses, and such clerical assistance as they may see fit to employ shall be at their own expense.

Duties.

2. The duty of the said commission shall be to examine the plan and route of the proposed canal across the State of New Jersey connecting New York bay with deep water in the Delaware river at Bordentown; to discover the amount of land necessary to be acquired for the right-of-way of the said canal, and determine as nearly as possible, the cost of acquiring the same; to consider and determine the location of, and plans for, terminals, railroad connections and stations along the line of the said canal, and the arrangement of transportation facilities in connection therewith; to determine generally upon a plan of development at the terminals and along the line of the said canal, and the advisability of the acquisition thereof by the State, so that, in the construction and operation of said canal, the greatest possible benefit will result to the people of the State at large. The investigations, recommendations and plans determined upon by the said commission shall be reported to the next Legislature for the information and guidance thereof.

Report to Legislature.

2. This joint resolution shall take effect immediately.

Approved April 24, 1911.

# PROCLAMATIONS.

(847)

# Proclamations by the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

## A PROCLAMATION.

From the seventeenth to the twenty-second of the present month (both dates inclusive), there will be celebrated at Jersey City the two hundred and fiftieth anniversary of the first permanent settlement between the Hudson and the Delaware in this State. This settlement preceded the colonial government. It was at the village of Bergen, now a part of Jersey City in the County of Hudson. Its charter was granted by the Council of New Amsterdam in the Autum of 1660.

With the passage of the two and a half centuries, great changes have come and all our people may well contemplate that fact. From a primitive people with a single municipality between the two rivers, we have grown to be the great State of New Jersey, with probably two and a half million of people; with multitudinous industries; with splendid schools and churches; extensive agricultural products; large cities and unparalleled prosperity. It is indeed fitting that the whole State celebrate the creation of our first organized town.

Now, therefore, I, John Franklin Fort, Governor of the State of New Jersey do request that the people of the State unite with Jersey City in its celebration and that on Friday, the twenty-first day of October, instant, the schools of the State, of all grades, so far as practicable, give at least half an hour of the day to the consideration of the history incident to the founding of "the Village of Bergen beyond Communi-

paw" by a talk by a teacher, or otherwise. The early history of our State, and the privation and sacrifice of the fathers in founding it, should be recalled by all during the week of this celebration. It will strengthen our loyalty and devotion in public matters, and quicken our faith in Divine things; to contemplate the character, patriotism and zeal of these early men who braved all that they might here found homes and a State, where liberty, freedom and the right of conscience would prevail.

Given under my hand and seal, at the Executive Chamber, in the City of Trenton, this seventh day of October, [SEAL] in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United States, the one hundred and thirty-fifth.

JOHN FRANKLIN FORT,
*Governor.*

Attest:
LESLIE R. FORT,
*Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

## PROCLAMATION.

The seasons have come and gone and the end of another year is almost here. We shall soon gather up our successes or defeats and take count thereof, and plan for the year to come. Every one will find some cause in the accounting for gratitude and it may be for rejoicing. It is always the most helpful to look upon the bright side of the incidents of life. It gains

not, nor does it make for contentment or happiness, to give undue place to our sorrows or failures. In these God has some design, past our comprehension, but instinct with our ultimate good. His kind and tender mercy is on every hand, if we will but find it. It is fitting that one day in the year be devoted to the contemplation and acknowledgment of it and of our manifold blessings in the civil and religious liberty which we enjoy.

Therefore, I, John Franklin Fort, Governor of the State of New Jersey, do designate Thursday the twenty-fourth day of November, instant, as a day to be observed for general thanksgiving and prayer, and upon that day I recommend that all business cease and that the people gather in their respective churches, and other places, for public worship, or in their homes in private, to make fitting acknowledgment to Almighty God for His unbounded benefactions to us as Nation, State, and individuals.

Given under my hand and seal, at the Executive Chamber, in the City of Trenton, this fifteenth day of November, [SEAL] in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United States, the one hundred and thirty-fifth.

JOHN FRANKLIN FORT.

By the Governor:

S. D. DICKINSON,
*Secretary of State.*

## PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, N. J., January 4, 1911.

WHEREAS, The Comptroller did, on the third day of January, nineteen hundred and eleven, under the provisions of an act entitled "A further supplement to an act entitled 'An act to provide for the imposition of State taxes upon certain corporations and for the collection thereof,' approved April 18, 1884," which supplementary act was approved June 3, 1905, report to the Governor a list of all corporations coming under said act; and

WHEREAS, The following-named corporations so reported have, for the two years preceding such report, failed, neglected or refused to pay the State taxes assessed against them for the year nineteen hundred and eight, under the laws of the State of New Jersey, and made payable into the State Treasury; and

WHEREAS, Under the provisions of said act the charters of said corporations are repealed and all powers conferred by law upon such corporations declared inoperative and void, unless the Governor gives further time for payment; and

WHEREAS, The Governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid;

THEREFORE, I, John Franklin Fort, Governor of the State of New Jersey, pursuant to the provisions of said act of the Legislature, do hereby issue this proclamation that the charters of the following-named corporations so reported and in default, to wit:

A. A. Ladd Cigar Company,
Abraxas Company,
Acme Sanitary Manufacturing Company,
Adamant Brick and Tile Company,
Adams Top Cutting Machine Company,

Adcock Foundry and Machine Company,
Adler Commission Company,
Adner Laboratory Company,
Advance Broom Company,
Aerial Amusement Company,
Aerial Railway and Amusement Company,
Ætna Packing and Supply Company,
Ætna Self-Heating Food Company,
Ætna Silk Company,
A. F. Ward Company,
Afterglow Park Land Company of Montclair,
A. H. Fox Gun Company,
Aigrette Supply Company,
Alaska Mercantile Company,
Alberti Foot Rest and Dryer Company,
Albertson News Company,
Alboum Hygeia Ice Company,
A. L. Carey,
Allegheny Carpet and Feather Renovating Company,
Allen Coat, Apron and Towel Supply Company,
Allenhurst Realty Company,
Almor Amusement Company,
Alpha Invention Company,
Amazon Rubber Company,
America Land, Realty and Securities Company,
American Addograph Company,
American Agency Company,
American Amusement Company of New Jersey,
American Boiler Tube Cleaner Corporation,
American Bond and Mortgage Company,
American-British-Canadian Can Company,
American Burial Case Company,
American Calculating Machine Company,
American Carboy Company,
American Coal and Shipping Company,
American Concentrated Feed Company,
American Construction Company,
American Copper and Silver Company,
American Electric Alarm Company,
American Electric Chain Company,
American Electromobile Company,
American Finance Company,
American Flour Company,

American Henderson Roller Bearing Company,
American Home Building Corporation,
American Home and Land Promoters Corporation,
American Hydrolit Company,
American Indies Company,
American Knitting Machine Company,
American Link-Chain Belt Company,
American Lubric and Refining Company,
American Manufacturing Corporation,
American Medicine Publishing Company,
American Mercantile Company,
American and Oriental Export Petroleum Company,
American Plate Glass Company,
American Pneumatic Ship Company,
American Realty Corporation,
American Realty Exchange,
American Registrar Corporation,
American Selling and Developing Company,
American Silk Industrial Company,
American Silk Yarn Company,
American Squab Company,
American Title and Security Company,
American Union Realty Company,
American-Vitreous Stone Company,
American Wood Preserving Company,
Amusement Contracting Company,
Anglo-American Packing Company,
Anglo-American Wafer Company,
Annandale Paint Manufacturing Company,
Antelope Valley Land and Stock Company,
Antioak Tire Company,
Apartment Hotel Company,
Appleby and Wood Company,
Archibald M. Ainslie Company,
Archipelago Importing Company,
Ardmaer Stock Farm,
Arizona Smelting Company,
Ark-Mo Zinc Company,
Arlington Candy Manufacturing Company,
Arlington Park Realty Company,
Art Engraving Company,
Arts Distilling Company,
Arthur J. Conner Company,

Asbestone Company,
Asbury Park Pier and Amusement Company,
Atlantic Brass Company,
Atlantic City Auto Carnival,
Atlantic City Home and Investment Company,
Atlantic City Mines and Development Company,
Atlantic City Mono-Rail and Amusement Company,
Atlantic Coast Amusement Company, Incorporated,
Atlantic Fibre Company,
Atlantic Gravel and Sand Supply Company,
Atlantic-Pacific Street Railway Surety and Mining Company,
Atlantic Real Estate Company,
Atlantic Rubber Manufacturing Company,
Atlantic Vehicle Company,
Atlantida Banana and Rubber Company,
Atlas Foundry and Machine Company,
Aurora Window Shade Company,
Auto Appliance Company,
Auto-Speedway Company of America,
Auto Water Saving Company,
Automatic Advertising and Manufacturing Company,
Automatic Coffee Machine Company,
Automobile Company of Philadelphia,
Automobile Exchange,
Automobile Exchange and Storage Company,
Automobile Road Map Company,
Backer Supply Company,
Bailey Piano Company of New Jersey,
Ball Bearing Hub Company,
Baltimore Coat Pad Company,
Baltimore Plate Ice Company, formerly Co-operative Plate Ice Company,
Banana Bag Company,
Bancroft Health Resort,
Bangor Slate Company,
Bar Lock Rubber Tile Company,
Barnsdall Contracting Company,
Barry Company,
Bartlett Land Company,
Barton-Moody Company,
Basic Iron Ore Company,
Bayonne Aerial Navigation Company,

Bayonne Amusement Company,
Bayview Lot and Building Association,
Bay View Realty Company,
Bay View Steamboat Company,
Beci Company,
Beck Manufacturing Company,
Beesley's Point Fishing Company,
Belcher Brothers Company,
Bell Automobile Company,
Belleville Land and Improvement Company,
Bellevue Hotel Company,
Bell-Gorman-Dickerson Company,
Bennett Electric Manufacturing Company,
Bergdoll Ambler Company,
Bergen Heights Realty Improvement Company,
Bergen Land and Construction Company,
Bergen Troop Association,
Bergmann Manufacturing Company of Pittsburg, Penna.,
Bergman Realty Company,
Bergman Steel Company of Pittsburg, Penna.,
Berkeley Heights Construction Company,
Berkeley Heights Lumber and Supply Company,
Berkowitz, Incorporated,
Berkowitz Tailoring Company,
Berlin Construction Company,
Berwindale Coal and Coke Company,
Best Silk Manufacturing Company,
Beverly Textile Manufacturing Company,
B. Gilpin Smith Company,
Bicapa Exploration Company,
Big Organ Company,
Bingham and Company,
Blue Ribbon Hosiery Company,
Blue Ridge Granite Company,
Bodine Company,
Bonnell Valve Company,
Bordentown Driving Association,
Bordentown Mobile and Transportation Company,
Boston Hotel Company,
Boston Store,
Boulevard Realty and Construction Company,
Bower Construction Company,
Bowers-Fairchild Company,

Bowly Auto-Pneumatic Tire Company,
Brazilian Industrial Company of America,
Brazilian Introduction and Development Company,
Brewster Engineering Company,
Brian Pottery Company,
Bridgeton Brick Company,
Bridgeton Driving Association,
Bridgeton Glass Company,
Brighton Realty Company,
Brimfield Manufacturing Company,
Bristletite Brush and Rubber Company,
British Aero Pulverizer Company,
British Guiana Rubber Plantations Company,
Broadway Cafe Company,
Brokers' Stock and Grain Company,
Brooklyn Manor Company,
Brown Brothers and Company,
Brown Car Company,
Brown Quinlan and Quien Amusement Company,
Brownsville, Masontown and Smithfield Street Railway Company,
Brueggeworth Company,
Buckhorn Portland Cement Company,
Bucyrus Development Company,
Bucyrus Iron Works,
Buente Patents Company,
Bufa Mining and Smelting Company,
Builders' Concrete Manufacturing and Construction Company,
Builders' Supply Company of Lansdale, Pa.,
Building and Loan Assurance Agency, Incorporated,
Building Materials Commission Company,
Burlington Gold Mining Company,
Butterworth Thermometer and Clock Advertising Board Company,
Cabric Construction Company,
Caldwell Artificial Stone Company,
Caldwell Blackboard Company,
California Electric Vehicle Transportation Company,
Camden Auto Exchange Company,
Camden Base Ball Club, Incorporated,
Camden Elbow and Galvanizing Company,
Camden Electro-Plating Company,

Camden Heating, Ventilating and Power Construction Company,
Camden Journal Publishing Company,
Camden Motor Company,
Camden Navigation Company,
Camden Oil Cloth Company,
Cameron Chemical Company,
Campbell Lock Company,
Canadian Cedar and Cypress Company,
Canal Supply and Equipment Company,
Cape May and Wildwood Transportation Company,
Capitol City Foundry Company,
Carbolic Soap Company,
Cardenas and Sabanilla Asphalt Company,
Cariboo Development Company,
Carl Paas Company,
Carlsbader Health Extract Company,
Caro-Caro Company,
Carteret Construction Company,
Cash Buyers Co-operative Union,
C. B. Walton Company,
Central Commercial Company,
Central Cooperage Company,
Central Illinois Construction Company,
Central Jersey Power Company,
Central Land Company,
Central Lumber Company (No.1),
Central Magazine Company,
Central Manufacturing Company of Newark, N. J.,
Central Trucking Company,
Centreton Turnpike Company,
Century Milk Company,
Cereal Threshing and Milling Company,
Cerro De Pasco Smelting Company,
Ceylon Perfume Company,
Chapin Manufacturing Company,
Chapman and Company,
Charles E. Dustin Company,
Charles Gelhaus Company,
Charles H. Yale Amusement Company,
Chas. P. Mullen Company,
Charles Watson and Company,
Chemical Fuel Company of America,

Chenango Valley Electric Railway Company,
Chester Brick Company,
Chicago Building Investment Company,
Chicago Coaster Company,
Chicago Guaranty Company,
Christy Rawhide Pulp Board Box Company of Pittsburgh, Pa.,
City of Orange Security Company,
City Publishing Company,
City Realty Company,
C. Kauffmann and Son Company,
Classen Lignum Company,
Climax Contract Company,
Climax Manufacturing and Promoting Company,
Cline Feed Water Heater Company,
Clowes Sothern Company,
Clutch-Pulley Manufacturing Company,
Coatesville Concrete Construction Company,
Coats Contracting Company,
College of Natural Therapeutics,
Collins Amusement Company,
Colombia Company,
Colonial Baking Company,
Colonial Sterro-Mutoscope Company of Pittsburg, Pa.,
Columbia-Bangor Power Company,
Columbia and Electric Vehicle Company,
Columbia Silica Brick Company,
Columbian Reinforced Concrete Company,
Commercial Printing House,
Commercial Squab Company,
Commercial Truck and Power Company,
Common Sense Journal Packing Company,
Commonwealth Realty Development Company,
Commonwealth Securities Company,
Community Manufacturing Company,
Complete Combusco Company,
Concrete Construction Company,
Confetti Horn Blower Company, Incorporated,
Congo-Brazilian Crude Rubber Company,
Consolidated Arizona Smelting Company,
Consolidated Bag Company,
Consolidated Construction Company,

Consolidated Decorating and Supply Company,
Consolidated Novelty Company,
Consolidated Public Utilities Corporation,
Construction Corporation of America,
Consumers Ice Cream Company,
Continental Chemical Company,
Continental Manufacturing Company,
Contracting and Construction Company,
Converse Printing Company,
Coomber Rubber Manufacturing Company,
Co-operative Auto-Supply and Maintenance Company,
Cooper Wigan Cooke Company,
Cornelison Company,
Cornwall Copper Company,
Corona Chemical Company,
Cottentin Hotel Company,
C. P. Mayer Brick Company,
Cranberry Lake, Incorporated,
Crestmont Automobile Company,
Cross and Plum, Incorporated,
Crystal Lake Milling Company,
Crystal Publishing Company,
Cuba Contract and Supply Company,
Cuba Midland Railroad Company,
Cuban Lumber and Development Company,
Cumberland Coal and Coke Company,
Cumberland Commercial College,
Curetis Chemical Company,
Curtin-Durling Company,
Cutten Electric Manufacturing Company,
Cutten Magneto Company,
C. W. Horne and Company,
Dahl and Dressler Realty and Construction Company,
Daimler Manufacturing Company,
d'Auria Pumping Engine Company,
Davis Chemical Company,
Decorative Arts Company,
Delaware Electric Vehicle Transportation Company,
Delta Rubber Company,
De Luxe Motor Car Company,
Dermacura Chemical Company,
Devac Auto Company,
De Vito Company,

D. H. Thurston Company,
Dickerman Desk Company,
Dina-Burnett Company,
Direct Motor-Drive Manufacturing Company,
Distillers Distributing Company of Newark, N. J.,
Dock Gas Engine Company,
Domestic and Foreign Construction Company,
Domestic Ice Company,
Domestic Laundry Company,
Domestic Supply Company,
Dominion Metal and Manufacturing Company,
Dos De Abril Mining Company,
Douglas Lacey and Company,
Dover Ice Company,
Dover Medical Institute Company,
Dover Slag Company,
Downey and Company, Publishers, Incorporated,
Dream Amusement Company,
Dresden Realty Company,
Duffy Locomotive and Stationary Stoker Company,
Dumont Development Company,
Dunham Grocery Company,
Duquesne Dry Goods Company,
Durham Engineering Company,
Dutcher and Company,
Duvall Varnish and Paint Company,
Dwellings Construction Company,
Eagle Fancy Leather Company,
Eagle Iron Works,
Eagle Nurseries Company,
E. A. Graef Company,
East Avenue Land Company,
East Coast Electric Light, Power and Ice Company,
Eastern Cold Storage Company,
Eastern Manufacturing and Contracting Company,
Eastern Paving and Construction Company,
Eastern Ship Building Company,
Eastern Ship Building Corporation,
Eccleston Lumber Company,
Economy Paving and Construction Company,
Eddowes, Jackson Company,
Edgewater Lumber Company,
E. D. Taylor Company,

New Jersey State Library

Educator Publishing Company,
Edwin B. Ennis and Company,
Edwin W. Lane Detachable Heel, Boot and Shoe Company,
E. E. Conklin Company,
E. H. Godshalk and Company,
Elastic Nut and Bolt Company,
Electric Rubber Company,
Electric Shoe Polisher Company,
Electric Store Service Company,
Electric Vaudeville Company,
Electrical Publishing Company,
Electro Metal Recovery Company,
Electrolian Organ Company,
Elizabeth Baseball Club,
Elizabeth Mantel and Tile Company,
Elizabethport Brass Foundry Company,
Elk Valley Jellico Coal Company,
Ellams Duplicator Company of United States,
Ellenville Zinc Company,
Elmer Glass Works,
Empire Fountain Pen Company of New Jersey,
Empire Match Company,
Empire Tracing Cloth Company,
E. M. Wilkins Company,
Enamel Electric Sign Company,
Enterprise Mercantile Company of Camden, New Jersey,
Enterprise Novelties Company of New Jersey,
Enterprise Stock Company,
Entress Brick Company,
E. P. White and Company, Incorporated,
Equitable Specialty Company,
Erie Real Estate Company,
Erkenbrach Chemical Company,
Essex County Fair Association Company,
Essex County Land Company,
Essex Inn Company,
Essex Realty Corporation,
Euelectric Company,
Eureka Patent Company,
Eureka Realty Company,
Eureka Woolen Cleansing Company,

Evons Press,
Evory Manufacturing Company,
Ewald Brothers Company,
Excelsior Amusement Company,
Excelsior Underwear Company,
Excelsior Vending Machine Company,
Fair Lawn Land and Improvement Association,
Fairview Improvement and Investment Company,
Fairyland Amusement Company,
Falkenstein Company,
F. C. Newell Mutograph Corporation,
Federal Construction Company,
Federal Glue Company,
Federal Light, Heat and Power Company,
Federal Railway Signal Company,
F. E. Smith Lumber Company,
Fewkes-Whalen Company,
Fidelity Trustee and Receivers Company,
Finance Company in Pittsburg,
Fine Arts Appliance Company,
Finney Company,
Fireproof Column Company of America,
Firm of H. Haussling Company,
Fisher Wrench Company,
Fishman-Appleman Company,
Five Mile Beach Manufacturing and Supply Company,
Flexible Alumetal Company,
Florence Mining Company,
F. M. Andrews and Company,
Forest Farm and Products Company,
Forest Park Realty Company,
Formaldehyde Company,
Forrest Amusement Company,
Forsyth Hardware Company,
Fort Lee Contracting Company,
Forward Realty Company,
Fox Optical Manufacturing Company,
Francis Mack Company,
Frank A. Robbins Company,
Frank S. DeRonde Company,
Frank W. Carr Company,
Franklin Amusement Company,
Frasier River Copper Mining Company,

Fraternal Publication Company,
Fred A. Wescott Company,
Fred'k Cummings Sons and Company,
Freehold Electric Light Company,
Freehold Poultry Company,
Frenchtown Electric Construction and Maintenance Company,
Fresno-Belvoir Mining Company,
Fruit Dealers' Association,
F. T. Smiley Publishing Company,
Fullwood Cut Glass Company,
Furnace Run Saw Mill and Lumber Company,
F. W. Munn Livery Company,
F. W. Waggoner Company,
Garden Hotel and Sanatorium Company,
Garfield Silk Dyeing and Finishing Company,
Garfunkel Light Company,
Garwood Foundry and Machine Company,
Gas Advertising Novelty Company,
Gas Appliance Company of America,
Gas and Coke Improvement Company,
Gas Construction Company, formerly Gas Engineering Company,
Gas and Electric Appliance Company,
Gas-Hive Company,
Gas Power Company,
Gedney's, Incorporated,
General Light Improvement Company,
General Realty and Investment Company,
General Slate Company,
General Works Company,
Geneva Lithia Water Company of Pittsburg,
Gentlemen's Driving Club of Trenton, N. J.,
George D. Feidt and Company,
George E. Briggs Company,
George Wood Manufacturing Company, Incorporated,
Georgia Electric Vehicle Transportation Company,
Georgia Talc Company,
German-American Agency,
Germantown Wood Working Company,
Germoline Company,
G. and H. Button Company,

Gilbert and McCloskey Supply Company,
Gillingham Automobile and Supply Company,
Ginter Cement Company,
Girard Storage Company,
G. J. Fisher Company,
Glazer Clothing Company,
Glen Rock Woolen Mills,
Globe Coat, Apron and Towel Supply Company,
Globe Color Company,
Globe Credit Company,
Golden Seal Pharmaceutical Company,
Gonave Island Development Company,
Goodhart Cigar Company, Incorporated,
Graeco-American Currant and Supply Company,
Grand Columbia Ice Cream Company,
Granite Construction Company,
Gravity Lock Manufacturing Company,
Gray Linotype Company,
Great Northern of Canada Consolidated Company,
Greater Wildwood Hotel Company,
Greenville Heights Realty Company,
Groetzinger Carpet and Furniture Company (formerly Groetzinger Carpet Company),
Guernsey Stevenson and Company,
Gulf Realty Company,
G. V. Bartlett Company,
Hackensack Home Company,
Haledon Tapestry Company,
Hall Kitchen King Manufacturing Company,
Hall-Kline Company,
Halsey Electric Generator Company,
Hamilton Garage and Motor Company,
Hampton Publishing Company,
Hanover Company,
Hanover Filtration Sand and Granite Brick Company,
Hardman Rubber Company,
Harper Brick Company,
Harris and Company,
Harris-Timble Construction Company,
Hartman Soap Manufacturing Company,
Hasbrouck Park Realty Company,
Hasbrouck Realty Company,
Hawthorne Construction Company,

H. Birkenhauer, Jr., Incorporated,
Heath-Salmon Realty Company,
Heath School,
Henderson Johnston Handkerchief Company,
Henry Brooke Fish Company,
Henry Goldner and Son Company,
Henry Gross Patent Shade Roller Company,
Henry J. Spuhler and Company,
Henry Mortige Company,
Herald Publishing Company,
Herbert Importing and Manufacturing Company,
Hercules Metal Company,
Hermetic Casket Company,
H. Estrin Company,
H. F. Haviland and Company, Incorporated,
H. G. Harris and Company,
Hibernia Supply Company,
High Mountain Park Land Company,
High Standard Steel Company,
Hill Manufacturing Company,
Hirst Smyrna Rug Manufacturing Company,
H. Julius Smith,
H. J. Valentine Company,
H. M. Shaw and Company,
Hoboken Trap Rock Company,
Hold Fast Detachable Calk Holder Company,
Home Construction Company,
Home Machine Company,
Hopkins and Williams Company,
H. Oscar Brown Motor Car Company,
H. O. S. Engineering Company,
Hotel Marion Company,
House Produce Company,
Howard and Burke,
Howell Car and Foundry Company,
Howe Motor Car Company,
Hudson County Manure Company,
Hudson Embroidery Company,
Hudson-Peak Company,
Hudson River Bottling Works,
Hudson River Military Academy,
Huff Art Studio,
Humboldt Mining Company,

Huntoon Tea Company,
Hutchins Manufacturing Company,
H. W. Bennett Company,
Hydraulic Engineering Company,
Hygeia Hotel Company,
Hygienic Hair Drying Company,
Hygrade Motor Car Company,
Ideal Automatic Pump Governor Company,
Imperial Art Tile Company,
Imperial Supply Company,
Imperial Transit Company,
Imported Tobacco Manufacturing Company,
Independence Sand Company,
Independent Grocers Supply Company,
Independent Theatres of America,
Indiana Electric Vehicle Transportation Company,
Industrial Filtration Company,
International Passenger Ticket Protective Association,
International Registration Company,
International Rice and Rubber Company,
Interstate Investment Company,
Interstate Smelting Company,
Iowa Electric Vehicle Transportation Company,
Iran Carpet Cleaning Company,
Iron Mountain Mining Company,
Irving Investment Company,
Irving Securities Company,
Issermann Company,
Italian Laborers Co-operative Society of Trenton, N. J.,
J. Allen Conklin,
James C. Kirk and Son Company,
James F. Connolly Construction Company,
Janesville Cement Post Company,
Janney Whiting Lumber Company,
J. C. Anderson Manufacturing Company,
J. E. Bernstein Company of Paterson,
Jefferson Excelsior Company,
Jersey Pink Granite Company,
Jess Davis and Company,
Jesse L. Hedden Company,
J. Franklin Whitman Company,
J. H. Coombs Lumber Company,

J. H. Lake Company,
J. J. Smith, Incorporated,
J. L. Anderson and Sons,
J. L. Krom Machinery Company,
J. McCloskey and Company,
J. M. Shew Paper Company,
John A. Mead Manufacturing Company,
John C. Gossler Importing Company,
John C. Haddock and Company,
John F. Brady Turbine Company,
John Good and Gordon Brothers Company,
John Jackson Mining Company,
Johnson Company,
Johnson Automatic Piano Company,
Johnston Building and Realty Company,
Jonap and Company,
Jones-Harrison Company,
Jordan Publishing Company,
Joseph C. Duff, Incorporated,
J. R. Potter and Company,
J. S. Cruser Investment Company,
Jucaro and San Fernando Railroad and Transportation Company,
Jules Voges Company,
Julius Christensen and Company,
Jung and Sons Coal Company,
Juniata Supply Company,
J. W. Foulks Stevedoring and Contracting Company,
J. W. Williams and Company,
Kalium Springs Land and Improvement Company,
Kansas City Gray Brick Company,
Kearsing Manufacturing Company,
Kefyr Manufacturing Company,
Kelly Manufacturing Company,
Kennedy Leather Company,
Kentucky Electric Vehicle Transportation Company,
Kerck Realty Company,
Keystone Automobile and Transportation Company,
Keystone Electric and Manufacturing Company,
Key West Wharf and Coal Company,
Kilrato Company,
Kimble Inverted Mueller Mill Company,
Kinkerter and Sheppard Company,

Kirkwood Marl and Fertilizing Company,
Klean-it-Kleaner Ko.,
Klein-Stillwell Drug Company,
Kline Buss Smokeless Explosive Company,
Knickerbocker Investment Company,
Knox Motor Car Company,
Kortgard Concrete Stone Company,
Krakow and Posen Company,
La Asteca, Limited,
La Christina Company, Limited,
Laisant and Company, Incorporated,
Lake Hopatcong Club,
Lake Ridge Realty Company,
Lakewood Pigeon Farm,
La Luisa Sugar and Plantation Company,
La Metate Land and Fibre Company,
Lange Brothers,
La Renaud Company,
Laurel Silk Works,
Laurelton Store Company,
Lawyers' Title Guaranty Company,
Lead and Zinc Development Company of Tipton, Mo.,
Leblanc Carbureter Company,
Le Brocq Company,
Leech Wall Paper Company,
Lee Medicant Company,
Legal Security Company of America,
Lehigh Oil and Waste Saving Company,
Leiss, Fiske and Potts Company,
Lena Hosiery Mills,
Lenox Brick Company,
Liggetts Drug Stores,
Light and Equipment Syndicate,
Lima Street Railway Company,
Lime Stone Company of New Jersey,
Lincoln Cigar Factory,
Lincoln Electric Company,
Lindenwold Estate Company,
Livezey-Pionnie Motor Car Company,
L. L. Friedman and Company,
Long Branch Fair Association of Monmouth County, formerly Monmouth County Fair Association,
Long Shot Mining Company,

Lorenz and Fuger Patent Window Manufacturing Company,
Los Machos Mining and Smelting Company,
Louisiana Electric Vehicle Transportation Company,
Lubrication Packing Motor Company,
Lucius Company,
Lyceum Amusement and Realty Company,
Mackelgou Company,
MacKenzie, Adams and Company,
Maginnis Coal Briquette Company,
Magi Washing Crystals Company,
Maine and Washington Securities Company,
Malt Creamlet Company,
Mameva Mining and Milling Company,
Mammoth Crystal Cave Company of Atlantic City,
Manhattan Book-Casing Machine Company,
Manhattan Brick Company,
Manhattan Dock Company,
Manhattan Improvement Company,
Manhattan Silk Company,
Manhattan Stock and Grain Dealers Company,
Manufacturers Company,
Mariposa Mining Company,
Marlou Chemical Company,
Martin Raw Hide Belting Company,
Maryland Electric Vehicle Transportation Company,
Matamoras Stone and Contracting Company,
Matanzas Copper Company,
Matthews Motor Company,
Maurice River Oyster Company,
McArthur Electric Manufacturing Company,
McCann Brothers Ice Company,
McClean Arms and Ordnance Company,
Meadowfield Coal Company,
Meadows Chemical Company,
Meers Artificial Leather Company,
Meers Company,
Merchants Electric Light and Power Company,
Merchants Fund Company,
Merchants Securities Company,
Mershon Company,
Metal Construction Company,
Metal Ware Selling Company,

Metallic Transfer Company,
Metropolitan Fire Proofing Company,
Metropolitan Mercantile and Realty Company,
Metropolitan Mining and Milling Company,
Metropolitan and Suburban Real Estate Company,
Mexican-American Power Company,
Mexican Copper Company,
Mexican National Sugar Refining Company,
Michigan Electric Vehicle Transportation Company,
Mick's Automobile Company,
Milltown Enamel Works,
Milton Snider Company,
Miniature Railroad Company,
Minnesota Electric Vehicle Transportation Company,
Minor-Pullen Company, formerly Felter Bros. Company,
Miracle Tube Cleaning Company,
Missouri Electric Vehicle Transportation Company,
Mistletoe Silk Mills,
M. J. Cunningham Company,
Monahan Stone Company,
Monmouth Chemical Works,
Monroe Automatic Awning Company,
Montague Company,
Montclair Hotel Company,
Montclair Transit Company,
Montevallo Coal Mining Company,
Montezuma Agency,
Moore and Company, Incorporated,
Moore and Mertens Company,
Morehead and Company, Incorporated,
Morris Domestic Refrigeration Company of America,
Morrison Dredging Company of New Jersey,
Morristown Manufacturing Company,
Mosco Manufacturing Company,
Motor Boating Company,
Motor Import Company,
Motor Tally-Ho Company,
Mount Pleasant Stamping and Manufacturing Company,
M. T. Copertino Contracting and Trucking Company,
Multiplex Tube and Tire Company,
Mumford Brush Company,

Murphy Contracting Company,
Mutual Benefit Ice Company,
Mutual Security Company,
National Anchor Company,
National Auto Transit Company,
National Brewing and Ice Company,
National Brokerage Company,
National Calculating Machine Company,
National Cement Company,
National Chuck and Tool Company,
National Cipher Code Company,
National Clay Products Company,
National Construction and Equipment Company,
National Dental Manufacturing Company,
National Drug Company,
National Export Association of American Manufacturers,
National Federation of American Homing Pigeon Fanciers,
National Freezing Machine Company,
National Fuel Briquetting Company,
National Gas Regulator Company,
National Inspection and Audit Company,
National Journal Lubricator Company,
National Manufacturing and Supply Company,
National Metallurgic Company,
National Peat Fuel Company,
National Pharmacy,
National Producer Gas Power Company,
National Prospecting and Development Company
National Railway Equipment Company,
National Safety Gas-Burner Company,
National Sanitation Company,
National School Slate Company,
National Sewage Disposal Company,
National Transfer and Warehouse Company,
National Veterinary Remedy Company,
Neptune Company,
Nercumoff Button Company,
Nesemann Manufacturing Company,
Neulandt-Wirths Company,
Nevada Milling and Ore Purchasing Company,
Newark Amusement Company,

Newark Arcade Company,
Newark Arc Lamp Company,
Newark Athletic and Amusement Company,
Newark Compressed Air House Cleaning Company,
Newark and Essex County Collection Agency,
Newark Fancy Leather Manufacturing Company,
Newark Wood-Letter Company,
Newart Company,
New Aztec Mining and Milling Company,
Newbern Mining Company,
Newcomb Automobile Company,
Newcomb Engine Company,
New England Electric Music Company,
New England Washery,
New Era Manufacturing Company,
New Idea Hot Water Heating Company,
New Idea Hot Water Heating Company of Pennsylvania,
New Idea Improvement Company,
New Jersey Antioak Tire Company,
New Jersey Automobile Company,
New Jersey Brokerage Company,
New Jersey Concrete Bridge Company,
New Jersey Consolidated Gas Company (formerly Consolidated Gas and Electric Company),
New Jersey Electric Vehicle Transportation Company,
New Jersey File Company,
New Jersey Flue Tool Company,
New Jersey Horn and Sheet Metal Company,
New Jersey Land and Investment Company,
New Jersey Law and Realty Company,
New Jersey Lighterage and Transportation Company,
New Jersey Medical Attendance Company,
New Jersey Petroleum Soap Company,
New Jersey Pipe Organ Company,
New Jersey Publication Company,
New Jersey Publishing Company,
New Jersey Reinforced Concrete Construction Company,
New Jersey Reporting and Adjustment Corporation,
New Jersey Scenic Railway Company,
New Jersey Shawl Company,
New Jersey Sheet Metal Company,

New Jersey Silk Company,
New Jersey Stone Construction Company,
New Jersey Stove Lid Company,
New Jersey Suburban Realty Corporation,
New Liberty Hotel Company,
New Process Art Glass Company,
New York and Atlantic City Realty Company,
New York Candy Company,
New York Electric Music Company,
New York Granite Brick Company,
New York Heating and Power Company,
New York Investing Company,
New York and New Jersey Auxiliary Fire Alarm Company,
New York and New Jersey Patrol and Detective Company,
New York and Philadelphia Brick Company,
New York and South American Navigation Company,
New York Vaudeville Company,
Nika Leather Company,
Nixon Amusement and Realty Company,
No-O-Dor Company,
Norfolk Copper Company,
Northampton Quarries Company,
North American Dredging Company,
North American Glass Company,
North Hudson Hospital Amusement Association,
North Jacksonville Street Railway, Town and Improvement Company,
North Jersey Clothing Company,
North Jersey Match Company,
North Penn Iron Company,
North Philadelphia Lumber Company,
Northern Gas Company,
Northern Produce Company,
Northwestern Manufacturing Company,
Northwestern Motor Car Company,
O'Callagan American Leather Works Company,
Occidental Portland Cement Company,
Ocean Crest Improvement Company,
Ocean Dredging Company,
Ocean Front Land Company,
Ocona Lufty and Soco Flume Company,

Ohio Electric Vehicle Transportation Company,
O. K. Enterprise and Developing Company,
Opdyke Printing Company,
Orange Journal Publishing Company,
Orean Park Land and Water Company,
Otto Coke Company,
Outlook Poultry Plant,
Overleigh Zinc Mining Company,
Oxoline Company,
Ozone Company of America,
Pacific Slope Mining and Development Company,
Palace Arcade Company,
Palmer Window Glass Company,
Palmetto Veneer Company,
Pan American Brewing Company,
Parker-Clarendon Company,
Parry Company,
Passaic City Hotel, Inc.,
Passaic District Messenger Exchange,
Passaic Finance Company,
Passaic Horse and Carriage Company,
Passaic Livery and Trucking Company,
Pastime Amusement Company,
Paterson Automobile Exchange,
Paterson Brass Foundry,
Paterson Building Company,
Paterson Coal Company,
Paterson Realty Company,
Patrick White and Sons,
Paulus Hook Realty Company,
Payne Electric Dredge Company,
Pelona Development Company,
Penn Cobalt Company,
Penn Drug Company,
Penn Navigation Company,
Penn Plaster Company, Incorporated,
Penn Securities Company,
Penn Tapestry Company,
Pennsylvania Engineering and Construction Company,
Pennsylvania Gas Fixture Company,
Pennsylvania Institute of Inhalation,
Pennsylvania Iron Ore Company,
Pennsylvania Publicity Company,

Pennsylvania Wire Forming Company,
Penny Magazine Publishing Company,
Pennypacker Publishing Company,
Peoples Hygeia Ice Company,
Perfect Construction Company,
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Standard Realty Securities Company,
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United States Endowment Bond Company,
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United States Smokeless Furnace Company,
Unity Publishing Company,
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Universal Manufacturing Company,
Universal Securities Company,
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Western Trap and Target Company,
W. F. Cramer Shoe Company,
Whale Bone Poultry Food Company,
W. H. Fisher Company, Incorporated,
W. H. Halpin and Company,
White Metal Company,
Wilbur Fire Appliance Manufacturing Company,
Wilcox Novelty Company,
Wilhelm and Hiltgen Company,
William C. Wortman Company,
William H. Skirm Rubber Manufacturing Company,
William H. Smith Plumbing and Heating Company,
William Penn Company,
William Penn Billposting and Transfer Company,
William W. Hayden Company,
Williamsport Motor Company,
Wilson Company,
Wilson Electric Manufacturing Company,
Wilson and McNeal Company,
Winne Mortgage Company,
Wisconsin Electric Vehicle Transportation Company,
Wissahickon Manufacturing Company,
W. K. Ames and Company,
W. L. Clark Company,
Woltham Manufacturing Company,
Woodbridge Ice Company,
Woodford, Crouse and Stoll,
Woodport Hotel and Land Company,
Wood River Exploration Company,
Wood Utilization Sewerage Company,

Work Brothers Company,
World Construction and Amusement Company,
W. P. Catlin Company,
W. T. Mayer Company,
W. W. Morton Company,
Xylo Manufacturing Company,
Yatesville Coal Company,
Ye Olde Mountain Camp Company,
Young-Rogers Amusement Company,

are repealed, and all powers conferred by law upon such corporations, and each of them, are hereby declared inoperative and void.

In witness whereof, I have hereunto set my hand and caused the great seal to be affixed, at Trenton, this ninth day of January, one thousand nine hundred and eleven.

JOHN FRANKLIN FORT,
*Governor.*

(GREAT SEAL.)

By the Governor:

S. D. DICKINSON,
*Secretary of State.*

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## PROCLAMATION BY THE GOVERNOR.

WHEREAS, on the ninth day of January, Nineteen Hundred and Eleven, under an act entitled "A further supplement to an act entitled 'An act to provide for the imposition of state taxes upon certain corporations and for the collection thereof,' approved April eighteenth, eighteen hundred and eighty-four," which supplementary act was approved June third, nineteen hundred and five, the Honorable John Franklin Fort, Governor of the State of New Jersey, did issue his Proclamation of that date that the charters of certain corporations reported by the Comptroller as in default in the payment of taxes imposed on them by law, were repealed and declared null and void; and

WHEREAS, it is established to my satisfaction that the Trinity Realty Company, one of the corporations named in said proclamation, has not neglected or refused to pay said tax within two consecutive years:

Now, therefore, in pursuance of section six of an act of the legislature of the State of New Jersey entitled "A further supplement to an act entitled 'An act to provide for the imposition of state taxes upon certain corporations and for the collection thereof,' approved April eighteenth, eighteen hundred and eighty-four," which supplement was approved June third, nineteen hundred and five,

I, Woodrow Wilson, Governor of the State of New Jersey, do hereby correct the mistake of including the said Trinity Realty Company in said Proclamation and do make the same known by this, my said Proclamation, to be filed in the office of the Secretary of State.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of this State to be affixed at Trenton, the second day of February, A. D. nineteen hundred and eleven.

(SEAL) WOODROW WILSON.

S. D. DICKINSON,
*Secretary of State.*

# DECREES OF DISSOLUTION

(887)

# Decrees of Dissolution.

IN CHANCERY OF NEW JERSEY.

In pursuance of Chapter 185 of the Laws of 1896, copies of decress of dissolution of the charters of the following corporations have been filed in the office of the Secretary of State.

| *Name.* | *Filed.* |
|---|---|
| Zonite Manufacturing Company. | May 10, 1910 |
| New Jersey Brick and Supply Company. | June 4, 1910 |
| Hardman Rubber Company. | December 23, 1910 |
| T. B. Peddie and Company. | December 29, 1910 |
| Knox-Illustrating Syndicate (Incorporated) | February 3, 1911 |
| Kempshall Manufacturing Company. | March 14, 1911 |
| Telephone Telegraph and Cable Company of America. | April 12, 1911 |
| Doyne Lumber and Milling Company. | April 17, 1911 |

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