ACTS

OF THE

One Hundred and Thirtieth Legislature

OF THE

STATE OF NEW JERSEY

AND

Sixty-Second Under the New Constitution.

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

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

S. D. DICKINSON,
Secretary of State.

MEMBERS

OF THE

One Hundred and Thirtieth Legislature

OF NEW JERSEY.

SENATORS.

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Bergen, ... EDMUND W. WAKELEE.
Burlington, ...JOHN G. HORNER.
Camden, ...WILLIAM J. BRADLEY.
Cape May, ...LEWIS M. CRESSE.
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Union,	PETER TILLMAN, RANDOLPH PERKINS, EVERARD K. TUCKER.
Warren,	JOSEPH H. FIRTH.

LAWS

ACTS

PASSED BY THE

One Hundred and Thirtieth Legislature.

CHAPTER 1.

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

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

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

Section amended.

8. All officers shall, before entering upon the discharge of the duties of their office, take and subscribe an oath or affirmation faithfully and impartially to discharge the duties of their respective offices, shall file such oath or affirmation with the clerk of said borough, and upon failure so to do within thirty days after the term of office shall have commenced, said office shall be deemed to be vacant. Any officer heretofore elected who shall comply with the provisions of this act shall be deemed to have fully and properly qualified as such officer, and shall be entitled to serve

Time of taking and filing oath.

for the full term of the office to which he shall have been elected or appointed.

2. This act shall take effect immediately.

WILLIAM J. BRADLEY,
President of the Senate.

SAMUEL K. ROBBINS,
Speaker of the House of Assembly.

Approved January 23, 1906.

E. C. STOKES,
Governor.

CHAPTER 2.

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 six," approved June twenty-sixth, one thousand nine hundred and five.

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

Additional allowance to comptroller's office.

1. The following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of the State fund for additional allowance for compensation for clerical assistants in the office of the Comptroller, twelve hundred dollars.

2. This act shall take effect immediately.

Approved February 6, 1906.

CHAPTER 3.

An Act relative to the official oaths of officers heretofore or that may hereafter be elected or appointed to office in the towns, townships, boroughs and other municipalities of this State.

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

Oath of municipal officers.

1. Every person elected or appointed to any office in any town, township, borough, or other municipality of this State, shall, before entering upon the execution of the duties of the office to which he has been or shall be appointed or elected, take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office and file the same with the clerk of such municipality in which he shall be or shall have been elected or appointed as aforesaid.

Validity of oath when filed.

2. Any person heretofore elected or appointed to any office in any of the municipalities mentioned in the first section of this act, or of this State, who shall have, prior to the commencement of his term of office, taken and subscribed and filed with the clerk of such municipality in which he shall have been elected or appointed the oath or affirmation prescribed by the first section of this act, shall be deemed to have fully and properly qualified as such officer, and shall be entitled to serve for the full term of the office to which he shall have been elected or appointed from the beginning thereof.

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 February 19, 1906.

CHAPTER 4.

A Supplement to an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

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

Performance of acts devolving upon successor to taxing officer.

1. The powers conferred and duties imposed by law upon any officer in respect to the collection of taxes or the sale of, or the execution and delivery of certificates of sale of lands for or on account of taxes, including the power and duty of issuing, signing, sealing, acknowledging and delivering to purchasers certificates of sale as conveyances of said lands in cases in which such lands have been or shall be sold for taxes and no certificates of such sale executed or delivered, shall not lapse or cease to exist by reason of the expiration of his term of office, or by reason of any vacancy which may arise in his said office, but all such powers and duties shall, so far as the same shall not have been executed or performed, devolve upon his successor in office, and be executed and performed by such successor, and upon the execution or performance thereof by such successor within four months from the date of the qualification of such successor, the acts of such successor in the premises shall have the same force and effect as if such powers and duties and said acts in pursuance thereof had been executed or performed by his predecessor within the time or times specified therefor in the act to which this is a supplement.

Act construed liberally.

2. That this act shall be deemed and taken to be a remedial act, and to operate both prospectively and retrospectively, and be liberally construed to effectuate the remedial objects thereof, and shall take effect immediately.

Approved February 24, 1906.

CHAPTER 5.

A Further Supplement to an act entitled "An act concerning Building and Loan Associations," approved April eighth, one thousand nine hundred and three.

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

Property acquired at foreclosure sale considered assets.

1. Where the trustees appointed to wind up and liquidate the affairs of any Building and Loan Association, organized under the laws of this State, heretofore have or hereafter shall become purchasers of lands, tenements or hereditaments covered by any mortgage forming a part of the assets of said association in their hands, at a sale thereof upon a foreclosure of any such mortgage, the lands, tenements or hereditaments so purchased shall be assets in their hands as such trustees, and may be sold and conveyed by them without any order of court; and the said trustees so selling and conveying said lands, tenements or hereditaments shall be accountable for and use and apply the proceeds of such sales as other moneys in their hands as such trustees are required by law to be used and applied; and all such sales and conveyances heretofore made by any such trustees without any order of court shall be as valid and effectual as if made subsequent to this act.

Disposition thereof.

2. This act shall be effected immediately.

Approved March 5, 1906.

CHAPTER 6.

An Act to authorize the erection of a monument on the battle field of Salem Church, in the State of Virginia, to commemorate the services of the twenty-third regiment, New Jersey volunteer infantry, in the battle of Salem Church and other engagements of the Civil War, and to appropriate money to pay the cost of the erection and dedication of the same.

Preamble.

WHEREAS, The twenty-third regiment, New Jersey volunteer infantry, rendered valiant and distinguished service in the battle of Salem Church, in the county of Spottsylvania and State of Virginia, fought on the third day of May, eighteen hundred and sixty-three; as well as in other engagements of the Civil War; and

WHEREAS, In order to perpetuate the memories of said battle of Salem Church and other engagements in which the said regiment participated, as well as to promote the spirit of patriotism in their descendants and others, the surviving members of said regiment formed themselves into an association known as the "Association of the Survivors of the Twenty-third Regiment of New Jersey Volunteers," which association, upon each recurring anniversary of said battle of Salem Church, meets to revive the memories and associations of said battle; and

WHEREAS, The land whereon said regiment fought in said battle and on which the lines of battle were formed; where said regiment sustained and delivered the most severe charges of the day; where the greatest victories of the battle were achieved and the greatest losses sustained by said regiment, consecrating it as historic ground and endearing it to the mem-

ory of all who trod its soil, has been purchased by Edward Burd Grubb, then colonel of said regiment, and by him deeded to trustees for said association, to be held by said trustees and their successors as a perpetual memorial of said battle of Salem Church; and

WHEREAS, The said association is desirous of erecting upon the land so held for them in trust, a suitable monument commemorative of the said battle, but are without means wherewith to accomplish the same and desire State aid in the premises; therefore,

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

Appropriation for monument.

1. The sum of six thousand dollars is hereby appropriated, when included in the annual or supplemental appropriation bill, for the purpose of erecting and dedicating a monument on the battle field of Salem Church, in the county of Spottsylvania, in the State of Virginia, to commemorate the services of the twenty-third regiment, New Jersey volunteer infantry in said battle and in other engagements of the Civil War; said sum to cover all expenses incident to the erection and dedication of said monument.

Commission to carry out intention of act.

2. The Governor shall, upon the making of such appropriation, appoint a commission to consist of three survivors of said regiment, members of the association of said survivors, to select a design, contract for, erect, finish and arrange for the dedication of a suitable monument on the lands at Salem Church, in the State of Virginia, now held in trust for the association known as the "Association of the Survivors of the Twenty-third Regiment of New Jersey Volunteers," and also to grade the ground immediately surrounding said monument; said commissioners shall receive no compensation for their services and the Governor shall fill all vacancies that may occur by death, resignation or otherwise.

Payments.

3. The Comptroller of the State shall draw his warrant in payment of all bills approved by said commission, and the Treasurer of this State shall pay all war-

rants so drawn to the extent of the amount appropriated by the Legislature.

Report by commission.

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

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

Approved March 7, 1906.

CHAPTER 7.

An Act for the summary review of proceedings on suspension, dismissal, retirement or reduction in rank of members of the police force in this State.

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

Proceedings of police boards reviewable by supreme court justice.

1. Hereafter all proceedings had, as well as any judgment rendered, by any police board, or police commissioners or other authority having jurisdiction over such matters, in connection with the suspension, dismissal, retirement or reduction in rank of members of any police force in this State, shall be reviewable by any justice of the Supreme Court in a summary way.

Re-hearing given to party aggrieved.

2. Any justice of the Supreme Court upon presentation to him of the petition of the party aggrieved, by any such proceedings or judgment, setting forth, under oath of such petitioner, substantially the charges made against him, and his answer thereto, and the proceed-

ings had thereupon, and the evidence presented upon the trial, and the judgment rendered, shall be invested with jurisdiction and required to re-hear the matter of such charges upon which said proceedings were had, and judgment rendered, both upon the law and the facts, which shall be inquired into and ascertained, upon such notice to interested parties as may be directed by such justice, by depositions, or in such other way or manner as such justice shall direct; and the said justice shall be required to hear and determine such matter, and to give such judgment in the premises as shall seem to be lawful and just; *provided, however*, that any person claiming to be aggrieved by any such proceedings and judgment shall present his petition to the said justice of the Supreme Court within thirty days after the termination of such proceedings and the rendition of such judgment, otherwise the provisions of this act shall be inapplicable to his case, and this act shall be inoperative so far as he is concerned. Proviso.

3. The said justice before whom such proceedings are pending may order and direct the petitioner to file a good and sufficient bond, to be approved by the said justice, providing for the payment of all costs in the said proceedings before the said justice, to the respondent or respondents in such proceedings, should the judgment of the said justice be against the said petitioner, and upon failure of the said petitioner to give the said bond within the time required by the order of the said justice, unless such time is further extended, the petition shall be dismissed. Bond given to secure payment of costs.

4. Nothing herein contained shall be construed to deprive the said parties, or any of them, of any other relief, proceeding or remedy, either at law or equity, to which they are entitled, in any case or proceeding embraced within the provisions of this act. Other relief preserved.

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

Approved March 7, 1906.

CHAPTER 8.

A Supplement to an act entitled "An act concerning free public libraries," approved April fourteenth, one thousand nine hundred and five.

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

Bequests and their maintenance.

1. Any free public library now or hereafter established in pursuance of the act to which this is a supplement may accept gifts and bequests of paintings, statuary, ceramics and other art objects, and may care for and maintain the same in accordance with the provisions of such gift or bequest.

2. This act shall take effect immediately.

Approved March 7, 1906.

CHAPTER 9.

A Supplement to an act entitled "An act to abolish the State Board of Taxation and to create in lieu thereof a board for equalization, revision, review and enforcement of tax assessments," approved March twenty-ninth, one thousand nine hundred and five.

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

Payment made on account of taxes pending appeal.

1. Whenever an appeal, under the provisions of the act to which this is a supplement, shall be taken, to the Board of Equalization of Taxes of New Jersey, from an assessment fixed by any assessor or commissioners or board of assessors, it shall be lawful for the land owner and the taxing district, through its tax collector or other equivalent officer, pending said appeal, to

agree upon an amount of taxes to be paid upon the assessment appealed from. Said amount shall be not less than the amount of taxes last paid by the owner of said land previous to the filing of such appeal together with interest penalties thereon up to the date of payment and shall not be in full settlement of the taxes levied, but shall be credited on account of such taxes as upon said appeal shall be finally ascertained and determined. Amount credited.

2. In the event of the said land owner and tax collector being unable to agree upon the amount of taxes to be paid as aforesaid, it shall be lawful for said Board of Equalization of Taxes, upon application of either party to the appeal and upon two days written notice to the other, to fix by order the amount of taxes which the said land owner may pay to such collecting officer pending the settlement of said appeal. Determination of amount.

3. Any payment made as aforesaid shall be allowed for the purpose of saving the interest penalty upon the amount of the payment paid on said taxes, after the date of such payment, and shall not operate to prejudice the claim of either party upon said appeal. Payment not to prejudice claim.

4. All acts and parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

5. This act shall take effect immediately.

Approved March 7, 1906.

CHAPTER 10.

An Act to amend an act entitled "A supplement to an act entitled 'An act relative to the private secretary of the Governor,' approved March twentieth, one thousand eight hundred and sixty-six," which supplement was approved March twenty-seventh, one thousand nine hundred and two.

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

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

Salary of governor's secretary.

2. The salary of said office shall be four thousand dollars per annum, and the person holding such office shall pursue no other occupation during his incumbency thereof that will interfere with the daily discharge of the duties of his said office.

2. This act shall take effect immediately.

Approved March 7, 1906.

CHAPTER 11.

An Act to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies, and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

Section amended.

1. The sixty-fifth section of the act of which this act is amendatory be and hereby is amended to read as follows:

Annual report of foreign companies.

65. Every insurance company, other than life, of another State or foreign country, transacting business in this State, shall, on or before the fifteenth day of February of each year, make to the Commissioner of Banking and Insurance a report, signed and sworn to by an officer of the company, or by its United States manager, if a company of a foreign country, stating the

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gross amount of premiums received by such company, and by each agent thereof, on business of the said company in this State for the preceding calendar year, including all premiums received from other companies for re-insurance of them, and the amount of premiums returned to the insured during said year on policies canceled, and the amount of premiums paid for re-insurance in other insurance companies of other States or

foreign countries, authorized to do business in this State, and shall pay to said Commissioner, on or before the fifteenth day of February, a tax of two per centum upon such gross amount of premiums, less such returned premiums and such re-insurance premiums paid, which tax shall be in lieu of all other franchise taxes imposed upon said corporation; *provided,* any taxes hereafter paid to the treasurer of any firemen's relief association of this State, by fire insurance companies of other States and foreign countries and their agents, in accordance with the provisions of the act entitled "An act to facilitate the collection from fire insurance companies, not organized under the laws of this State, but doing business herein, and from agents and brokers, of certain premiums for the benevolent funds of the several duly incorporated firemen's relief associatons in this State," approved May second, one thousand eight hundred and eighty-five, shall be considered a part of the tax payable by such companies under this section, and nothing herein contained shall be construed to repeal, alter or change the provisions of the said recited act.

Annual tax.

Proviso.

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

Repealer.

Approved March 9, 1906.

CHAPTER 12.

An Act to amend an act entitled "An act concerning the election and incorporation of the trustees and the management of the temporal affairs of Christian congregations connected with the Presbyterian church in the United States of America," approved April twelfth, nineteen hundred and five.

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

1. Section fifteen of an act entitled "An act concerning the election and incorporation of the trustees

Section amended.

and the management of the temporal affairs of Christian congregations connected with the Presbyterian church of the United States of America," approved April twelfth, nineteen hundred and five, is hereby amended to read as follows:

Right to examine records.

15. Upon application to the secretary or the treasurer, any member of the board of trustees or of the congregation shall, subject to reasonable regulations, be entitled to inspect and examine any of the policies of insurance, securities, books, papers and documents in the custody of either of such officers, and to copy the same or make extracts therefrom.

2. This act shall take effect immediately.

Approved March 9, 1906.

CHAPTER 13.

An Act validating certain sales of lands, tenements, hereditaments of real estate made under the order of and confirmed by any court of this State.

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

Validating sales of real estate improperly advertised.

1. No sale of any lands, tenements, hereditaments or real estate heretofore made under the order of and confirmed by any court of this State shall be invalidated by reason of any omission to advertise such sale, or any adjournment thereof, in the manner and for the length of time then required by law, or by reason of any other irregularity or default in such advertisement. But the purchaser 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.

2. This act shall take effect immediately.

Approved March 9, 1906.

CHAPTER 14.

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

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

1. Section thirty-eight of said act be and the same is hereby amended so as to read as follows: Section amended.

38. It shall be the duty of all magistrates in this State in all cases of summary convictions had before them, within ten days after each and every such conviction, to file the complaint, warrant and record of the proceedings and conviction of the offender in the office of the county clerk of their respective counties, there to be and remain a record, and any magistrate failing to comply with the provisions of this section shall be deemed and adjudged to be a disorderly person; *provided,* that the provisions of this section shall not apply to criminal courts or police courts, which are by law made courts of record. Proceedings filed with county clerk. Penalty. Proviso.

2. Section forty-three of said act be and the same is hereby amended so as to read as follows: Section amended.

43. The fees of the magistrate and constables or police officers for arresting and committing disorderly persons, under the provisions of this act, shall be twenty-five cents to the magistrate and fifty cents to the constable or police officer making the arrest, and no more, and the sums herein stated shall be in full of all other fees and charges whatsoever; *provided, however,* that the magistrate making the commitment shall not be entitled to any fee unless he shall in all cases of summary convictions had before him, within ten days after each and every such conviction file the complaint, warrant Fees to magistrates and officers. Proviso.

and record of the proceedings and conviction of the offender in the office of the county clerk of their respective counties.

3. This act shall take effect immediately.

Approved March 9, 1906.

CHAPTER 15.

An Act to amend an act entitled "An act to create the office of commissioner of charities and corrections, and to define his powers and duties," approved March twenty-fifth, one thousand nine hundred and five.

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

Section amended.

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

Plans prepared.

4. All plans and specifications for State buildings or for improvements to State institutions shall be prepared under the direction of the Commissioner of Charities and Corrections; said commissioner may appoint, whenever any State building or buildings are to be erected, or improvements made thereto, a superintendent or superintendents of construction, who shall receive such compensation as shall be fixed by said commissioner, and approved by the Governor, to be paid by the State Treasurer, on the warrant of the Comptroller, out of the appropriation made for said buildings or improvements, said superintendent or superintendents may be removed at any time by the said commissioner; said commissioner shall also ascertain whether such buildings or improvements are necessary, and shall also superintend the construction thereof and make report thereon, at least once in each year before January first, or, as the Legislature or Governor of the State may require.

Superintendent of construction.

Superintendence and annual report.

2. This act shall take effect immediately.

Approved March 9, 1906.

CHAPTER 16.

A Supplement to an act entitled "An act respecting bridges," approved April tenth, one thousand eight hundred and forty-six.

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

Acquire land; payment therefor.

1. Whenever any board of chosen freeholders of any county of this State, under due authority of law, has determined or shall hereafter determine to erect or construct any public bridge, whether over navigable water or otherwise, it shall be lawful for said board to acquire by condemnation or otherwise any land required for the construction or completion of said bridge, or its approaches, or any part thereof, and to pay for said lands and the expenses of acquiring the same out of any moneys applicable to the construction or completion of said bridge.

2. This act shall take effect immediately.

Approved March 9, 1906.

CHAPTER 17.

An Act to amend an act entitled "An act to provide for the permanent improvement of public roads in this State," approved March twenty-seventh, one thousand nine hundred and five.

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

Section amended.

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

Copy of specifications, etc., filed with commissioner.

5. A true copy of the specifications, bid, contract, bond and justification of surety, certified to be such by the director of the board of chosen freeholders, shall, immediately after the awarding of any contract, be furnished by the board of chosen freeholders to the State commissioner of publc roads, to be filed and remain of record in the office of such commissioner.

Section amended.

2. The seventh section of the said act shall be amended so as to read as follows:

State appropriation.

7. One-third of the cost of all roads constructed under this act, not exceeding in any one year the sum of four hundred thousand dollars, shall be paid out of the State treasury, out of any moneys not otherwise appropriated, if the same be first appropriated in the annual appropriation act. The Governor and State commissioner of public roads shall certify from time to time to the State Comptroller the amount to be paid to any county, township, town, borough, village or other municipality for such year, and the State Comptroller shall draw his warrant on the State Treasurer in favor of the county collector or collector of the township, town, borough, village or municipality, as the case may be, for the amount so certified, and the State Treasurer shall thereupon pay the same.

Payments to various municipalities.

Approved March 9, 1906.

CHAPTER 18.

An Act to incorporate the borough of Monmouth Beach.

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

Corporate name.

1. All that portion of the township of Ocean, in the county of Monmouth and State of New Jersey, hereinafter mentioned and described, and the inhabitants thereof, are hereby constituted and declared to be a body corporate, in fact and in law, by the name of the

"Borough of Monmouth Beach," and shall be governed by the general laws of this State relating to boroughs.

Boundaries of Monmouth Beach.

2. Beginning at a point in low water line of the Atlantic ocean at Monmouth Beach, where the same is intersected by the south boundary line of the borough of Sea Bright, which line is also the south line of a lot of land on the east side of Ocean avenue, formerly belonging to Dr. Henry Tuck, deceased. Thence (1) southwardly along low water line of the Atlantic ocean to the northerly boundary line of the city of Long Branch, which line is the division line between properties now, or formerly, belonging to Edgar Levy and Aphie James. Thence (2) westwardly, along said division line, being the north line of lands now, or formerly, belonging to the said Edgar Levy, and being also the northerly boundary line of said city of Long Branch, to a point in line with the middle of Fresh Pond road. Thence (3) continuing along the northerly boundary line of said city of Long Branch, northwardly, along the middle of said Fresh Pond road to the north line of a lot of land on the north side of Columbia Place, now or formerly belonging to Harriette Russell. Thence (4) continuing along the northerly boundary line of said city of Long Branch, westwardly, along the north line of said lot of land now, or formerly, belonging to Harriette Russell, and the north, or rear lines of lots fronting on the north side of said Columbia Place, to the easterly line of a tract of land formerly belonging to John R. West, deceased. Thence (5) continuing along the northerly boundary line of said city of Long Branch, northwestwardly, along the easterly line of said tract of land formerly belonging to John R. West, deceased, to the middle of a small arm, or branch, of Mannahassett creek (formerly called Solomon's creek). Thence (6) continuing along the northerly boundary line of said city of Long Branch, northwestwardly, along the middle of said arm, or branch, and the middle of said Mannahassett creek, the several courses thereof, to the middle of the main channel of Branch Port creek. Thence (7) northwardly along the middle of the main channel of said Branch Port creek,

and the middle of the main channel of that portion of the South Shrewsbury river, known as "Pleasure Bay," to the turn in the channel, commonly called "Turn Channel." Thence (8) northeastwardly, along the middle of the main channel of said "Pleasure Bay" to a point in line with the south boundary line of the aforesaid borough of Sea Bright produced westwardly. Thence (9) eastwardly along said line, being the south boundary line of said borough of Sea Bright produced weswardly, and the south boundary line of said borough of Sea Bright itself to the place of beginning. It being intended to include herein, all that portion of Ocean township lying between the south line of the borough of Sea Bright on the north, the low water line of the Atlantic ocean on the east, the north line of the city of Long Branch on the south, and the middle of the main channel of Branch Port creek and that portion of the South Shrewsbury river known as "Pleasure Bay" on the west.

Election of officers.

3. The first election of officers in and for said borough of Monmouth Beach shall be held within thirty days after the passage of this act, and notice thereof shall be given by the clerk of said township of Ocean, County of Monmouth aforesaid; said notice shall be published in a newspaper circulating in the territory hereinbefore described for eight days prior to said election, and shall also be posted for the same length of time in five of the most public places therein, and the said election shall be held in the manner now prescribed for the election of borough officials.

4. This act shall take effect immediately.

Approved March 9, 1906.

CHAPTER 19.

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, one thousand eight hundred and eighty-four.

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

Franchise tax on certain public utility corporations.

1. All corporations incorporated under the laws of this State, other than those which are subject to the payment of a State franchise tax assessed upon the basis of gross receipts, shall make annual return to the State Board of Assessors on or before the first Tuesday of May in each year, and shall state therein the amount of the capital stock of such corporation issued and outstanding on the first day of January preceding the making of said return, together with such other information as may be required by said board to carry out the provisions of this act, and shall pay an annual license fee or franchise tax of one-tenth of one per centum on all amounts of capital stock issued and outstanding up to and including the sum of three million dollars; on all sums of capital stock issued and outstanding in excess of three million dollars and not exceeding five million dollars, an annual license fee or franchise tax of one-twentieth of one per centum, and the further sum of fifty dollars per annum per one million dollars, or any part thereof, on all amounts of capital stock issued and outstanding in excess of five million dollars; and any shares of stock either fully paid or partially paid in cash or by property purchased whether issued or otherwise shall be deemed to be shares of stock issued and outstanding until such shares or any substitute therefor shall have been retired and actually canceled; *provided,* that this act shall not apply

Rate and classification.

Proviso.

to railway, canal or banking corporations, or to savings banks, cemeteries or religious corporations, or purely charitable or purely educational associations not conducted for profit, or manufacturing or mining corporations at least fifty per centum of whose capital stock issued and outstanding is invested in mining or manufacturing carried on within this State, and which mining or manufacturing corporations shall have stated in the annual return to the State Board of Assessors where the mine or manufacturing establishment of such corporation or corporations is or are located, the character of the ores mined or the goods manufactured, the total amount of its capital stock embarked in the business of mining or manufacturing and the amount of capital stock actually employed in New Jersey in carrying on such mining or manufacturing business. If any manufacturing or mining company carrying on business in this State shall have less than fifty per centum of its capital stock, issued and outstandng, invested in business carried on within this State, such company shall pay the annual license fee or franchise tax herein provided for companies not carrying on business in this State, but shall be entitled, in the computation of such tax, to a deduction from the amount of its capital stock issued and outstanding of the assessed value of its real and personal estate so used in manufacturing or mining.

In case of mining or manufacturing companies.

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

Repealer.

Approved March 12, 1906.

CHAPTER 20.

An Act to amend an act entitled "An act providing for the establishment of schools for industrial education," approved March twenty-fourth, one thousand eight hundred and eighty-one.

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 is hereby amended so as to read as follows: Section amended.

1. Whenever any board of education, school committee or other like body of any city, town or township in this State shall certify, or shall have certified, to the Governor that a sum of money not less than three thousand dollars has been contributed by voluntary subscriptions of citizens, or otherwise as hereinafter authorized, for the establishment in any such city, town or township, of a school or schools for industrial education, it shall be the duty of the said Governor to cause to be drawn by warrant of the comptroller by himself out of any moneys in the State treasury not otherwise appropriated, an amount equal to that contributed by the particular locality as aforesaid for the said subject, and when any such school or schools shall have been established in any locality as aforesaid, there shall be annually contributed by the State, in manner aforesaid for the maintenance and support thereof a sum of money equal to that contributed each year in said locality for such purpose; *provided, however,* that the moneys contributed by the State as aforesaid to any locality shall not exceed in any one year the sum of seven thousand dollars. Sum appropriated by State equal to amount contributed by locality. Proviso.

2. This act shall take effect immediately.

Approved March 20, 1906.

CHAPTER 21.

An Act to further amend an act entitled "A supplement to an act entitled 'An act providing for the formation, establishment and government of towns,' approved March seventh, one thousand eight hundred and ninety-five," which supplement was approved March thirty-first, one thousand eight hundred and ninety-seven.

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

Section amended.

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

Manner of taking initiative by town council for municipal improvements.

1. In towns formed or established under the provisions of the act to which this is a supplement, whenever the council shall by resolution, adopted by the unanimous vote of all the members of the council, determine that it is to the interest of the town that any street, avenue, highway, or section thereof may be graded, flagged, macadamized, paved, curbed, guttered or have a sidewalk of any material constructed thereon, or have a sewer, underground drain, or culvert constructed therein, or be otherwise improved, the council may, of its own motion, initiate a proceeding for such grading, flagging, macadamizing, curbing, guttering or the construction of such sidewalk, sewer, underground drain, or culvert, or making such other improvement, in the manner provided for in section sixty-four of the act to which this is a supplement, except that it shall not be necessary to have presented to the council any petition, either from the owners of one-sixth of the land fronting on the street, avenue, highway or section thereof, proposed to be improved, or of ten freeholders; but such resolution, so adopted by the unanimous vote of all the members of the council, shall take the place of such petition, and it shall not be necessary, in case of such pro-

ceedings, to require the deposit of any money to defray costs and expenses incurred in such proceedings, and at any time after the time named in the notice for objections therein provided for, the council may proceed to pass an ordinance for such improvement, notwithstanding the objection of the owners of the land fronting on such proposed improvement; *provided, however,* that such ordinance shall also be passed by a unanimous vote of all the members of said council. Proviso.

2. This act shall take effect immediately.

Approved March 20, 1906.

CHAPTER 22.

An Act to validate bonds heretofore issued, or the issuance of which has heretofore been provided for, by municipalities in this State, pursuant to an act entitled "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three, and the supplements and amendments thereto.

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

1. All bonds heretofore or hereafter issued or the issuance of which has been heretofore or hereafter provided for by any municipality in this State, under or by virtue of the provisions of a certain act entitled "An act relating to, regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three and the supplements and amendments thereto, are hereby validated, authorized and confirmed notwithstanding any irregularity in the resolutions providing for the issuance of the same and notwithstanding any variance between such resolutions and the provision of the aforesaid act; *provided,* that the resolutions providing for the issuance of said bonds set Bond issue validated. Proviso.

forth substantially the purposes for which said bonds were to be issued; and *provided*, that a majority of the total number of the legal votes cast either for or against the issuance of the said bonds, shall have been cast in favor of the issuance of said bonds; and *provided further*, that the aggregate amount of such bonds so issued or so provided for shall not exceed the amount authorized by said act.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 23, 1906.

CHAPTER 23.

An Act authorizing cities of the first class to purchase lands and erect buildings thereon for the accommodation and use of the fire and police departments 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:*

Bond issue authorized for certain municipal purposes.

1. In cities of the first class in this State, when the municipal board or other authority having control of the erection of buildings for fire department purposes, or for police department purposes, shall certify to the municipal board of such city having the management and control of the finances of such city, that the necessity exists for the purchase of grounds and the erection thereon of buildings for fire department purposes or police department purposes, or both, it shall be lawful for such municipal financial board or authority in such city, in its discretion, and it is hereby authorized and empowered, to issue bonds of such city, or cause the same to be issued, to an amount not exceeding three hundred and fifty thousand dollars, to raise the money to pay for and purchase such grounds and construct such building or buildings. All bonds so issued shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, and shall be made pay-

Amount.

Rate and time.

able at such time and place, not exceeding fifty years from the date of their issue, as the said board shall determine. Said board may authorize the issue of such bonds by resolution, and specify therein the character of the bonds to be issued, and it shall be the duty of the governing body of such city, when bonds are issued under the authority of this act, to provide a sinking fund of not less than one per centum of the face value of such bonds, to be raised annually, by taxation, and to provide also annually for the interest which may become due thereon; the moneys to be raised for the sinking fund to be paid annually to the sinking fund commissioners of such city; *provided, however,* that the common council, or other governing body of such city, may, at its discretion, provide for the expenditures herein authorized, in whole or in part, by the issue and sale from time to time of temporary bonds or obligations, such temporary bonds or obligations to run, with all renewals, for a term not exceeding five years from the date of their issue, and all such temporary loans or obligations shall be retired and paid by the proceeds of the permanent bonds hereby authorized, or by the use of other funds of the city available for that purpose.

Sinking fund.

Proviso.

2. This act shall take effect immediately.

Approved March 24, 1906.

CHAPTER 24.

A Supplement to an act entitled "An act respecting the Orphans' Court, and relating to the powers and duties of the ordinary and the Orphans' Court and surrogates" (Revision 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:*

Court may order conveyance of land made by executor of testator.

1. When any testator or intestate shall in his or her life time have received a conveyance of land in trust

for another and shall have, in his or her lifetime, executed a declaration of trust for said land, setting forth in effect that he or she has no beneficial interest in said land, and that the same is held for the use of or subject to the order of another in said declaration of trust named, and shall die, without having made conveyance of such land to the person or persons entitled to the same, the Orphans' Court of the county where such land is situate shall have power, upon the application of the executor or administrator of such testator or intestate, upon due proof of such facts being made to the satisfaction of said court, to make an order authorizing such executor or administrator to make conveyance of said lands pursuant to the stipulations contained in such declaration of trust.

2. This act shall take effect immediately.

Approved March 24, 1906.

CHAPTER 25.

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.

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

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 con-

trol and management of such lands for forestry purposes, for the establishment of an arboretum or for experiments in forest culture.

2. This act shall take effect immediately.

Approved March 24, 1906.

CHAPTER 26.

An Act to amend an act entitled "An act to provide for the registration of labels, trade-marks, terms and designs, and protect and secure the rights, property and interests therein of the persons, associations, organizations and corporations adopting and filing the same," approved March fifteenth, one thousand eight hundred and ninety-eight.

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

1. Section ten of the said act is hereby amended so as to read as follows: Section amended.

10. Any person or persons, association, organization or corporation, that shall violate any of the provisions of this act, shall be liable to a penalty of two hundred dollars, to be recovered in an action of debt in any court of law of this State having jurisdiction in civil causes, by any such person, association, organization or corporation, that has adopted and filed, or caused the same to be done as aforesaid, any such label, trade-mark, term or design; which action may be commenced by summons as in ordinary cases, and shall be proceeded with therein as in other civil actions, in said courts, and in case any execution shall be issued upon any judgment obtained against the defendant or defendants in any such action at law, and the same be returned unsatisfied, the court, on application and two days' notice to the defendant, may award an execution to take the body of the defendant or defendants as in other cases where a

Penalty for violations of act.

Proceedings.

New Jersey State Library

capias may issue out of the Circuit or Supreme Courts of this State; and thereafter the rights, remedies and liabilities of the parties, and the proceedings in the case shall be the same, or as nearly as may be, as in other actions in the said courts where an execution to take the body of the defendant or defendants has been issued; and it shall be the duty of the court in which any such action at law may be brought to make all proper and necessary orders to restrain and prevent any defendant or defendants from continuing the committing of any violation of any of the provisions of this act.

2. This act shall take effect immediately.

Approved March 24, 1906.

CHAPTER 27.

A Further Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the State," approved April sixteenth, one thousand eight hundred and forty-six.

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

Vacancies.

1. In all cases where a vacancy now exists or where a vacancy shall hereafter occur in the office of any chosen freeholder of this State, who has been or may hereafter be elected by the voters of more than one municipality jointly, by reason of failure to elect, resignation, death or otherwise, such vacancy shall be filled in the manner herein provided.

How filled.

2. The representatives of such municipalities shall meet in joint session at such time and place as the municipal clerk of the most populous of such municipalities, according to last census, shall designate (which place shall be within the limits of such municipality), and having so met, such representativies shall proceed to fill the vacancy, by a majority vote of all such representatives, and a certificate, signed by the chairman and secretary of such meeting, shall entitle

the person selected to occupy the said office until the first day of January next succeeding, and at the election held next after the filling of such vacancy, a chosen freeholder shall be elected in the usual way in such municipalities to fill the unexpired term. The said municipal clerk shall call the meeting of such representatives for a time within fifteen days after any vacancy shall occur, by giving at least ten days' written notice to the clerk of each municipality; *provided,* that failure to give such notice within the prescribed time shall not prevent nor invalidate such election.

Time of meeting.

Proviso.

3. Each of such municipalities shall be entitled to elect one representative for each one hundred votes cast for all candidates for the office of Governor in such municipality at the gubernatorial election next preceding such election of representatives, and one representative for each fraction thereof over sixty; *provided,* that each municipality shall be entitled to at least one representative. The representatives shall be chosen by the governing body of such municipalities from among their own number, and if such governing body is not composed of as many members as such municipality is entitled to representatives, then such governing body shall choose and designate the additional representatives from among the legal voters of such municipiality.

Number of representatives.

Proviso.

4. This act shall take effect immediately.

Approved March 24, 1906.

CHAPTER 28.

An Act to amend 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:*

1. Section sixteen of the act entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved April twenty-first, one

Section amended.

thousand eight hundred and seventy-six, be and the same is hereby amended so as to read as follows:

Act inoperative unless assented to by voters.

16. This act shall take effect immediately, but its provisions shall remain inoperative in any city in this State until assented to by a majority of those of the legal voters of such city who shall vote either for or against the adoption of its provisions, as hereinafter provided, at an election to be held in such city at any time to be fixed by the board of aldermen, council or other legislative body of such city. If the time fixed for holding said election shall be the time for holding any general election, the former shall be consolidated with the latter, and be conducted in the manner required by law governing such general election. The city clerk of said city shall cause public notice of the time, place and purpose of holding the election to be given by advertisements signed by himself and set up at least eight days prior to and within thirty days next preceding the day of election, in at least five of the most public places within such city, and published in one or more newspapers printed therein for at least six days previous to the day of such election; and the clerk whose duty it shall be by law to provide ballots for such election, whether he be the clerk of the city in which such election shall take place or the clerk of the county in which such city is located, shall provide or cause to be provided for each voter voting at such election, ballots, upon which ballots (and beneath the list of candidates thereon, if any candidates are to be voted for at such election) shall be printed the following words: "For Against the adoption for this city of the provisions of an act entitled 'An act to enable cities to supply the inhabitants thereof with pure and wholesome water, approved April twenty-first, eighteen hundred and seventy-six,' and acts amendatory thereof and supplemental thereto." If the word "For" be marked off or defaced upon the ballot, it shall be counted as a vote against the adoption for said city of the provisions of said act; if the word "Against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the adoption for said city of the provisions of said act; and in case

Notice of election.

Form of ballot.

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 proposition, nor shall the person depositing in the ballot-box a ballot on which neither the said word "For" nor the said word "Against" is marked off be counted as a voter or as voting in respect of or upon the question or proposition submitted. If voting machines shall be used at any such election, all voting by means thereof shall be conducted in the manner specified by the statute in such case made and provided. The polls for such election shall be held at the usual places of holding the annual general election in such city, and shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election between the hours aforesaid; *provided,* the board of election may adjourn such election from one o'clock until two o'clock in the afternoon, or for such shorter time between those hours as they shall see fit; and such election shall be conducted by the proper election officers of said city for the time then being, and in the manner as may then be prescribed by the ordinance of said city, if any, regulating elections therein, and such officers shall return to the board of aldermen, council or other legislative body of such city a true and correct statement in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Proviso.

2. This act shall take effect immediately.

Approved March 24th, 1906.

CHAPTER 29.

An Act for the relief of associations or corporations heretofore organized, or attempted to be organized, under the act entitled "An act to provide for the incorporation of associations for the erection and maintenance of hospitals, infirmaries, orphanages, asylums and other charitable institutions," approved March ninth, A. D. eighteen hundred and seventy-seven, and acts amendatory thereof and supplemental thereto.

Preamble.

WHEREAS, By the act whose title is cited in the title to this act it was, among other things, directed that certificates of incorporation therein referred to be recorded in the office of the clerk of the county where the principal purposes of such association are to be carried out, and after being so recorded be filed in the office of the Secretary of State, and it is the intention of this act to validate the incorporation or attempted incorporation of any such associations heretofore made or attempted to be made under or by virtue of said act, or acts amendatory thereof or supplemental thereto, notwithstanding any defect, irregularity or omission in the matter of the recording or filing of such certificates of incorporation in any or all of the offices in which such certificates were required to be recorded or filed, upon such associations first complying with the provisions of this act; therefore

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

Validating attempted incorporation of charitable institutions.

1. It shall and may be lawful for any association or corporation organized or which it was attempted to organize or incorporate under and in pursuance of any act of the Legislature referred to in the title to this act,

at any time within four months from the date of the approval or final passage of this act, to cause its original certificate of incorporation or attempted incorporation, as the same may have been recorded in the county clerk's office of any county in this State, or a copy thereof bearing the date of such record and certified to be a true copy under the hand and seal of the county clerk of such county, to be recorded in the office or offices of the clerks of the county or counties in this State where the principal purposes of such association or corporation were or are to be carried out, and after being so recorded to be filed in the office of the Secretary of State; and that upon the recording and filing of such original certificate or certified copy thereof, as in this act directed, such association or corporation shall be taken and deemed for all purposes to be regularly and lawfully incorporated and to have been lawfully incorporated from the date upon which its original certificate was first recorded as aforesaid, with the same force and effect as if said original certificate had in all respects been properly recorded and filed in the first instance. A copy of said original certificate, or of the certified copy thereof, the recording and filing of which is hereinabove authorized, duly certified by the Secretary of State, shall be evidence in all courts and places.

Copy as evidence.

2. This act shall take effect immediately.

Approved March 24, 1906.

CHAPTER 30.

An Act to change the name of Isaac Merochnik.

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

1. The name of Isaac Merochnik, of the village of Carmel, in the county of Cumberland and State of New Jersey, be and the same hereby is changed to Isaac L. Meyers.

Name changed.

2. This act shall take effect immediately.

Approved March 24, 1906.

CHAPTER 31.

An Act relating to official bonds in cities of the third class of this State.

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

Bonds and sureties prescribed.

1. The board of aldermen or common council in all cities of the third class in this State shall be empowered to prescribe by ordinance the bonds and sureties to be given by all officers of said cities and the members of the different municipal boards hereafter appointed or elected, for the discharge of their duties, and the time for executing the same.

Repealer.

2. All acts or parts of acts inconsistent herewith are hereby repealed, and any ordinance passed by virtue of the powers herein delegated shall supersede any existing legislation, whether special or general.

3. This act shall be a public act and shall take effect immediately.

Approved March 24, 1906.

CHAPTER 32.

A Further Supplement to an act entitled "An act respecting writs of error" (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:*

Joining of parties in applying for writ of error.

1. Where one of two or more parties entitled to bring error on the same record against the same defendant or defendants in error shall sue forth a writ of

error, he shall give immediate notice thereof to the said party or parties he has joined as plaintiffs in the writ, setting forth that if the party noticed shall think fit to join with him in prosecuting the said writ, he is required to join with said plaintiff in error in assigning error, or may assign and file errors separately within thirty days after the return of the writ of error, to which notice there shall be annexed a certified copy of the writ of error, which notice shall be served on or before the return day mentioned in said writ of error, or the service acknowledged by the party or his attorney. If the party noticed shall not join with the plaintiff in error in assigning error, or shall not assign and file errors separately within the time so required, or such further time as the court shall grant, the plaintiff in error may enter a rule for judgment for severance, and assign and file errors forthwith.

If not joined.

2. Every defendant in error may file cross-assignments of error with his reply to the plaintiff in error's assignment of errors, and serve a copy of the same upon each of the parties appearing in the proceedings in error within twenty days after the filing of the same; and shall have such relief upon such cross-assignments as he is now entitled by law to have by cross-writ of error.

Cross-assignments may be filed.

Approved March 26th, 1906.

CHAPTER 33.

An Act to amend an act entitled "An act constituting courts for the trial of small causes" (Revision of 1903), approved April eighth, one thousand nine hundred and three.

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

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

Section amended.

How summons served on domestic corporation.

17. If the defendant is a domestic corporation, the summons may be served on the president or head officer or agent in charge of its principal office in this State, either personally or by leaving a copy at his usual place of abode, at least six days before its return; and in case the president or other head officer or agent cannot be found to be served with process, and has no usual place of abode in the county, the summons may be served on the clerk or secretary of the corporation, if any there be within the county, and if no clerk or secretary, then on one of its directors, and if no director, then upon the agent in charge of any office maintained in the county, either personally or by leaving a copy at his usual place of abode within the county, six days before its return.

On foreign corporation.

If the defendant is a foreign corporation, process may be served upon the agent in charge of its principal office in this State, or upon any officer, either personally or by leaving a copy at his usual place of abode, or by leaving a copy at the office, depot or usual place of business of such foreign corporation within the county, with any person in charge thereof.

Repealer.

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

Approved March 26, 1906.

CHAPTER 34.

An Act concerning the publication of notice of intention to improve streets, avenues and highways in cities of this State.

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

As to notice of intention.

1. Whenever the common council or other governing body of any city in this State has directed public notice to be given of its intention to improve any street, avenue or highway, and the charter provisions of such city

require that such notice shall be given separately under two or more sections thereof, it shall be lawful to include the requirements of each section in one notice of intention, and the publication of such notice for the period of ten days shall be deemed a sufficient compliance with the requirements of such charter in respect to the publication of such notice.

2. This act shall take effect immediately.

Approved March 26, 1906.

CHAPTER 35.

An Act to amend an act entitled "An act making appropriation for the protection of oyster beds and seed oysters thereon under the tidal waters of the Delaware bay and Delaware river, above the line running direct from the mouth of Straight creek to Cross Ledge lighthouse, and commonly known as the 'southwest line,'" approved March twentieth, 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 an act entitled "An act making appropriation for the protection of oyster beds and seed oysters thereon under the tidal waters of the Delaware bay and Delaware river, above the line running direct from the mouth of Straight creek to Cross Ledge lighthouse," approved March twentieth, one thousand nine hundred and one, be amended so as to read as follows: Section amended.

2. The sum of four 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 of the State Oyster Commission annually, to be used exclusively for the purposes aforesaid. Appropriation.

2. This act shall take effect immediately.

Approved March 26, 1906.

CHAPTER 36.

An Act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways, and other public places.

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

As to granting franchises for use of public ways.

1. Hereafter, where by law the consent of any municipality of this State is required for the use of any street, avenue, park, parkway, highway or other public place, either above, below, or on the surface thereof, such consent shall not be granted by such municipality except as hereinafter provided.

Petition seeking consent filed.

2. No consent for the use of any street, avenue, park, parkway or other highway, either above, below or on the surface thereof, shall be granted by any municipality until a petition shall have been filed with the clerk of such municipality by the person or corporation desiring the same; which petition shall specify the period for which such consent is asked, and the uses in detail for which such street, avenue, park, parkway, highway or other public place is desired, and whether above, below or on surface thereof, and, in the case of street railways or traction companies, the character of the road proposed to be constructed, operated and maintained, the motive power to be used thereon, and the street, avenue, park, parkway, highway or other public place or places through which the same shall extend. Upon the filing of such petition the same shall not be considered by the board or body of such municipality authorized by law to make the grant therein petitioned for until public notice shall be given, by publication in one or more newspapers published and circulated in said municipality, or if there be no newspaper published in said municipality, then in one or more newspapers published in the county in which said municipality is located, to be designated by said board or body, once a week for at

Specifications.

Public notice given.

least two weeks, and by posting such notice in five of the most public places in said municipality for at least fourteen days before the meeting of the said board or body at which the said application shall be considered. Such notice shall specify the name of the person or corporation presenting such petition, the date and hour when the same will be considered by said board or body, the date of filing the same, the character of the use to which such street, avenue, park, parkway, highway or other public place is to be put; the street, avenue, park, parkway, highway or other public places in such municipality through which the same shall extend and the time for which such permission or consent is sought, and, in case of street railways or traction companies, the character of the road proposed to be constructed, ope-operated or maintained and the motive power to be used thereon. Upon the date fixed by such notice, or upon such subsequent date as the hearing of said petition may be adjourned, the board or body of said municipality may, by ordinance, and not otherwise, grant, for a period not exceeding twenty years, the right to use the street, avenue, park, parkway, highway or other public places petitioned for, or may provide for the submission of said ordinance to a popular vote, as hereinafter provided, or may, by resolution, refuse such permission.

Character of notice.

Grant made by ordinance.

Twenty years' limit.

3. Where an ordinance is introduced in accordance with the provisions of this act, the same shall not be acted upon by the said board or body at the meeting at which the same is introduced, but the same shall be laid over for not less than fourteen days and not passed until a subsequent regular meeting of said governing body or an adjourned meeting thereof.

When action taken on ordinance.

4. The consent granted by an ordinance passed in accordance with the provisions of this act shall not become effective unless an acceptance in writing of such ordinance shall be filed by the person or corporation applying for such consent with the clerk or other equivalent officer of the board or body of the municipality granting said consent within thirty days after receiving notice of the passage of such ordinance.

Acceptance necessary.

5. In case application shall be made to a municipality for the consent of the said municipality to the use of any

Procedure in case franchise sought beyond twenty years.

street, avenue, park, parkway, highway or other public place for a period of more than twenty years, the same procedure hereinabove provided for in case of application for the use for a lesser period shall be followed, except that if the said ordinance shall be passed by the said board or body and the acceptance thereof by the person or corporation making such application is filed as hereinabove provided before the said consent of the said municipality shall become operative, said ordinance granting the consent of such municipality shall first be submitted to the legal voters of said municipality for their approval, at a special election to be held for that purpose; and if at such election so held a majority of votes cast shall be in favor of granting said consent, then the said ordinance shall, as hereinafter provided, become operative upon the result of said election being reported to the board or body and entered upon its minutes; but if at said election a majority of all the votes cast shall be against the adoption of the said ordinance, then the said ordinance shall be void. The said board or body of said municipality shall, at the time of the adoption by it of the ordinance granting the consent of the said municipality, fix the date of said election, which shall not be less than thirty days from the date of the adoption of the said ordinance, but which shall not be within thirty days of the day upon which any general or other election is to be held, and shall, within five days after the adoption of said ordinance, cause the same to be published, at the expense of the petitioning company or person, in full in two or more newspapers published or circulated in said municipality, to be designated by said board or body, for at least two insertions, and by posting a copy thereof in ten of the most public places in said municipality; and on the day of the election herein provided for shall cause to be kept conspicuously displayed in each of the polling places where said election is being held a copy of said ordinance. Said election shall be conducted in accordance with the provisions of "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight, and the acts amendatory thereof

Special election.

Ordinance published.

Election, how conducted.

and supplementary thereto, so far as the same may be applicable, except as modified by this act.

Form of ballot.

6. At any election held in accordance with the provisions of this act, the ballots to be voted shall be in the following form: "In favor of granting the permission provided for by ordinance of (naming the board or body) adopted." (Insert date of adoption.) "Against the granting of the permission provided for by ordinance of (naming the board or body) adopted" (insert date of adoption). If a majority of the ballots cast at such election shall contain the words "In favor of granting the permission provided for by ordinance of (naming board or body) adopted" (insert date of adoption), it shall then be lawful for the person or corporation applying for the use of the street, avenue, park, parkway, highway or other public place to use the same in accordance with the provisions of said ordinance. At such election no proposition shall be submitted except the foregoing. There shall be no registration for said election, but the boards of election shall procure and use at such special election a certified copy of the register of voters used at the last preceding general election, and no person shall be entitled to vote whose name does not appear on said register, unless said voter shall appear in person before said board and satisfy said board by affidavit, which the said board is hereby authorized to take, that said voter has acquired the right of suffrage in said municipality since said registration was made.

If carried.

Who may vote.

Forty years' limit.

7. Every consent to the use of any street, avenue, park, parkway, highway or other public place, granted under the provisions of this act, shall be for a term of years, and not in perpetuity, and shall not in any case exceed forty years.

Additional provisions.

8. The provisions herein contained in relation to the presentation of petitions and the securing of municipal consent are in addition to conditions already imposed by law.

9. This act shall take effect immediately.

Approved March 27, 1906.

CHAPTER 37.

An Act to establish schools of detention.

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

Freeholders may build school of detention.

1. It shall be lawful for the boards of chosen freeholders of any county in this State having a population of one hundred and fifty thousand or more, where juvenile courts are now established, or where they may in such counties hereafter be established, whenever in its judgment the public needs require it, to erect upon lands owned by or to be acquired by such county a suitable building or buildings to be used for a school of detention, of sufficient size for the purpose of caring for dependent or delinquent children under sixteen years of age whom it may be necessary to hold in custody by virtue of the order or direction of any of the Courts of Common Pleas of the said counties, and to furnish and maintain the same; *provided,* that no such building or buildings shall be erected without the consent and approval of the judge of the Juvenile Court.

Proviso.

For whom intended.

2. These schools of detention shall receive also children under the age of sixteen who shall be habitual truants from school, or who shall be habitually insubordinate or incorrigible and disorderly during their attendance at school, which children shall be complained against as juvenile delinquents, in accordance with the provisions of the act entitled "An act establishing a court for the trial of juvenile offenders and defining its duties and powers," approved April eighth, one thousand nine hundred and three.

Arrangement and conduction.

3. The said schools of detention shall be so arranged and conducted so far as practicable for their safe custody. The inmates shall be cared for thereof as in a family or public school. To this end and the employes

provided for and selected to control and manage such house shall consist of a man and woman who are husband and wife, of good moral character, who shall be respectively designated as "superintendent" and "matron" of the school of detention, and shall reside therein, one of whom shall be competent to instruct and teach children in branches of education similar to those in the curriculum of the public schools, and such help or assistance as in the opinion of the boards of chosen freeholders of the various counties shall be necessary to the proper care and maintenance of such school. Whatever teachers may be required in such schools of detention shall be employed by the various county superintendents in the respective counties, whose salaries and the payment thereof shall be fixed and determined by said boards of chosen freeholders. The said superintendent and matron and other help outside of the teaching force necessary to properly care for and maintain said schools shall be designated and appointed by said boards of chosen freeholders, subject to the approval of the judge of the Juvenile Court, and whose compensation shall also be fixed by said boards. The supplies or repairs necessary to maintain, operate and conduct said schools shall be furnished upon the requisition of the superintendent to said boards, and the bills shall be passed upon and paid as other bills for supplies for the institutions of said various counties.

Teachers.

Supplies.

4. It shall be the duty of the superintendent of said schools of detention to keep a complete record of all children committed thereto in a book, which record shall contain the name, address and age of each child, cause of its detention and the length of time detained, the offense alleged to have been committed by such child, if any, and any other useful data or information that may be directed to be kept by the judge of the juvenile Court of the county. A record shall also be kept by such superintendent of all expenditures made by the county for the care and maintenance of such school. An annual report to the board of chosen freeholders shall be made between the first and thirty-first of December in each year by the superintendent, which shall contain an itemized statement of all such expense necessary to main-

Records.

tain such schools, together with the number of inmates therein during each month. The judge of the Juvenile Court of said county at any time may demand, in which case it shall be the duty of the superintendent to furnish, such information as said court may require concerning the conduct, maintenance or inmates of the school of detention. Such schools shall be supplied with all the necessary teachers, help and convenient facilities for the care of the inmates thereof. All children under sixteen years of age arrested for any cause (except murder or manslaughter) and school children habitual truant or incorrigible may, by the order of the Juvenile Court, be held in the detention school until final judgment.

Furnish information to court.

Bond issue to meet expense.

5. For the purpose of obtaining means for the erection of such school of detention building or buildings and the furnishing thereof, it shall be lawful for the board of chosen freeholders of any such county to issue and sell the bonds of said county to an amount not exceeding one-half of one per centum of the ratables of said county. Said bonds shall bear interest at a rate not exceeding five per centum per annum, and the principal thereof shall be payable at a time not exceeding twenty years from their date; and such board of chosen freeholders shall establish a sinking fund, to be raised by taxation from year to year, sufficient to pay off and discharge said bonds at their maturity, and shall also include in the annual tax levy a sum sufficient to pay the interest thereon.

Amount.

Rate and time.

Sinking fund.

Repealer.

6. All acts and parts of acts inconsistent with this act be and the same are hereby repealed; and be it enacted that this act shall take effect immediately.

Approved March 27, 1906.

CHAPTER 38.

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:*

Joint improvement and maintenance of roads by counties.

1. Whenever two or more counties of this State 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, it shall be lawful for such counties to jointly rebuild, reconstruct, change the grade of, improve and widen such road or roads, and to acquire lands for such widening by gift, devise, purchase or condemnation, and agree as to the proportion of the total expense thereof to be borne by

Agreement with street railway companies.

each. And it shall and may be lawful also for such boards to agree with any street railway company using or hereafter using such road or roads as to the share of the expense thereof to be borne by it for and towards such improvement.

Plans and cost.

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

Award of contract.

Receipt and opening of bids.

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

Proportionate cost.

4. The contract for said work shall specify the share or proportion of the cost thereof to be borne and paid by each county, and each county shall be severally liable only for such share or proportion.

Bonds may be issued.

5. If in the opinion of said boards, or either of them, to be determined by a resolution passed by either of said counties separately for the purpose, to place in the tax levy for any one fiscal year its share or proportion of the cost of acquiring said lands, doing the work and making the improvements herein authorized, would be too burdensome on the taxpayers of such county or counties, then it shall be lawful for such board to issue the bonds of such county, to raise the funds wherewith to defray the cost aforesaid, which bonds shall run for a period not exceeding fifty years, shall bear interest at

Time and rates.

not exceeding four per centum per annum, and shall be sold for not less than par, and shall be signed by the director of the board and the county collector, under the corporate seal of the county; and the board so issuing such bonds shall annually thereafter place in the tax levy a sufficient sum to meet the interest on said bonds, and a further sum to be deposited in a sinking fund, to be created for the purpose, to pay and discharge said bonds at maturity. Sinking fund.

6. This act shall take effect immediately.

Approved March 27, 1906.

CHAPTER 39.

An Act to amend an act entitled "An act to amend an act entitled 'An act to increase the powers of boards of commissioners,'" approved February twenty-first, one thousand eight hundred and eighty-eight, which amendment was approved May seventh, 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 amendatory be and the same is amended so as to read as follows: Section amended.

1. In all towns in this State where the governing power has been committed to a board of commissioners elected annually by a vote of the freeholders or the legal voters of such town, such board of commissioners shall, in addition to the powers now vested by law in them, hereafter have the power to pass, alter, amend and repeal ordinances for the following purposes: Power to pass ordinances.

I. To prevent and suppress breaches of the peace and disorderly assemblages, and to define and suppress disorderly houses in said town; Disorderly persons.

Health. II. To provide for a board of health to act in case of the prevalence of epidemic diseases;

Nuisances. III. To abate and cause the removal of nuisances, and, at the expense of the owner or occupant, the cleansing and disinfection of premises where nuisances are maintained detrimental to health;

Sidewalks. IV. To compel the owner of abutting lands to pave or flag sidewalks, and upon the refusal or neglect of such owner to comply with such ordinance, to cause the same to be done at the expense of such owner, said boards of commissioners being hereby empowered to recover such cost or expense of such owner in an action of debt in any court of competent jurisdiction;

Removal of ice and snow. V. To compel the owners or occupants of abutting lands to keep the sidewalks and gutters free from snow and ice and other impediments, and to keep the said sidewalks in a safe, convenient and passable condition at all seasons;

Ashes and garbage. VI. To regulate and prevent the dumping or throwing of waste matter, ashes or garbage in the public streets, or on lands belonging to or under control of the public, or on private lands; and to contract and pay for the removal of the waste matter, ashes and garbage of private persons and corporations;

Public vehicles. VII. To license and regulate public hacks, carriages, carts, trucks and other vehicles used for hire;

Peddlers, exhibitions, etc. VIII. To license and regulate peddlers, hucksters and other street venders, and all circuses or other shows and exhibitions whatsoever proposed to be performed or exhibited within the limits of said town;

Police. IX. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation;

Penalties for violations. X. To fix the penalty for the violation of any ordinance authorized by this act or other acts now in force applicable to the powers of such board of commissioners, which may be passed by said boards, which penalty may be imprisonment in the county jail not exceeding ten days, or a fine not exceeding fifty dollars, or both; all prosecutions for the violation of any ordinances so authorized shall be made before any justice of the peace

residing within the limits of said town, jurisdiction being hereby conferred.

2. This act shall take effect immediately.

Approved March 27, 1906.

CHAPTER 40.

An Act to amend an act entitled "An act concerning townships" (Revision of 1899).

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

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

12. Each member of the township committee shall be allowed and paid two dollars for each day he shall be actually and necessarily employed in discharging the duties enjoined on him as such officer; *provided,* that the aggregate annual compensation of each committeeman shall not exceed one hundred and fifty dollars, and the township clerk shall be allowed and paid three dollars per day, or such annual compensation as the committee shall by ordinance determine, for the services rendered in the performance of the duties required of him by law; all salaries or other compensation shall be paid out of the treasury of the township. Compensation of township committee. Proviso.

Approved March 27, 1906.

CHAPTER 41.

A Supplement to an act entitled "An act concerning the division of wards in cities of the second class in this State," approved March thirtieth, one thousand nine hundred and five.

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

Limiting division of wards.

1. Whenever any city of the second class of this State has been divided into wards, under and by virtue of the provisions of the act to which this is a supplement, it shall not be lawful to again make any other division of said city into wards within a period of five years.

Repealer.

2. All acts and parts of acts, whether general, special, local, supplemental or otherwise, in anywise inconsistent or in conflict with the provisions of this act be and the same are hereby repealed.

3. This act shall take effect immediately.

Approved March 27, 1906.

CHAPTER 42.

An Act for the summary review of proceedings on suspension, dismissal, retirement or reduction in rank of members of the fire department in this State.

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

Proceedings of fire boards reviewable by Justice of Supreme Court.

1. Hereafter all proceedings had, as well as any judgment rendered, by any fire board, or fire commissioners or other authority having jurisdiction over such matters in connection with the suspension, dismissal, re-

tirement or reduction in rank of members of any fire force in this State, shall be reviewable by any justice of the Supreme Court in a summary way.

Re-hearing given party aggrieved.

2. Any justice of the Supreme Court upon presentation to him of the petition of the party aggrieved, by any such proceedings or judgment, setting forth, under oath of such petitioner, substantially the charges made against him, and his answer thereto, and the proceedings had thereupon, and the evidence presented upon the trial, and the judgment rendered, shall be invested with jurisdiction and required to re-hear the matter of such charges upon which said proceedings were had, and judgment rendered, both upon the law and the facts, which shall be inquired into and ascertained, upon such notice to interested parties as may be directed by such justice, by depositions, or in such other way or manner as such justice shall direct; and the said justice shall be required to hear and determine such matter, and to give such judgment in the premises as shall seem to be lawful and just; *provided, however,* that any person claiming to be aggrieved by any such proceedings and judgment shall present his petition to the said justice of the Supreme Court within thirty days after the termination of such proceedings and the rendition of such judgment, otherwise the provisions of this act shall be inapplicable to his case, and this act shall be inoperative so far as he is concerned.

Proviso.

Bond given to secure payment of costs.

3. The said justice before whom such proceedings are pending may order and direct the petitioner to file a good and sufficient bond, to be approved by the said justice, providing for the payment of all costs in the said proceedings before the said justice, to the respondent or respondents in such proceedings, should the judgment of the said justice be against the said petitioner, and upon failure of the said petitioner to give the said bond within the time required by the order of the said justice, unless such time is further extended, the petition shall be dismissed.

Other relief preserved.

4. Nothing herein contained shall be construed to deprive the said parties, or any of them, of any other relief, proceeding or remedy, either at law or equity, to

which they are entitled, in any case or proceeding embraced within the provisions of this act.

Repealer.

5. 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 March 27, 1906.

CHAPTER 43.

An Act to provide a capital fund to be used for the opening, widening, vacating and other such improvement of streets in cities of the first class in this State.

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

Capital fund for street improvements.

1. It shall be lawful for the common council or other legislative or governing body, having control of the finances of cities of the first class in this State, in their discretion, at the request of the board or body having control of the streets, avenues and highways of such city, to provide a capital fund for the opening, widening, vacating and other such improvement of streets in any such city, not to exceed five hundred thousand dollars ($500,000), and to place the same at the disposal of said board or body having control of the streets and highways of such city, to use, from time to time, as may be necessary for the purpose or purposes aforesaid, under the conditions and limitations herein specified.

Amount.

Determination of amount necessary.

2. Whenever the board or body having control of the streets and highways in such city, shall, by resolution, determine upon the amount of money necessary or desirable for such fund, for the purpose of opening, widening, vacating or otherwise improving streets at that time, they shall prepare and present to the common council or other legislative or governing body having control of the finances of such city, a certificate setting forth the amount of money which, in the opinion of the said

board, is at that time desirable to be raised for the purpose of the said fund for opening, widening, vacating or otherwise improving streets, together with such other facts, estimates and other information as may be needed or required.

Bond issue.

3. In order to provide the money necessary and required for such opening, widening, vacating or other such improvement, the common council or other legislative or governing body having control of the finances of any such city, may, in their discretion, cause the bonds of the city to be issued from time to time, in such amounts as may be so requested for such purpose; and to negotiate and sell the same for not less than par, and place the proceeds thereof in the treasury of the city. All such bonds shall run for a period not exceeding fifty years from the date of their issue, and shall draw interest not exceeding four per cent. per annum, and shall be registered or coupon bonds, with interest payable semi-annually, at such time and place, and be of such form as the common council or other legislative or governing body may, by resolution, determine; and it shall be the duty of the common council or other legislative or governing body of said city to provide annually in the tax levy of said city for the payment of the semi-annual interest of the bonds hereby authorized, and to provide a sinking fund sufficient to retire the said bonds when due; *provided*, that the total amount of the bonds issued under this act shall not exceed five hundred thousand dollars ($500,000).

Time and rate.

Sinking fund.

Proviso.

Award of damages and benefits.

4. All damages awarded for such street opening, widening, vacating or other such improvement shall be paid out of said capital fund; and all assessments for benefits conferred by such improvements and all interest and penalties thereon imposed when collected shall be credited to the said capital fund and expended solely for the purposes for which such fund is provided.

Assessments a lien.

5. All assessments for benefits for such street openings, widenings, vacations or other such improvements, and all interest and penalties thereon imposed shall be a first lien upon the lands and real estate especially benefited thereby in conformity with the provisions of the existing law in force in said city, with respect thereto,

and all moneys received for benefits for improvements made under authority of this act, or for which funds are provided hereby, and all interest and all penalties thereon shall be used only for improvements of the same character subsequently made; it being the intent of this act that assessments for benefits with the interest and penalties thereon shall be credited to this capital fund as fast as the same are collected, to the end that this fund shall be used for such improvements so long as there shall be any amount remaining unexpended in such fund.

Repealer.

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

Approved March 27, 1906.

CHAPTER 44.

An Act concerning assessments for benefits conferred by the construction of sewers and drains in cities of this State

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

Assessment for benefits by commissioners of assessment of taxes on petition of council.

1. Whenever any sewer or drain has been constructed, or shall hereafter be constructed in any city of this State, under the provision of the act entitled, "An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two, or any act supplemental thereto or amendatory thereof, and, in the judgment of the board of aldermen or other governing body of said city, the construction of such sewer or drain is likely to benefit and increase the value of any lands and real estate in the vicinity thereof, the said board of aldermen or other governing body shall apply by petition to the board of commissioners of assessment of taxes, or other taxing board or body of the city in which such sewer or drain has been or shall be constructed, to estimate and assess such benefits, whereupon it shall be the duty of such board of commis-

sioners of assessment of taxes, or other taxing board or body, to proceed to make such estimate and assessment, and to perform the other duties imposed upon them by this act without any additional compensation therefor.

Hearing.

2. The said commissioners having first taken and subscribed an oath or affirmation before some authorized person, to make all estimates and assessments required of them, fairly, legally and equitably, according to the best of their skill and understanding, shall proceed to fix a time and place when and where they will hear any persons in interest who may present themselves to be heard, of which said time and place they shall give public notice by advertisement in one or more newspapers, printed or circulating in such city for the space of ten days, at which time or place, or at such other times or places to which they may adjourn for that purpose, the said commissioners shall attend and shall give a public hearing to those persons in interest who may desire to be heard, and shall proceed to estimate and assess the benefits conferred by the construction of such sewer or drain; said commissioners shall have the same power to examine witnesses, administer oaths, to enter upon and view any premises that they may deem necessary, and to adjourn from time to time, as were possessed by commissioners appointed under said act of March eighth, one thousand eight hundred and eighty-two, or any act supplemental thereto or amendatory thereof, and in all their acts and proceedings subsequently to the giving of notices of the public hearing, as herein above provided for, shall be governed, in all respects, as to their method of procedure by the said act of March eighth, one thousand eight hundred and eighty-two, and that all the provisions of the said act and supplements not inconsistent with the provisions of this act shall apply to the making of estimates and assessments under this act.

Power of commissioners.

When act operative.

3. This act shall not be operative in any city of this State until it has been adopted by such city by the passage of an ordinance accepting the provisions hereof, and all proceedings pending when this act takes effect shall not be affected hereby.

4. This act shall take effect immediately.

Approved March 27, 1906.

CHAPTER 45.

A Further Supplement to an act entitled "An act to remove the fire and police departments in the cities of this State from political control," approved May second, one thousand eight hundred and eighty-five.

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

Pay of policemen.

1. The board of police commissioners in the cities of the first class, created by the act to which this act is a further supplement, shall fix the compensation of the permanent officers of or below the grade of patrolmen as hereinafter specified, respectively: to each permanent member who has served three years and over, the sum of twelve hundred dollars per annum; to each permanent member who has served two years and over, the sum of eleven hundred dollars per annum; to each permanent member who has served one year and over, the sum of ten hundred dollars per annum; and to each permanent member for the first year of service, the sum of nine hundred dollars per annum; the above sums to be paid in monthly or bi-monthly payments to the above mentioned permanent members; the said compensation to begin on the first day of the next calendar month after this act shall go into effect.

Repealer.

2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately; *provided, however*, that none of the foregoing provisions shall take effect in any city until the acceptance or rejection of this act shall have been submitted to a popular vote, in the manner provided by the general laws of this State for the submission of a question or proposition to the people of the State or any political division thereof; such submission shall be made and the vote thereon taken at the next general election held in such city; and it shall be the duty of the city clerk of the city wherein such election is held, at least ten days

Proviso; referendum.

When taken.

before any such election, to give public notice thereof by publication in two or more newspapers published and circulating in such city, that such submission will be made at the ensuing election, stating briefly the question to be submitted as herein provided; and there shall be printed upon each official ballot to be used at such election, beneath the list of candidates thereon, the following words: "Act of one thousand nine hundred and six, increasing the compensation of policemen," with the word "for" and the word "against" above and immediately preceding such proposition. And the legal voters of such city shall at such election so decide upon the acceptance or rejection of this act by the use of such ballots. If the said word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the same; if the word "against" be marked off or defaced upon the ballot it shall be counted as a vote in favor 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 as a vote either for or against such proposition.

Public notice.

Form of ballot.

3. The acceptance or rejection of this act shall be determined by the result of such election, and if it shall be found on a canvass of all the votes cast, to be made as herein provided, that a majority of ballots have been cast in favor of this act, then this act, but not otherwise, shall take effect immediately in such city; the return of the election officers and the certificate of the result of the vote cast in every election district or voting precinct in such city for or against the acceptance of this act, shall be filed forthwith after the close of the election by the election officers conducting the same, with the clerk of the city wherein such election is held, and it shall be the duty of the said clerk to tabulate the said returns and canvass the votes so cast in all the election districts of said city, and certify upon such tabulated statement the number of votes cast for the acceptance of this act and the number of votes cast against the acceptance of this act, and he shall file such tabulated statement with his certificate thereon in his office.

Result of election.

Returns filed with city clerk.

Approved March 27, 1906.

CHAPTER 46.

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:*

Section amended.

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

Action to establish forest reservation.

8. Whenever the board shall deem it expedient and proper to purchase lands for a forest reservation in any part of this State, the board shall, by resolution, fix the price to be paid for said lands, and shall instruct the executive officer to enter into a contract, in the name of the State of New Jersey, with the owner or owners thereof for the purchase of the same; which contract

Contract.

shall contain a covenant on the part of the owner or owners that they have a good title in fee simple to the lands proposed to be conveyed, and that said lands, when so conveyed, will be conveyed free and clear of all taxes, liens or encumbrances of any kind or character whatsoever. After the entry into said contract by said executive officer, it shall be his duty to prepare an accurate map of said lands to be filed in the office of the said board.

Searches.

The said board shall have power to order and pay for all searches as they shall be advised by the Attorney-General to be necessary; and when the Attorney-General shall have advised said board, in writing, that the title to the property proposed to be purchased is clear,

and that there are no taxes, liens or other encumbrances against the same, said board is hereby authorized to accept a conveyance of said lands, and to pay the price so fixed as aforesaid for the same. Conveyance.

2. This act shall take effect immediately.

Approved March 27, 1906.

CHAPTER 47.

A Supplement to an act entitled "An act suppressing vice and immorality" (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. The fees of the magistrates and constables or police officers for arresting and committing persons under the provisions of the act to which this act is a supplement, and each and every amendment thereof and supplement thereto, shall be fifty cents to the magistrate and one dollar and actual transportation expenses of himself and prisoner to the constable or police officer, and no more, and the sums herein stated shall be in full of all other fees and charges whatsoever. Fees of magistrates and officers.

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

Approved March 27, 1906.

CHAPTER 48.

An Act in relation to the appointment of sergeant-at-arms and criers to the several courts of the counties of the first class and fixing the salaries for same.

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

Sergeant-at-arms in first class counties.

1. The justice of the Supreme Court to whom a judicial district has been or may be assigned, and which judicial district comprises counties of the first class, is authorized to appoint in their respective judicial districts a suitable person as sergeant-at-arms, and also a suitable person as crier, of the Circuit Court of the said judicial district. The duties of said sergeant-at-arms and said crier shall be to attend daily upon the said courts in the county wherein appointed, during the several terms thereof, for which services the said sergeant-at-arms and crier in all counties of the first class shall each receive and be paid an annual compensation or salary of sixteen hundred dollars in lieu of any per diem compensation or any other fees or costs of any nature whatever, such annual salary to be paid monthly by the county collector upon the certificate of the county clerk of said county.

Duties.

Compensation.

Repealer.

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

Approved March 27, 1906.

CHAPTER 49.

An Act to authorize incorporated towns of this State to change the boundary lines of their wards.

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

Equalizing wards in towns.

1. Each of the towns of this State, incorporated as such, in whose charters there are now, or hereafter shall be, specific descriptions of the boundaries of the several wards lines into which the territory of said town is divided, be and they are hereby authorized and empowered, by resolution or ordinance duly passed by the governing body of such town, to change, modify and alter the boundaries and limits of such ward lines, in order that the territory and population thereof may be, so far as possible, equalized.

2. This act shall take effect immediately.

Approved March 28, 1906.

CHAPTER 50.

A Supplement to an act entitled "An act relating to regulating and providing for the government of cities," approved April eighth, one thousand nine hundred and three.

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

Public recreation buildings.

1. Any city that has heretofore adopted or hereafter may adopt the provisions of the act to which this act is a supplement may, by resolution of its city council, provide

New Jersey State Library

for and authorize the construction of a pavilion, casino, buildings, or other structure, on any of its parks, boulevards, boardwalks, or other public grounds.

2. This act shall take effect immediately.

Approved March 28, 1906.

CHAPTER 51.

An Act regulating the granting of licenses for the sale of spirituous, vinous, malt and brewed liquors in municipalities in counties of the fourth class in this State.

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

License fees paid to municipalities.

1. Hereafter, in all municipalities in fourth class counties in this State, all licenses to sell spirituous, vinous, malt, or brewed liquors shall be granted by the Court of Common Pleas of such counties, and the money received for all such licenses shall be paid over by the officer of such county receiving the same to the treasurer, collector or other proper financial officer of the municipality in and for which such licenses shall be granted; *provided, however,* that nothing herein contained shall be construed to terminate any license now in force.

Proviso.

Repealer.

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

Approved March 28, 1906.

CHAPTER 52.

An Act validating, in certain cases, sales and conveyances made under decree of the Court of Chancery of lands in this State, situated in more than one county.

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

Validity of sales of land in more than one county.

1. All sales and conveyances of land situated in more than one county of this State, heretofore made under a decree of the Court of Chancery, when the sale and conveyance of the whole of said land have been in one county only, and in that particular said sale and conveyance have not been made by such officers, advertisements or proceedings as required by law for the sale and conveyance of the whole of said land, shall be valid sales and conveyances of the whole of said lands against all parties to the suit wherein said decree was made, whose interest in said land has been thereby foreclosed and cut off, and their heirs, executors, administrators and assigns, notwithstanding such facts, or any or either of such facts, unless within six months after the passage of this act, any party to the suit, who has been thereby foreclosed, cut off or affected in interest, his heirs, executors, administrators or assigns, shall obtain from said court an order in said suit, upon such notice to the present owner, person in possession and other persons as the court may direct, decreeing a re-sale of the part of said land lying in the county other than that in which the sale was made, but only upon such terms as to redemption and otherwise as the court may direct.

Unless resale decreed.

2. This act shall take effect immediately.

Approved March 30, 1906.

CHAPTER 53.

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.

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

All fees, etc., to accrue to county.

1. The fees, costs, allowances, percentages and all other perquisites of whatever kind which by law the surrogates, registers of deeds and mortgages, county clerks and sheriffs in counties other than counties of the first class of this State may receive for any official acts or services rendered by such surrogates, registers of deeds and mortgages, county clerks and sheriffs, respectively, or by any assistant, or other person in their office or employment, for any acts done, or services rendered in connection with said offices, shall continue to be payable, and shall be received and collected by the said surrogates, registers of deeds and mortgages, county clerks and sheriffs, respectively, for the sole use of their respective counties as public moneys belonging to the said counties, and shall be accounted for by said surrogates, registers of deeds and mortgages, county clerks and sheriffs, and paid over as such in manner hereinafter provided.

Record of fees, etc., kept.

2. The said surrogates, registers of deeds and mortgages, county clerks and sheriffs shall respectively keep an account of all fees and moneys received by them pursuant to the provisions of this act for the use of their respective counties, and shall, on or before the fifteenth day of each month, make a full and itemized statement and return verified by oath, to the county collectors of their several counties, of the fees, costs, allowances, percentages and all perquisites of whatever kind received by them, or by any assistant or other person in their

Monthly statement.

offices or employment, for any act done or service rendered in connection with said offices, and all sums which may have been charged or taxed, or which shall have accrued, or become payable, for any such services during the month preceding the making of such statement; which statement shall be made under oath upon blanks containing a form of said statement, to be furnished to the said surrogates, registers of deeds and mortgages, county clerks and sheriffs by the county collectors, respectively, and shall be filed in the offices of the county collectors, respectively, there to remain as public records. Such statement shall be forthwith audited by the county auditors, or other proper county officers, and on or before the twentieth day of each month the said surrogates, registers of deeds and mortgages, county clerks and sheriffs shall, respectively, pay over the amount of such fees and moneys to the county collectors of their respective counties, under penalty of one hundred dollars for each day's neglect to file such certificate, or to pay over such moneys, to be recovered in the name of the Board of Chosen Freeholders of such county where such default shall occur, for the use of the said county in an action upon contract in the Supreme Court, or in the Circuit Court of said county.

Audited.

Moneys paid to county collector.

3. The said surrogates, registers of deeds and mortgages, county clerks and sheriffs shall be personally liable to their respective counties for the payment of all such fees and costs as are mentioned in the first section of this act, and for their own protection it shall be lawful for them to exact the payment of such fees and costs before filing any paper, entering and docketing any writ, order or judgment, recording any paper, making a copy or search, or performing any other services in their said offices for which costs, fees or compensation is allowed; and for convenience it shall be lawful for the said surrogates, registers of deeds and mortgages, county clerks and sheriffs, to receive from suitors and their attorneys, or any person having business with said offices, reasonable deposits of money in advance to answer such fees and costs, rendering an ac-

Liability of officers for payment.

Advance deposits.

count thereof to the person or persons making such deposit at least once in four months.

Compensation 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, according to the State or national census next preceding their election or appointment, between one hundred and twenty-five thousand and two hundred thousand inhabitants, six thousand five hundred dollars; in counties having between one hundred thousand and one hundred and twenty-five thousand inhabitants, five thousand five hundred dollars; in counties having between seventy-five thousand and one hundred thousand inhabitants, four thousand five hundred dollars; in counties having between fifty thousand and seventy-five thousand inhabitants, three thousand five hundred dollars; in counties having between thirty thousand and fifty thousand inhabitants, two thousand five hundred dollars; in counties having less than thirty thousand inhabitants, two thousand dollars, to be paid by the proper disbursing officers of their respective counties in equal monthly payments. Said surrogates, county clerks, registers of deeds and mortgages and sheriffs 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 and their compensation.

Repealer; when act effective.

5. All acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect so far as respects said offices at the expiration of the terms of office of the present surrogates, registers of deeds and mortgages, county clerks and sheriffs, respectively.

Approved March 30, 1906.

CHAPTER 54.

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

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

1. Section twenty-four of the act entitled "An act concerning building and loan associations," approved April eighth, one thousand nine hundred and three, is hereby amended so as to read as follows: Section amended.

24. The funds of every such association shall be invested in the following and no other way: Investments.

I. In the purchase of lands or building lots and erecting buildings and improvements thereon, or in the purchase of lands already improved; which lands, buildings and improvements shall be within this State and shall be already contracted to be sold to the members of such association, payable in the shares of the association, or in periodical installments for a period such as shall be agreed upon and designated in their constitution; at the expiration of which term, all payments having been made, the lands, dwellings and improvements so sold and conveyed to the members of such association shall become the property of the grantees, discharged from all further payment; Real estate.

II. In loans to members on bonds secured by mortgage which shall be a first lien on real estate in this State, not to exceed eighty per centum of the cash value thereof, payable in shares of the association, or by periodical installments; except where any association holds a mortgage on real estate which is a first lien, such association may increase its loan thereon and secure the same by a second or subsequent mortgage; *provided,* the total indebtedness to the association, less the amount of dues paid on the shares pledged for such loan, shall Bond and mortgage. Proviso.

not exceed eighty per centum of the cash value of the real estate loaned on, and all the mortgages held by said association shall be prior to any other encumbrance on said real estate;

Redeem shares.

III. In the redemption of shares of the association;

Loans on stock of association.

IV. In loans upon the pledge or collateral security of the shares of such association, not to exceed ninety per centum of the withdrawal value of such shares;

Loans a first lien.

V. In loans to persons not members, or to members without pledge of their stock as collateral security, on bonds secured by mortgage, which shall be a first lien on improved real estate in this State, not to exceed two-thirds of the cash value thereof; a purchase money mortgage given to said association upon real estate sold by it shall not be considered a loan within the meaning of this subdivision;

Certain securities.

VI. In the purchase of any or all of the securities in which savings banks of this State are authorized by law to invest, or as a loan upon any of such securities as collateral, not to exceed eighty per centum of their market value; *provided,* investments or loans authorized under paragraphs V and VI of this section shall only be made from moneys on hand not required for any of the purposes specified in paragraphs I, II, III and IV hereof, or for the payment of withdrawals of matured shares, or for the purpose of creating a fund for the payment of maturing shares.

Proviso.

Repealer.

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

3. This act shall take effect immediately.

Approved March 30, 1906.

CHAPTER 55.

An Act to provide for the erection of a residence for the principal keeper and resident physician of the State Prison and providing for the payment therefor.

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

Commission to erect prison keeper's residence.

1. The supervisor, principal keeper and board of inspectors of the State Prison are hereby constituted a building commission for the purpose of erecting and causing to be erected a residence for the principal keeper and resident physician of the State Prison, and to cause the same to be furnished with suitable furniture and equipment as hereinafter provided.

Near the prison.

2. Said commissioners shall have power to construct and cause to be constructed a suitable residence for the use and occupation of the principal keeper and the resident physician of the State Prison during their term of office, on lands now belonging to the State, available for that purpose, contiguous to the State Prison, as may in their judgment be necessary. And to purchase sufficient and suitable furniture and equipment for the proper use of said residences, for the said purposes. They shall cause the erection and construction hereby authorized to be done by contract, and shall have power to advertise for bids and make contracts for the said work, either as a whole or for separate parts thereof, reserving the right to reject any or all bids not deemed advantageous to the State; *provided,* that the amount expended for said purpose shall not exceed twenty thousand dollars; *and, also, provided,* that an appropriation of said sum shall be included in the act making appropriations.

Furnishings.

Work done by contract.

Proviso.

Proviso.

Occupancy a compliance with law.

3. The occupancy of such residence by the principal keeper and resident physician of the State Prison, respectively, shall be deemed a sufficient compliance with

the requirement that the principal keeper of said prison shall reside at said prison during his term of office, and that the resident physician of the State Prison shall reside in the prison.

Payments.

4. For the payment of the expenditure herein authorized, the Comptroller of the Treasury shall draw his warrant on the State Treasurer, and the said treasurer shall pay the same, from time to time, as the said commission shall certify to the comptroller, and as may be necessary, to such person or persons as the commission may designate.

5. This act shall take effect immediately.

Approved March 30, 1906.

CHAPTER 56.

An Act to amend an act entitled "An act respecting the Court of Chancery" (Revision of 1902), approved April third, nineteen hundred and two.

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

Section amended.

1. Section fifty-two of an act entitled "An act respecting the Court of Chancery (Revision of 1902)," approved April third, nineteen hundred and two, to which this act is amendatory, be and it hereby is amended to read as follows:

Issuing execution in case of death of sheriff, master, etc.

52. When any sheriff, master in Chancery, receiver or other person to whom any writ of execution or order or decree for the sale of any lands, tenements, hereditaments, or real estate issuing out of the Court of Chancery, hath heretofore been directed and delivered, or shall hereafter be directed and delivered, hath died or shall die, or hath or shall become unable to discharge the duties of his office or appointment, or hath removed or shall remove out of the State and continue to reside thereout without discharging the duties of his office or appointment in relation to the command of said writ, order or decree, then, or in either of said cases it shall be lawful for the chancellor, upon presenting a petition

setting forth the facts above mentioned and verified to the satisfaction of the chancellor to award another writ of execution, order or decree for sale to be directed to the sheriff of the proper county or to one of the masters of said court, or to some other proper person, commanding him to proceed to discharge the exigencies of said writ, order or decree in the same manner as such officer so dying, becoming disabled, or removing as aforesaid, was commanded in and by said writ, order or decree so to do, and any proceeding had by such officer to whom such writ, order or decree shall be directed and delivered shall be as good, valid and effectual as if the said execution, order or decree first issued or made had been originally directed to him; and any notice of sale given by public advertisements by said former sheriff, master, or receiver shall be as good, valid and effectual in law as if the same were given by said substituted sheriff, master or other proper person; and such sheriff, master, or other proper person shall be entitled to the same fees for services done and subject to the same suits, penalties, amercements and proceedings for neglect of duty as if the said writ of execution, order or decree had been originally directed and delivered to such sheriff, master or other proper person.

A new writ.

Effect of writ.

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

Repealer.

Approved March 30, 1906.

CHAPTER 57.

An Act to regulate the length of nets and seines to be used in fishing in Upper township, in the county of Cape May.

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

1. It shall not be lawful for any person or persons whatsoever to set or draw any net or seine, which shall

Size of net in Upper township.

exceed forty fathoms in length, in any of the rivers, bays or creeks or water of Upper township, in the county of Cape May, and within the jurisdiction of said county; *provided, however,* that this act shall not apply to the use of seines or nets in the waters of the Atlantic ocean.

Proviso.

Penalty.

2. Every person offending against the provisions of this act shall forfeit and pay the sum of fifty dollars for each offense, and the small cause court shall have jurisdiction to hear and determine complaints brought under the provisions of this act.

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3. This act shall take effect immediately.

Approved March 30, 1906.

CHAPTER 58.

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," approved March twenty-first, nineteen hundred and one.

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

Section amended.

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

Annual expenditure.

20. The State Board of Health may expend annually for the purposes of carrying out the provisions of this act a sum not exceeding twenty thousand dollars, which sum shall be paid by the Treasurer of this State upon the warrants of the Comptroller; *provided, however,* that an appropriation therefor shall first be made by the Legislature.

Proviso.

2. This act shall take effect immediately.

Approved March 30, 1906.

CHAPTER 59.

An Act to amend an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), which act was approved June fourteenth, eighteen hundred and ninety-eight.

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

Section amended.

1. Section sixty-eight of the act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), which act was approved June fourteenth, eighteen hundred and ninety-eight, be and the same is hereby amended to read as follows:

Where imprisoned.

68. Every person sentenced, under the laws of this State, to imprisonment for any time not exceeding six months, shall be confined in the common jail of the county where the conviction was had, or the county workhouse, or the county penitentiary, in the discretion of the court, and there safely kept until the term of his confinement shall expire and the fine and costs of prosecution be paid, or until he shall be discharged by due course of law, and every person so sentenced to the county workhouse or penitentiary shall be transferred to and confined in such workhouse or penitentiary within ten days after such sentence. Every person sentenced to hard labor or imprisonment for any time over six months shall be imprisoned in the State Prison; *provided,* in any county wherein a penitentiary is located every person sentenced to hard labor and imprisonment for any time over six months, and not exceeding eighteen months, shall be imprisoned in the penitentiary located within the county wherein such conviction was had instead of State Prison, unless the person so convicted shall have served a term previously in the State

Proviso.

Prison, in which case the person so convicted may, in the discretion of the court, be imprisoned in the State Prison; and *provided further,* that in any county wherein a county workhouse is located any person sentenced to hard labor and imprisonment for any time over six months and not exceeding eighteen months may, in the discretion of the court so sentencing, be imprisoned in such county workhouse instead of the State Prison or the county penitentiary, where such a penitentiary is located in such county in addition to the county workhouse.

Proviso.

Approved March 30, 1906.

CHAPTER 60.

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

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

Section amended.

1. Sections nine, twenty-three, forty-five and fifty-five of an act entitled "A general act relating to boroughs (Revision of 1897)," approved April twenty-fourth, one thousand eight hundred and ninety-seven, be and the same hereby are amended to read as follows:

Certain officers to give bonds.

9. The collector and such other officers as the council may by ordinance or resolution require shall, before they enter upon the duties of their office, give bond to the borough in its corporate name in such sum and with such sureties as the council may require and approve, conditioned for the faithful performance of the duties of their office. The borough collector shall renew his bonds annually, between the first day of January and the first day of February in each year, and in default thereof the office shall be deemed vacant; *provided,* that when

Renewal.

Proviso.

required by the council the collector shall give, and the council may accept, in addition to said bond, a bond with like sureties, conditioned for the safe keeping and payment of all moneys coming to his hands as such collector.

Annual meeting of council.

23. The mayor and councilmen of every borough shall constitute the council thereof, and shall meet on the first day of January in each year at twelve o'clock noon (which meeting shall be denominated the annual meeting), and thereafter at such time and place as they may, by resolution, direct, or to which their meetings may be adjourned; *provided,* that all regular meetings shall be held within the borough. Three councilmen and the mayor shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. All meetings shall be presided over by the mayor, except as herein otherwise provided, but he shall not vote except to give the casting vote in case of a tie. In the absence of the mayor, four councilmen shall constitute a quorum. It shall be the duty of the mayor, when necessary, to call special meetings of said council; in case of his neglect or refusal it shall be lawful for any four members of said council to call such meeting at such time and place in said borough as they may designate, and in all cases of special meetings notice shall be given to all the members of said council, or left at their place of residence.

Proviso.

Quorum.

Special meetings.

Laws applicable to assessments and collection of taxes.

45. All general laws applicable to the assessing and collection of taxes in the several townships of this State shall apply to the assessing and collection of taxes in boroughs, and all assessments shall be collected in the same manner as taxes, except as herein otherwise provided. All assessments shall, from the date of confirmation of the same by the council, together with interest thereon, and all costs, fees, charges and expenses incident thereto, be and remain a first and paramount lien upon the lot of land against which said assessment is made, and, while unpaid, shall remain such lien for the space of two years from the date of confirmation, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof. Assessments shall be payable within sixty days after the date of confirmation. In case any assessment so made shall remain unpaid for

Assessments and costs first lien.

When payable.

Collection of unpaid assessments.

the space of six months after the date of confirmation thereof, it shall be the duty of the collector to proceed to collect the same by the sale of the lands or real estate against which said assessment is a lien in the same manner, for the same terms and with the same rights and duties and to the same effect as provided for the sale of lands and real estate for unpaid taxes under the general laws of the State.

Expense of improvement ascertained.

55. As soon as may be after the completion of any such improvement, other than improvements made pursuant to subdivision III of section thirty-three, the expense thereof, including surveying, when required, and a moderate allowance, to be determined by the council, for the cost of making the assessment hereinafter provided, shall be ascertained and determined by the said council and be entered by resolution upon the record of their proceedings, and the amount so ascertained and determined shall thereafter be treated as, and held to be, the true and actual expense of making such improvement.

2. This act shall take effect immediately.

Approved March 30, 1906.

CHAPTER 61.

An Act relative to the terms of office of persons chosen or appointed by municipal boards or bodies of this State.

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

Term of appointee of municipal boards extended.

1. That every person heretofore appointed or chosen by any municipal board or body in any city of this State, and holding office therein at the passage of this act, shall continue in office, and his term of office shall be and hereby is extended from the time when his term would otherwise expire, until twelve o'clock noon of the first day of January next succeeding the day at which his term of office would otherwise expire; *provided,* that

Proviso.

this section shall not apply to any person whose term of office now expires by law on the first day of January in any year.

2. All acts and parts of acts, special or general, inconsistent with the provisions of this act are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved March 30, 1906.

CHAPTER 62.

An Act to validate the proceedings of commissioners heretofore appointed to divide cities into wards, and to confirm their actions in relation to such division.

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

1. The acts of all commissioners heretofore appointed to divide cities into wards where such appointments were made by the mayor of any city, and said commissioners have proceeded according to law to divide the city into wards and file their report or reports, are hereby confirmed and validated and made legally binding, although the action of such mayor was initiated upon petition or otherwise of the common council, board of aldermen or other governing body, or upon petition or otherwise of fifty per centum or more of the members of the common council, board of aldermen or other governing body of any such city. Validating acts of commissioners to divide cities into wards.

2. This act shall take effect immediately.

Approved March 30, 1906.

CHAPTER 63.

An Act for the protection of Malaclemmys Palustris, commonly called diamond-backed terrapin; to regulate their method of capture, and providing open and close seasons for such capture and possession.

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

Closed season for terrapin.

1. It shall be unlawful to take or catch, expose for sale or have in possession, or attempt to take or catch any Malaclemmys Palustris, commonly called diamond-backed terrapin, between the first day of April and the first day of November of each year. Any person guilty of any violation of this section shall be liable to a penalty of twenty dollars for every Malaclemmys Palustris, commonly called diamond-backed terrapin, so taken, caught, exposed for sale, had in possession, or sought to be taken or captured; and the having in possession of any Malaclemmys Palustris, commonly called diamond-backed terrapin, during the period prohibited in this section shall, in every court and place, be deemed prima facie evidence that the same is unlawfully in possession.

Penalty.

Unlawful means of taking.

2. It shall be unlawful at any time to catch or take, or attempt to catch or take, any Malaclemmys Palustris, commonly called diamond-backed terrapin, from any of the waters of the State, by means of any trap, fyke, net, seine, weir, or net of any description, under a penalty of fifty dollars for each offense.

Penalty for taking undersized terrapin.

3. It shall be unlawful at any time to catch, take or have in possession any Malaclemmys Palustris, commonly called diamond-backed terrapin, measuring less than four inches lengthwise along the under shell, under a penalty of twenty-five dollars for each Malaclemmys Palustris, commonly called diamond-backed terrapin, so captured, taken or had in possession.

Penalty for destroying eggs.

4. It shall be unlawful to take or destroy the eggs of any Malaclemmys Palustris, commonly called diamond-

backed terrapin, in this State, under a penalty of twenty-five dollars for each egg so taken or destroyed.

May be brought from other States.

5. In all proceedings against offenders under this act it shall be competent for them to show that the Malaclemmys Palustris, commonly called diamond-backed terrapin, came into possession in another State, or beyond the United States, at some place where the law did not prohibit such possession, and such evidence shall be a valid defense to the action.

Right to arrest violators.

6. The Fish and Game Commissioners, fish and game protector and all constables, police officers, fish and game wardens and deputy fish and game wardens of this State are hereby empowered and directed to arrest or cause to be arrested any person or persons guilty of violating any of the provisions of this act; and upon making such arrest, to take him or them forthwith before any justice of the peace, district court or police magistrate of the county where the arrest is made, and to proceed against him or them in the manner prescribed by an act of the Legislature in this State 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 the violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the supplements thereto and acts amendatory thereof.

Procedure against violator.

Right to search without warrant.

7. The Fish and Game Commissioners, the fish and game protector, and the fish and game wardens of this State shall have power without warrant to search and examine any boat, vessel, conveyance, vehicle, fish box, fish basket, barrel, box or basket, game bag or game coat or other receptacle, for Malaclemmys Palustris, commonly called diamond-backed terrapin, when they have reason to believe that any of the provisions of this act have been violated; and the said Fish and Game Commissioners, fish and game protector, and fish and game wardens shall at any time seize and take possession of any and all Malaclemmys Palustris, commonly called diamond-backed terrapin, which have been caught, taken or killed at any time in a manner or for a purpose, or had in possession or under control, have been shipped or are about to be shipped, contrary to any of the pro-

Warrant to search.

visions of this act. Justices of the peace, district courts and police magistrates, upon receiving proof of probable causes for believing in the concealment of any Malaclemmys Palustris, commonly called diamond-backed terrapin, caught, taken, had in possession or under control, contrary to any of the provisions of this act, shall issue a search warrant and cause a search to be made in any place, and to that end may, after demand and refusal, cause any building, enclosure or car to be entered, and any apartment, chest, box, barrel, crate, basket or package to be broken open and the contents thereof examined by said Fish and Game Commissioners, fish and game protector or fish and game wardens.

Liberation of seized terrapin.

All Malaclemmys Palustris, commonly called diamond-backed terrapin, seized by the Fish and Game Commissioners, fish and game protectors or any of the fish and game wardens, shall be liberated in any of the waters of this State inhabited by Malaclemmys Palustris, commonly called diamond-backed terrapin, by the Fish and Game Commissioners, fish and game protector or any of the fish and game wardens, as directed by the justices of the peace, district court or police magistrate before whom the offender is tried.

Game wardens not liable to damages.

8. No Fish and Game Commissioner, fish and game protector or fish and game warden shall be liable for damages on account of any arrest, seizure or liberation of any Malaclemmys Palustris, commonly called diamond-backed terrapin, in accordance with the provisions of this act.

Repealer.

9. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

10. This act shall take effect immediately.

Approved March 30, 1906.

CHAPTER 64.

An Act to amend 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:*

Section amended.

1. That section one of the 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 amended so as to read as follows:

Freeholders may rebuild bridges.

1. Whenever in any county of this State it shall be necessary or advisable to erect a bridge over and across any navigable river or stream, in said county, or whenever any draw or other bridge of such county, under the operation and control of the board of chosen freeholders thereof, extending or stretching over and across any navigable river or stream in such county, shall be in a state of dilapidation or decay, or unsuitable for the purpose, and such board shall deem the erection of a bridge, or the reconstruction of the old bridge, or the construction of a new bridge to take the place of such bridge in such state of dilapidation or decay or so unsuitable, a public necessity, and shall so declare at a regular meeting by resolution adopted by an affirmative vote of not less than a majority of all the members of such board, then and in that case such board may, by resolution, to

be adopted in like manner, order and provide for and proceed with the erection, construction or reconstruction of such bridge, with the draw or draws and all necessary apparatus, appliances and things required therefor.

Section amended.

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

Bonds to meet cost.

2. That to defray and meet such cost and expense, such board of chosen freeholders is hereby authorized to issue bonds of such county, in the proper corporate name and under the corporate seal thereof, for such sum or sums as may be needed; *provided,* the total sum, exclusive of interest, to be paid on such bonds shall not exceed the sum of two hundred and fifty thousand dollars; said bonds shall be signed by the director of such board and the county collector of the county, and shall state upon their face for what purpose the same are made and issued, and shall be issued in sums of not exceeding one thousand dollars each, and shall bear interest at not exceeding the rate of four and a half per centum per annum, and shall run for and be made due and payable at such time or times, not exceeding thirty years from the date of the issue, as the said board shall by resolution determine, and which said bonds shall be sold at public sale for not less than par; and such board shall annually thereafter place in the tax levy a sufficient sum to meet the interest on said bonds, and a further sum to be deposited in a sinking fund, to be created for the purpose, to pay and discharge said bonds at maturity.

Proviso.

Character of bonds.

Sinking fund.

3. This act shall take effect immediately.

Approved March 30, 1906.

CHAPTER 65.

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

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

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

117. Any person who shall convey or take away any woman child, unmarried, whether legitimate or illegitimate, under the age of sixteen years, out or from the possession, custody or governance, and against the will of the father, mother or guardian of such woman child, though with her own consent, with an intent to contract matrimony with her, or with an intent to carnally abuse her, or to use her for immoral purposes, or to cause or procure her to be carnally abused by another or to be used for immoral purposes by another, his aiders and abettors, shall be guilty of a misdemeanor; and if he contract matrimony with her, without the consent of her father, mother or guardian, he shall be guilty of a high misdemeanor; and every such marriage shall be void; and any person who shall permit, suffer or procure any woman child under the age of sixteen years, whether single or married, with or without her consent, to be carnally abused by another or to be used for immoral purposes by another, in any house, room or place, public or private, kept by or under the control or management of such person, shall be guilty of a high misdemeanor. Seduction. A misdemeanor.

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

Approved April 2, 1906.

CHAPTER 66.

An Act authorizing the reduction or relinquishment of interest on taxes and assessments upon real estate in cases where the records of said taxes and assessments have been lost or destroyed.

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

Reduction of interest on taxes and assessments when records lost.

1. In case of the destruction of public records, by fire or otherwise, or in case of the loss of such records in any other way, whereby the ordinary and usual documentary evidence of the levy and assessment of taxes or assessments upon real estate by any city, town, township, borough or other municipality of this State, or of the collection or payment of such taxes or assessments, is incapable of production, by reason whereof taxes and assessments which are unpaid are liable to be lost or their collection is rendered doubtful or difficult, the common council, board of aldermen or other board or governing body having charge and control of the finances of said city or other municipality, may, by resolution adopted by the same vote that may be required to expend moneys, reduce the rate of interest on said taxes or assessments, or both, in their discretion, or authorize such taxes or assessments, or both, to be received and paid and wholly discharged without interest; *provided,* the same shall be paid within a certain time to be specified in such resolution not exceeding one year from and after the adoption thereof.

Proviso.

2. This act shall take effect immediately.

Approved April 2, 1906.

CHAPTER 67.

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

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

A plotted road, not accepted and unopened loses right.

1. Whenever the owner or owners of any land situate in any township of this State shall have heretofore caused the same to be laid out by a map or plan showing a road or street, and shall have caused the same to be recorded without having actually opened said road or street, and without having had said road or street accepted by the township committee as provided by the eighty-second section of the act to which this is a supplement, and shall have afterwards sold and conveyed the land so laid out as a road or street to some other person or persons without having actually opened the same, and said land shall have remained unopened as a road or street by the subsequent owner or owners thereof and unused as such for a period of over twenty years, the right, if any, to have said land opened and used as a public road or street, without the consent of the owner or owners of the fee, shall cease and determine, and the said land is hereby declared to be free and discharged from any easement or servitude as a public highway; *provided, however,* that nothing in this act contained shall be construed to affect in any wise the right, if any, of the owner or owners of any lot or lots shown on such map or plan, to have such road or street opened.

Proviso.

2. This act shall take effect immediately.

Approved April 2, 1906.

CHAPTER 68.

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

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

Consent to incorporators.

1. Hereafter the consent in writing of the corporate authorities as required by the second section of the act to which this act is a supplement, shall be to the individual incorporators of the proposed company, in and by their individual names.

Consents validated.

2. All consents heretofore given, either to the individual incorporators of a proposed company in and by their individual names, or to a proposed company in and by its proposed corporate name are hereby validated, ratified and confirmed where such company has filed its certificate of incorporation and such consent in the office of the Secretary of State and such company has constructed, maintained and operated water works and supplied water.

3. This act shall take effect immediately.

Approved April 2, 1906.

CHAPTER 69.

An Act to amend an 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.

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

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

Section amended.

15. Nothing in this act contained shall limit or restrict any right to enter upon and take property in advance of making compensation therefor, which has been or may hereafter be granted to any municipal corporation, or to the State, or to the authorities of the county, or to any other of the public agencies of the State; any proceeding to condemn taken under this act may be abandoned at any time within twenty days after filing of the report of the commissioners, or if the issue shall be tried by jury within twenty days after the rendering of the verdict of the jury, upon payment to the owners and other parties who have appeared before the commissioners or the jury of their reasonable costs, expenses and counsels' fees to be determined by a Justice of the Supreme Court, and upon filing a discharge of the lien of the notice of lis pendens.

Right to enter not restricted.

Proceedings may be abandoned.

2. This act shall take effect immediately.

Approved April 2, 1906.

CHAPTER 70.

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

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

Section amended.

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

Salary of commissioner of roads.

1. The annual salary of the State Commissioner of Public Roads shall be five thousand dollars, and he shall be allowed the sum of four thousand dollars per year, or so much thereof as shall be necessary, for clerk hire, stationery, postage, expressage, and actual traveling expenses.

Section amended.

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

Salary of supervisor.

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

Repealer.

3. 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 2, 1906.

CHAPTER 71.

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

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

Section amended.

1. Section fifty-one of the act entitled "An act for the punishment of crimes (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight, is hereby amended so as to read as follows:

Indecency a misdemeanor.

51. Any person who shall be guilty of open lewdness, or any notorious act of public indecency, grossly scandalous and tending to debauch the morals and manners of the people, or any person who shall in private be guilty of any act of lewdness or carnal indecency with another, grossly scandalous and tending to debauch the morals and manners of the people, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved April 2, 1906.

CHAPTER 72.

A Supplement to "An act concerning the levying of taxes in certain municipalities," approved February fifteenth, one thousand nine hundred and five.

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

Provide moneys when none voted by people.

1. It shall be lawful for the town council, township committee, trustees or other governing body of any municipality, referred to in section one of the act to

which this is a supplement, in case no money was voted for by the people on the first Tuesday after the first Monday of November in the year one thousand nine hundred and five, as in said act directed, to provide by ordinance or resolution, at any time before July first next, for the moneys required to be raised for all lawful purposes, and placed in the tax levy for the year nineteen hundred and six; *provided,* that such appropriation or levy, for any item or purpose, except for interest moneys on any outstanding municipal obligation or sinking fund purposes, shall not be for any other items or objects or more than fifteen per centum greater than any like appropriations for the preceding year.

Proviso.

2. This act shall take effect immediately.

Approved April 2, 1906.

CHAPTER 73.

An Act to amend an act entitled "An act to amend 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 amendatory act was approved March twenty-second, one thousand nine hundred and one," approved April ninth, 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 entitled "An act to amend 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 amendatory act was approved March twenty-second, one thousand nine hundred and one," approved April ninth, one thousand nine hundred and two, be and the same is hereby amended so as to read as follows:

Salaries of prosecutors of pleas in various counties.

1. Whenever the population of any county in this State, as ascertained by any State or federal census, is more than forty-five thousand and not more than sixty thousand, the prosecutor of the pleas of such county shall receive an annual salary of fifteen hundred dollars; and whenever such population is more than sixty thousand and not more than sixty-five thousand he shall receive an annual salary of two thousand dollars; and whenever such population is more than sixty-five thousand and not more than seventy thousand, he shall receive an annual salary of two thousand five hundred dollars; and whenever such population is more than seventy thousand and not more than eighty thousand, he shall receive an annual salary of three thousand dollars; and whenever such population is more than eighty thousand and not more than ninety-five thousand, he shall receive an annual salary of four thousand dollars; and whenever such population is more than ninety-five thousand and not more than one hundred and five thousand, he shall receive an annual salary of five thousand dollars; and whenever such population is more than one hundred and five thousand and not more than one hundred and fifty thousand, he shall receive an annual salary of six thousand dollars; and whenever such population is more than one hundred and fifty thousand and not more than two hundred and fifty thousand, he shall receive an annual salary of seventy-five hundred dollars; such salary shall be paid in monthly installments, and shall be in lieu of all fees and allowances whatsover, and all fees as now or hereafter allowed by law for the services of such prosecutors shall be paid into the county treasury.

How paid.

2. This act shall take effect immediately.

Approved April 2, 1906.

CHAPTER 74.

An Act to repeal an act entitled "An act to provide for the appointment of probation officers and to define their duties and powers," approved March twenty-third, nineteen hundred, and the supplements thereto.

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

Act and supplements repealed.

1. The act entitled "An act to provide for the appointment of probation officers and to define their duties and powers," approved March twenty-third, one thousand nine hundred, and the various supplements thereto are hereby repealed.

2. This act shall take effect immediately.

Approved April 2, 1906.

CHAPTER 75.

An Act to provide for the appointment of probation officers and to define their duties and powers.

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

Appointment of probation officers by court.

1. The judge of the Court of the Quarter Sessions in and for each county in this State is hereby authorized and empowered, if in his judgment the interests of justice will be promoted thereby, to appoint one 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 or second classes the said court may, the consent of the board of chosen freeholders thereof having first been obtained by resolution, 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; each probation officer shall hold office during the pleasure of the court making the appointment. Assistants.

2. Each probation officer shall, in the execution of his official duties, have all the powers of a constable under the laws of this State; he shall keep a complete and accurate record of each case committed to his care or investigated by him in suitable books, to be provided by the board of chosen freeholders of the county for that purpose, which record shall be at all times open to the inspection of the court or any person appointed by the court for that purpose, as well as of all magistrates within the county, and the chief of police or other head officer of police of any city, town, township, village or borough within the county, unless otherwise ordered in any particular case or matter by the court appointing him; and he shall, whenever directed by the court so to do, carefully inquire into the antecedents, character and offense of any person convicted of crime within the jurisdiction of the court appointing him; blanks for that purpose shall be prepared and filed in his office in each case for the use of the court and for reference. Powers, duties, etc.

3. The compensation of the probation officer in each county appointed under the provisions of this act shall be fixed by the court, and when so fixed shall be paid monthly by the county collector of the county upon a voucher approved by the judge of said court; *provided,* the board of chosen freeholders of any county of the first or second class may fix the compensation of such probation officer where more than one such officer shall be appointed in any county. Compensation. Proviso.

4. In case of the absence or disqualification of any probation officer for any cause, the judge of said court may appoint one of the constables of said court, or some other person, as a probation officer pro tempore, who shall receive as compensation for each day's services a sum equal to the rate per day of the salary of the probation officer; *provided,* the compensation so paid for any excess over thirty days' absence of any probation officer Temporary probation officer. Proviso.

in any one year shall be deducted from the salary of such probation officer.

Approval and payment of expenses.

5. The actual expenses and disbursements incident to the proper performance of the duties of the probation officer shall be presented to the court making said appointment in the form of an itemized voucher, and when the same shall be approved by the court the probation officer shall be reimbursed for the same from the treasury of the county.

Arrest of probationer.

6. The probation officer appointed in any county, and each of his assistants, may arrest upon view, without warrant, any person released on probation under his care who, in the judgment of said probation officer shall have violated the condition of his probation, or the rules and regulations governing the same, or shall have re-engaged in criminal practices, or become abandoned to improper associations or a vicious life, and a certificate by said probation officer, that said probationer has, in his judgment, forfeited his probation in any of the respects before mentioned, shall be a sufficient warrant for the detention of said probationer in the county jail until his case shall have been inquired into and disposed of as provided by law. And such probation officer shall forthwith report to the judge of the court in which said probationer was convicted that said probationer has, in his judgment, forfeited his probation in some one or more of the respects above mentioned, and has been taken into custody.

Report of arrest to court.

Relation of officer and probationer.

7. Whenever any person shall be released on probation under the care of the probation officer by any magistrate, such probation officer shall have in relation to such person all the powers and be subject to the same duties as are conferred and imposed upon him by this act with reference to offenders released on probation under his care by the Court of Quarter Sessions, and the person so released on probation shall be subject to the rules and regulations established by the Court of Quarter Sessions relating to persons released on probation.

Repealer.

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

Approved April 2, 1906.

CHAPTER 76.

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:*

Suspension of sentence and placed on probation.

1. In case the record of any person convicted of crime shall, in the judgment of the court in which the conviction is had, so justify, the court may, instead of imposing the penalty provided by law for such crime, suspend sentence on the person so convicted and order him to be released on probation under the care of the probation officer of the county for such time, and upon such conditions, as the court, in its order, shall determine.

Rules for probation officers.

2. The Court of Quarter Sessions in any county in which a probation officer may have been or shall be appointed shall establish rules and regulations for the government of the probation officer, and his assistants, and of persons convicted of crime who shall be released on probation, and have power to enforce the observance thereof by persons so convicted and released on probation, by any process proper to be issued for the taking into custody of any person after conviction of crime or otherwise.

Arrest and sentence upon violation of probation.

3. Any person convicted of crime and released on probation who shall violate the condition of his probation, or the rules and regulations governing the same, or who shall re-engage in criminal practices, or become abandoned to improper associations or a vicious life, or whenever it shall appear to the court for any reason that the interests of justice so require, may, by order of the court in which the conviction was had, be taken into custody and sentenced for the original offense of which he stands convicted.

Inquiry of court into reported forfeiture of probation.

4. Whenever the probation officer of any county shall report to the court in which a person released on probation was convicted that such probationer has, in his judgment, forfeited his probation and has been taken into custody, or whenever a person released on probation shall be taken into custody on order of the court, the court shall forthwith cause the prisoner to be brought into court, and thereupon the court shall inquire summarily into the conduct of said probationer since he was released on probation, and if the court shall be satisfied that he has violated the condition of his probation, or the rules and regulations governing the same, or has re-engaged in criminal practices, or become abandoned to improper associations or a vicious life, the said probationer may be sentenced for the original offense of which he stands convicted, and in computing the period of his confinement, if imprisonment shall be imposed, the time between his release on probation and his re-arrest, together with the time spent in the county jail after said re-arrest, shall not be reckoned as a part of the term; *provided,* no person released on probation shall be taken into custody, or sentenced or re-sentenced under this act for the offense for which he stands convicted and was released on probation after a period of three years has elapsed from the date of the original conviction.

Computive term of imprisonment.

Proviso.

May be returned to custody of probation officer.

5. If on said inquiry the court shall be of the opinion that the interests of justice do not require the imposition of the penalty provided by law for the offense of which said probationer stands convicted, and that said probationer should be again released on probation, he shall discharge the said probationer from arrest, and may release him on probation under the care of the probation officer for such time and upon such conditions as the court in its order may determine.

Repealer.

6. 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 2, 1906.

CHAPTER 77.

An Act to amend an act entitled "An act relating to the carrying of freight or express matter by companies owning, leasing or operating street railways," approved March thirtieth, one thousand eight hundred and ninety-six.

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

Section amended.

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

Carrying of freight by street railway companies.

1. It shall not be lawful for any traction or other company or companies owning, leasing or operating street railways or railroads operated as street railways, whose tracks are located upon and run in and along any street or streets, road or roads, of any city, town, borough, village, township or other municipality in this State, to carry over its or their tracks any freight or express matter; *provided, however,* that this act shall not prevent such companies from carrying supplies for their own use; and *provided, however,* that this act shall not apply to any such company or companies which may now be lawfully engaged, or has heretofore been lawfully engaged, in the carrying of freight or express matter; and *provided further,* that this act shall not prevent any such company or companies from carrying freight or express matter in and through any municipality of this State by and with the consent of the governing body of such municipality, and under such lawful restrictions and regulations as such governing body may by ordinance impose.

Proviso.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 2, 1906.

CHAPTER 78.

An Act authorizing magistrates in certain cases to release on probation, under the care of the probation officer of the county, persons convicted before them, and prescribing the procedure thereon.

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

Suspension of penalty.

1. When any person is convicted before any magistrate in any municipality in this State of any crime, or of being a disorderly person, or for desertion or nonsupport of wife or minor child or children, or for neglect or abuse of minor child or children, and the record of the person shall so justify, the said magistrate may, instead of imposing the penalty provided by law for the offense, suspend the imposition thereof and order the person so convicted to be released on probation under the care of the probation officer of the county, if any such there be, for such time and upon such conditions as the said magistrate in his order shall determine. This section, however, shall not permit such magistrate to suspend the operation of any order requiring a person adjudged a disorderly person for desertion or willful refusal or neglect to provide for and maintain his wife or other family to pay a sum, weekly or otherwise, for the support and maintenance of his family.

Placed in care probation officer.

Weekly support continued.

Copy of complaint and certain information furnished probation officer.

2. The magistrate shall forthwith send a copy of the complaint upon which said conviction has been had and of the order placing the offender on probation to the county probation officer, together with such statement of the antecedents and history of said probationer as may be required under the rules and regulations established by the Court of Quarter Sessions of said county for the government of the probation officer, and of convicted persons who shall be released on probation.

Powers of probation officer.

3. The probation officer shall have, in his supervision of the person so released on probation under his care,

all the powers and be subject to the same duties as are conferred and imposed upon him, with reference to offenders released on probation under his care by the Court of Quarter Sessions, and the person so released on probation under the care of the probation officer shall be subject to the before-mentioned rules and regulations, and if he shall violate said rules and regulations, or the conditions of his probation, or shall re-engage in criminal practices or become abandoned to improper associations or a vicious life, the probation officer shall report such conduct to the magistrate before whom the offender was convicted, and thereupon said magistrate may order him to be taken into custody by any process of law proper to be issued for the taking into custody or otherwise of any person after conviction of crime, and upon his being brought before said magistrate, he may impose the penalty provided by law for the offense for which such person was convicted, and direct that he shall enter upon the sentence so imposed, and in computing the period of his confinement, if imprisonment shall be imposed, the time between his release on probation and his re-arrest shall not be reckoned as part of the term.

Rules for probationer.

If probation violated.

4. If a part of the condition upon which such offender is released in probation under the care of the probation officer be the payment of money by way of fine or otherwise, said money shall inure to the benefit of the county, and the magistrate before whom said offender is convicted, if he shall collect said money or any portion thereof, shall remit the same to the county probation officer, with the copy of the complaint and order in said case, and the probation officer shall account for and turn over the same, or any money collected by him on account thereof, to the proper county officer, with the moneys collected by him from offenders released on probation under his care by the court of quarter sessions; *provided*, all fines, penalties or moneys ordered to be paid by persons convicted of desertion or non-support of wife or minor child or children, or of neglect or abuse of minor child or children, shall be paid to the overseer of the poor of the municipality in which such conviction was had, or other proper officer, as is now provided

In case of fines.

Proviso.

by law, to be used and examined for the benefit of such wife or minor child or children.

Who meant by "magistrate."

5. The word "magistrate" as used in this act shall be held and construed to mean and include any judge of a city criminal court, any recorder, police justice, justice of the peace or other like officer; *provided,* the powers hereinbefore granted shall not be exercised by any justice of the peace in any municipality wherein there is a recorder, police justice or judge of a criminal court.

Proviso.

Repealer.

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

Approved April 2, 1906.

CHAPTER 79.

An Act concerning the infliction of the penalty of death.

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

Death penalty inflicted by electrocution.

1. The punishment of death must, in every case, be inflicted by causing to pass through the body of the convict, a current of electricity of sufficient intensity to cause death as speedily as possible, and the application of such current must be continued until such convict is dead.

Where inflicted.

2. The punishment of death must be inflicted within the walls of the building hereinafter provided, or within the yard, or enclosure adjoining thereto.

Prison inspectors to erect suitable plant in isolated place.

3. The Board of Inspectors of the State Prison shall, immediately upon the passage of this act, select some isolated place within the State, remote from any populous center, as convenient of access as possible, and cause to be erected thereon a suitable building for the purpose of inflicting the punishment of death by electricity, which building shall be under the control and supervision of said board of inspectors, who shall provide for the care and management thereof, and shall

cause an electrical apparatus, suitable and sufficient for the infliction of the punishment of death, to be constructed and placed in such building, together with the necessary machinery and applicances for the execution of convicted criminals, in accordance with this act.

Warrant issued by court to prison keeper.

4. When a person is sentenced to the punishment of death, the judge presiding in the court at which the conviction takes place, must make out, sign and deliver to the sheriff of the county, a warrant directed to the principal keeper of the State Prison, stating the conviction and sentence, and appointing a week within which such sentence must be executed, commanding said principal keeper of the State Prison, to execute the sentence upon some day within the week so appointed. If the execution of the sentence within the time appointed shall be prevented by, or in consequence of, proceedings instituted to test the validity of the conviction, then, on termination of such proceedings, if the conviction be not set aside, it shall be the duty of such judge to make out, sign and deliver another warrant as aforesaid. If the execution of the sentence within the time appointed be prevented by any other course, it shall be the duty of such judge as soon as such course ceases to exist, to make out, sign and deliver another warrant as aforesaid. The week so appointed must begin not less than four weeks, and not more than eight weeks after the issuing of the warrant. The time of execution within said week shall be left to the discretion of the said principal keeper to whom the warrant is directed. No previous announcement of the day or hour of the execution shall be made, except to persons who shall be invited or permitted to be present at said execution, as hereinafter provided.

If execution prevented, new warrant issued.

Time of execution.

No publicity.

Sentenced person confined in State prison.

5. Within ten days after the issuing of such warrant, the said sheriff must deliver the warrant, and also the person sentenced (in case he be not already in the State Prison), to the principal keeper of the State Prison. From the time of such delivery until the infliction of the punishment of death upon him, unless he shall be lawfully discharged from such sentence, the person so sentenced shall be kept in solitary confinement, and no

Solitary confinement.

New Jersey State Library

person shall be allowed access to him without an order of some court of competent jurisdiction, except the officers of the prison, his counsel, his physician, a priest or minister of religion, if he shall desire one, and the members of his family.

Official witnesses at execution.

6. It is the duty of the principal keeper of the State Prison to be present at the execution, and to select and invite the presence, by at least three days' previous notice, of twelve reputable citizens of full age, of whom at least two shall be physicians. Such principal keeper must also, at the request of the criminal, permit such ministers of the gospel, priests or clergymen of any religious denomination, not exceeding two, to be present at the execution. He shall, in addition to the persons hereinbefore designated, appoint four assistants, who shall attend the execution. He shall permit no other person to be present at such execution except those designated in this section.

Disposition of body.

7. Immediately after the execution, the principal keeper of the State Prison shall cause the body to be interred with a sufficient quantity of quick-lime to consume the same without delay, unless such body shall be claimed by some relative or relatives of the person executed. No religious or other services shall be held over the remains after such execution, except within the place selected for the execution by the board of inspectors of the State Prison, and no one shall be present at such service except the officers of the prison, the person conducting such services, and the immediate family and relatives of the person executed.

As to religious services.

Certificate of execution filed with county clerk.

8. The principal keeper of the State Prison must prepare and sign a certificate, setting forth the time and place of the execution, and that the execution was conducted in conformity to the sentence of the court, and the provisions of this act, and must request all the persons present and witnesssing the execution to sign such certificate. He must cause such certificate to be filed, within ten days after the execution, in the office of the clerk of the court in which the conviction was had.

Deputy may act.

9. The principal keeper of the State Prison may appoint a deputy keeper to execute the said warrant, and

to perform all the other duties by this act imposed upon said principal keeper.

Violation a misdemeanor.

10. Any person who shall violate or omit to comply with any provision of sections five, six, seven or eight of this act, shall be guilty of a misdemeanor.

Application of act.

11. Nothing contained in any provision of this act applies to a crime committed at any time before the day when this act takes effect. Such crime must be punished according to the provisions of law existing when it is committed, in the same manner as if this act had not been passed, and the provisions of law, for the infliction of the penalty of death upon convicted criminals, in existence on the day prior to the passage of this act, are continued in existence and applicable to all crimes punishable by death, which have been or may be committed before the time when this act takes effect. A crime punishable by death committed after the beginning of the day when this act takes effect, must be punished according to the provisions of this act, and not otherwise.

Appropriation.

12. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes of this act, and shall be paid to the persons entitled thereto by the State Treasurer, upon the warrant of the State Comptroller, as the board of inspectors of the State Prison shall certify from time to time, but such appropriation shall not be available unless included in the annual appropriation act.

Repealer.

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

When act in effect.

14. This act shall take effect on the first day of March, one thousand nine hundred and seven, and shall apply to all convictions for crimes punishable by death committed on or after that date.

Approved April 4, 1906.

CHAPTER 80.

An Act to further amend an act entitled "An act to authorize cities bordering on the Atlantic ocean to purchase lands in any such city bordering on the ocean and adjacent lands thereto in such city for public purposes and to improve the same, and to issue bonds for such purposes," approved March twenty-third, one thousand nine hundred.

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

Section amended.

1. Section one of the act recited in the title hereof, which was amended by an act approved April twenty-fourth, one thousand nine hundred and two, is hereby further amended so that the same shall read as follows:

Acquire land for public purposes.

1. The common council or board of aldermen or other governing body of any city in this State bordering upon or situated upon the Atlantic ocean shall have power to purchase, or by condemnation acquire, the lands in any such city bordering upon the ocean and adjacent thereto situate in such city for public purposes and for places of resort for public health and for recreation, and to improve the same. And for such purposes, and in order to obtain the money necessary therefor, the common council, board of aldermen or other governing body of such city is hereby authorized to issue bonds to an amount not exceeding the sum of four hundred thousand dollars, which may be in excess of the limit of bonded indebtedness, if necessary, which said bonds shall be regularly issued, and shall be made payable within forty years from the date of their issue and shall bear interest at a rate not exceeding five per centum per annum, and shall be sold at not less than par. The bonds may be issued in such denominations and for such amounts, not exceeding the said four hundred thousand dollars, as the said common council,

Amount of bond issue.

Time and rate.

board of aldermen or other governing body of said city shall deem necessary.

Referendum.

2. This act shall not take effect unless a majority of the legal voters in the said city shall be in favor of the adoption thereof. The said question shall be submitted to the voters of said city at an annual or special election held in the manner provided by law, of which special election and the object thereof at least five days' notice shall be given by the clerk of said city by public advertisement in at least two newspapers circulating in said city, and by posting notices thereof in at least ten public places therein.

When act effective.

And if the majority of the votes upon the said question cast at the said election in said city shall be in favor thereof, then and not otherwise this act shall take effect immediately.

Approved April 4, 1906.

CHAPTER 81.

An Act to annex to Asbury Park a portion of the township of Neptune, in the county of Monmouth.

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

Portion Neptune township annexed to Asbury Park.

1. All that portion of the township of Neptune in the county of Monmouth, included within the following boundaries, to wit: Beginning at a point in the westerly line of right of way of the New York and Long Branch railroad, where the same is crossed by Wesley Lake Brook; thence westerly up and along said Wesley Lake Brook in a direct line to a point in the rear line of lots fronting on the westerly side of Ridge avenue, being about one hundred and fifty feet west of said avenue; thence northwardly by and along the rear line of lots fronting on the westerly side of said avenue, and approximately one hundred and fifty feet distant therefrom to the centre line of the southerly

branch or arm of Deal lake; thence eastwardly down and through said lake to the westerly line of the New York and Long Branch railroad aforesaid; thence southwardly along the westerly line thereof to the place of beginning, is hereby set off from said township and annexed to and made a part of the city of Asbury Park in the county of Monmouth.

Act effective; proviso; referendum.

2. This act shall take effect immediately; *provided, however,* it shall not operate to effect such annexation of the territory above described, to the city of Asbury Park, until it shall have been accepted by both the territory above described and the city of Asbury Park by majorities of the qualified voters thereof voting thereon at a special election to be held on the fifteenth day of May next.

Public notice of election in Asbury Park.

The clerk of the city of Asbury Park shall cause public notice of the time and place of holding said election to be given by advertisement signed by himself and set up in at least ten public places in said city of Asbury Park, and published in one or more newspapers printed and circulating therein, at least ten days prior to such election, and said clerk shall

Ballots.

provide for each elector voting at such election ballots to be printed or written or partly printed and partly written, on which shall be printed the word "for" and the word "against," above and immediately preceding the title of this act, and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot, it shall not be counted either as a vote for or against such acceptance; and if voting machines have been provided for any of the election districts in said city of Asbury Park, such voting machines shall be used in such special election, and such special election shall be conducted by the officers of such city provided by law for the time being to conduct elections therein, and official ballots and envelopes shall be

Returns of election in city.

used in said special election. The officers holding such election shall make return to the common council of

the said city of the result thereof, by a statement in writing under their hands, and the same shall be entered at length on the minutes of said council; the clerk of the township of Neptune shall also cause public notice of the time and place of holding said election to be given by advertisement signed by himself and set up in at least ten public places in the territory above described, and published in one or more newspapers circulating therein, at least ten days prior to such election, and said clerk shall provide for each elector voting at such election, ballots to be printed or written or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act, and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance; and if voting machines have been provided for any of the election districts in the territory above described, such voting machines shall be used in such special election, and such election shall be conducted by the officers of the township of Neptune provided by law for the time being to conduct elections in the territory above described, and official ballots and envelopes shall be used at said election. The officers holding such election shall make return to the committee of said township 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 of Neptune, and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

Public notice in Neptune township.

Ballots.

Returns of election in township.

3. The register of voters used at the general election next preceding the holding of such special elections shall be used for the purpose of conducting such special election; it shall not be necessary for the boards of registry and elections in said city and township to

Who may vote.

make a new register of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said boards shall meet at such places in their respective election districts as shall be designated by the clerks of said city and township, respectively, one week next preceding the election in each of said municipalities, respectively, said meetings to begin at one o'clock in the afternoon and to continue until nine o'clock in the evening of that day for the purpose of revising and correcting the register, and of adding thereto the names of all persons entitled to vote in the respective election districts at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote in that election district at said election, or who shall be shown by written affidavit of a voter residing in the same election district to be entitled 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 to be filed by them and one copy shall be retained by him for use by the district board of elections at such special election.

Registration.

Statements served respective clerks.

4. Immediately after the statement of the result of such election shall be made to the council of said city, a copy thereof certified by its clerk shall be forthwith served upon the clerk of said township, and immediately after the statement of the result of such election shall be made to the committee of the said township, a copy thereof certified by its clerk shall be forthwith served upon the clerk of the said city; *provided,* the result of said election shall be in favor of the acceptance of this act.

Proviso.

Approved April 4, 1906.

CHAPTER 82.

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 railroad and canal property.

1. The tax which shall be hereafter assessed upon the property of railroad and canal companies, particularly described in subdivisions one, three and four of section three of the act to which this is a supplement, shall be assessed and paid in the manner and form following: On or before the first day of May of the present year and the first day of March in each succeeding year, any person or company running, operating or constructing any railroad or canal in this State shall return to the State Board of Assessors statements or schedules showing the length and value of the main stem of each railroad, and of the waterway of each canal, and the length of such main stem and waterway in each taxing district as it existed on the first day of January preceding, which may be shown by a map or maps accompanying the same, together with the number, character, location and value of the depot buildings used for passengers connected therewith, and specifying the character and value of all the tangible personal property used by it for railroad and canal purposes. Said statements or schedules shall also show: *a.* The amount of capital stock authorized and the number of shares into which such capital stock is divided; *b.* The amount of capital stock paid up; *c.* The market value, and if no market value, then the actual value of the shares of stock; *d.* The total amount and the details

Returns made to State assessors.

Length and value of main stem.

Capitalization.

How statements prepared.

and particulars of all indebtedness. Such statements or schedules shall be made in conformity with such instructions and forms as may be provided by the State Board of Assessors, and such further statements shall be furnished as the said board shall require. All statements and schedules shall be subscribed and sworn to by the president or other chief officer, before some officer of this State authorized to administer oaths. The said board shall prescribe the form of the oath to the statements and schedules required by this section, and any person who shall make such oath falsely shall be deemed guilty of perjury.

Annual assessment on property and franchise.

2. On or before the first day of November in each year, the State Board of Assessors shall value and assess the property described in the foregoing section, including the franchise, and shall, upon the completion of their valuation and assessment, proceed to compute the tax upon the entire assessed valuation of the property of each railroad company and of each canal company referred to in the foregoing section, including the franchise, as ascertained by them, and upon such valuation each company shall pay to the State, a tax at the "average rate of taxation," to be computed by the State Board of Assessors as hereinafter provided, and which said valuation and assessment of tax shall be certified and reported to the Comptroller of the Treasury, as provided by the act to which this act is a supplement.

How "average rate of taxation" ascertained.

3. The "average rate of taxation" shall be computed in the following manner: On or before the first day of October in each and every year the assessor in every taxing district in this State shall prepare and forward to the State Board of Assessors a certificate, under his hand and seal, duly sworn to under oath, certifying to the State Board of Assessors the true value of all property, real and personal, located in his taxing district other than the property of railroad and canal companies, the taxation of which is provided for by this supplement, but including therein the assessed value of property of railroad and canal companies particularly described in subdivision two of section three of the act to which this act is a supplement, and shall also certify and report the rate of taxation in said taxing district

for the said year. The aggregate value of all the property, real and personal, so certified, shall be deemed to be the aggregate value of the general property in the State. In each taxing district the amount obtained by multiplying the value of all the property in such taxing district by the rate of taxation therein shall be deemed to be the total taxes of said taxing district, and the aggregate of the said total taxes so ascertained shall be deemed to be the aggregate taxes of the State. The "average rate of taxation" shall be computed and determined by the said board by dividing the aggregate taxes by the aggregate value of the general property in the State; which said rate so arrived at and determined shall be entered upon the records of the board, and shall constitute the "average rate of taxation" for the year.

In case of no return by assessor.

4. In case any assessor in any taxing district shall neglect or refuse to make the return hereinabove required, the State Board of Assessors shall ascertain, in such manner as may be deemed by them most practicable, the aggregate value of all the property in such taxing district as above provided, and the "total taxes" therein and the amounts fixed by said State Board of Assessors shall stand as the aggregate value and the total taxes for said year for said taxing district for all purposes under this act. Any assessor failing to make the return above required within the time herein limited shall forfeit the sum of fifty dollars, to be recovered in a summary proceedings before any justice of the peace or district court, at the suit of the State of New Jersey. The State Board of Assessors shall report to the Attorney-General the name of any assessor failing to make the return required by this act.

Penalty.

Repealer; exceptions.

5. All acts and parts of acts inconsistent herewith be and the same are hereby repealed; but nothing herein contained shall apply to any other statements that are by the act to which this is a supplement required to be made, nor to any other property than that herein described.

6. This act shall take effect immediately.

Approved April 5, 1906.

CHAPTER 83.

A Further Supplement to an act entitled "An act to ascertain the rights of the State and of the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the State," approved April eleventh, one thousand eight hundred and sixty-four.

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

List of riparian leases in arrears prepared.

1. It shall be the duty of the State Treasurer on or before the first Tuesday in January, in each year, to make out a list of all riparian leases held by the State on which rentals are in arrears and unpaid for the space of one year, and to transmit the same to the Board of Riparian Commissioners, and in case any lease, the rentals of which are in arrears and unpaid, as aforesaid, shall contain a covenant or condition that upon non-payment or failure to pay the yearly rent or sum reserved in said lease at the time or times fixed for the payment thereof it should be lawful for the State of New Jersey by its officers or agents, to re-enter, and to have, possess and enjoy, after such re-entry, the lands described in said lease, then the Riparian Commissioners, or any one of them, are hereby authorized and empowered to enter upon the land described in said lease, and in the name and behalf of the State of New Jersey, to take possession thereof. Such entry shall be made by said Riparian Commissioners, or by one of them, by going on said land, and announcing in the presence of one or more witnesses, that all rights under said lease are forfeited to the State of New Jersey. Before such entry is made, however, the Board of Riparian Commissioners shall give notice, by publication at least once in each week, for six weeks, in one of the newspapers published in the county in which the land covered by said lease is located,

Right of re-entry.

Entry, how made.

Notice to grantee, etc.

or by serving a copy of said notice personally on the grantee, his heirs, executors, administrators, successors or assigns. The notice so to be published or served shall set forth the name of the person to whom said lease was granted, and, if known to the Riparian Commission, the name of the person or persons holding the same by devise, grant, assignment or otherwise, and shall particularly state that if the rentals in arrears and unpaid be not paid on or before the expiration of said six weeks, all rights under said lease shall determine, become null, void and of no effect and forfeited to the State of New Jersey. After such notice shall have been published or served as aforesaid, and entry shall have been made on the land described in said lease as herein directed, the said Board of Riparian Commissioners shall report to the State Treasurer the fact of such publication, service and entry on said land, and in case the notice shall have been published, shall annex to said report a copy of such publication, and in case the notice shall be served personally, an affidavit by the person serving the same, proving the truth thereof. Upon the receipt of said report, it shall be the duty of the State Treasurer to forthwith transmit to the Board of Riparian Commissioners the original lease of the land on which entry shall have been made, whereupon the Board of Riparian Commissioners shall have power, in the manner now prescribed by law, to again lease or grant the said land as fully to all intents and purposes as if the said lease had never been made; *provided, however,* that all right or rights of action, at law or in equity, which had accrued to the State of New Jersey for the rentals in arrears and unpaid up to the expiration of the time fixed in said notice shall not abate, but the same shall remain of the same force and effect as if this act had not been passed.

Character of notice.

Report by reparian commissioners.

Right to re-lease lands so acquired.

Proviso.

2. The State Treasurer, upon returning to the Riparian Commissioners the lease of the land upon which entry had been made in the manner prescribed in the preceding section, shall be and hereby is released from all responsibility or obligation arising from said lease.

Treasurer's responsibility.

3. This act shall take effect immediately.

Approved April 6, 1906.

CHAPTER 84.

An Act to amend an act entitled "An act concerning minors, their adoption, custody and maintenance" (Revision of 1902), approved April second, one thousand nine hundred and two.

Section amended.

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

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

Action to be taken if parents unfitted.

14. When the parents of any minor child, or the parent or other person having the actual care and custody of any minor child, are grossly immoral or unfit to be entrusted with the care and education of such child, or shall neglect to provide said child with proper protection, maintenance and education, or are of such vicious, careless or dissolute habits as to make such child chargeable, or likely to become chargeable, to any township or other municipality, it shall be lawful for any person interested in the welfare of said child to present to the Chancellor, or to any Justice of the Supreme Court, or to the Judge of the Court of Common Pleas in the county where said minor child is residing, a petition setting forth the facts in the case, duly verified by affidavit and praying that the said child may be brought before the said Chancellor, or Supreme Court Justice, or Judge of the Court of Common Pleas, as the case may be, and for the further relief under this act.

Petition to court by friends of the children.

Section amended.

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

Order of court to present child.

15. Upon presentation of said petition an order shall issue addressed to the parents or parent or other person in whose care or custody said child may be, and also to the said child, requiring their appearance at such time and place as shall be designated in the order, to answer said petition and to abide the order of the court; said order shall be served in such manner, whether by personal service, mailing, publication or otherwise, as in

Serving summons.

said order shall be directed, and said order may further direct that a copy thereof be served upon any other person named therein; at the time and place so appointed, or to which the hearing may be adjourned, and upon proof of due and legal service of said order in the manner therein directed, which proof may be by affidavit of the person serving the same, a summary examination shall take place before the said Chancellor, or Supreme Court Justice, or Judge of the Court of Common Pleas, and thereupon, upon proof of the material facts set forth in said petition to the satisfaction of the said Chancellor, or Justice, or Judge of the Court of Common Pleas, an order shall be made committing the said child to the care and custody of such person who will accept the same, as the Chancellor, or Supreme Court Justice, or Judge of the Court of Common Pleas shall for that purpose designate and appoint, until such child shall attain the age of eighteen years, or the further order of the Court; said order shall briefly set forth the grounds of granting the same, and need not set forth the evidence nor the substance thereof; and said order may, in the discretion of the Chancellor, or Justice, or Judge of the Court of Common Pleas granting the same, require the giving of a bond by the person to whose care or custody the said child may be committed, with such security and on such condition or conditions as to the said Chancellor, or Justice, or Judge of the Court of Common Pleas shall deem proper.

Hearing.

Future care of child.

Bond.

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

Section amended.

16. The Chancellor, or Justice, or Judge of the Court of Common Pleas before whom such proceedings shall be conducted, may, in lieu of committing such child, as in the last preceding section specified, commit such child to the care and custody of any society duly incorporated under the laws of this State for the care of children. In such case the Court may, in its discretion, cause the person in whose custody the said child was, or the county in which the said child resides, to pay all costs and expenses of such proceedings.

Child may be committed to child's aid society.

As to costs.

4. This act shall take effect immediately.

Approved April 6, 1906.

CHAPTER 85.

An Act to authorize the erection of a monument on the battlefield of Monocacy, in the State of Maryland, to commemorate the services of the Fourteenth Regiment, New Jersey Volunteer Infantry, in the battle of Monocacy and thirty other engagements of the Civil War, and to appropriate money to pay the expense of erecting the same.

Preamble.

WHEREAS, The Fourteenth New Jersey Volunteer Infantry with other regiments rendered distinguished service in the battle of Monocacy, in the county of Frederick and State of Maryland, fought on the ninth day of July, one thousand eight hundred and sixty-four, as well as in other engagements of the Civil War; and

WHEREAS, In order to perpetuate the memories of said battle of Monocacy and other engagements of the Civil War, in which the said regiment participated, as well as to promote the spirit of patriotism and to keep alive the memories of their many battles, the surviving members of said regiment formed themselves into an association known as the Reunion Association of the Fourteenth Regiment of New Jersey Volunteers; and

WHEREAS, The said Fourteenth Regiment New Jersey Volunteer Infantry suffered great loss on the said battlefield of Monocacy, fighting from eight o'clock in the morning until four o'clock in the afternoon in defense of the Capital of our Nation, against a force outnumbering them three to one, losing in killed, wounded and missing, two-thirds of the number engaged; and

WHEREAS, The said Reunion Association, now numbering about one hundred and twenty, is desirous of having erected upon this battlefield, in conjunction

with other regiments from other States who participated in said battle, a suitable monument to mark the site of the battle while they are alive, and being without means to accomplish their desire, they ask the State to aid in the premises; therefore,

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

Appropriation for monument at Monocacy.

1. The sum of two thousand five hundred dollars is hereby appropriated, when included in the annual or supplemental appropriation bill, for the purpose of erecting and dedicating a monument on the battlefield of Monocacy, in the county of Frederick and State of Maryland, to commemorate the services of the Fourteenth Regiment New Jersey Volunteer Infantry in said battle and in thirty other engagements of the Civil War; said sum to cover all expenses incident to the erection and dedication of said monument in conjunction with other regiments as aforesaid.

Commissioners.

2. The Governor shall, upon the making of such appropriation, appoint a commission, to consist of five survivors of said regiment, who are members of the Reunion Association of Survivors, to select a design, contract for, erect, finish and arrange for the dedication of a suitable monument on land purchased by the said Reunion Association in conjunction with other regiments who participated in said battle at Monocacy, in the county of Frederick and State of Maryland, and also to grade the ground immediately surrounding said monument. Said commissioners shall receive no compensation for their services, and the Governor shall fill all vacancies that may occur by death, resignation or otherwise.

No compensation.

Payment of bills.

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 upon completion of duty imposed.

4. After the monument shall be completed and 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 sessions succeeding the completion of the work, and then the duties of the commission shall cease, and

Care of monument.

the care and supervision of said monument shall devolve upon and be vested in the trustees for the association known as the "Reunion Association of the Survivors of the Fourteenth Regiment New Jersey Volunteers," and their successors in said trust.

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

Approved April 6, 1906.

CHAPTER 86.

An Act to amend an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings" (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:*

Section repealed; substitute.

1. Section six of the act to which this is an amendment is hereby repealed and the following substituted:

Notice of time and place of adjournment of sale of lands.

6. If any sale of lands made under the directions of this act be adjourned for more than one week, notice of such adjournment, which need only consist of a statement of the parties to the cause and the time and place of such adjournment, shall be published once within one week after the date of such adjournment in the same two newspapers in which the original notice of sale was published, for the publication of which notice of adjournment not more than five dollars shall be allowed in any case as against the defendant in execution, and in publishing any adjournment it shall not be necessary to continue the publication of the original advertisement of sale.

2. This act shall take effect immediately.

Approved April 6, 1906.

CHAPTER 87.

An Act validating certain sales of lands, tenements, hereditaments or real estate made under the order of and confirmed by any court of this State.

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

Validating sale ordered by court, though improperly advertised.

1. No sale of any lands, tenements, hereditaments or real estate heretofore made under the order of and confirmed by any court of this State shall be invalidated by reason of any omission to advertise any adjournment of such sale in the manner and for the length of time then required by law, or by reason of any irregularity or default in such adjournment; but the purchaser of such lands, tenements, hereditaments or real estate having paid the price thereof and having received his or her deed therefor, and his or her heirs and assigns shall be deemed to have as good and complete a title thereto as if such adjournment had been in all particulars duly advertised.

2. This act shall take effect immediately.

Approved April 6, 1906.

CHAPTER 88.

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

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

Validating acknowledgments of deeds.

1. All acknowledgments or proofs of deeds heretofore made or taken, notwithstanding the omission of

the word "sealed" in the certificate of acknowledgment or proof, shall be taken and held good and sufficient in law; *provided, however,* that all such deeds have been recorded for a greater period than one year before the adoption of this act.

Proviso.

2. This act shall take effect immediately.

Approved April 6, 1906.

CHAPTER 89.

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

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

Military display at unveiling monument.

1. The Governor is hereby authorized and requested to send a suitable representation of the National Guard of the State to participate in the military display on the occasion of the unveiling of the monument erected at Phillipsburg, in the county of Warren, in memory of the soldiers and sailors of New Jersey.

Appropriation.

2. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated to cover the cost of transportation and other necessary expenses for the purpose.

3. This act shall take effect immediately.

Approved April 6, 1906.

CHAPTER 90.

An Act to amend "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, which supplement was approved April seventh, one thousand eight hundred and ninety-eight.

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

Section amended.

1. Section one of said supplement, which was approved April seventh, eighteen hundred and ninety-eight, be and hereby is amended so as to read as follows:

Application of one-fourth owners necessary for municipal water or sewer plant.

90. It shall not be lawful for the council to construct or purchase any water-works or water-supply plant or plants, or sewers or system of sewerage or drainage, until, upon the written application of the owners of not less than one-fourth in value of the real estate in said borough, according to its assessed valuation, as shown by the latest preceding assessment for the purpose of taxation made in said borough, council shall, by resolution adopted by a majority vote of the members thereof, cause at least thirty days' notice to be given by advertisements, signed by the borough clerk, posted in at least three public places in such borough, and printed once each week for at least three weeks in a newspaper published in the borough, if any such exists, or, if none, then in a newspaper published in the county wherein the borough is situate and circulating in the borough, of the intention of council to submit the question of the construction or purchase of any water-works or water-supply plant or plants, or sewers, or system of sewerage or drainage, to the voters of the borough at a general or special election to be held in the said borough; and if, after the adoption of such resolution,

Public notice.

and filing of such application, and within sixty days after the date of the first publication of such notice of intention, a remonstrance against such construction or purchase of water-works or water-supply plant or plants, or sewers, or system of sewerage or drainage, signed by the owners of not less than one-half in value of real estate in the said borough, according to its latest assessed valuation as aforesaid, be filed with the borough clerk, no such election shall be called or held, and no further proceedings taken based on such resolution and application; but if no such remonstrance shall be filed, then it shall and may be lawful for the council to submit the question of such construction or purchase to the voters of the borough at any general or special election held in such borough. If such proposition is to be submitted to the voters at a special election called for that purpose, such special election shall be called and conducted in the manner herein provided for a similar election in the case of the proposed issue of bonds. If a majority of the ballots cast by the voters at any such election shall be in favor of the construction or purchase of water-works or water-supply plant or plants, or sewers or system of sewerage or drainage, then it shall be lawful for the council to construct or purchase the same.

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When election.

Result.

2. This act shall take effect immediately.

Approved April 9, 1906.

CHAPTER 91.

An Act to regulate the use of power vessels and boats navigating the waters within the jurisdiction of this State, above tide water, and to provide for the inspection and licensing of power vessels, their masters, pilots and engineers.

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

Application.

1. The provisions of this act shall be applicable to all vessels navigating the waters, above tide waters, exclusively within the jurisdiction of this State.

"Master" and "power vessel" defined.

2. The term "master" as used in this act shall include every person having for the time the charge, control or direction of any power vessel of any kind, and the term "power vessel" shall include every vessel not propelled wholly by sails or by muscular power.

Inspectors.

3. The Governor shall appoint the inspectors hereinafter provided for, shall exercise general supervision over them in the performance of their duties, and shall superintend the administration of the provisions of this act. He shall, within thirty days after this act becomes a law, and thereafter when vacancies shall occur, appoint one chief inspector and one assistant inspector of power vessels, each of whom shall have a practical knowledge of the construction and management of power vessels and an experience of at least two years as a licensed master, licensed pilot or licensed engineer of steamboats, and shall have a practical knowledge of the use and construction of boilers, engines and other machinery and appurtenances used in propelling vessels, and he shall be otherwise properly qualified to perform the duties prescribed by this act. Each inspector shall hold office for the term of three years from the date of his appointment, and thereafter until his successor has been appointed. The chief inspector shall receive an annual salary of six hundred dollars, and his assistant shall receive ten dollars for each day of actual service rendered in the performance of his duties, each to be paid by the State Treasurer on the warrant of the Comptroller. Each inspector shall receive his actual and necessary travelling expenses upon a verified statement of such expenses duly audited by the Governor. If the office of either the chief or assistant inspector shall become vacant, the Governor shall fill such vacancy by the appointment of a person to serve for the remainder of such unexpired term.

Appointment.

Qualifications.

Term.

Salary.

Expenses.

Inspection of vessels.

4. The chief and assistant inspectors shall annually, or oftener, if they have good cause therefor, inspect every power vessel engaged in carrying passengers or freight for hire, or towing for hire, examine carefully her hull and other equipments, and may require such changes, repairs and improvements to be adopted and

used as they may deem expedient for the contemplated route. They shall also fix the number of passengers that may be transported. The chief inspector shall also, whenever he may deem it expedient, visit any vessel licensed under this act and examine into her condition for the purpose of ascertaining whether or not any party thereon having a certificate from said inspectors has conformed to and obeyed the conditions of such certificates and the provisions of this act, and the owner, master, pilot, captain or engineer of such vessel shall answer all reasonable questions and give all the information in his or their power in regard to said vessel, her machinery and the manner of managing the same. In case of any accident from any cause whatsoever, either the chief inspector or assistant inspector may investigate the cause thereof, and if found by him to have been occasioned by a violation of any of the provisions of this act, or of the orders, regulations and requirements of said inspector, he shall so certify to the prosecutor of the pleas of the county where such violation occurrred, together with the names of the persons guilty thereof and the witnesses. The chief inspector provided for in this act is authorized to make further rules and regulations applying generally to all power vessels, or especially to one or more of them, and on framing the rules for the government of managers and employees of boats, but he, the said inspector, so far as practicable, shall be governed by the general rules and regulations prescribed by the United States Board of Supervising Inspectors of Steam Vessels.

Capacity fixed.

Supervision.

In case of accident.

Rules and regulations.

Inspection of boilers and machinery.

5. The chief and assistant inspectors shall also, annually, or oftener, if they deem necessary, examine the boilers and all other machinery of any power vessel carrying passengers or freight, for hire, or towing for hire. In the case of boilers, they shall determine from their examination, and the data submitted by the manufacturers of each of said boilers, the pressure of steam which it is safe for the boiler to carry, and shall apply to the boiler a hydrostatic test, using a pressure fifty per centum greater than the working pressure to be allowed; but should inspectors be of the opinion that

Hydrostatic test.

such boiler, by reason of its construction or material, will not safely allow so high a working pressure, they may fix the working pressure of such boiler at less than two-thirds of said test pressure, and no boiler or pipe, or any of the connections therewith shall be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use or other cause. In addition to the hydrostatic test, as herein provided, the inspectors may cause a hammer test to be made, and an internal examination of such boiler or boilers so tested, whenever deemed necessary. Any boiler may be drilled at the bottom or shell of boiler, and also at such other point as the inspectors may direct, to determine the thickness of such material at those points, and the general condition of such boiler or boilers at the time of inspection and the steam pressure allowed shall be determined by such ascertained thickness and general condition of the boiler. They shall also see that all connections to the said boiler or engines are of suitable material, size and construction, and that the boiler, machinery and appurtenances are such as may be employed with safety in the service to be performed. They shall also satisfy themselves that the safety valves are of suitable dimensions and are properly adjusted, so as to allow no greater pressure than the maximum amount prescribed by them; and that there is a sufficient number of guage cocks properly attached to the boiler, so as to indicate the heighth of water therein, and suitable steam guages to correctly show the pressure of steam carried; and as to any other matter connected with such power vessel or the machinery thereof, that to said inspectors shall appear necessary to the safety of her passengers and crew.

Working pressure.

Hammer test.

Additional tests.

Connections and fittings.

Safety valves.

6. The chief and assistant inspectors, if satisfied that such vessel is in all respects safe and conforms in every respect to the requirements of this act, shall make and subscribe duplicate certificates, setting forth the age of the vessel and date of inspection, the name of the vessel, the name of the owner, the master, the number of licensed officers and crew deemed necessary to manage

Certificates of inspection.

the vessel with safety, the number of boats and life preservers required, and the number of passengers that she can safely carry, and, if a steam vessel, the age of the boiler, and the pressure of steam she is authorized to carry. One of said certificates shall be kept posted in some conspicuous place on the vessel, to be designated by the inspectors in the certificate, and the other copy shall be kept by the chief inspector and by him to be recorded in a book to be kept for that purpose. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing giving the reasons for such refusal, and deliver the same to the owner or master of the vessel.

Number of passengers must not be exceeded.

7. No greater number of passengers shall be transported upon any licensed power vessel than the number allowed in the certificate of such power vessel, under a penalty of ten dollars to be paid by the master for each passenger in excess of the allowed number, unless special permission is first obtained from the chief inspector under such precautions as he may deem expedient.

Wood-work protected fom ignition.

8. All power vessels to which this article is applicable shall hereafter be so constructed that the wood work about the boilers, chimneys, fire-boxes, cook-houses, stove and steam-pipes, exposed to ignition, shall be so shielded by some incombustible material, that the air may circulate freely between such material and wood work, or other ignitable substances; and before granting a certificate of inspection the inspectors shall require that all necessary provisions be made throughout such vessel as they may judge expedient to guard against loss or damage by fire.

Gang-ways.

9. Every power vessel engaged in carrying passengers, shall be provided with permanent stairways and other sufficient means convenient for passing from one deck to the other, with gang-ways large enough to allow persons freely to pass, which shall be open, fore and aft of the length of the vessel, and to and along the guards; and whoever obstructs such gang-ways, by freight or otherwise, shall forfeit fifty dollars to the people of the State for every such violation.

Navigating rules.

10. From and after the passage of this act the following rules shall be observed in navigating all power vessels on the waters, above tide waters, exclusively within the jurisdiction of this State:

Meeting head on.

I. When two power vessels are meeting, end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

Crossing.

II. When two power vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Sailing vessel to have preference.

III. When a power vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the power vessel shall keep out of the way of the sailing vessel.

Keep course.

IV. When, by any of these rules, one of two vessels is to keep out of the way, the other shall keep her course and speed.

Speed reduced.

V. Every power vessel when approaching another power vessel or small boat or vessel of any kind, so as to involve the risk of collision, shall slacken her speed, or, if necessary, shall stop and reverse her engine, and every power vessel shall, when in a fog, proceed at a moderate speed.

Overtaking.

VI. Any power vessel overtaking another power vessel shall keep out of the way of the last-mentioned vessel.

Passing by a vessel astern.

VII. When two power vessels are going in the same direction, the stern vessel wishing to pass the other, shall signal the forward vessel of her intention to pass on the port side by two distinct whistles, and to pass on her starboard side, by one distinct whistle, which shall be answered by the forward power vessel with the same number of whistles, and the forward vessel shall keep on her course as if no signal had been given.

Approaching signal.

VIII. Power vessels approaching each other shall, at not less than three hundred yards distance between each other, give a signal with one loud distinct whistle.

Signal for passing to starboard.

IX. When two power vessels are approaching each other, and if the course of such vessels is so far on the

starboard side of each as not to be considered by the masters as meeting end on, or nearly so, or if the boats are approaching each other in such manner that passing to the right, as in Rule 1, is deemed unsafe by the master of either boat, the master so first deciding shall give two short and distinct blasts on his whistle, which the master of the other boat shall answer promptly by two blasts of his whistle, and they shall pass to the left (on starboard) side of each other.

Misunderstanding signals.

X. When two power vessels are approaching each other and the master of either vessel fails to understand the course or intention of the other, whether from the signals being given or answered erroneously, or from other cause, the master so in doubt shall immediately signify the same by giving several short rapid blasts of the whistle, and if the vessels have approached with five hundred yards of each other, both shall be immediately slowed to a speed barely sufficient for steerageway until the proper signals are given, answered and understood or until the boats have passed each other.

Fog signal.

XI. When a power boat is running in a fog or thick weather, it shall be the duty of the master to cause a long blast of the whistle to be sounded at intervals not exceeding one minute.

Signals of distress.

XII. Signals of distress shall be four distinct blasts of the whistle, and shall be recognized by the master of any power vessel hearing the same, and he shall render such assistance as is in his power.

Time at wharf.

XIII. Any power vessel landing at a wharf shall have the right of the wharf for a period of five minutes; if detained at the wharf for a longer period than five minutes, the power vessel at the wharf shall allow another power vessel to land alongside and discharge her passengers and freight over her decks for at least ten minutes, and thereafter until such first vessel shall leave said wharf.

Avoidance of danger.

XIV. In construing these provisions, due regard must be had to all the dangers of navigation, and to any special circumstances which may exist rendering a departure therefrom necessary in order to avoid immediate danger.

Sailing and power vessels.

XV. Every power vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power vessel.

Licenses of power vessels.

XVI. All power vessels' licenses under the provisions of this article, shall conform to and obey such other rules and regulations as the chief inspectors may prescribe not inconsistent herewith.

Section ten framed and displayed.

XVII. Every power vessel used for passengers, freight or towing for hire on the waters within the jurisdiction of this State, shall have two copies of this section framed, one to be placed in the pilot house for the government of the master or pilot, and the other to be hung in a conspicuous place on the vessel for the inspection of the passengers.

Signal lights.

11. The master of every power vessel when navigating between sunset and sunrise, shall cause the same to carry the following lights:

Masthead light.

I. At the foremast head a bright white light of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and to be so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side.

Starboard light.

II. On the starboard side a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles; and be so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

Port light.

III. On the port side a red light, of such character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

Inboard screens.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow.

Light from traffrail.

IV. The master of every vessel other than a power vessel anchored in the night time shall cause her peak to be lowered and a good and sufficient light to be thrown from her traffrail in some part of her rigging and at least ten feet above her deck. In case of small vessels the inspectors may make specific rules for lights different from the foregoing.

Fire pump and hose.

12. Every power vessel permitted by her certificate to carry one hundred passengers or upwards, shall be provided with a good double-acting fire pump or other equivalent apparatus for throwing water, the same to be at all times during the navigation of such vessel, kept ready for immediate use, heavy hose of suitable size and of sufficient strength to stand a pressure of at least seventy-five pounds to the square inch, and of a length to be specified by the inspectors.

Life boats.

13. Every ferry boat propelled by machinery shall be provided with at least one substantial boat, fifteen feet or more in length, and properly supplied with oars, and kept tight and in good condition at all times, and so attached to such ferry boat that it may in case of need be launched into the water for immediate use. Every steamboat or vessel propelled by machinery and carrying passengers shall be provided, if of the measurement of two hundred and fifty and less than five hundred tons burden, with at least two substantial row boats with life lines attached and properly supplied with oars, and kept tight and in good condition at all times, and so attached as to be capable of being launched into water for immediate use in case of need; and if of the measurement of five hundred tons or more with at least one first-class life boat and one row boat twenty-five feet long by seven wide, capable of carrying or supporting fifty persons each, and at least one row boat of the usual size and construction, all to be properly supplied with oars and kept tight and in good condition at all times, and so attached as to

be capable of being launched into the water for immediate use in case of need. Every such vessel may also be required to carry such other boats, as the Inspectors, on account of the route, or the number of passengers, deem requisite, and the master of such vessel shall exercise and discipline his crew in the launching, use and management of the boats, until they become skilled boatmen. Drilling of crew.

14. Every power vessel used in the transportation of passengers for hire, and every excursion barge or vessel towed, or partly towed and partly propelled by machinery, used in the transportation of passengers for hire, shall have a life preserver or life float for each passenger she is allowed to carry and for each member of her crew. At least one-half thereof shall be life preservers and shall be made of good sound cork blocks, adjustible to the body of a person, with belts and shoulder straps properly attached, and shall be so constructed as to place the cork underneath the shoulders and around the body of the person wearing it; each such life preserver to contain at least six pounds of good cork having a buoyancy of at least four pounds to each pound of cork, and the other half or part thereof may be life floats, to be constructed of dry pine plank, four feet long, two inches thick and twelve inches wide, with the lines properly attached in such manner as to be convenient for use; and it shall be the duty of the Inspectors to satisfactorily ascertain that every life preserver and such life floats are as herein required. Such life preservers and life floats shall be kept in convenient accessible places in such vessel in readiness for immediate use in case of accident, and the places where the same are to be kept shall be designated in the inspector's certificate, and also pointed out by printed notices posted in such places as the inspectors direct. Every such vessel shall carry in convenient places at least ten buckets filled with water, with dip lines attached, and three axes in good condition; but the Inspectors may, if they deem it necessary or proper, require a larger, or in case of very small vessels, permit a smaller number of buckets and axes. Life preservers. Buoyancy. Life floats. Readily accessible. Buckets and axes.

Tampering with safety valve.

15. Whoever intentionally loads or obstructs or causes to be loaded or obstructed, in any way, the safety valve of any boiler, or employs any other means or device whereby the boiler may be subjected to a greater pressure than the pressure allowed by the inspector's certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of the water or steam in any boiler, or to give warning of approaching danger, or intentionally permits the water to fall below the prescribed low water limit of the boiler, shall forfeit to the people of the State the sum of five hundred dollars for each violation.

Penalty.

Examination and licensing of officers.

16. Every person employed as either master, pilot or engineer on board of a power vessel carrying passengers or freight for hire, or towing for hire, shall be examined by the inspectors as to his qualification, and, if satisfied therewith, they shall grant him a license for the term of one year of such boat, boats or class of boats as said inspectors may specify in such license. In a proper case, the license may permit and specify that the master may act as pilot, and in case of small vessels also as engineer and pilot. The license shall be framed under glass and posted in some conspicuous place on the vessel on which he may act. Whoever acts as master, pilot or engineer, without having first received such license, or upon a boat or class of boats not specified in his license, shall be liable to a penalty of fifty dollars for each day that he so acts, except as in this article otherwise specified, and such license may be revoked by the inspectors for intemperance, incompetency or willful violation of duty.

License displayed.

Penalty.

Test of illuminating oil.

17. No licensed vessel carrying passengers for hire shall be allowed to use in lamps, lanterns or other lights on such vessel, any oil which will not stand a fire test of at least three hundred degrees Fahrenheit.

Name on stern.

18. Every vessel, subject to the provisions of this act, shall have her name painted on her stern on a black background in white, yellow or gilt letters, of not less than three inches in length. If any vessel, which is subject to the provisions of this act, shall be

found without having her name so painted, the owner or owners shall be liable to a penalty of fifty dollars to the people of the State. The inspectors may, however, in the case of small vessels, permit such name to be placed elsewhere, and in letters of less length. The name of a vessel shall not be changed without the consent to the inspectors. Any person violating this provision shall be liable to a penalty of fifty dollars to the people of this State. Penalty. Change of name.

19. No loose hay, loose cotton or loose hemp, camphene, nitro-glycerine, naphtha, benzine, benzole, coal oil, crude petroleum, or other like explosive, burning fluids or dangerous articles, shall be carried as freight or used in stoves on any power boats licensed to carry passengers under this act, except that refined petroleum, which will not ignite at a temperature of less than one hundred and ten degrees Fahrenheit, may be carried on the main deck of any vessel, provided the barrels or cases containing such oil are fully covered with a tarpaulin. But nothing in this section provided shall be construed to prevent any vessel of twenty tons burden or under, which uses refined petroleum for fuel, from carrying sufficient refined petroleum, which will not ignite at a temperature of less than one hundred and ten degrees Fahrenheit, with which to replenish the fires and properly equip such vessel for use; said petroleum to be carried in metal cans or tanks which shall be properly protected by a covering of wood or other substance, which would equally protect from accident and be approved by said inspectors, and to be conveyed from said tank or tanks to the said fires through metal pipes. No combustibles as freight. Petroleum. As fuel.

20. No master, engineer or other person having charge of any boiler or apparatus for the generation of steam of any power vessel shall create, or allow to be created, an undue or unsafe quantity of steam in order to increase the speed of such power vessel or to excel another boat in speed. Any person violating the provision of this section shall forfeit to the people of the State the sum of five hundred dollars for every such violation. Undue steam pressure or speeding. Penalty.

Temporary officer.

21. If any vessel is deprived of the services of any licensed officer, without the consent, fault or collusion of the master, owner or any person interested in the vessel, the chief inspector shall be notified and the deficiency may be temporarily supplied until the services of a licensed officer can be obtained.

Liability of owner for master.

22. The owner of every power vessel shall be responsible for the good conduct of the master employed by him, and if any penalty incurred by such master is not paid by him, and cannot be collected from him by due course of law, it may be recovered of the owner or owners, jointly or severally, of the power vessel in whose employ he was at the time of the incurring of such penalty in the same manner as if such owner or owners were sureties of such master.

Article posted.

23. The master of every licensed vessel shall keep a copy of the preceding sections of this article posted in a conspicuous place on such vessel for the inspection of all persons on board thereof. Every master violating the provisions of this section shall forfeit to the people of the State twenty-five dollars, and the additional sum of twenty-five dollars for each month while such violation continues.

Penalty.

Chief inspector's report to Governor.

24. The chief inspector shall, on or before the first day of January in each year, make a verified report to the Governor containing a detailed statement of the names and number of vessels examined and licensed, the names and number of vessels to which licenses were refused and stating the reasons for the refusal, the names and number of persons examined and licensed, the names of and number to whom licenses were refused, and stating the reasons therefor, and may include in such report any other information he may deem desirable.

Examination when docked.

25. Whenever any vessel coming under the provision of this act is placed upon the dock for repairs it shall be the duty of the owner to report the fact to the chief inspector, so that a thorough inspection may by him be made to determine what is necessary to make such vessel seaworthy, if the condition or age of the vessel, in the judgment of the chief inspector ren-

ders such examination necessary. Before making general repairs to a boiler of a steam vessel coming under the provisions of this act the engineer or master in charge of such vessel shall report in writing the nature of such repairs to the chief inspector. And it shall be the duty of all engineers, when an accident occurs to a boiler in their charge tending to render such boiler unsafe, to report the same to the chief inspector.

Repairs to boiler.

Report accident.

26. It shall be the duty of every owner of a power vessel and navigating the waters, above tide waters, exclusively within the jurisdiction of this State, where it is the intent to use such vessel for carrying passengers or freight for hire, or to tow for hire, to notify the chief inspector of such intention, at least ten days before it is desired to use such vessel, and to request an inspection of such vessel. It shall be the duty of the owner of a vessel having a certificate of inspection from the inspectors provided for in this act to notify said inspector of the expiration of such certificate at least twenty days before said certificate shall expire.

Application for inspection.

Notice of expiration.

27. All power vessels carrying passengers or freight for hire, or towing for hire, must comply with all the terms and provisions of the preceding section, and and with all orders, regulations and requirements of the inspectors. If any such vessel is navigated without complying with the terms and provisions of this act, or without the requisite certificates of the inspectors, the owners and master shall forfeit to the people of the State the penalties prescribed in this article, and the vessels so navigated shall also be liable therefor, and may be attached and proceeded against in any court having jurisdiction. Every master of a power vessel who shall violate any of the provisions of this act shall, for every such violation, forfeit to the people of the State the sum of two hundred and fifty dollars, unless a different penalty is prescribed herein.

All power vessels must comply with law; liability.

Master's penalty.

The chief inspector shall investigate all violations of the provisions of this act, and for such purpose shall have the power and is hereby authorized to subpœna

Violations investigated.

witnesses and compel their attendance; and they may also administer all necessary oaths to any witnesses thus summoned.

Inspection fees.

28. The owner of a vessel inspected and certified as provided in this act shall pay to these inspectors for each vessel under ten tons burden, ten dollars; for each vessel over ten and under twenty tons burden, fifteen dollars; for each vessel over twenty and under fifty tons burden, twenty dollars; for each vessel over fifty, forty dollars; each person licensed shall pay five dollars for each original license and three dollars for each renewal thereof. All moneys received by the inspectors for examinations, licenses or renewals of licenses shall be by them turned over to the treasury of the State of New Jersey for the use of the State.

Fees accrue to State.

Misdemeanors.

29. Any person having the charge, command or control of a power vessel who

Excess passengers.

I. Carries or permits a power vessel to carry a greater number of passengers than is stated in the certificate of such power vessel issued under the navigation law; or

Sailing laws.

II. Wilfully violates any of the provisions of section ten of the navigation law, relating to the sailing rules; or

No lights.

III. Neglects to carry and show on a vessel the lights required by section eleven of the navigation law; or

No life-saving helps.

IV. Neglects to carry on a vessel the life-boats and life-preservers required by section fourteen of the navigation law; or

No fire-pump.

V. Neglects to carry on a vessel the fire-pump required by section twelve of the navigation law; or

Interfering with safety valve or water-gauges.

VI. Intentionally loads or obstructs, or causes to be loaded or obstructed, in any way the safety-valve of the boiler of any power vessel or naptha launch, or employs any other means or device whereby the boiler of such vessel may be subjected to a greater pressure than is allowed by the inspectors' certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of the water or steam in any boiler, or to give warning

of approaching danger, or intentionally permits the water to fall below the prescribed low-water limit of the boiler; or

Acting without license.

VII. Acts, or permits another person to act, as officer of a vessel without having a license required by section sixteen of the navigation law, except as permitted by the provisions of section twenty-one of the navigation law; or

Low test oil.

VIII. Uses, or permits to be used, in lamps, lanterns or other lights on a vessel any oil which will not stand a fire test of at least three hundred degrees Fahrenheit

Is guilty of a misdemeanor.

As to other povisions.

IX. A person who violates any other provision of this act for which no other punishment is prescribed is guilty of a misdemeanor.

30. This act shall take effect immediately.

Approved April 9, 1906.

CHAPTER 92.

An Act respecting connections to street water mains in advance of the pavement of streets and avenues in cities of the first class of this State.

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

Lay service pipes preparatory to paving.

1. In all cities of the first class of this State where streets and avenues are now being paved or hereafter may be paved, the board of street and water commissioners, common council, board of aldermen or other municipal body having, by law, the control of public water-works and the public water-supply, or the laying, construction and building of water mains, pipes and connections in such city, shall have power and authority, at their discretion, at any time previous to or in advance of the paving of such streets and avenues, to construct

and lay all house connections, with curb stop and box, of such number, character and location as shall be determined by them; such house connections to extend from the water mains constructed and laid in such streets and avenues to such point within the curb line of the lots fronting on such streets and avenues as may be determined by said board or body making such connections.

Liability for charges.

2. The owner of any house, building or lot shall be liable for the charge fixed by the said board of street and water commissioners, common council, board of aldermen, or other municipal body, for the construction of such house connections. Such charge shall be payable immediately upon the construction and laying of such house connections, and should said charge remain unpaid thirty (30) days after the same shall have been imposed, the same shall become a lien upon said house, building or lot until the same shall be paid and satisfied in the same manner as may be provided by law for water rents.

3. This act shall take effect immediately.

Approved April 9, 1906.

CHAPTER 93.

An Act to regulate the sale of Paris green.

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

Statement furnished experiment station.

1. Every manufacturer of Paris green within this State, and every dealer in original packages of Paris green manufactured outside of this State shall, before selling, offering or exposing for sale said Paris green, submit to the Director of the State Agricultural Experiment Station, a written or printed statement setting forth the brand or brands of Paris green to be sold, offered or exposed for sale, the number of pounds con-

tained in each package in which it is put upon the market for sale, the name of the manufacturer, the place of manufacturing and the amount of arsenic which the said Paris green contains. The statement so furnished shall be considered as constituting a guarantee to a purchaser that every package of such Paris green contains not less than the amount of arsenic set forth in the statement.

Certificate of director of experiment station.

2. Every purchaser of Paris green in original packages manufactured outside of this State, intending to sell or expose the same for sale, and every manufacturer of Paris green within this State shall, after filing the statement above provided for receive from the said Director of the State Agricultural Experiment Station a certificate stating that he has complied with the foregoing section, which certificate shall be furnished without charge; said certificate, when furnished, shall authorize the party receiving the same to deal in this State in Paris green. Nothing in this section, however, shall be construed as applying to retail dealers.

Standardized as to arsenic.

3. Paris green, or any product analogous to it, when sold, offered or exposed for sale as such, in this State, shall comply with the following requirements:

First. It shall contain arsenic, in combination with copper, equivalent to not less than fifty per centum arsenious oxide.

Second. It shall not contain arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide.

Analyses.

4. The New Jersey State Agricultural Experiment Station shall examine, or cause to be examined, the different brands of Paris green sold, offered or exposed for sale, within the State, and cause samples of the same to be analyzed, and shall cause the analyses so made to be published in station bulletins, together with such other additional information in relation to the character, composition and use thereof, as may seem to be of importance, and issue the same annually, or more frequently if deemed advisable.

Penalty.

5. Any person violating any of the provisions of this act shall be liable to a penalty of fifty dollars, to be

recovered in an action of debt by and in the name of the Director of the State Agricultural Experiment Station.

Paid to State.

6. All penalties imposed under this act shall be paid into the treasury of the State.

Appropriation.

7. The expenses incurred by the New Jersey Agricultural Experiment Station in carrying out the provisions of this act shall be paid out of the State treasury, provided such expenses do not exceed the sum of $500.00 in any year.

8. This act shall take effect immediately.

Approved April 9, 1906.

CHAPTER 94.

An Act to amend an act entitled "An act concerning assessments for benefits conferred upon land and real estate by reason of paving, repaving or macadamizing streets, highways, alleys and other public places in cities of this State," approved April seventeenth, one thousand nine hundred and five.

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

Section amended.

1. Section one of an act of the Legislature of this State entitled "An act concerning assessments for benefits conferred upon land and real estate by reason of paving, repaving or macadamizing streets, highways, alleys or other public places in cities of this State," approved April seventeenth, one thousand nine hundred and five, be amended so as to read as follows:

Assessments for benefits of city board of of assessors.

1. Whenever any street, highway, alley or other public place in any city of this State has been or shall hereafter be paved, repaved or macadamized, pursuant to the provisions of any statute of this State, and such improvement has been or shall hereafter be com-

pleted and accepted by the governing board or body of such city, and in the judgment of such board or body the construction of such improvement is likely to benefit and increase the value of any land and real estate fronting or abutting thereon, the said board or body shall make application to the board or body charged with the duty of making assessments for taxes in such city in which such improvement is made, to estimate and assess such benefits, whereupon it shall be the duty of such board or body charged with the duty of making assessment for taxes, to proceed to make such estimate and assessment, and to perform the other duties imposed upon them by this act.

2. This act shall take effect immediately.

Approved April 9, 1906.

CHAPTER 95.

An Act to set off a part of the city of Newark, in the county of Essex, and annex such portion so set off to the city of East Orange, in the county of Essex.

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

1. That part of the city of Newark, in the county of Essex, described as follows: Beginning at a point in the southerly line of Finlay Place, where the same is intersected by the boundary line between the city of Newark and the village of South Orange; from thence running north twenty-one degrees fifteen minutes east and along the said boundary line five hundred and seven feet, more or less, to the point where the said boundary line intersects the line between the city of East Orange and the city of Newark; thence south seventy-eight degrees nineteen minutes east along the said boundary line between the city of East

Part Newak annexed to East Orange.

Orange and the city of Newark four hundred and fifty-one feet and ninety one-hundredths of a foot; and thence south fifty-six degrees twenty-four minutes west seven hundred and seventy-two feet and fifty one-hundredths of a foot, be the said distance more or less, to the point or place of beginning, be and the same is hereby set off from the city of Newark, in the county of Essex, and annexed to and made a part of the city of East Orange, in the county of Essex.

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 9, 1906.

CHAPTER 96.

A Supplement to an act entitled "A further supplement to '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 further supplement was 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:*

Purchase of sewer system.

1. Whenever it shall have been determined by the electors of a city, pursuant to the provisions of the act to which this is a supplement, to purchase any sewer system in such city owned and operated by private individuals, persons or corporations, the governing body of such city shall have the power and authority to consummate such purchase from the owner or owners of such sewer system, owned and operated by private individuals, persons or corpora-

tions, without issuing bonds of such city for that purpose, and may provide for the payment for such sewer system in the manner hereinafter set forth.

Assess property benefited to purchase sewer system.

2. It shall, in such case, be lawful for such city to assess against the several properties adjacent to the sewers constituting the sewer system so purchased the cost of the purchase of said sewer system to the amount to which the said several adjacent properties are respectively benefited, which said several assessments shall be made by sewer commissioners appointed by the governing body of such city, and shall be a lien upon the several properties so assessed, and collected in the same manner as assessments for benefits are or may be collected in such city.

Extend system.

3. After the purchase of such system, in the manner aforesaid, extensions to said system may be made from time to time and the cost of such extensions assessed and collected, in like manner, from the properties adjacent to such extensions, to the extent of the benefits received by such respective adjacent properties.

Issue sewer improvement certificates.

4. Such city may, in such case, make provision for the payment of the purchase price to the owner or owners of such private sewer system so purchased by the issuing to such owner or owners a sewer improvement certificate, which certificate so issued shall be made payable at such time as shall be agreed upon, and shall draw interest, not to exceed five per centum per annum, and shall be paid from the moneys received from the said assessments made against said adjacent properties to the extent that such assessment shall be sufficient to discharge the same; and if said certificate is not fully discharged by the application of the moneys received from said assessments then such excess shall be payable from and out of the general funds of such city raised by taxation. And such improvement certificate may make such provision for the extension of the time for the payment of the same, in installments as the governing body of such city may determine upon, so that after the application of the proceeds from said assessments to the payment of said certificate no more

Payment of.

than the amount specified in said certificate for that purpose shall be payable annually.

Issue certificates for extension.

5. After such sewer system shall have been purchased, in manner aforesaid, it shall be lawful for such city in making extensions of said sewer system to raise the necessary funds for any extension, if the governing body of such city shall deem it expedient, by the issuance of a sewer improvement certificate, of like nature to the one set forth in the preceding paragraph; but such certificate shall not draw interest at more than five per centum per annum, and shall not be sold or disposed of by such city at less than its par or face value.

Maintenance of system.

6. After such city shall have acquired the sewer system in the manner hereinbefore set forth, it shall be lawful for the said city to pay the cost annually of operating and maintaining the same out of the general funds of said city as a part of the general current municipal expenses of such city without causing the same to be separately or specifically assessed as such for sewer purposes.

7. This act shall take effect immediately.

Approved April 9, 1906.

CHAPTER 97.

A Supplement to an act entitled "A general act relating to boroughs" (Revision of 1897), approved April 24, 1897.

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

Time for reducing salary.

1. No ordinance reducing the salary of any elective borough officer shall be valid as to any such officer or officers whose term will, by law, commence on the January first next succeeding the passage of such ordinance,

unless such ordinance shall have been introduced and finally passed prior to the time fixed by law for acceptance of nominations to such office by candidates of parties entitled to hold regular primary elections. All such ordinances now in force, which shall have been passed contrary to the provisions of this act are hereby made and declared void as to any elective borough officer now in office, unless the terms and provisions thereof are, within thirty days after the passage of this act, accepted by such officer by writing, signed by him and filed with the borough clerk; and in case such acceptance shall not be filed as aforesaid, the compensation and duties of any such borough officer shall be the same as those of his immediate predecessor in office until and unless otherwise provided by legislative enactment.

Certain ordinances void.

Acceptance by incumbent.

2. This act shall take effect immediately.

Passed April 10, 1906.

CHAPTER 98.

An Act to authorize cities in this State having a plant, appliances or machinery designed or used for furnishing a public water supply, to utilize, use and develop any power which may be derived therefrom and to develop additional power to furnish electrical energy for lighting or other public use, and to provide the funds necessary for this purpose.

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

1. It shall be lawful for the board or body having charge of the public lighting and public water-supply in any city of this State to utilize and use any property which is now or has formerly or may hereafter be used by such city for the purpose of supplying water for public use, for the purpose, also, of generating electrical

City light and power plant.

energy to supply such city with light or for other public use, and for this purpose such board shall have power and authority to purchase, or condemn, lands or interests in lands or necessary water rights and purchase material and construct, re-construct, erect, maintain and use such property and works and such other and additional works, plant, property and machinery as may be required to develop the necessary power and produce and furnish the required light or power.

Bond issue to meet charges.

2. To provide the money which may be required for the construction of such plant or plants and such machinery, appliances, property and works, and purchase of property, the common council or other board having charge of the finances of such city may, in its discretion, at the request of the board or body having charge of the public lighting and public water-supply, cause the bonds of such city to be issued, sold and disposed of to an

Amount.

amount not exceeding the sum of five hundred thousand (500,000) dollars par value, and all such bonds and the proceeds of sale thereof shall be placed at the disposal of the board having charge of the construction of such works and plant, and shall be used for the purposes authorized by this act and for no other purpose or purposes, except that any unexpended balance remaining after the construction of the plant hereby authorized shall be turned over to the commissioners of sinking fund for the retirement of the bonds hereby authorized. Such bonds shall be negotiable in form, and may be either coupon bonds or registered bonds. They shall

Rate and time.

bear interest at a rate not exceeding four and one-half ($4\frac{1}{2}$) per centum per annum, and shall be made payable in not less than forty nor more than fifty years from the date thereof, and may be of such denomination and payable at such place, with interest payable semi-annually, as the common council or other governing body of such city may by resolution direct, and such bonds may be negotiated and sold at not less than their par value; and it shall be the duty of the common council or other governing body in the annual tax levy of such city to provide for the annual interest upon the bonds so

Sinking fund.

issued and, also, a sinking fund of not less than one per

centum per annum which shall be paid annually to the commissioners of the sinking fund of such city until such time as the amount paid in shall be sufficient to pay the principal of such bonds when they shall fall due.

Annual tax to meet expenses.

3. The expense of maintenance and operation of the plant or plants constructed under the authority of this act in any city shall be provided for in the annual tax levy of such city, and it shall be the duty of the board or department having charge of such plant or plants to furnish the common council or other governing body with an estimate of the amount required annually for this purpose.

4. This act shall take effect immediately.

Approved April 10, 1906.

CHAPTER 99.

An Act to validate proceedings heretofore taken for the issue of bonds for public purposes in any borough of this State.

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

Bond issue validated.

1. No proceedings heretofore taken in any borough in this State for the issuing of bonds for any public improvement therein shall be deemed invalid for any cause relating to the advertisements or notices of the election to be held for or against the issue of said bonds; *provided,* that the question of such issue was submitted to the voters of said borough at an election of which thirty days' previous notice was given by advertisements signed by the borough clerk, posted in at least three public places in such borough, and printed once each week for at least two weeks preceding the holding of said election in a newspaper published in said borough, if any such existed, or if none, then in a newspaper published in the county wherein said borough is situate and circulating in said borough.

Proviso.

2. This act shall take effect immediately.

Approved April 10, 1906.

CHAPTER 100.

Supplement to an act entitled "An act appointing a commission to purchase the Old Tavern House in the borough of Haddonfield, making an appropriation for the payment of the same and providing for the care and management thereof," approved April third, one thousand nine hundred and two.

Preamble.

WHEREAS, Under the authority of the said act, the State of New Jersey, through its commission, has purchased the Old Tavern House; and

WHEREAS, There stands adjoining as a leanto an unsightly building now used as a grocery, in which are sold oils and other inflammables and dangerous articles, which grocery building can be purchased at a reasonable price; and

WHEREAS, In the hands of various holders and in course of long time, changes have been made in the exterior and interior of the Old Tavern House which mar the colonial character of its architecture; and

WHEREAS, At local expense the room in which the State Assembly and its committees met during the Revolutionary times, has been restored as nearly as may be to its original interesting and beautiful character; and

WHEREAS, Under direction of the State Commission plans have been prepared for a similar restoration of the rest of the building as nearly as may be to its original condition and to a harmonious colonial character of architecture; and

WHEREAS, The purchase of the aforesaid adjoining property and the intended restoration of the Old Tavern House and maintenance of the same will cost perhaps twelve thousand dollars.

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

1. The Commission be and is hereby authorized and empowered to purchase the adjoining property and to restore said Old Tavern House as nearly as may be to its condition during Revolutionary times. Commission to purchase and restore.

2. The sum of twelve thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the State Fund, for the purpose of purchasing adjoining property, restoring the Old Tavern House to its former condition and maintaining the same, to be drawn from the State treasury on a warrant to be signed by the said Commission or a majority of them, upon the approval of the Governor. Appropriation.

Passed April 10, 1906.

CHAPTER 101.

An Act to incorporate the borough of Roosevelt, in the county of Middlesex.

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

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

2. The boundaries of said borough shall be as follows: Beginning at the mouth of Casey's creek, where the same meets the Rahway river; thence, first, southwesterly along the various courses of said creek to the westerly line of the lands of Mrs. Casey; thence, second, south seventeen degrees thirty minutes west, five hundred and thirty-two feet to the center of the Blazing Star Boundaries.

road; thence, third, north sixty-two degrees fifteen minutes west, along the center of said Blazing Star road one hundred and two feet to the center of Blair's road; thence, fourth, along the center of Blair's road south one degree east, eight hundred and fifty feet; thence, fifth, still along the center of Blair's road south twenty-one degrees west, five hundred feet; thence, sixth, still along the center of Blair's road south twenty-seven degrees west, six hundred feet; thence, seventh, still along the center of Blair's road south sixteen degrees west, five hundred feet; thence, eighth, still along the center of Blair's road south seven degrees thirty minutes east, five hundred and sixty-five feet; thence, ninth, still along the center of Blair's road south nineteen degrees west, one thousand eight hundred and ninety-five feet; thence, tenth, still along the center of Blair's road south twenty-five degrees thirty minutes west, eight hundred and sixty-five feet; thence, eleventh, along the Canda property south seventy-eight degrees east, one thousand one hundred and fifty feet; thence, twelfth, still along the Canda property north twenty-eight degrees east, seventy-two feet; thence, thirteenth, still along the Canda property south seventy-nine degrees thirty minutes east, one thousand four hundred and eighty-five feet to lands of Vernon estate; thence, fourteenth, across lands of Vernon estate, Central Railroad of New Jersey and Theodore Liber south forty-five degrees east, four thousand two hundred and nineteen feet to corner of Canda property; thence, fifteenth, south forty-six degrees forty minutes east, along said Canda's line one thousand four hundred feet to the center of Shore road; thence, sixteenth, along the center of Shore road north eighty-six degrees thirty-eight minutes east, three hundred and forty-three feet; thence, seventeenth, along the division line between lands formerly owned by the Shotwell estate and lands of the Port Reading Railroad south three degrees twenty-two minutes east, one thousand feet more or less to lands of Edward S. Savage; thence, eighteenth, southerly along lands of said Savage and lands of the Port Reading Railroad two thousand three hundred and forty-four feet more or less to Staten

Island Sound; thence, nineteenth, along Staten Island Sound easterly and northerly to the mouth of the Rahway river; thence, twentieth, westerly along said Rahway river, following the courses thereof, to the mouth of Casey's creek and the place of beginning.

Effective; proviso; 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 qualified voters of the said described territory voting thereon, at a special election to be held within said territory on the first day of May, in the year nineteen hundred and six, within the hours of six A. M. and six P. M. of said day, at a place within said territory to be fixed by the clerk of the said township of Woodbridge. The clerk of said township shall cause public notice of the time and place of holding said election to be given by advertisements signed by himself and set up in at least ten public places within said described territory and published in one or more newspapers printed or circulating therein at least ten days prior to such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and place so appointed, and be conducted by the officers of the Third election district of said township of Woodbridge, 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 Woodbridge of the result thereof by a statement, in writing, under their hands, and the same shall

Public notice.

Ballots.

Election; how conducted.

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.

Registration.

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 Woodbridge one week next preceding said election. Notice of the place so designated shall be given by the clerk by posting in at least five of the most public places in said described territory. Said meetings of the board of registry and 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 the said described territory to be entitled so to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; and on the following day one copy thereof shall be delivered to the chairman of the county board of elections of Middlesex county to be filed by said board and one copy shall be retained for use by the said board of election at such special election.

Meeting of board.

Revised register.

Statement of election filed with county clerk.

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

Approved April 11, 1906.

CHAPTER 102.

AN ACT to amend an act entitled "An act to establish public parks in certain counties of 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:*

Section amended.

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

Justice of Supreme Court to appoint commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* in any county of this State containing a population of more than two hundred thousand it shall be the duty of the justice of the Supreme Court presiding in the courts of such county, as hereinafter provided, to appoint five persons a board of commissioners to be known as "The..... county park commission" (inserting the name of the county in and for which such commissioners are appointed). The commissioners first appointed under the provisions of this act in any county shall hold office respectively for the term of one, two, three, four and five years, as indicated and fixed in the order of appointment, and all such commissioners, after the first appointment, shall be so appointed for the full term of five years. Vacancies in the said board, happening by resignation or otherwise, shall be filled by such justice, and the persons appointed to fill such vacancies shall be appointed for the unexpired term only. Such persons so appointed, when duly qualified, constituting such board of park commissioners, and their successors, are hereby created a body politic, with power to sue and be sued, to use a common seal and to make by-laws. The members of any such board shall serve without compensation; their necessary expenses shall

Term.

Vacancies.

Board a body politic.

No compensation.

be allowed and paid, and no person employed by the said board shall be a member thereof. Before entering upon the duties of his office, each of the members of said board shall take and subscribe an oath or affirmation, faithfully and impartially to perform the duties of his office, which oath or affirmation shall be filed in the office of the clerk of the county wherein the board of which he is a member is appointed. Every such board shall annually choose from among its members a president, vice-president and treasurer, and appoint a clerk or secretary and such other officers and employees as it may deem necessary to carry out the purposes of this act. It may also determine the duties and compensation of such appointees and remove them at pleasure, and make all reasonable rules and regulations respecting the same. The said board shall have full power and authority and is hereby empowered to pass and enact, alter, amend and repeal rules and regulations for the protection, regulation and control of such parks and parkways and the roads, driveways, sidewalks, paths, lakes, pools, ponds, fountains, trees, flowers, shrubs, statuary, buildings, tools, implements and other things contained therein, and to prescribe fines and penalties for the violation of such rules and regulations and to fix the amount of the same. Such rules and regulations shall take effect ten days after their passage by said board, and after their publication for thirty days in at least five newspapers circulating in said county.

Officers.

Compensation of employees.

Powers of board.

Park police.

Said board shall also have authority to appoint and establish a constabulary to preserve order in the parks and parkways under its control, and to secure the enforcement of the rules and regulations passed and enacted by said board, and to organize said constabulary into a police system to be known as "The Park Police of the County of....." (inserting the name of said county), which police system shall consist of a chief and such subordinate officers as may be deemed necessary and proper for the enforcement of the rules and regulations of said board within said parks and parkways, and the proper protection of public property therein, and to establish proper rules and regula-

tions for the appointment, control and management of the members of such constabulary, and for the securing of proper discipline and efficiency among the members of the said constabulary. Members and officers of said park police shall have power to arrest, on view and without warrant, and conduct before the nearest police magistrate of the local municipality in which said arrest is made any persons found violating the rules and regulations enacted by said board for the protection, preservation, regulation and control of said parks and parkways, and all property and other things therein, and in addition shall have all the powers conferred by law on police officers or constables in the enforcement of the laws of this State and the apprehension of violators thereof. Every such board shall have a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such reasonable regulations as the board may determine.

Power to arrest without warrant.

Office.

2. This act shall take effect immediately.

Approved April 12, 1906.

CHAPTER 103.

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.

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

1. Amend section one of an act entitled "An act providing for the pensioning of school teachers in this State," approved March fifth, one thousand nine hundred and three, so that it shall read as follows:

Section amended.

1. Any teacher, principal or superintendent who shall have been employed in the public schools of this State

Teachers retired on half pay.

not less than thirty-five years shall, upon application to to the board of education, or by resolution of the board of education having charge of the schools of the district in 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 in the district in which he or she shall be retired.

Proviso.

Provision for payments.

2. The body having charge of the finances of said district shall make provisions for and the board of education shall make such payments at the same time and in the same manner as to teachers regularly employed.

3. This act shall take effect immediately.

Approved April 12, 1906.

CHAPTER 104.

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, nineteen hundred and three.

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

Section amended.

Section one hundred and twenty-one of said act shall be amended so as to read as follows:

Vaccination.

121. A board of education may exclude from school any teacher or pupil who shall not have been successfully vaccinated or revaccinated, unless such teacher or pupil shall present a certificate signed by a regularly licensed physician that such teacher or pupil is an unfit subject for vaccination; *provided,* that in any district having a medical inspector appointed by the board of education the certificate hereinbefore provided for shall be furnished by such medical inspector. No teacher or

Proviso.

pupil who shall be a member of a household in which a person shall be ill with small-pox, diphtheria, scarlet fever, whooping cough, yellow fever, typhus fever, cholera, measles or such other contagious or infectious disease as may be designated by the board of education, or of a household exposed to contagion as aforesaid, shall attend any public school during such illness, nor until the board of education shall have been furnished with a certificate from the board of health, or from the physician attending such person, or from a medical inspector, certifying that all danger of communicating such disease by such teacher or pupil has passed.

Teachers or pupils exposed to contagious disease shall not attend school.

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

Repealer.

Approved April 12, 1906.

CHAPTER 105.

AN ACT to alter and change the territorial area of the township of Boonton, in the county of Morris, by taking therefrom all that part of said township which is included within the corporate limits of the town of Boonton.

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

1. All that portion of the township of Boonton, in the county of Morris, included within the corporate limits of the town of Boonton, and described in "An act to incorporate Boonton, in the county of Morris," approved March eighteenth, eighteen hundred and sixty-seven, and the supplements thereto, approved March twenty-sixth, eighteen hundred and seventy-two, also the territory added thereto and embraced within the description in an ordinance of the town of Boonton, "Extending the corporation line of the town of Boon-

Part of Boonton township set off.

New Jersey State Library

ton," approved January fourth, nineteen hundred and four, and also the territory embraced within the description in an ordinance "Extending the corporation line of the town of Boonton," approved November eighth, one thousand nine hundred and five, as follows: Beginning at and including the house of Frederick Gunther, between the bridge over the falls and Powerville, on the westerly bank of the Rockaway river, to a point in the westerly side of the public road opposite the residence of formerly George Ellcock (now George Estler), and thence along the westerly side of said public road leading toward Old Boonton to the northerly corner of lands belonging to Ida Hanna (formerly Adam Taylor); thence along the northwesterly line of said lands and the southerly side of the road leading to Henry Ball's to the westerly corner of said lands; thence along the westerly line of said land to the most southerly corner thereof; thence along the southerly line thereof to the aforesaid westerly side of the road leading to Old Boonton; thence along said public road leading toward Old Boonton to a point where said road intersects the dividing line of lands of Charles A. Righter and Dudley B. Fuller and James Couper Lord; thence along said dividing line to the Rockaway river on the easterly shore thereof; thence in an easterly direction along the present corporation line to a point in the westerly line of Mandeville avenue, extended northerly from Washington street; thence in a line with and along the westerly side of Mandeville avenue to the line of land belonging to the Jersey City Water Supply Company; thence in a general easterly direction along the line of the Jersey City Water Supply Company's land to the division line between its lands and that belonging to Jeremiah Banta; thence along his line southerly and easterly to the middle of the Rockaway River and Montville Railroad; thence along said railroad in an easterly and northerly direction to the division line between Boonton and Montville townships; thence northerly along said township lines to the northerly line of lands formerly of William G. Lathrop; thence along said line and line of lands of John Capstick, John G. Ryerson and others,

and known as the Hog Mountain line, until it strikes a line drawn from the farm bridge of John L. Kanouse, over the Morris canal, to and including the residence of formerly William Adkins (now Eugene Gould), on the Taylortown road; thence following said line in a northerly direction to and including the said residence of Eugene Gould, on the Taylortown road; thence in a straight line to and including the former residence of David Douglass, on the summit of Sheep Hill; thence in a straight line to the place of beginning, be, and the same is hereby set off from the township of Boonton, in the county of Morris, and that the territory so set off shall not longer be part of the township of Boonton.

Repealer.

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

Approved April 12, 1906.

CHAPTER 106.

AN ACT to set off a part of the township of Rockaway, in the county of Morris, and annex such portion so set off to the township of Boonton, in said county of Morris.

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

Part Rockaway township annexed to Boonton township.

1. All that portion of the township of Rockaway, in the county of Morris, described as follows: namely, beginning at a point in the line between Rockaway and Boonton townships, where the division line between property of Peter F. Cook and Lewis Van Duyne lying west of the Tourne produced southerly will strike the line between said townships; thence northwesterly along said line and along the line between Cook and Van Duyne and beyond to the line between lands of Andrew

Decker and Samuel A. Blanchard; thence northeasterly along the line between lands of said Decker and Blanchard and continue so as to include the lands of Fred Decker, other lands of Andrew Decker, lands of Cyrus B. Dixon and Ezekiel Earles' meadow lot, to the south side of the road leading from Rockaway Valley tc Meriden; thence along the south side of said road to the west side of the road leading from Lyonsville to Meriden road; thence along the west side of the Lyonsville road so as to include the house of William Struble and along the west side of the road leading to George Peer's, to the line between property of Daniel Lyon and Monroe Howell; thence westerly along said line and easterly along Monroe Howell's land so as to include the same and beyond to the point where the line between Pequannock and Boonton townships intersects the easterly line of Rockaway township; and thence along the present division line between Boonton and Rockaway townships to the place of beginning, be, and the same is hereby set off from the township of Rockaway, in the county of Morris, and annexed to and made part of the township of Boonton, in said county of Morris.

2. This act shall take effect immediately.

Approved April 12, 1906.

CHAPTER 107.

AN ACT to set off a part of the township of Boonton, in the county of Morris, and annex such portion so set off to the town of Boonton, in said county of Morris.

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

Part Boonton township annexed to town of Boonton.

1. All that portion of the township of Boonton in the county of Morris, described as follows: Beginning at a point in the corporation line of the town of Boonton,

in the middle of the Rockaway river, where the same crosses said river (being also in the line dividing the townships of Boonton and Hanover); thence down the stream of said river along the line dividing the township of Hanover and the township of Boonton, the several courses thereof, to a point in the centre of said river where the westerly line of Montville township strikes said river; thence northerly along said westerly line dividing Montville and Boonton townships to the present corporation line of the town of Boonton; thence southerly following the present corporation line of said town of Boonton to the place of beginning, be and the same is hereby set off from the township of Boonton, in the county of Morris, and annexed to and made part of the town of Boonton, in said county of Morris.

2. This act shall take effect immediately.

Approved April 12, 1906.

CHAPER 108.

AN ACT concerning the election of city officers by the governing bodies in cities of this State.

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

1. Hereafter all officers to be elected by the common council or other governing body of any city in this State, shall be separately nominated and elected by separate ballot. Separately elected.

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

Approved April 12, 1906.

CHAPTER 109.

AN ACT providing for the incorporation of district (county) societies for the prevention of cruelty to animals.

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

Constituted a body politic.

1. Any district (county) society for the prevention of cruelty to animals that has been or may hereafter be duly organized according to the laws of this State shall, on and after the passage of this act, be and is hereby constituted and shall be constituted a body politic and corporate; *provided, however,* that this act shall not apply to any society aforesaid unless by authority of a special meeting held for the purpose, the president and secretary of such society shall file with the Secretary of State and with the clerk of the county wherein the district (county) society is located a certificate setting forth the society's acceptance of the provisions of this act, and enumerating the names of its officers and the name or title of the society, which name or title shall thereupon become and remain its corporate name.

Proviso.

Powers of society.

2. Any district (county)society that becomes incorporated by virtue of the provisions of this act shall be vested with the power to make by-laws, rules and regulations for the administration of its corporate business and for perpetuating its existence, including the power to provide for the election and selection of its members and such officers as such body corporate may from time to time require or desire.

Repealer.

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

Effective.

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

Approved April 12, 1906.

CHAPTER 110.

SUPPLEMENT to an act to provide for the appointment of a commission to revise and codify the law relating to master and servant, approved April third, one thousand nine hundred and five.

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

1. The commission, which was appointed under the provisions of the act to which this act is a supplement, is hereby given until the session of the next Legislature to file its report, revision or codification of the laws relating to master and servant, and for the necessary clerical help, and other expenses of the said commission, there is hereby appropriated the sum of one thousand dollars, or as much thereof as may be needed. Commission extended. Appropriation.

2. This act shall take effect immediately.

Approved April 12, 1906.

CHAPTER 111.

AN ACT to repeal an act entitled "A further supplement to an act entitled 'An act concerning disorderly persons' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight," approved March twenty-eighth, nineteen hundred and four.

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

1. The act entitled "A further Supplement to an act entitled 'An act concerning disorderly persons' (Revi- Act repealed.

sion of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight," approved March twenty-eighth, one thousand nine hundred and four, be and the same hereby is repealed.

2. This act shall take effect immediately.

Approved April 12, 1906.

CHAPTER 112.

A FURTHER SUPPLEMENT to an act entitled "An act to authorize cities of the first class in this State to provide annual excursions for children of the same," 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:*

Appropriate money for camps and recreation.

1. It shall be lawful for the municipal board having charge of the finances of any city of the first class in this State to appropriate, in addition to the annual appropriation provided for in the supplement to the act to which this is a further supplement, a sum of money not to exceed ten thousand dollars for the purpose of purchasing land for a site or sites and the erecting of the necessary buildings for the establishment of one or more permanent fresh-air camps, recreation piers or grounds, and the fixing up, equipping and furnishing of the same.

Repealer.

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

Approved April 12, 1906.

CHAPTER 113.

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.

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

PART I.

DEFINITIONS. Definitions.

1. As used in this act:

(1) The term "motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks. Motor vehicle.

(2) The term "motor cycle" includes only motor vehicles having pedals and saddle with driver sitting astride. Motor cycle.

(3) The term "automobile" includes all motor vehicles excepting motor cycles. Automobile.

(4) The word "magistrate" shall be deemed and understood to mean and include all justices of the peace, judges of the city criminal courts, police justices, recorders, mayors and all other officers having the power of a committing magistrate. Magistrate.

2. Automobile fire engines and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure or business, nor for the transportation of freight, such as steam road rollers and traction engines, are excepted from the provisions of this act. Fire engines, etc., excepted.

PART II.

THE CONSTRUCTION AND EQUIPMENT OF MOTOR VEHICLES.

Equipment.

3. Every motor vehicle must be equipped with a plainly audible signal trumpet.

Lamps.

4. (1) Every automobile shall carry, during the period from one hour after sunset to one hour before sunrise, and whenever fog renders it impossible to see a long distance, at least two lighted lamps, showing white lights, visible at least two hundred and fifty feet in the direction towards which said automobile is proceeding, and shall also exhibit one red light visible in the reverse direction. Upon the fronts of the two aforesaid lamps showing white lights shall be displayed, in such manner as to be plainly visible when such lamps are lighted, the number of the registration certificate issued as in this act provided, the same to be in Arabic numerals, not less than one inch in height.

Number on lamps.

Lamp on motor cycle.

(2) Every motor cycle shall carry, during the period from one hour after sunset to one hour before sunrise, and whenever fog renders it impossible to see a long distance, at least one lighted lamp, showing a white light visible at least two hundred feet in the direction toward which the motor cycle is proceeding.

Brakes.

5. Automobiles of more than ten horse-power shall be provided with at least two brakes, powerful in action and separated from each other, of which one brake must act directly on the drive wheels or on the parts of the mechanism which are firmly connected with the wheels. Each of the two brakes must suffice alone to stop the automobile within a proper time. One of the two brakes must be so arranged as to be operated with the foot; *provided, however,* that on automobiles not exceeding ten horse-power one brake will be sufficient.

Proviso.

Brake on motor cycle.

Motor cycles shall be provided with at least one brake, which may be operated by hand.

No chain on tire.

6. No motor vehicle tire shall be fitted with a chain when used upon gravel, macadam or other made roads, except upon natural dirt, asphalt, cobble, Belgium block

or vitrified brick pavements; *provided, however,* that tires may be fitted with a chain when used upon roads covered with a coating of at least one inch of snow or ice. Proviso.

7. Every motor vehicle must have devices to prevent excessive noise, annoying smoke and the escape of gas and steam, as well as the falling out of embers or residue from the fuel. Mufflers.

PART III.

DEPARTMENT OF MOTOR VEHICLE REGISTRATION AND REGULATION.

8. The Secretary of State shall forthwith organize in connection with the Department of State the department of motor vehicle registration and regulation. He shall provide suitable quarters for the same and shall furnish all necessary supplies and equipment for the proper enforcement of the provisions of this act. He shall approve all bills for disbursement of money under any of the provisions of this act, which shall be paid by the State Treasurer, upon the warrant of the Comptroller out of any appropriation regularly made therefor. Department of motor vehicles. Payments.

9. The assistant Secretary of State shall be ex-officio commissioner of motor vehicles, and shall have personal charge and supervision of the enforcement of the provisions of this act. The Secretary of State shall appoint a chief inspector of motor vehicles, who shall be chief clerk of the department, and who shall have practical knowledge of the mechanical arrangement and capabilities of all kinds of motor vehicles, and be capable to pass upon the efficiency of motor vehicles and the competency of motor vehicle drivers. The Secretary of State shall also appoint as many inspectors, not exceeding seven, as may be necessary in detecting violations of this act, in obtaining evidence of violations and otherwise assisting in the enforcement of the act. He shall also provide the clerical assistance necessary to carry into effect the provisions of this act. He shall fix the compensation of all inspectors, clerical assistants and others employed under this act; the salary of inspectors, how- Commissioner. Chief inspector. Assistants. Clerical help. Compensation.

ever, shall not exceed three dollars per day. The compensation of the commissioner of motor vehicles shall be fifteen hundred dollars per annum, in addition to any compensation he may receive by reason of any statute fixing the compensation of assistant Secretary of State, and that of the chief inspector shall be fifteen hundred dollars per annum.

Salary of commissioner and chief inspector.

Authority to register vehicle.

10. The commissioner of motor vehicles shall be authorized, and full power and authority are hereby given to him, to designate the chief of police and the lawful deputy of said chief of police of any municipality in this State, or any other proper person, to be the agent of the said commissioner of motor vehicles, for the registering of motor vehicles and issuing registration certificates, and for the examining of applicants for licenses to drive motor vehicles, and the granting of licenses to said applicants, subject to the requirements of this act and to such rules and regulations as shall be imposed by the commissioner; and any chief of police and deputy who may be so designated are hereby authorized and required to act according and until the said authority so to act is revoked by the said commissioner. The fee allowed such agent for registration certificates so issued by him, and for every license so granted by him, shall be fixed by the inspector of motor vehicles, the same to be retained from the registration fee or the license fee paid to him; *provided, however,* that every registration and registration certificate and every license to drive motor vehicles may be revoked by the said commissioner of motor vehicles for a violation of any of the provisions of this act, or on other reasonable grounds, after due notice in writing of such proposed revocation and the ground thereof, and if a driver of motor vehicles shall have had his license revoked, a new license granted to him within one year thereafter shall be void and of no effect unless it shall be granted by the said commissioner of motor vehicles in person; and if the registration or registration certificate of any motor vehicle shall have been revoked, a new registration made, or new registration certificate issued within one year thereafter shall be void and of no effect unless the new registration shall

Agents.

Retention of fees by agent.

Proviso.

As to revocation of license.

be made and the new certificate issued under the personal direction of the commissioner of motor vehicles.

Power to license motor driver.

11. The commissioner of motor vehicles shall be authorized, and full power and authority are hereby given to him, to license, at his discretion and upon payment of the lawful fee, any proper person of the age of sixteen years or over to be a motor-vehicle driver, said commissioner or his agent having first examined said person and being satisfied of his ability as an operator, which examination shall include a test of the knowledge on the part of the said person of such portions of the mechanism of motor vehicles as is necessary, in order to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant, and the said applicant having demonstrated his ability to operate a vehicle of the class designated; and the said commissioner of motor vehicles may, in his discretion, refuse to grant a license to drive motor vehicles to any person who shall, in the estimation of said commissioner, be an improper person to be granted such a license; and the said commissioner shall have power to grant a registration certificate to the owner of any motor vehicle, application for registration having properly been made and the fee therefor paid, and the vehicle being of a type that complies with the requirements of this act. But it shall be lawful for the said commissioner of motor vehicles to refuse registration to any vehicle that, in his estimation, is not a proper vehicle to be used upon public roads and highways of this State.

Examination.

May refuse to license driver,

or to register vehicle.

Collect data and report to Legislature.

12. The commissioner of motor vehicles shall have such powers and duties as are in this act given and imposed, and shall collect such data with respect to the proper restrictions to be laid upon motor vehicles, and the use thereof upon the public roads, turnpikes and thoroughfares, as shall seem to be for the public good, and under the direction of the Secretary of State shall report to each Legislature the operations of his office for the year ending on the next preceding thirty-first day of December. It shall be his duty to attend to the enforcement of the provisions of this act.

Official records.

13. The commissioner of motor vehicles shall keep a record of all his official acts, and shall preserve copies

of all decisions, rules and orders made by him, and shall adopt an official seal. Copies of any act, rule, order or decision made by him, and of any paper or papers filed in his office, may be authenticated under said seal, and when so authenticated shall be evidence equally with and in like manner as the originals, and said commissioner shall be empowered to communicate with the police departments and peace officers in the State for the purpose of and with the object of the proper enforcement of this act.

Seal.

Badge of office.

14. Motor vehicle inspectors may be appointed, as provided in section nine of this act, and shall be presented with a badge indicative of their office, and when wearing such badge on the left breast of the outermost garment shall have power to stop any motor vehicle and examine the same to see that it complies with the requirements of this act, whether in matter of equipment, identification or otherwise; to require the production of the license of the driver; to arrest, without warrant, for violations of this act committed in their presence, and generally to act as special officers for the enforcement of the provisions of this act and for the detection and arrest of those who violate or infringe upon the provisions hereof.

Arrest without warrant.

PART IV.

THE OPERATION OF MOTOR VEHICLES.

Unlawful drivers.

15. No person shall drive a motor vehicle, the owner of which vehicle shall not have complied with the provisions of this act concerning the proper registration and identification of the same; nor shall any person drive a motor vehicle which shall display on the front or back thereof a fictitious number, or a number other than that designated for such motor vehicle in the New Jersey registration certificate of such motor vehicle.

Annual statement filed.

16. (1) Every resident of this State who is the owner of an automobile, and every non-resident owner whose automobile shall be driven in this State, shall annually file in the office of the commissioner of motor vehicles, or with the lawful agent of said commissioner, a state-

ment in writing, containing the name and address of such owner, together with a brief description of the character of such automobile, including the name of the maker and the manufacturer's number of the automobile, if number there be, and the rated horse-power of the automobile, and shall pay annually to the commissioner of motor vehicles, or his lawful agent, a registration fee of three dollars for each motor vehicle having a rating of less than thirty horse-power, and five dollars for each motor vehicle having a rating of thirty horse-power or more; and if an automobile has two ratings of horse-power, the registration fee shall be based upon the highest rating. The commissioner of motor vehicles shall issue for each automobile so registered a certificate properly numbered, stating that such automobile is registered in accordance with this section, and shall cause the name of such owner, with his address, the number of his certificate, and the description of such automobile or automobiles, to be entered in alphabetical order of the owners' names in a book to be kept for that purpose; *provided, however,* that the commissioner of motor vehicles may refuse registration in the case of any automobile that shall not comply with the requirements of this act, or that shall seem to him unsuitable for use on the public roads and highways of this State. Each owner having a residence outside of the State shall file with the Secretary of State a duly executed instrument, constituting the Secretary of State and his successors in office the true and lawful attorney upon whom all original process in any action or legal proceeding for damages, caused by the operation of his registered motor vehicle within this State, against such owner may be served, and therein shall agree that any original process against such owner shall be of the same force and effect as if served on such owner within this State; the service of such process shall be made by leaving a copy of the same in the office of the Secretary of State with a service fee of two dollars to be taxed on the plaintiffs' costs of suit. Said commissioner of motor vehicles shall forthwith notify such owner of such service by letter directed to him at the post-office address stated in his application.

Registration fee.

Registration certificate issued.

Proviso.

Non-resident's attorney.

Service of process.

Upon any and every transfer of a registered automobile by the owner thereof, in whose name the same is registered, the said registration and certificate thereof shall forthwith be and become void; but the same may be validated by the endorsement of the commissioner of motor vehicles, the purchaser having made written application therefor and paid a transfer fee of one dollar.

Registration certificate good for one year.

Every registration shall expire and the certificate thereof become void at the expiration of one year from the date thereof, subject to renewal by the commissioner of motor vehicles upon the filing of the proper statement and the payment of the registration fee by the owner of the automobile.

Fee for motor cycle.

(2) Every resident who is the owner of a motor cycle, and every non-resident whose motor cycle shall be driven in this State, shall pay an annual registration or license fee of one dollar for such motor cycle, which shall include the right of such person to drive such motor cycle within this State without an examination of his ability to run

Examination.

motor cycle, unless such an examination be required by the commissioner of motor vehicles; and such owner shall be given a registration certificate, in which shall be designated the proper registration number, and such certificate shall be valid for a term of one year from the date thereof, unless revoked by the commissioner of motor vehicles, or as otherwise provided by this act.

Numbers for dealers and makers.

(3) Every manufacturer of or dealer in automobiles, instead of registering each automobile owned or controlled by him, may make application, as hereinbefore provided in this section, for a registration number, and the written statement, in addition to the matters hereinbefore contained, shall state that he is a manufacturer or dealer, as the case may be, and that he desires to use a single number for all automobiles owned or controlled by him; and thereupon the commissioner of motor vehicles, if satisfied of the facts stated in said application, shall issue a certificate, as hereinbefore set forth, assigning the same a number as hereinbefore set forth, which certificate shall contain the statement that the same is issued to the applicant as a manufacturer or dealer, as the case may be, and that one certificate shall cover and

be valid for all automobiles owned or controlled by such manufacturer or dealer until sold or let for hire, or loaned for a period of not more than five successive days. All such automobiles shall be regarded as registered under such general number; *provided*, and if, in addition to the registration number displayed on the front and back of the car, as hereinafter provided, there shall be added the letter "M," of equal size and prominence; *and provided, further*, that not more than five automobiles, owned or controlled by the same manufacturer of or dealer in automobiles, shall be in operation at the same time under the same number. The fee for every such manufacturer's or dealer's certificate shall be twenty dollars.

Proviso.

Proviso.

Fee.

(4) No registration or registration certificate made or issued under any former act shall be valid after July first, nineteen hundred and six.

Expiration of former certificates.

17. No person shall hereafter drive an automobile upon any public street, public road or turnpike, public park or parkway, or public driveway or public highway in this State unless licensed to do so in accordance with the provisions of this act. No person under the age of sixteen years shall be licensed to drive automobiles, nor shall any person be licensed to drive automobiles until said person shall have passed a satisfactory examination as to his ability as an operator, which examination shall include a test of the knowledge on the part of said person of such portions of the mechanism of automobiles as is necessary in order to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant. Licenses and fees therefor shall be rated according to the horse-power of automobiles and shall be granted for the period of one year; and the license, for one year from the date thereof, shall entitle the licensee to drive any registered automobile of the class for which it is granted, or of a class of a smaller horse-power. Automobiles of a horse-power not exceeding one horse-power shall be rated class 1, and in like manner the class of every automobile shall be determined by the number of horse-power of the vehicle, and the annual fee for a license to drive any automobile of a rating of less than

Driver must be licensed.

Age limit.

Examination.

Ratings.

License fee for drivers.

thirty horse-power, shall be one dollar, and to drive any automobile having a rating of thirty horse-power or more shall be two dollars, and if an automobile shall have two ratings of horse-power, the license fee shall be based upon the higher rating. When an automobile driver, upon passing a satisfactory examination, shall have been once granted a license hereunder, no further examination shall be required for a renewal of the said license, unless the commissioner of automobiles shall deem it necessary; *provided, however*, it shall be lawful for the commissioner of motor vehicles at his discretion to issue to any person a written permit, under the hand and seal of said commissioner, allowing the said person, for the purpose of fitting himself to become a motor vehicle driver, to operate a motor vehicle for a specified period of not more than three weeks, while in the company and under the supervision of a licensed motor vehicle driver; and such permit, under the hand and seal of the commissioner of motor vehicles, shall be sufficient license for the said person to operate a motor vehicle in this State during the period specified, while in the company of and under the control of a licensed motor vehicle driver of this State, and *provided further,* that the said person, as well as such licensed motor vehicle driver, shall be held accountable for all violations of this act committed by the said person while in the presence of such licensed motor vehicle driver.

Proviso.

Proviso.

Maximum power.

18. Each license to drive an automobile shall specify the maximum horse-power of the automobile allowed to be driven thereunder, and shall have endorsed thereon in the proper hand-writing of the licensee the name of said licensee. And said licensee when thereupon requested by any motor vehicle inspector or magistrate, while in the performance of the duties of his office under this act, shall exhibit said license to said officer and write his name in the presence of said officer, to the end that he may thereby determine the identity of said licensee.

Signature.

Exhibit license on request.

Driver sober.

19. No intoxicated person shall drive a motor vehicle.

Consent given.

20. No person shall drive a motor vehicle without the consent of the owner.

PART V.

IDENTIFICATION MARKS OF MOTOR VEHICLES.

Number displayed.

21. The owner of each and every automobile which shall be driven upon the public streets, public roads, turnpikes, parks, public parkways, public driveways or public highways in this State shall have the number of the registration certificate, issed as in this act provided, upon both the front and back of every such automobile, stationary, in a conspicuous place, the bottom of which shall be at least fifteen inches and not more than thirty-six inches above the level of the ground, kept clear and distinct and clean of grease, dust or other blurring matter, so as to be plainly visible at all times during daylight; such number to be separate Arabic numerals and not less than four inches in height, the strokes to be in width not less than one-half an inch; and there shall not be placed upon the front or rear of said vehicle any other numbers; and when the number of the registration certificate shall include a letter or letters, such letter or letters are to be not less than four inches in height, and the strokes to be not less than one-half of an inch in width.

PART VI.

USE OF ROADS AND HIGHWAYS.

Keep to the right.

22. (1) Drivers of motor vehicles, whether of burthen or of pleasure, using any of the turnpikes or public roads in this State, when met by another motor vehicle, or by a carriage, sleigh, or sled, shall keep to the right, and when overtaken by another motor vehicle, carriage, sleigh or sled they shall likewise keep to the right, so as and when overtaken by another motor vehicle, carriage, sleigh or sled, either met or overtaken, to pass uninterrupted.

Compliance with law sufficient.

(2) No owner of purchaser or driver of a motor vehicle who shall have complied with the requirements and provisions of this act shall be required to obtain any other license or permit to use or operate the same, nor shall such owner or purchaser or driver be excluded or

prohibited from or limited in the free use thereof, nor limited as to speed upon any public street, avenue, road, turnpike, driveway, parkway or other public place, at any time, when the same is or may hereafter be opened to the use of persons having or using other carriages, nor be required to comply with other provisions or conditions as to the use of said motor vehicle, except as in this act provided; *provided, however*, that nothing in this section contained shall be construed to apply to or include any speedway created and maintained in pursuance of an act of the Legislature of the State of New Jersey entitled "An act to provide for the construction and maintenance of speedways in the counties of this State," approved March nineteenth, one thousand nine hundred and two; nor to any parks or parkways created and maintained in accordance with an act of the Legislature of the State of New Jersey entitled "An act to establish public parks in the counties of this State and to provide for the acquirement, improvement and regulation of the same," approved March twentieth, one thousand, nine hundred and one. No city, town, township, borough or other municipality shall have power to make any ordinance, by-law or resolution limiting or restricting the use or speed of motor vehicles, and no ordinance, by-law or resolution heretofore or hereafter made by any city, town, township, borough or other municipal or local authority by whatever name known or designated in respect to or limiting the use or speed of motor vehicles shall have any force, effect or validity.

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State authority paramount.

No racing.

(3) No person shall drive a motor vehicle upon any public street, public highway, public road, public parkway, turnpike or public driveway in this State in a race or on a bet or wager.

In case of accident.

(4) Every driver of a motor vehicle after knowingly causing an accident by collision or otherwise knowingly injuring any person, horse or vehicle shall forthwith bring his motor vehicle to a full stop, return to the scene of accident and give to any proper person demanding the same his name, the number of his driver's license and the registration number of the motor vehicle, and the names and residences of each and every male occupant of said motor vehicle.

PART VII.

PROVISIONS CONCERNING SAFETY OF TRAFFIC.

Rates of speed.

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

On curves and crossings.

(1) A speed of one mile in seven minutes upon the sharp curves of a street or highway or when turning a corner, and a speed of one mile in four minutes at the junction or intersection of a prominent cross-road where such a street, road or highway passes through the open country. The term "open country" meaning where houses are an average more than one hundred feet apart.

"Open country."

In built-up communities.

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

Near horses.

(3) A speed of one mile in four minutes within two hundred feet of any horse or other beast of draught or burden upon the same street or highway; *provided, however,* that such speed, not exceeding twenty miles per hour, shall be lawful in the open country as may be necessary in order to pass a vehicle traveling in the same direction, but the speed shall be diminished forthwith if necessary to comply with the provisions of this act.

Proviso.

Maximum speed.

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

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speed of motor vehicles shall not apply to any speedway built and maintained for the exclusive use of motor vehicles, if the said speedway at no point crosses any public street, avenue, road, turnpike, driveway or other public thoroughfare or any railroad or railway at grade, the said speedway having been constructed with the permission of the commissioners or the board of freeholders, as the case may be, of the county or counties in which said speedway shall be located; and *provided further*, that every person driving a motor vehicle shall, at request or upon signal by putting up the hand or otherwise from a person riding or driving a horse or horses in the opposite direction, cause the motor vehicle to stop and remain stationary so long as may be necessary to allow said horse or horses to pass.

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Detention of physicians.

24. If a physician shall have his motor vehicle stopped for exceeding the speed limit while he is in the act of responding to an emergency call, the registration number of the vehicle and the driver's license number may be inspected and noted, and the physician shall then be allowed to proceed in the vehicle to his destination, and subsequently such proceedings may be taken as would have been proper had the person violating the provisions as to speed not been a physician.

Motors used by military exempt.

25. Motor vehicles belonging to the military establishment, while in use for official purposes in time of riot, insurrection or invasion, are exempt from the provisions of this act pertaining to speed.

PART VIII.

PROCEEDINGS.

Warrant issued upon complaint.

26. (1) A complaint having been made in writing and duly verified, that any person has violated any of the provisions of this act, any magistrate of the county, or recorder or police magistrate of any municipality, in which the offense is committed may, within thirty days after the commission of said offense, issue either a summons or a warrant directed to any constable, police officer, the inspector of motor vehicles or the commissioner of motor vehicles of this State, for the appearance

or arrest of the person so charged; and the magistrate shall state what section or provision of this act has been violated by the defendant, and the time, place and nature of said violation, and upon the return of said summons or warrant the said magistrate shall proceed, in a summary way, to hear and determine the guilt or innocence of such person, and upon conviction, may impose upon the person so convicted the penalty, by this act prescribed, together with the costs of prosecution for such offense.

Hearing.

(2) Such magistrate, upon receiving complaint in writing, duly verified, of the violation of any provision of this act by any corporation, is hereby authorized and required to issue a summons directed to any constable, police officer, the inspector of motor vehicles, or the commissioner of motor vehicles, of this State, requiring such corporation to be and appear before said magistrate on a day therein named, to answer to said complaint, which said summons shall be served on the president, vice-president, secretary, superintendent or manager of such corporation, or the agent upon whom other process against it may be served, at least five days before the time of appearance mentioned therein, and thereafter all proceedings shall be the same as against individuals, except where a different procedure is provided by this act.

Proceedings against a corporation.

Upon whom summons served.

27. Any hearing to be held pursuant to this act shall, on the request of the defendant, be adjourned for a period not exceeding thirty days from the return day named in any summons, or from the return of any warrant, or from the date of any arrest without warrant, as the case may be, but in such case it shall be the duty of the magistrate to detain the defendant in safe custody, unless he shall make a cash deposit or enter into a bond to the State of New Jersey, with at least one sufficient surety (unless said defendant shall himself qualify and justify, in real estate security situate in this State, in twice the amount fixed by said magistrate for bond with a surety), to or in an amount not exceeding five hundred dollars, conditioned for his appearance on the day to which the hearing may be adjourned, and thence from

Adjourned hearing.

Defendant held.

If bond forfeited.

day to day, until the case is disposed of; and such bond, if forfeited, may be prosecuted by the commissioner of motor vehicles in any court of competent jurisdiction; and such cash deposit, if forfeited, shall be paid to said commissioner of motor vehicles by said magistrate with whom the same shall have been deposited, to be by said commissioner disposed of as are other moneys coming to his hands under the provisions of section thirty-seven

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of this act; *provided, however*, that in lieu of said bond or cash deposit the person under arrest may leave with the magistrate the motor vehicle owned or driven by the said person.

Appeal may be taken.

28. The defendant in any proceeding instituted under this act may appeal from the judgment or sentence of the magistrate to the Court of Common Pleas of the county in which such proceeding shall have taken place;

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provided, the said defendant shall, within ten days after the date of said judgment, deliver to the magistrate a bond to the State of New Jersey, with at least one sufficient surety, or make a cash deposit with him of such amount as the magistrate shall direct, not exceeding the amount of five hundred dollars (unless said defendant can himself qualify and justify in real estate security in this State in twice said amount), conditioned to stand to and abide by such further order or judgment as may

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thereafter be made against the said party; and *provided further*, that if the said magistrate shall have imposed a sentence of imprisonment, the defendant, if he does not duly appeal, shall be imprisoned forthwith upon the imposing of said sentence; but that an appeal, properly taken in accordance with the provisions of this act, shall be a stay of and upon the enforcement of a sentence of imprisonment, whether the execution of such sentence shall have been entered upon or not, as well as of such

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other judgment as may be pronounced; and *provided further*, that in lieu of the appeal bond in this section specified, and of the cash deposit therein provided for, the defendant may leave with the magistrate the motor vehicle owned or operated by the said defendant; and

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provided further, that if said defendant shall, after the rendition of said judgment or sentence, announce to

said magistrate his intention to appeal therefrom, and either give the bond, make the deposit or leave the motor vehicle as herein provided, he shall have ten days from the date of the rendition of said judgment or sentence within which to complete his appeal, during which said ten days the execution of whatever sentence or judgment shall have been rendered, whether of imprisonment or fine, shall be stayed, and in case said defendant shall fail to complete his appeal within said ten days, the like proceedings may be had as would by the provisions of this act follow an appeal taken and a judgment of affirmance thereupon.

All papers and money sent to court when appeal taken.

29. Whenever an appeal shall be taken as aforesaid it shall be the duty of the magistrate to send all papers and all money, if any, deposited according to the provisions of this act, and all money paid for costs of prosecution, together with a transcript of the proceedings in the case, to the next Court of Common Pleas, of the said county, which court shall, de novo, and in a summary way, try and determine all such appeals, and in case the judgment or sentence of the magistrate shall be reversed on such appeal, the said Common Pleas Court shall order the return of all money deposited as aforesaid, and all costs of prosecution paid by said defendant, to said defendant.

Trial.

Proceedings instituted at any time.

30. Proceedings under this act may be instituted on any day of the week, and the institution of such proceedings on Sunday shall be no bar to the successful prosecution of the same; and any process served on Sunday shall be as valid as if served on any other day of the week.

Prosecutions in name of State.

31. All proceedings for the violation of the provisions of this act shall be entitled and shall run in the name of the State of New Jersey, with the commissioner of motor vehicles or a motor vehicle inspector, or a police officer, or a constable, or such other person as shall by complaint institute the proceedings as prosecutor; and any magistrate may, at his discretion, refuse to issue a warrant on the complaint of any person other than the commissioner of motor vehicles or a motor vehicle inspector, until a sufficient bond to secure costs shall have been executed and delivered to the said magistrate.

Magistrate's discretion.

Who have power of arrest.

32. (1) Any constable, or police officer, or motor vehicle inspector or the commissioner of motor vehicles is hereby authorized to arrest without warrant any person violating in the presence of such constable, or police officer or motor vehicle inspector or the commissioner of motor vehicles any of the provisions of this act, and to bring the defendant before any magistrate of the county where such offense is committed. The person so offending shall be detained in the office of the magistrate until the officer making such arrest shall make oath or affirmation, which he shall do forthwith, declaring that the person under arrest has violated one or more of the provisions of this act, and specifying the provision or provisions violated, whereupon said magistrate shall issue a warrant returnable forthwith, and the said magistrate shall proceed summarily to hear or postpone the case as provided in sections twenty-six and twenty-seven of this act.

Detention of person arrested.

Production of license.

(2) Any person arrested for a violation of any of the provisions of this act shall, upon demand of the magistrate hearing the complaint against said person, produce his license for inspection, and if said person shall fail to produce his license, or to give a satisfactory excuse for its non-production, he shall, in addition to any other penalties imposed by said magistrate, be subject to a fine of not more than twenty-five dollars.

Penalty.

Where summons valid.

33. A summons or warrant issued by any magistrate in accordance with the provisions of this act shall be valid throughout the State, and any officer who has power to serve the said summons, or to serve said warrant and make arrest thereon in the county where the same shall have been issued, shall have like power to serve said summons and to serve said warrant and make arrest thereon in any of the several counties of this State.

May be taken to county where alleged offense occurred.

If any person shall be arrested for a violation committed in the county other than that in which the arrest shall take place, the person so arrested may demand to be taken before a magistrate of the county in which the arrest may have been made for the purpose of making a cash deposit or of entering into a recognizance with sufficient surety; whereupon the officer serving the said

warrant shall take the person so apprehended before a magistrate of the county in which the arrest shall have been made, who shall thereupon fix a day for the matter to be heard before the magistrate issuing the said warrant, and shall take from the person apprehended a cash deposit or recognizance to the State of New Jersey with sufficient surety or sureties for the appearance of the said person at the time and place designated in accordance with the provisions of section twenty-seven of this act; the cash deposit or recognizance so taken shall be returned to the magistrate issuing the warrant, to be retained and disposed of by him as by this act provided.

Recognizance.

34. The same fees shall be allowed the magistrate and officers making an arrest or serving a summons in proceedings under this act as are allowed for like services in the small cause court and shall be paid by the defendant if the defendant be found guilty of the charge laid against him, but if, on appeal, said judgment be reversed, said costs shall be repaid to said defendant as hereinbefore provided. If the defendant be found not guilty of the charge or charges laid against him, then the costs must be paid by the prosecutor, except that when in such instances the commissioner of motor vehicles or the inspector of motor vehicles shall have been prosecutor, then the costs laid upon the prosecutor shall be paid by the commissioner of motor vehicles from the moneys remaining in his hands from the payment of registration fees, license fees or otherwise. In case of the reversal of any judgment on appeal the costs of the magistrate and on appeal shall be borne and paid by the unsuccessful party.

Fees allowed.

As to costs.

PART IX.

PUNISHMENTS AND PENALTIES.

35. Any person who shall be convicted of violating the provisions of sections fifteen and twenty-one of this act shall be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided*, that any

Penalties for unlawful driver or number.

Proviso.

offender who shall be convicted of a second offense of the same violation may be fined in double the amount herein prescribed for the first offense, and may, in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding twenty days;

Proviso. *provided, further*, that the penalties above prescribed shall not apply to the display of a fictitious number.

Fictitious number. Any person convicted of displaying a fictitious number as prohibited by section fifteen, or of violating the provisions of sections seventeen, nineteen or twenty of this act, shall be subject to a fine not exceeding five hundred dollars, or to imprisonment in the county jail for a period not exceeding sixty days.

Accident. Any person who shall be convicted of a violation of sub-division four of section twenty-two of this act, shall be subject to a fine not exceeding two hundred and fifty dollars, or to imprisonment in the county jail for a period not exceeding thirty days.

Section sixteen. Any person who shall be convicted of the violation of section sixteen of this act shall be subject to a fine not exceeding one hundred dollars.

Racing or exceeding speed rate. Any person who shall be convicted of the violation of sub-division three of section twenty-two, or of section twenty-three of this act, shall for the first offense be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not ex-

Proviso. ceeding ten days; *provided*, that any offender who shall be convicted of a second or any subsequent offense of the same violation may be fined in double the amount herein prescribed for the first offense, or imprisoned in the county jail for a period not exceeding twenty days, and in addition to such penalties the license of said

Proviso. offender shall be revoked; *provided further*, that nothing herein contained shall prevent a revocation of license for the first offense, or for the violation of any other provision of this act.

Any person who shall be convicted of violating any of the following-named provisions of this act shall be subject to the penalties herein specified:

Horn; lamps. Of sections three, four or eighteen, a fine not exceeding ten dollars.

Chain tire.

Of section six, a fine not exceeding fifty dollars.

Right of road.

Of subdivision one of section twenty-two, a fine not exceeding twenty-five dollars.

Revocation of license.

36 It shall be lawful for a magistrate before whom any hearing under this act shall be had, to revoke the license of any person to drive motor vehicles when such person shall have been guilty of such willful violation of the provisions of this act as shall in the discretion of the said magistrate justify such revocation, but an appeal of the matter to the Court of Common Pleas shall act as a stay upon the said revocation, and the Court of Common Pleas upon the appeal of the said matter shall have the power to void the said revocation; and the commissioner of motor vehicles shall at all times have the power to validate a license that has been revoked, or to grant a new license to any person whose license to drive motor vehicles shall have been revoked.

Appeal as stay.

Commissioner may validate license revoked.

Justice of Supreme Court may review complaint, etc.

It shall be lawful for the justice of the Supreme Court holding the circuit in each of the counties of this State, upon application made to him by a verified petition for that purpose by any person against whom a judgment or sentence for the violation of any of the provisions of this act shall have been rendered, who may desire to have the legality of his conviction reviewed or the reasonableness of the sentence or penalty imposed, to order the said complaint, process, proceedings, evidence and record of conviction to be forthwith brought before him, that the legality of such proceedings and sentence, or judgment, or the reasonableness of the sentence or penalty may be summarily reviewed and determined; and if such proceedings and sentence or judgment shall thereupon be found to be illegal, or the sentence or penalty be unreasonable, forthwith to set aside the same and to order the remission or reduction of any fine and costs that may have been imposed or the discharge of any offender from custody.

PART X.

MISCELLANEOUS.

All moneys to accrue to State for repair of roads.

37. Moneys received in accordance with the provisions of this act, whether from fines, penalties, registration

fees, license fees or otherwise, shall be accounted for and forwarded to the commissioner of motor vehicles, and by him paid over to the Treasurer of the State of New Jersey to be appropriated annually to the Commissioner of Public Roads, to be used as a fund for the repair of the improved roads throughout the State, and to be by the said commissioner apportioned once each year among the several counties of this State according to the mileage of improved roads in each county, the share apportioned each county to be used for the repair of improved roads in that county under the direction of the Commissioner of Public Roads or his authorized representatives, and to be paid in the same manner as State funds are paid for the improvement of public roads under the act entitled "An act to provide for the permanent improvement of public roads in this State."

Cautionary signs.

38. The Commissioner of Public Roads shall be authorized, and full power and authority are hereby given to him to have erected at such points throughout the State as to him shall seem necessary, cautionary warnings of dangerou crossings, steep declivities or other irregularities or perils of the roadway, at a cost, however, not to exceed, in the aggregate, three thousand dollars.

Sale of motor vehicle deposited as security.

39. When any motor vehicle shall have been deposited under this act in lieu of bond, the said motor vehicle shall be held the property of the State of New Jersey, subject to the same conditions as would govern the bond under like circumstances, and may be redeemed by the person depositing the same upon delivery of the requisite bond or upon paying such fine and submitting to such penalty as may be imposed; and unless the motor vehicle so deposited in lieu of bond shall be redeemed within ten days next following the date of the final determination of the matter, it shall be lawful for the commissioner of motor vehicles to sell the same at public auction and apply the net proceeds of said sale (the expenses of the matter having been deducted), as set forth in section thirty-seven hereof.

Invalidity of section not to void act.

40. In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same

shall not be held to affect any other section or provision of this act.

In effect.

41. This act shall take effect on July first, one thousand nine hundred and six; *provided, however*, that the organization of the department of motor vehicle registration and regulation shall be effected forthwith, and the registration of motor vehicles and licensing of drivers hereunder may be permitted for the convenience of owners and drivers of motor vehicles at such date earlier than the said July first, one thousand nine hundred and six, as the commissioner of motor vehicles may designate.

Proviso; organization of motor vehicle department.

Justice of peace not to act in city.

42. Nothing in this act hall be construed to give jurisdiction to justices of the peace in any city having a police justice or recorder's court.

Repealer.

43. All acts and parts of acts contrary to and inconsistent herewith are hereby repealed.

Approved April 12, 1906.

CHAPTER 114.

A Supplement to an act entitled "An act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an act entitled 'An act to regulate the sale of intoxicating and brewed liquors,' passed March seventh, one thousand eight hundred and eighty-eight," approved March twentieth, one thousand eight hundred and eighty-nine.

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

Section amended.

1. Section one of the act to which this act is a supplement is hereby amended so that the same shall read as follows:

License to sell less than quart.

1. Hereafter no license to keep an inn or tavern, or to sell spirituous, vinous, malt or brewed liquors in quan-

tities less than one quart, shall be granted by any court, excise board, or other board or authority having power by law to grant license, except upon payment, by the applicant or licensee, of a license fee as hereinafter mentioned; that is to say, in all townships, towns, boroughs, villages, or cities having by the census last preceding the granting of such license a population of not more than three thousand, a license fee of not less than one hundred dollars; in all townships, towns, boroughs, villages or cities having by such census a population exceeding three thousand and not exceeding ten thousand, a license fee of not less than one hundred and fifty dollars; and in all townships, towns, boroughs, villages or cities having by such census a population exceeding ten thousand, a license fee of not less three hundred dollars. No license shall be granted for a longer period than one year, and any person selling, or offering or exposing for sale, any of the liquors aforesaid, in quantities less than one quart, without a license for that purpose first had and obtained, shall be guilty of the offense of keeping a disorderly house.

Minimum fees.

$100.

$150.

$300.

Term.

Section amended.

2. Section three of the act to which this act is a supplement is hereby amended so that the same shall read as follows:

Application for license must state.

3. Applications for such license as is mentioned and referred to in the second section of this act shall be made, in each municipality, to the same body as applications for license to sell any of said liquors by less measure than one quart are or shall be required by law to be made, which applications shall be written or printed, or partly written and printed, signed by the applicant and specifying the kind or kinds of liquor, or liquors, to be sold, and stating the township, town, borough or city, and the building or place therein, in which the sale of such liquors is to be carried on; the body to which any such application is presented may, on the presentation thereof, or at some other time to which the same may be deferred, in its discretion, grant or refuse such application for license; such license, if granted, shall not be granted for a longer period than one year, nor except upon payment, by the licensee, of a license fee as herein-

License may be granted or refused.

after provided; that is to say, in all townships, towns, boroughs or cities having by the census last preceding the granting of such license a population of not more than three thousand, a license fee of not less than one hundred dollars; in all townships, towns, boroughs, villages or cities having by such census a population exceeding three thousand and not exceeding ten thousand, a license fee of not less than one hundred and fifty dollars; and in all townships, towns, boroughs, villages or cities having by such census a population exceeding ten thousand, a license fee of not less than five hundred dollars. No license shall be granted for a longer period than one year, and any person selling, or offering or exposing for sale, any of the liquors aforesaid, in quantities less than one quart, without a license for that purpose first had and obtained, shall be guilty of the offense of keeping a disorderly house; and no license to keep an inn or tavern shall be granted to any person who is not a citizen of the United States and who has not been a resident of the city, town, township or other municipality wherein said inn or tavern exists for at least one year.

Maximum fees.

$500.

Licensee a citizen.

3. Section ten of the act to which this act is a supplement is hereby amended so that the same shall read as follows:

Section amended.

10. If the holder of any such license as is mentioned and referred to in the first three sections of this act, shall contrary to law sell, or offer for sale, barter, or give, or suffer to be sold, or offered for sale, bartered or given, within his tavern, beer shop, liquor saloon, or other premises, any spirituous, vinous, malt or brewed liquors, on the first day of the week, commonly called Sunday, or shall give, or sell, or offer to be given or sold, any such liquors, to any minor, or apprentice, contrary to law, or shall sell, or furnish, any of the liquors aforesaid, to any person known in the neighborhood to be of confirmed intemperate habits, or who is visibly under the influence of intoxicating liquors, or shall keep a disorderly house, or shall harbor drunken persons, vagrants, idle and vicious persons, thieves, gamblers, prostitutes or other disorderly persons, or shall suffer

Violations which will forfeit license.

Sunday selling.

To intemperate persons.

To disorderly persons.

No gambling. gambling or unlawful game of chance or other unlawful acts to be done or carried on in his tavern, beer shop, liquor saloon, or other premises, or shall sell, give or deliver any spirituous, malt, brewed or other intoxicating liquors to any minor under the age of twenty-one years for himself, herself or to any such minor for any other person, or shall permit any boy or girl under twenty-one years of age to lounge in or frequent the same, or shall violate any law of the State regulating the sale of intoxicating liquors, his license shall thereby, upon conviction, become forfeited and void, and upon complaint of any two persons resident in the township or municipality wherein such license is used and exercised, verified by the oath of such complainant, being presented to the court or other body by which the license to the person complained against was granted, alleging that any such license as aforesaid has become forfeited and void, and specifying the acts complained of which shall be alleged to have worked such forfeiture, it shall be the duty of the court or other body to which such complaint may be presented, forthwith to cause to be indorsed on such complaint an order that the person complained against show cause before such court or other body granting such license, at a time and place to be specified in such order, not less than ten, nor more than thirty days from the making thereof, why his license should not be declared forfeited and revoked; said complaint and order shall be filed with the court or other body making the same, and a copy thereof served upon the person complained against, personally, or by leaving the same at his residence or his tavern, beer shop, liquor saloon or other licensed place, at least five days before the return of said order; and a copy thereof shall also be served upon the owner of the premises, either personally or by leaving the same at his residence, if in this State, or if not so resident, by publication in some newspaper printed and published in the municipality wherein the premises are situate, if any such there be, and if not, then in some newspaper printed and published in the county wherein said municipality is situate, and a copy thereof mailed to such owner at his post-office

To minors.

Making complaint against seller.

Order to show cause.

Service of complaint.

address, if the same can be ascertained, at least five days before the return of said order; and all such complaints shall be heard in a summary way, the burden of proof being upon the complainant, and either party may have the attendance of, and be represented and heard by counsel; if, on such hearing, the defendant shall be found guilty of the offenses specified in said complaint, or any of them, judgment shall be rendered that the license theretofore granted such person be declared forfeited and void, and that the same is revoked and annulled; and in case the defendant be found not guilty the order to show cause shall be discharged; in case a license be revoked, the person to whom the same was granted shall be disqualified for one year from receiving a license in this State, and for the same period no license shall be granted to sell spirituous, vinous, malt or brewed liquors in the premises for which the forfeited license was granted; the court or body making such order to show cause may require the complainant to file a stipulation for costs, and the costs of such hearing shall be paid by the defendant, if found guilty, and by the complainant if the rule or order to show cause be discharged; costs to be ascertained and determined by the court or body before which the hearing shall take place; the remedy provided in this section is in addition to the other penalties provided by law.

Summary hearing.

Judgment given.

As to costs.

4. Section eleven of the act to which this act is a supplement, and which was amended by an act approved March eighth, nineteen hundred and five, is hereby further amended so as to read as follows:

Section amended.

11. No license shall be granted to sell spirituous, vinous, malt or brewed liquors by less measure than one quart in any store, shop, apartment, or place in which a grocery or other mercantile business (excepting the keeping of a restaurant, or the sale of tobacco and cigars by retail) is carried on, or in any new place within two hundred feet of the curtilage of a church edifice, schoolhouse, or armory, measured between the nearest point of the same and nearest point of the building wherein such liquors, or any of them, are intended to be sold; or if not in an inn and tavern, or a hotel having at least

When licenses not granted.

Within 200 feet of church, school, armory.

As to hotels and restaurants.

ten spare rooms and beds for the accommodation of boarders, transient and travelers, or a restaurant where the business of furnishing meals to the public, for compensation, is regularly carried on, and which restaurant is conducted and operated on more than one floor or story of the building where such business is carried on, or a picnic or recreation ground, or a building with a bowling alley, or a building entirely occupied by a regularly-organized club or association, in any place, except in a bar or business room, upon the ground floor or basement of a building on a public street.

Clubs and bowling alleys.

Unobstructed view of interior bar-room.

If not in an inn and tavern, or a hotel having at least ten spare rooms and beds for the accommodation of boarders, transients and travelers, or a restaurant where the business of furnishing meals to the public, for compensation, is regularly carried on, and which restaurant is conducted and operated on more than one floor or story of the building where such business is carried on, or a picnic or recreation ground, or a building with a bowling alley, or a building entirely occupied by a regularly-organized club or association, no spirituous, vinous, malt, brewed or other intoxicating liquors shall be sold or served under such license in any room, except in such bar or business room, and the clear interior view of the whole of said bar or business room (except for toilet purposes) shall be in no way obstructed by a screen, non-transparent glass, shade, blind, door, shutter or merchandise, or any other article placed in any of said rooms. The court, excise board, or other board or authority having power by law to grant licenses in any municipality of this State, if said license is not in an inn and tavern, or a hotel having at least ten spare rooms and beds for the accommodation of boarders, transients and travelers, or a restaurant where the business of furnishing meals to the public, for compensation, is regularly carried on, and which restaurant is conducted and operated on more than one floor or story of the building where such business is carried on, or a picnic or recreation ground, or a building with a bowling alley, or in a building entirely occupied by a regularly-organized club or association shall upon the days and times when

the sale of liquors or other intoxicating drinks is by law prohibited to be sold, may at any or all other times, require that the entire interior of such bar or business room in which such liquors and other intoxicating drinks are sold and served shall, during the entire prohibited time, or may at any or all other times, as may be required by such authority, be open to full view from the public street; and upon the making of an order to that effect by the court, excise board or other authority having power to grant such licenses, a full view of the entire interior of such bars or business rooms in such municipality shall not thereafter during the times so specified as aforesaid, be obstructed from the public street by the use of non-transparent glass, or of a shade, blind, shutter, screen, merchandise or any other article placed within or without the building in which such room is located.

Unobstructed view from street during prohibited hours.

For a violation of any of the provisions of this section the license held by the person or persons so offending shall be forfeited in the manner provided by law; and any person or persons, whether licensed or unlicensed, engaged in carrying on the sale of liquors, who, directly or indirectly, violates the provisions of this section shall be guilty of the offense of keeping a disorderly house.

Penalty for violations.

5. Hereafter, in all instances where excise commissioners are now, by law appointed by the mayor or governing body of any municipality in this State, such commissioners shall be appointed by the Court of Common Pleas of the county in which such municipality is located, and the term of office of all such excise commissioners, now holding office, shall cease and terminate at the expiration of twenty days after this act takes effect, and the appointments first made under this act shall be to fill the unexpired term of such excise commissioners.

Appointment of excise commissioners by court.

Approved April 13, 1906.

CHAPTER 115.

A Supplement to an act entitled "An act to establish and promote State traveling libraries," approved April twentieth, one thousand eight hundred and ninety-eight.

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

Traveling libraries in penal institutions.

1. The traveling libraries provided by the act to which this act is a supplement may be furnished to the several penal and correctional institutions of this State, but books so furnished shall not thereafter be forwarded to any municipality of this State, but shall be used exclusively in such institutions.

Appropriation.

2. The sum of one thousand dollars is hereby appropriated for the purpose of carrying out the provisions of this act.

3. This act shall take effect immediately.

Approved April 13, 1906.

CHAPTER 116.

An Act for the reduction and limitation of the rate of taxation into several taxing districts of this State.

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

Rate in districts not over $2.

1. In all taxing districts of this State whose tax rate for the year 1905 for county, school districts or local purposes, did not exceed two dollars for the one hundred dollars of assessed valuation, the tax rate for county, school districts or local purposes for the year 1906 shall

not exceed the said tax rate for the year 1905; and thereafter such tax rate shall be diminished annually at the rate of not less than five cents on the one hundred dollars of assessed valuation until it is reduced to one dollar and seventy-five cents on the one hundred dollars of assessed valuation; and thereafter the permanent limitation of taxes for such county, school districts and local purposes shall be one dollar and seventy-five cents on the one hundred dollars of assessed valuation.

Subsequent rates.

2. In all taxing districts of this State whose tax rate for county, school districts and local purposes for the year 1905 exceeded two dollars on the one hundred dollars of assessed valuation the tax rate for such county, school districts and local purposes for the year 1906 shall not exceed such tax rate for the year 1905, and thereafter such tax rate shall be diminished annually at the rate of not less than ten cents on the one hundred dollars of assessed valuation until reduced to two dollars on the one hundred dollars of assessed valuation, and thereafter shall be reduced annually at the rate of not less than five cents on the one hundred dollars of assessed valuation until it reaches one dollar and seventy-five cents on the one hundred dollars of assessed valuation, and thereafter the permanent limitation of taxes for such county, school districts, and local purposes shall be one dollar and seventy-five cents on the one hundred dollars of assessed valuation.

Rate in districts over $2.

Subsequent rates.

3. The tax rate for county purposes in each county of this State for the year one thousand nine hundred and six shall not exceed the tax rate for the year one thousand nine hundred and five, and thereafter such tax rate shall be diminished annually at the rate of not less than five cents on the one hundred dollars of assessed valuation until it is reduced to fifty cents on the one hundred dollars of assessed valuation, and thereafter the permanent limitation of taxes in each county shall be fifty cents on one hundred dollars of assessed valuation.

County rate.

4. The limitations imposed by sections one and two of this act upon the tax rate in any taxing district shall not apply to the tax rate required to raise the State tax, the State school tax or to pay judgment against the tax-

Exceptions.

ing district, which may be imposed in addition to the limited rate herein fixed.

Rates in excess void.

5. Any tax levied in excess of the limitation imposed by sections one, two and three hereof shall be void as to such excess.

Repealer.

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

Approved April 13, 1906.

CHAPTER 117.

An Act for the relief of John Fitzgerald.

Preamble.

WHEREAS, John Fitzgerald, a resident of the city of Trenton, State of New Jersey, while on duty at the New Jersey State Prison as centre keeper therein, and while in the performance of, and in the line of his duty, was shot by a prisoner confined in the said New Jersey State Prison, and the injury resulting from said shot has incapacitated him from performing any work for the remainder of his life; therefore,

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

Pension.

1. That there be paid to the said John Fitzgerald, in quarterly payments, from the Treasury of this State, a pension at the rate of seventy-five dollars per month, the Comptroller to audit such pension, and the Treasurer to pay the same. Said pension shall commence from the date of the passage of this act.

2. This act shall take effect immediately.

Approved April 13, 1906.

CHAPTER 118.

A Supplement to an act entitled "An act relative to the Supreme and Circuit Courts," approved March twenty-third, one thousand nine hundred.

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

Trial of issues in Supreme Court.

1. Issues joined in the Supreme Court may be tried by a justice of said court, or by a judge of the Circuit Court to whom the same may be referred by the justice of the Supreme Court holding the circuit; and in relation to the trial of such issues the said judge shall have the same powers as a justice of the Supreme Court, including the power to amend, to sign the postea, to settle and seal exceptions, and to grant a rule to show cause for a new trial.

Powers of Circuit Court judge.

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 13, 1906.

CHAPTER 119.

A Further Supplement to an act entitled "An act relative to the Supreme and Circuit Courts," approved March twenty-third, one thousand nine hundred.

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

Circuit Court judges may sit separately at same time.

1. In any of the counties, two or more Circuit Court judges may sit separately, at one and the same time, for

the purpose of trying such issues and of hearing and determining such other matters as the said Circuit Court or any judge thereof may be empowered by law to hear, try and determine.

2. This act shall take effect immediately.

Approved April 13, 1906.

CHAPTER 120.

A Supplement to an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

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

County board of taxation.

1. There shall be established in each county of this State a board for the equalization, revision, review and enforcement of taxes, to be called the .....

Membership.

(naming county) county board of taxation, composed of three members, to be appointed by the Governor by and with the advice and consent of the Senate. They shall each be residents and citizens of the county in and for which they are appointed, and at no time shall more than two of the members of said board be members of the same political party.

Term begins May first.

The first appointments under this act, if made when the Senate is not in session, shall be valid until the first day of May, nineteen hundred and seven, and the appointments of successors shall be made as provided in this act, their terms to commence on the first day of May, nineteen hundred and seven.

Terms.

The term of office of the members first appointed shall commence on the first day of May, nineteen hundred and six, and the members so appointed by the Governor shall be appointed for the terms of one, two and three years respectively; and thereafter, as the terms of said members expire, appointments shall be made for a term

of three years. In case a vacancy shall occur in said office by reason of death, resignation or otherwise, the Governor shall appoint for the unexpired term only. Before entering upon the discharge of their duties, each member shall take and subscribe an oath to faithfully perform the duties of his office, which oath shall be filed in the office of the Secretary of State. Vacancy.

The salaries of the members of said board shall be paid by the Treasurer of the State of New Jersey, upon warrants drawn by the Comptroller, and shall be paid in equal monthly installments, and shall be fixed at the following sums, to wit.: in counties having, according to the next preceding State or National census, more than two hundred and fifty thousand inhabitants, an annual salary of two thousand four hundred dollars; in counties having between two hundred thousand and two hundred and fifty thousand inhabitants, an annual salary of two thousand two hundred dollars; in counties having between one hundred and fifty thousand and two hundred thousand inhabitants, an annual salary of two thousand dollars; in counties having between one hundred and twenty-five thousand and one hundred and fifty thousand inhabitants, an annual salary of one thousand eight hundred dollars; in counties having between one hundred thousand and one hundred and twenty-five thousand inhabitants, an annual salary of one thousand six hundred dollars; in counties having between seventy-five thousand and one hundred thousand inhabitants, an annual salary of one thousand four hundred dollars; in counties having between fifty thousand and seventy-five thousand inhabitants, an annual salary of one thousand two hundred dollars, and in counties having less than fifty thousand inhabitants, an annual salary of one thousand dollars. Salaries. According to population.

2. The duty of said boards shall be to secure the taxation of all property in the various counties of this State at its true value, in order that all property, except such as shall be exempt by law, shall bear its full, equal and just share of taxes. Property taxed at true value.

3. Each board shall, upon organization, elect from among their number a president, and shall have power to Organization.

New Jersey State Library

Assistants and their compensation.

employ a secretary, and fix his compensation, which shall in no case be in excess of the amount paid to any member of such board, and with the approval of the board of freeholders of their respective counties, may appoint such other clerical assistants as may be necessary. The salary of such clerical assistants shall be fixed by the board of freeholders of the respective counties, and shall, together with the salary of the secretary, be paid by the collector of said county in equal monthly installments on warrants approved by the president of such board.

Records.

The said board shall keep a full record of its proceedings, and shall, subject to the approval of the Board of Equalization of Taxes of New Jersey, have the power

Rules and regulations.

to make all rules, regulations and orders not inconsistent with the rules, regulations and orders of said Board of Equalization of Taxes of New Jersey, and to issue such directions as may be necessary to carry into effect the provisions of this act and the act to which this is a supplement.

Duties of members.

It shall be the duty of the members of the respective boards, in carrying this act into effect, to view and inspect, so far as possible in all cases, the various assessed properties in the various taxing districts in their respective counties, and to make their revision and correction after such view and inspection. It shall be the

Taxpayer may appeal from assessment.

duty of each of such county boards to meet from time to time, as they shall deem proper, and any taxpayer feeling aggrieved by the assessed valuation of his property in such county, or feeling that he is discriminated against by the assessed valuation of any other property in such county, or any taxing district which may feel discriminated against by the assessed valuation of property within such taxing district, or by the assessed valuation of property in any other taxing district in such county, may, within such time, and upon such terms as the said board shall by rule prescribed, file a petition of appeal to such board, setting forth therein the cause of complaint, the nature and location of such assessed property and

Hearing of appeal.

the relief sought. Such board shall thereupon make such order respecting the time and manner of hearing such appeal as they shall deem just, and shall summarily hear and determine such complaints, and revise and cor-

rect such assessments, in accordance with the true value of such taxable property. Such boards shall have the power to compel the attendance of witnesses, the production of books and papers before them, to examine witnesses or cause witnesses to be examined under oath before them, which oath may be administered by a member of said board. In case of the willful failure of any person to obey any such order of such board, or to answer any inquiry properly put to him upon such examination, said board shall immediately certify the facts to the Court of Common Pleas of the county for which said board was appointed, and the judge holding the said Court of Common Pleas shall thereupon issue a citation requiring such person to appear before him and show cause why he should not be punished for his refusal to comply with such order or to answer such inquiry; and in case the said judge shall determine upon such hearing that the said refusal to obey such order or to answer such inquiry was willful and without justification, the said court shall punish such person so offending as for a contempt of said court. Any person making a false statement to such board under oath shall be deemed guilty of perjury and liable to the punishment therefor. A majority of the members of any board shall constitute a quorum for the transaction of business, and an adjustment agreed to by such majority shall be taken to be the action of such board,

Compel attendance of witnesses.

On refusal cited by court.

Punished for contempt of court.

Quorum.

4. In each county said board shall have the supervision and control of all of the assessors and other officers charged with the duty of assessment of taxes, by whatever name known, in every taxing district in said county, which said assessors or officers shall be subject to, and shall, in making assessment, be governed by such rules, orders or directions as may be from time to time issued by such county board, in the enforcement of the objects of this act and the act to which this is a supplement. Before making any such rules, orders or directions, such county board shall submit the same to the Board of Equalization of Taxes of New Jersey for its approval, and no rule, order or direction shall be considered adopted by said county board until the same

County board to have supervision of all taxing districts.

Rules approved by Board of Equalization of Taxes.

shall have been approved by the said Board of Equalization. Such assessors or officers charged with the assessment of taxes shall, as now provided by law, subject to the operation of this act, make all assessments of property in their respective taxing districts, and shall make out a full and true copy of their assessment lists, which shall be called their duplicates, and shall, on the first Tuesday in August, in each year, attend before the said boards of their respective counties, at the court house of said county, at ten o'clock in the forenoon. Said boards shall hold annual meetings on the day aforesaid, at the place and hour aforesaid, for the purpose of examining, revising and correcting the tax lists and the duplicates, both of which the said assessors or taxing officers shall lay before such board, to be by them examined, revised and corrected, and which may, if the county board of taxation requires, be deposited and left with such board. Any assessor or officer shall also attend before their respective boards at such time and place as said board may direct, and shall, under the direction and supervision of such board, make up and prepare the corrected tax lists and duplicates herein provided for. Such boards may adjourn from time to time in the discharge of their duties, and shall have the power, after investigating, to revise, correct and equalize the assessed value of all property in the respective taxing districts; to increase or decrease the assessed value of any property not truly valued, to add to said lists and duplicates any property which has been omitted or overlooked at its true value, and in general to do and perform all acts and things necessary for the taxation of all property in said county equally and at its true value.

Duplicate.

Annual meeting to revise tax lists.

Adjournments for purposes of revising lists.

5. Such boards shall perform all the duties now performed by county boards of equalization or other county boards charged with the review or equalization of tax assessment or tax lists in any county of this State, where such boards have heretofore been lawfully created. Such boards shall also perform the duties of the county board of assessors, in accordance with the provisions of the act to which this act is a supplement, and the county collector in each county shall lay the statements provided

Perform duties of county boards of equalization and county assessors.

for in section twenty-three of said act before their respective county boards of taxation on or before the second Tuesday in August in each year.

Local boards to certify tax ordinance to county board.

6. The governing body of every taxing district in each county of this State shall, on or before the third Tuesday in August in each year, certify to the board of taxation of their respective counties a copy of the annual tax ordinance or resolution or other evidence showing the amount to be raised by taxation for the purposes of the taxing district. The governing body of such taxing district may add to the amount to be raised for State, county, school, district or local purposes a sum not exceeding ten per centum thereof, to meet contingencies, and shall certify as above to such added amount.

Freeholders to determine amounts necessary for year.

7. The board of chosen freeholders in each county shall, at their annual meeting, or at any adjourned or special meeting not later than the first Tuesday of August, determine and appropriate specifically the amount to be raised for current expenses, debt and interest, public works, and for all other county purposes. The county collector shall transmit to the county board of taxation, on or before the second Tuesday in August in each year, a statement of the total amount so appropriated and otherwise required by law to be raised by taxation in that year for county purposes, and said board shall apportion the tax among the taxing districts as in this act directed.

Set forth assessed value, rate, etc., against each person.

8. Such county board of taxation shall enter all changes or additions on the various tax lists and duplicates, and shall, upon ascertaining the total amount of tax to be raised from the propery in each taxing district in their respective counties, cause each assessor to enter in appropriate columns upon the said tax lists and duplicates for his respective taxing district the net value assessed to each person for both real and personal property; the rates per dollar which shall be such as according to the valuation on the duplicate will be sufficient to produce the sum required, and the several sums assessed on the property of each person, for State, State school and county taxes, and also for local, poll, dog, school district and other taxes, and shall enter the addi-

tion of the items of each column at the foot thereof, on every page, and shall, on or before the first day of October in each year, cause such duplicates, complete, and certified by the said board to be a true record of the taxes assessed, to be delivered to the respective collectors of the various taxing districts in their respective counties, and the said tax list shall remain in the office of such boards as a public record.

Duplicate delivered to tax collectors.

Power of appeals.

9. The county boards of taxation shall have all the powers given to commissioners of appeal or any local board charged with the duty of reviewing taxes on appeal, in accordance with the provisions of the act to which this is a supplement, under such rules and regulations as it may, from time to time, prescribe and adopt. Said county boards of taxation shall hear and determine all appeals that may be made at such times and under such rules and regulations as it may from time to time prescribe and adopt; *provided,* that appeals may be made at any time prior to the twentieth day of December of the year in which said taxes are assessed and levied; *and provided further,* that the determination of said board shall be reported to the collectors of the respective taxing districts on or before the first day of February following such appeals.

Proviso.

Proviso.

Right of appeal to State board.

10. Any action or determination of any county board of taxation may be appealed for review to the Board of Equalization of Taxes of New Jersey, under such rules and regulations as said Board of Equalization may from time to time prescribe, and said Board of Equalization shall be authorized and empowered to review such action and proceedings and give such judgment therein as it may think proper.

Failure of assessor to comply with law.

11. In case any assessor or person charged with reviewing assessments in any taxing district in the respective counties shall wilfully or intentionally fail, neglect or refuse to comply with the constitution and laws of this State, relating to the assessment and collection of taxes, the county board of taxation shall thereupon make complaint to the Board of Equalization of Taxes of New Jersey, and the said Board of Equalization of Taxes of New Jersey is hereby given power, upon a

proper hearing, after due notice, to dismiss such person, and to declare his office vacant. Said Board of Equalization of Taxes of New Jersey shall cause a certified copy of their judgment to be transmitted to the county board of taxation, which said board shall cause notice thereof to be given to the governing body of such taxing district or officer having power to elect or appoint such assessor, which said governing body or officer shall appoint a successor, who shall hold office for the remainder of the then fiscal year. Dismissal. Successor.

12. Any member of any county board of taxation in this State who shall willfully or intentionally fail, neglect or refuse to comply with the constitution and laws of this State relating to the assessment and collection of taxes, or to perform any duty prescribed by this act, may, after a proper hearing, be dismissed by the Governor, and his office declared vacant, and thereupon the Governor shall be empowered to appoint his successor in accordance with the provisions of this act. If member of county board does not comply, Governor to dismiss.

13. All county boards of equalization or other county boards charged with the review or equalization of tax assessments heretofore created by law are hereby abolished, and the office of all commissioners of appeal, or any other local board charged with the duty of reviewing taxes on appeal in any municipality in this State, are hereby abolished; *provided, however,* that where any local board other than county boards is charged with the duty of reveiwing taxes on appeal in any municipality in this State, and there is imposed upon said board any other duty, this act shall not be construed to abolish such board, or to remove the incumbents thereof from office, but said board shall continue to discharge all other duties imposed upon it by law, except the duty of reviewing taxes on appeal. County boards of equalization and commissioners of appeals abolished. Proviso.

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

Approved April 14, 1906.

CHAPTER 121.

A FURTHER SUPPLEMENT to an act entitled "An act concerning juries (Revision), approved March twenty-seventh, eighteen hundred and seventy-four."

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

Eligibility for jurors.

1. Every person summoned as a grand juror in any county in this State, and every petit juror returned for the trial of any action or suit of a civil or criminal nature, shall be a citizen of this State, and reside within the county from which he shall be taken, and above the age of twenty-one years and under the age of sixty-five years, and shall not, at the time of his selection by an official having, directly or indirectly, any official interest in or connection with the administration of justice. And

Cause of challenge.

if any person who is not so qualified shall be summoned as a grand juror or as a juror on the trial of any such action in any of the courts of this State, or if any person shall be summoned as a petit juror at any stated term of any court of this State, who has served as such at any of the three stated terms next preceding the day to which he may be summoned, it shall be good cause of challenge to any juror, who shall be discharged upon such challenge being verified according to law or on his

Proviso.

own oath or affirmation in support thereof; *provided*, that no exception to any such juror on account of his citizenship, age or any other legal disability shall be allowed, if he has been sworn or affirmed.

Method of drawing general panel of jurors.

2. It shall be the duty of each sheriff in this State or, in case of his death or disability, of the coroners of the respective counties, or elisors appointed by the court, on the fourth Tuesday before the commencement of the regular term of any Circuit Court, Court of Oyer and Terminer and General Jail Delivery, Common Pleas and Quarter Sessions of the Peace, to be holden in each

county, at the court house in each county, in the presence of the county clerk, and before the Court of Common Pleas (which shall meet at the hour of ten o'clock in the forenoon of said day), in open court, to select, under the supervision of the Court of Common Pleas from among the residents of the county qualified to serve as jurors, the names of at least twice as many persons as the said court shall deem necessary to be summoned as jurors at the next ensuing term of the aforesaid court, and the judge of the said Court of Common Pleas shall then and there revise said names and strike from, or add the names of such qualified person or persons thereto, as he may deem proper to serve as jurors. The names so selected and revised shall be written on separate pieces of paper, which pieces of paper shall be separately folded so as to conceal the name of each juror, and, when so folded, shall be of the same size, color and shape, as nearly as may be, and shall then be put into a box after which the said box shall be closed and shaken in such a manner as to intermingle the pieces of paper so folded as aforesaid and put therein, and either the said sheriff, or coroners, or elisors, or judge of the Court of Common Pleas, or some person appointed by the court for that purpose, shall, in an open and public manner in the presence of the said clerk and court and of such other persons as may choose to be present on the occasion, draw out of the said box separately as many of said papers as shall equal the number of jurors the said court shall deem necessary to summon as aforesaid. The names shall be properly announced as drawn, and transcribed by said clerk as they are read by the person drawing them from the box, and the judge of the Court of Common Pleas shall then and there strike from or add to said names. And the several persons whose names shall be so found written on the pieces of paper so drawn out, as revised by said judge, shall constitute the general panel of jurors to be summoned by said sheriffs, coroners or elisors at the next ensuing term of the said court. And the sheriff, coroners, elisors or person appointed by the court as aforesaid, shall make, or cause to be made, two complete lists of the names so drawn and revised and certify the

Before court.

Court may revise list.

Drawing.

Names drawn to constitute panel.

same under his or their hands to be the panel of jurors selected to serve at such ensuing court or courts, and the judge of the said Court of Common Pleas shall also certify, under his hand, that the jurors named in the lists were selected in all respects according to the provisions of this act, which said certificates shall be annexed to each of the said lists of jurors, one whereof shall then be filed by the said clerk in his office, and the other shall be delivered to the sheriff, coroners or elisors. And if the judge of said Court of Common Pleas shall not certify as required by this section, it shall be good ground for a challenge to the array of jurors.

List certified by court.

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 April 16, 1906.

CHAPTER 122.

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:*

Main stem defined.

1. The term "main stem" of each railroad company, as used in the act to which this act is a supplement, and in the acts amendatory thereof and supplementary thereto, shall hereafter be held to include the roadbed, not exceeding one hundred feet in width, with its rails and sleepers, and all structures erected thereon and used in connection therewith, not including, however, any passenger or freight buildings erected thereon.

2. This act shall take effect immediately.

Approved April 18, 1906.

CHAPTER 123.

An Act for the appointment of fire wardens the prevention of forest fires and the repeal of sundry acts relating thereto.

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

Fire warden and salary.

1. The State Forest Park Reservation Commission shall have power to appoint a State fire warden and to fix his salary. He shall hold office during the pleasure of the commission.

Township fire warden.

2. The township committee, or governing body of every township in this State shall, within thirty days after receiving notice in writing from the State Board of Forest Park Reservation Commissioners, appoint some suitable person to act as township fire warden for a term of one year and until his successor shall have been appointed, and on failure to do so, the State Board of Forest Park Reservation Commissioners shall make such appointment. Such appointment, when accepted, shall be promptly certified to the State fire warden. The person so appointed may be summarily removed by said commission. If any person so appointed is so removed said commission shall promptly notify the governing body making such appointment, and said governing body shall, at its next meeting, fill the vacancy for the unexpired term; *provided,* no person so removed by said commission shall be eligible for reappointment within one year from the date of said removal. When required by the State fire warden, the town fire warden shall establish two or more districts for the township for which he is appointed, and shall appoint a resident of such district as district fire warden; *provided, however,* no district fire warden shall be appointed for the district in which the town fire warden lives. Any fire warden

Term.

Vacancy.

Proviso.

Township districts.

Proviso.

Deputy fire wardens.

shall have power to designate one or more proper persons to act as deputy or deputies in case of his absence or disability from any cause. He shall file with the State fire warden the names and addresses of all district fire wardens and deputies appointed by him, and shall specify districts to which they are assigned.

Supervision by State fire warden.

3. The State fire warden, under the direction of said commission, shall have supervision of all township and district fire wardens, shall visit each township as often as necessary and fully acquaint each fire warden with his duties, notify the commission of all vacancies on the roll of fire wardens as soon as they occur, see that the townships are properly divided into districts of suitable size and proper location, and that district fire wardens are appointed as provided by law, have charge of fire wardens' reports, and, when the cause of a fire is not reported, ascertain its origin. When it appears that the provisions of this act have been violated he shall collect evidence of such violation, and, when duly authorized by said commission, institute prosecutions for such violations. He shall also have supervision of all bills against the State rendered by the various municipalities for fighting forest fires.

Fire patrol.

4. Town and district fire wardens shall establish a fire patrol to prevent and extinguish fires during such seasons, and in such localities as may be prescribed by the State Board of Forest Park Reservation Commissioners, and they shall enforce all statutes of this State now in force, or that may hereafter be enacted for the protection of forest and timber land from fire, and shall carry out the instructions and directions of the State fire warden 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 inhabitant of their district between the ages of eighteen and fifty years 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

Extinguishing forest fires.

Summon assistance.

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 fire warden, 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 prevent its spread, as he would take were it in his own municipality; *provided,* that if any fire warden of the township in which the fire is located be present at the fire, all work shall be done under his direction and control. Such service shall be paid for, as hereinafter provided, by the township in which the fire is located. If the State fire warden be present at any fire he shall, *ex officio,* have complete control, and the township fire wardens shall rank under him according to length of service, except that the township warden in whose territory the fire is shall rank next to the State fire warden. The State fire warden may summon to his aid fire wardens from surrounding townships, with their assistants, and in such case the State shall bear the whole expense of paying such fire wardens and assistants as reside in townships which the fire does not enter. No action for trespass shall lie against any person crossing or working upon lands of another to extinguish fire.

Act in adjoining district.

Proviso.

Control by State warden.

5. The State Board of Forest Park Reservation Commissioners shall have power, from time to time to prescribe such other duties and to make such regulations governing fire wardens for the prevention, fighting and extinguishment of forest fires, as in their judgment shall be efficacious for that purpose. They may purchase and distribute to fire wardens such material and equipment as they may deem necessary for carrying out the provisions of this act. The State fire warden shall be custodian of and responsible for all such material and equipment, under such rules as said commission may prescribe.

Rules and regulations for wardens.

6. The town committee or other governing body may fix the rate to be paid fire wardens and persons employed by them to prevent or extinguish forest fires, and shall give notice thereof to the town fire warden and to the State fire warden. If the township committee or

Compensation.

other governing body fail to fix said rate, the following shall apply:

Wardens. Fire wardens, while engaged in fighting fires, three dollars per day.

Fire wardens, while otherwise employed, two dollars per day.

Helpers. Helpers, fighting fire, one dollar, and at the rate of twenty cents per hour for more than five hours.

Helpers, on patrol or otherwise employed, at the rate of one dollar and fifty cents per day.

Presentation of bills. The fire wardens 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 by 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, and all disbursements made by said wardens, with receipts for amounts of one dollar and above. If said bill be duly approved, it shall be paid in such manner and by such official as other bills of said township are paid. Certified copies, in duplicate, with evidence of payment shall be filed with the State fire warden.

One-half paid by State. Upon approval of said bill by the State Board of Forest Park Reservation Commissioners, one-half of said amount shall be repaid said township by the State Treasurer upon warrant of the State Comptroller; *provided, however,* the State shall pay the entire cost of extinguishing fires originating on and restricted to State forest reservations, and such bills shall not be presented to the township committee, but certified to the State fire warden directly; *and provided further,* that in no case shall the State's share of any bill be based upon a higher rate for services than as fixed above.

Proviso.

Proviso.

If destroyed area more than acre, report to State warden. 7. In case a forest fire burn over more than an acre of land, the fire warden of the township in which it occurs shall within ten days make a report thereof to the State fire warden, giving the area burned over, the kind, age and quality of the standing timber, the quantity of timber, wood, logs, bark or other forest products, and of fences, bridges and buildings destroyed, with an esti-

mate of the value thereof. He shall also report the cause of the fire, the names of any and all persons whom he may know or suspect to have knowledge of the cause, and the means used in putting it out.

Notices posted.

8. The town and district fire wardens shall post such notices concerning forest fires as the State fire warden may prepare, and any person who shall willfully or maliciously tear down or destroy any such notice, shall be liable to a fine of ten dollars.

Closed season for burning brush.

9. In any township in which fire wardens have been appointed under the provisions of this act, fallows, stumps, logs, brush, dry grass or fallen timber shall not be burned from March tenth until May thirty-first, both inclusive, unless the written permission of the town or district fire warden of the town or district in which the fire is set has been first obtained. Such permission shall not be granted by any fire warden if, in his opinion, any forest or woodland will be endangered thereby, nor shall such permission, if granted, relieve or exonorate any person from any penalties under this act, in case, by reason of such fire, any forest, brush land, or woodland be burned.

Fires must be watched.

10. All persons who shall burn any pit of charcoal, or set fire to or burn any brush, grass or other material whereby any property may be endangered or destroyed, shall keep and maintain a careful and competent watchman in charge of said pit, brush or other material while burning.

Back firing allowed.

11. No person shall willfully, negligently, carelessly, or in any manner set fire to or burn or cause to be burned, any waste land, brush land or forest land, but nothing in this section shall be interpreted to forbid any person from setting a back fire, a 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 fire warden, however, shall have the power to set, or direct to be set, any back fire.

Proviso.

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 fire warden, 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.

Right to arrest without warrant.

Any fire warden, or deputy acting in the absence or disability of a fire warden, 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.

Magistrates may issue process.

13. Every district court and every justice of the peace in any city or county, and every police justice or recorder in any city, is hereby empowered, on complaint under oath or affirmation made according to law that any person or persons has or have violated any of the provisions of this act, to issue process, in the name of the State Board of Forest Park Reservation Commissioners, as prosecutor, for the use of the State of New Jersey. Said oath or affirmation, if made by a fire warden, or by a member or officer of the said commission, may be upon information or belief. Said process shall

In nature of summons.

be in the nature of either a summons or warrant against the person or persons so charged; when in the nature of a warrant, it shall be returnable forthwith, but before any warrant shall issue out of any district court the judge thereof shall endorse upon the complaint an order

Endorsement.

in the following or similar words: "Let the warrant issue in this case." To which said judge shall sign his name; and when in the nature of a summons, it shall be returnable in not less than one or more than ten entire

Statement made in process.

days. Such process shall state what section of the law is alleged to have been violated by the defendant or defendants; and on the return thereof, or at any time to which the trial shall have been adjourned, the said district court, justice of the peace, police justice or recorder shall proceed to hear the testimony, and to determine

Judgment.

and give judgment in the matter, without the filing of any pleadings, either for the prosecutor for the recovery of such penalty with costs, or for the defendant or de-

fendants. If such judgment be for the prosecutor as aforesaid, it shall be in the following or similar form: "State of New Jersey, county of , ss: Be it remembered that on this day of , in the year of our Lord nineteen hundred , at , in said county, C. D., defendant, was, by the district court of the city of T. (or by me, E. F., justice of the peace, police justice or recorder of the city of , or as the case may be), convicted of violating the section of the Act of the Legislature of New Jersey entitled 'An act for the appointment of fire wardens, the prevention of forest fires, and the repeal of sundry acts relating thereto,' approved the day of , anno domini nineteen hundred , in a summary proceeding, at the suit of the State Board of Forest Park Reservation Commissioners, as prosecutor; and further, that the witnesses in said proceeding who testified for the prosecutor were (name them); and the witnesses who testified for the defendant were (name them); wherefore the said court (or justice of the peace, police justice or recorder, as the case may be) doth hereby give judgment that the prosecutor recover of the defendant dollars penalty and dollars costs of this proceeding, and that execution do issue against the goods and chattels of said defendant for the amount of said penalty and costs, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof, to be there confined until the said penalty and costs be fully paid, or until he be thence delivered by due course of law." Said judgment shall be signed by the judge of the district court, justice of the peace, police justice or recorder giving the same.

Form of judgment.

Signed by magistrate.

14. If either the prosecutor or the defendant or defendants be dissatisfied with any judgment given under the provisions of the thirteenth section of this act, the dissatisfied party may appeal to the Court of Common Pleas of the county in which the judgment appealed from shall have been rendered, which appeal shall be taken by filing with the court, justice of the peace or

Appeal may be taken to Court of Common Pleas.

recorder who gave the judgment, a notice of such appeal, signed by the appealing party, or his, her or their agent; *provided, however,* that no appeal shall be allowed to or taken by any defendant from any judgment against such defendant unless, with said notice of appeal, such defendant shall also file a bond, with at least one sufficient surety to be approved by the court, justice of the peace or recorder who shall have given the judgment, in double the amount of the judgment, and conditioned that the appellant or appellants shall appear and prosecute the appeal in said court of common pleas, shall stand to and abide the judgment of said court of common pleas, and shall pay such costs as shall be taxed against the appellant or appellants, if the judgment appealed from be affirmed. The court, justice of the peace or recorder who shall have given the judgment appealed from shall send a transcript of the proceedings and judgment and said notice of appeal, together with any bond that may have been filed under the provisions of this section above contained, to the clerk of the court of common pleas to which the appeal is taken on or before the first day of the term of said court next ensuing such appeal. In any case of appeal by a defendant after execution shall have been issued, the court of common pleas to which the appeal is taken, upon receiving satisfactory proof that the notice of appeal above mentioned has been filed with the court, justice of the peace or recorder who gave the judgment, and upon filing with the clerk of the court of common pleas to which the appeal is taken, such bond as aforesaid, to be approved by said court of common pleas, may stay the execution until the further order of said last-mentioned court, a rule to which effect shall be entered in the minutes of the said last-mentioned court, and a copy thereof, certified by the clerk of said last-mentioned court, shall be served on the constable in whose hands the execution may be. The said court of common pleas shall proceed to hear and determine such appeal in the same way and manner as said case was heard by such district court, justice of the peace, police justice or recorder.

Proviso.

Bond filed.

Transcript sent to court.

Appeal acts as stay.

Execution granted by magistrate.

15. In case judgment as aforesaid shall be rendered against any defendant, in any such proceedings as aforesaid, execution shall thereupon be granted by the court, justice of the peace, police justice or recorder giving the judgment, commanding the officer to whom the execution is delivered to levy and make the amount of the penalty and costs imposed by the judgment out of the goods and chattels of the defendant, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county and deliver him to the keeper thereof, to be there confined until the said penalty and costs be fully paid or until he be thence delivered by due course of law.

Officers to serve process or execution.

16. The officers to serve and execute any process or execution issued as aforesaid shall be the sheriff or any constable of the county, and, within the jurisdiction of any district court, shall include the sergeant-at-arms thereof, which service and execution shall in all cases be made in the same manner and under the same liabilities that other processes and executions issued out of the district court of this State are served and executed under and by virtue of the provisions of the act entitled "An act concerning district courts," approved June fourteenth, in the year eighteen hundred and ninety-eight. The costs taxable and recoverable in any case prosecuted as aforesaid shall be the costs allowed by the act last above-mentioned in cases prosecuted in district courts. The penalty recoverable in any such action shall be paid to the prosecutor therein, who shall pay one-half thereof into the treasury of this State, and the other half to the person by whose evidence conviction is secured. 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

Procedure.

Costs.

Disposition of penalty.

Adjournments.

Sureties.

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

Use of money appropriated by township.

17. All money heretofore appropriated by any township, or paid to any township by the State under an act entitled "An act concerning forest fires and the prevention thereof," approved April third, being chapter 139 of the laws of nineteen hundred and two, shall be used and expended for no other purpose than the prevention, fighting or extinguishing of forest fires. All

State charges.

expenses incurred by the State Forest Park Reservation Commission in carrying out the provisions of this act shall be paid by the State Treasurer, on warrant of the Comptroller, upon vouchers duly approved by the com-

Proviso.

mission; *provided, however,* such sums shall not exceed the amount annually appropriated therefor by the Legislature.

Acts and parts of acts repealed.

18. The following acts and parts of acts are hereby repealed:

I. "An act to prevent the burning of woods, marshes and meadows," passed November twenty-fourth, one thousand seven hundred and ninety-four.

II. "A Supplement to 'An act to prevent the burning of woods, marshes and meadows,' passed November twenty-fourth, one thousand seven hundred and ninety-four," approved March third, one thousand eight hundred and seventy-five.

III. "A Supplement to 'An act to prevent the burning of woods, marshes and meadows,' passed November twenty-fourth, one thousand seven hundred and ninety-four," approved March twenty-fourth, one thousand eight hundred and seventy-five.

IV. "A Supplement to 'An act to prevent the burning of woods, marshes and meadows,' passed November twenty-fourth, one thousand seven hundred and ninety-

four," approved March twenty-third, one thousand eight hundred and eighty-eight.

V. "An act to provide for the extinguishment of forest fires in the third and fourth-class counties of this State and to provide for the payment of the expenses thereof," approved March twenty-third, one thousand eight hundred and ninety-two.

VI. "A Supplement to 'An act to provide for the extinguishment of forest fires in the third and fourth-class counties of this State, and to provide for the payment of the expense thereof,' approved March twenty-third, one thousand eight hundred and ninety-two," approved May fourteenth, one thousand eight hundred and ninety-four.

VII. "An act concerning forest fires and the prevention thereof," approved April third, one thousand nine hundred and two.

VIII. Section 130 of "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

Approved April 18, 1906.

CHAPTER 124.

AN ACT to amend an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898).

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

1. Section one hundred and fourteen of an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" be and the same is hereby amended to read as follows: Section amended.

114. If any recognizor, whose recognizance hath been or shall be forfeited and the amount thereof paid in the When forfeited recognizance may be returned.

county treasury of said county in accordance with law, has appeared or shall appear before the proper court to answer unto the charge or indictment pending against him, or if any recognizor shall have died after such recognizance shall have been declared forfeited, it shall and may be lawfwul for the court in which such forfeiture was had in its discretion to direct and order the return of the moneys so paid or to be paid upon said forfeited recognizance, and thereupon it shall be the duty of the county collector or treasurer of such county to repay the amount of such recognizance, less the taxed costs on the proceedings to forfeit said recognizance, to the recognizor or recognizors or the personal representatives of any deceased recognizor, who shall have paid the same into the county treasury; *provided*, application shall be made to said court within two years after such recognizance shall have been declared forfeited.

Proviso.

2. This act shall take effect immediately.

Approved April 18, 1906.

CHAPTER 125.

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 cities of the first and second class and making appropriations therefor and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement," approved March twenty-third, one thousand eight hundred and eighty-eight.

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

Title amended.

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

Title as amended.

1. An act to provide for the purchase of sites for and the erection and equipment of armories in cities of the first and second class in this State, and cavalry armories in municipalities of this State wherein there is now, or hereafter shall be, located the headquarters of a troop of cavalry of the national guard of this State which has been, or shall have been, in the service of this State not less than ten years, and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement.

Section amended.

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

Military board authorized to secure land for cavalry armory.

1. The members of the military board of the State of New Jersey, for the time being, be and they are hereby appointed and constituted a commission for the purpose of this act, to select and purchase, on behalf and in the name of the State of New Jersey, a plot of ground in each of such cities in the State of the first and second class, where there are now or hereafter shall be established regimental or battalion headquarters of the national guard, suitable for the purposes of an armory, and said military board of this State is also hereby authorized to select and purchase, on behalf and in the name of the State of New Jersey, a plot of ground in each, any or either of the cities, incorporated towns, boroughs, townships, or any other municipality of this State wherein there is now, or hereafter shall be, located the headquarters of a troop of cavalry of the national guard of the State of New Jersey, which has been, or shall have been, in the service of this State not less than ten years, suitable for the purposes of a cavalry armory, and if such lands, or any part of them, cannot be obtained by agreement with the owner or owners thereof said commission shall acquire the title thereto by the exercise of the right of eminent domain in proceedings duly taken and had under and in accordance with the provisions hereafter specified.

Section amended.

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

When land secured, commission to obtain plans for armory.

4. Whenever the lands above mentioned shall be purchased, or the title thereof shall have been acquired in the manner aforesaid, 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, or a suitable cavalry armory, as the case may be, with drill-hall for mounted drills, pistol and rifle ranges, store-rooms for arms, horse equipments, and accoutrements, officers' rooms and necessary rooms, fixtures and appurtenances, including suitable apparatus for heating and lighting the same,

Total cost.

the entire cost of which said armory, drill-rooms, company-rooms and store-rooms, or a suitable cavalry armory, as the case may be, in each city, or any other municipality of this State, wherein there is now, or hereafter shall be, located, the headquarters of a troop of cavalry of the national guard of the State of New Jersey which has been, or shall have been, in the service of the State not less than ten years, and the apparatus for heating and lighting the same shall not, in the aggregate, exceed the sum of seventy-five thousand dollars, which sum is hereby appropriated for that purpose for each city or any other municipality in which such armory or cavalry armory shall be erected;

Appropriation.

As to payments.

and the Comptroller is directed from time to time to pay the same, or as 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 cities or other municipalities, 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 such armory, or a suitable cavalry armory, as the case may be, with drill-hall for mounted drills, pistol and rifle ranges, store-rooms for arms, horse equipments, and accoutrements, officers' rooms and necessary rooms

When expenditure may be made.

and appurtenances, and necessary fixtures within the limits of this appropriation, shall have been executed as herein provided.

Section amended.

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

Erection of armory, furnishings, etc.

5. When said commission shall have procured suitable plans for an armory to be erected on such site, they shall cause to be erected on such site an armory, with suitable drill-room, company-rooms, store-rooms, or a suitable cavalry armory, as the case may be, with drill-hall for mounted drills, pistol and rifle ranges, store-rooms for arms, horse equipments, and accoutrements, officers' rooms and necessary rooms, fixtures and appurtenances, and all other necessary and proper appurtenances for the best accommodation of the national guard of this State, and shall cause the grounds to be suitably graded, drained and otherwise prepared for such armory, or cavalry armory, as the case may be.

Section amended.

5 Section six of said act be and the same is hereby amended so as to read as follows:

Work done by contract.

6. 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 armory, or cavalry armory, as the case may be, and fixtures and appurtenances, or for doing any work pertaining thereto, such conditions as they shall deem most for the interest of the State.

Exceptions.

6. Nothing herein shall be construed to change or affect in any manner the provisions of any act now in force authorizing the construction of a cavalry armory in the city of Newark, or any other armory in any city of the first or second class.

7. This act shall take effect immediately.

Approved April 18, 1906.

CHAPTER 126.

SUPPLEMENT to the 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:*

Referendum as to municipal ownership of water and lighting systems.

1. It shall be lawful for the borough council of any borough of this State, by resolution, to submit the proposition of construction or purchase of a system of water-works or water-supply plant, and also the question of issue of bonds for the cost of construction or purchase of such system, and for the construction or purchase of a suitable plant, works and machinery for supplying light for public or private use, or for the cost of any two or more purposes authorized by the act to which this act is supplemental for which bonds may be issued, to the voters at one and the same election, and said proposition of construction or purchase and such question of issue of bonds for one or more purposes, as aforesaid, shall be upon the same ballot. Said election shall otherwise be called and held in the manner provided in the act of which this is a supplement.

2. This act shall take effect immediately.

Approved April 19, 1906.

CHAPTER 127.

AN ACT to authorize corporations, organized for the purpose of constructing a dam or dams in any river or stream tributary to Barnegat bay for the purpose of developing and selling water power and generating, distributing and selling electricity, to condemn or take property for a public use.

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

Surveys for dams, reservoirs, etc.

1. Every corporation heretofore or hereafter organized for the purpose of constructing a dam or dams in any river or stream tributary to Barnegat bay for the purpose of developing and selling water power and generating, distributing and selling electricity, shall have power to cause examinations and surveys to be made for its proposed dam or dams, reservoirs, ponds, locks, weirs, gates, bridges, races, canals, power stations, as well as the land that may be overflowed by the erection of such dam or dams; and for such purposes by its officers, agents or servants to enter from time to time upon any lands or waters for the purpose of making such examinations or surveys, subject to liability for all damage done, and when the location of such dam or dams, reservoirs, ponds, locks, weirs, gates, bridges, races, canals, power stations, as well as the land that may be overflowed by the erection of such dam or dams, shall from time to time be determined by the directors of such corporation, or a majority of them, such corporation shall cause a survey and map to be made of the land to be taken or entered upon, which map shall be signed by the president and secretary, and filed in the office of the county clerk of the county in which the lands shown on such map are situated.

Also, land overflowed.

Map filed with county clerk.

Right of condemnation.

2. Where any such corporation cannot acquire the real or personal property, rights, privileges, franchises or

easements needed for such dam or dams, reservoirs, ponds, locks, weirs, gates, bridges, races, canals, power stations and flowage, by agreement with the owners thereof, whether by reason of disagreement as to price or the legal incapacity or absence of the owner, or his inability to convey valid title, or of the owner or owners being unknown, or by reason of any other cause, it shall be lawful for such corporation to condemn and take such real estate or personal property, rights, privileges, franchises or easements necessary for such dam or dams, reservoirs, ponds, locks, weirs, gates, bridges, races, canals, power stations and flowage, and the compensation to be paid therefor shall be ascertained and paid, in the manner provided by an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of 1900), approved March twentieth, nineteen hundred, and the acts amendatory thereof and supplemental thereto.

Payments.

Repealer.

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

Approved April 19, 1906.

CHAPTER 128.

AN ACT validating the incorporation and proceedings of certain companies organized in townships for the construction, maintenance and operation of water-works under an act entitled "An act for the construction, maintenance and operation of water-works for the purpose of supplying cities, towns and villages of this State with water," approved April twenty-first, one thousand eight hundred and seventy-six, and the several supplements thereto and amendments thereof.

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

Incorporation and bond issue validated.

1. Where articles of incorporation have been filed since the first day of March, nineteen hundred and four, for the purpose of incorporating companies for the con-

struction, maintenance and operation of water-works in any township in this State, under and in accordance with the provisions of an act entitled "An act for the construction, maintenance and operation of water-works for the purpose of supplying cities, towns and villages of this State with water," approved April twenty-first, one thousand eight hundred and seventy-six, and the and the provisions of said act, the supplements thereto and the provisions of said act, the supplements thereto and amendments thereof have been complied with; such incorporation and all contracts, bonds and obligations which have been heretofore entered into, made or incurred by any such company, are hereby validated and confirmed, and any such company shall have two years from the time this act shall take effect within which to complete the construction of its proposed water-works, notwithstanding the passage and approval of an act entitled "An act to amend 'An act for the construction, maintenance and operation of water-works for the purpose of supplying cities, towns and villages in this State with water,' approved April twenty-first, eighteen hundred and seventy-six," which amendment was approved May eleventh, nineteen hundred and five.

2. This act shall take effect immediately.

Approved April 19, 1906.

CHAPTER 129.

A FURTHER SUPPLEMENT to an act entitled "A further supplement to the act entitled 'An act to establish in this State boards of health and a bureau of vital statistics and to define their respective powers and duties,' approved March thirty-first, one thousand eight hundred and eighty-seven, and which further amendatory act was approved April eighth, one thousand nine hundred and three."

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

1. One or more adjacent townships or municipalities may join in employing a health officer and one or more

Joint health officer.

Proviso.

sanitary inspectors; *provided*, that such health officer or sanitary inspectors shall have obtained a license as required by the act to which this is a supplement.

Salary and duties.

2. When one or more adjacent townships or municipalities shall join in the employment of a health officer or sanitary inspector the boards of health of the said townships or municipalities so joined are hereby authorized to fix the salary to be paid to said health officer or sanitary inspector, to arrange the duties of said health officer or sanitary inspector, and to apportion the sums to be paid by each of the said townships or municipalities so joining on account of the salaries to be paid said health officer or sanitary inspector, and said sums shall be paid from the sums appropriated to such boards of health.

Additional inspectors.

3. In municipalities where a licensed health officer or sanitary inspector has been appointed and employed, additional sanitary inspectors may be appointed by the local board of health for temporary or special service, and such appointees shall not be required to hold a license as provided for in the act to which this is a supplement.

4. This act shall take effect immediately.

Approved April 19, 1906.

CHAPTER 130.

AN ACT to amend an act entitled "An act in relation to individual or private bankers, and subjecting them to the supervision and control of the department of banking and insurance," approved March twenty-eighth, one thousand eight hundred and ninety-five.

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

Section amended.

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:

Proceedings in cases of insolvency.

5. In case it shall appear by any report made by any such individual, association of individuals, partnership or joint stock association, or upon any examination made of the affairs thereof by the commissioner of banking and insurance, or by anyone under his direction that the said individual, association of individuals, partnership or joint stock association is insolvent, or unable to pay his or their obligations as they severally mature, or is unable to pay his or their depositors the moneys held by him or them on deposit whenever called upon so to do, or shall suspend his or their ordinary business for want of funds to carry on the same, or shall not be possessed of unencumbered assets of at least twenty thousand dollars in excess of his or their liabilities, the said commissioner of banking and insurance, or any creditor of the said individual, association of individuals, partnership or joint stock association may apply by petition or bill of complaint to the Chancellor, setting forth the facts and circumstances of the case, for a writ of injunction, and if insolvent, the appointment of a receiver or receivers of the property and assets of such individual, association of individuals, partnership or joint stock association, and the Chancellor, upon being satisfied of the sufficiency of the said application and of the truth of the allegations contained in the said petition or bill of complaint, by affidavit or otherwise, and upon giving, when so ordered, such reasonable notice to be served or published as he may direct, the Chancellor may proceed in a summary way to hear the affidavits and proofs and allegations which may be offered by or on behalf of the parties, and if upon such inquiry into the matters or causes of complaint it shall be made to appear to the Chancellor that the said individual, association of individuals, partnership or joint stock association has become insolvent, or shall not be able to resume his or their said business in a short time thereafter with safety to the public and advantage to the creditors, or shall not be possessed of unencumbered assets of at least twenty thousand dollars in excess of his or their liabilities, it shall and may be lawful for the Chancellor to issue an injunction to

Hearing by Chancellor.

Injunction to restrain conduction of business.

restrain such individual, association of individuals, partnership or joint stock association from further carrying on his or their said business of banking, and if insolvent, from collecting or receiving any debts, or from paying out, selling, assigning or transferring any of the assets, moneys, funds, lands, tenements or effects belonging to him or them, until the court shall otherwise order.

Section amended.

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

Chancellor may appoint receiver.

6. It shall be lawful for the Court of Chancery, if the circumstances of the case and the ends of justice require it, at the time of ordering the said injunction, or at any other time afterwards during the continuance of the said injunction, to appoint a receiver or receivers of the property and assets of the said individual, association of individuals, partnership or joint stock association, if insolvent, which receiver shall have all the

Powers of receiver.

powers now conferred by law upon receivers of insolvent banking corporations, and with full power and authority to demand, sue for, receive and take into his or their possession all the property and assets of the said individual, association of individuals, partnership or joint stock association, whether the same was embarked in the said business of banking or not; and such

Proceedings.

further proceedings shall be had under said petition or bill of complaint as might be had in case the said proceeding was against an insolvent banking corporation; when any such individual, association of individuals, partnership or joint stock association shall have been

When injunction dissolved.

enjoined by the court from doing further banking business because of a deficiency in the amount of his or their unencumbered assets, as authorized by the last preceding section, the court may by order dissolve the injunction when satisfied, by due proof, that such deficiency has been restored.

Section amended.

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

Certificate of authority to do business.

8. No individual, association of individuals, partnership or joint stock association shall engage in the busi-

ness of banking in this State unless authorized thereunto by the Commissioner of Banking and Insurance by his certificate to that effect, and such certificate shall not be made or issued by the said commissioner until after the said individual, association of individuals, partnership or joint stock association, shall have made to him the report or reports required by this act, and not until after the said Commissioner of Banking and Insurance, or some person appointed by him, shall have made an examination of the affairs and financial condition of such individual, association of individuals, partnership or joint stock association, from which it shall appear to said commissioner that he or they are then solvent and able to pay his or their debts at maturity, and are possessed of unencumbered assets of at least twenty thousand dollars in excess of his or their liabilities; *provided*, the Commissioner of Banking and Insurance may refuse to issue such certificate of authorization if in his judgment the interests of the public would be best subserved by such refusal. No individual, association of individuals, partnership or joint stock association, not authorized under this act to do a banking business, shall make use of any office sign at the place where his or their business is transacted, having thereon any artificial or corporate name or other word or words indicating that such place or office is the place or office of a bank, nor in any manner advertise that he or they are engaged in a banking business, nor make use of or circulate any letter heads, bill heads, blank notes, blank receipts, certificates, circulars or any written or printed or partly written and partly printed paper whatever, having thereon any artificial or corporate name or any other word or words indicating that his or their business is that of a bank.

Examination by commissioner.

Proviso.

Unauthorized bankers forbidden certain privileges.

4. This act shall take effect immediately.

Approved April 19, 1906.

CHAPTER 131.

A FURTHER SUPPLEMENT to the act entitled "An act to establish in this State boards of health and a bureau of vital statistics and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

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

Annual conference of State and local boards.

1. The Board of Health of the State of New Jersey is hereby authorized to appoint a time and place for a conference, once in each year, between the members of said board and delegates from the various local boards of health in this State, for the consideration of questions relating to the prevention of the spread of dangerous communicable diseases and the promotion of the public health.

Delegate from local board, expenses paid.

2. Each local board of health is hereby authorized to appoint one of its members or officers or employes as a delegate from such board to attend every such annual conference, and the actual traveling and hotel expenses of each delegate so appointed shall be paid by the treasurer or other disbursing officer of the township or municipality within which such local board has jurisdiction, upon presentation by the delegate of a certificate of his appointment and a bill of his expenses duly verified by affidavit.

3. This act shall take effect immediately.

Approved April 19, 1906.

CHAPTER 132.

A 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:*

Form of conviction to recover penalties.

1. The conviction in prosecutions for the recovery of a penalty or penalties under the act to which this is a supplement, shall be in the following or similar form:

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

Be it remembered that on this ..... day of .... in the year of our Lord one thousand nine hundred and ....., at ....., in said county, C. D., defendant, was, by the District Court of the city of ..... (or by me, E. F., justice of the peace, police justice or recorder of the city of ....., or as the case may be), convicted of violating the ..... section of the act of the Legislature 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, in a summary proceeding at the suit of the Board of Tenement House Supervision of the State of New Jersey, as prosecutor; and that said violation was willful (or unwillful, as the case may be); and further, that the witnesses in said proceeding who testified for the prosecutor were (name them); and the witnesses who testified for the defendant were (name them); wherefore the said court (or justice of the peace, police justice or recorder, as the case may be), doth hereby give judgment that the prose-

cutor recover of the defendant ..... dollars, penalty, and ..... dollars, costs of this proceeding, and that execution do issue against the goods and chattels of said defendant for the amount of said penalty and costs, and for want of sufficient goods and chattels whereon to levy and make the same, to take the body of the defendant and convey him to the common jail of the county, and deliver him to the keeper thereof, to be there confined until the said penalty and costs be fully paid or until he be thence delivered by due course of law."

Signed by magistrate.

Said conviction shall be signed by the judge of the District Court, justice of the peace, police justice or recorder before whom the conviction is had.

2. This act shall take effect immediately.

Approved April 19, 1906.

CHAPTER 133.

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

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

Assembly districts.

1. For the purpose of electing members of the General Assembly of this State the several counties shall be formed into as many assembly districts as the said counties are entitled to elect members of the General Assembly, respectively, that is to say,

I.

Atlantic county.

The county of Atlantic shall constitute one assembly district.

II.

Bergen county.

The county of Bergen shall constitute two assembly districts, to be composed as follows:

1st district.

The First district to be composed of the boroughs of Alpine, Bergenfields, Bogota, Carlstadt, Cliffside Park, Closter, Cresskill, Demarest, Dumont, East Rutherford, Edgewater, Englewood Cliffs, Fairview, Fort Lee, Harrington Park, Hasbrouck Heights, Haworth, Leonia, Little Ferry, Lodi, North Arlington, Norwood, Old Tappan, Palisades Park, Ridgefield, Rutherford, Tenafly, Wallington and Woodridge, the city of Englewood and the townships of Harrington, Lodi, Overpeck, Palisades, Teaneck and Union;

2d district.

The Second district to be composed of the boroughs of Allendale, Delford, Etna, Garfield, Glen Rock, Maywood, Midland Park, Montvale, Oakland, Orvil, Park Ridge, Riverside, Saddle River, Upper Saddle River, Westwood and Woodcliff and the townships of Franklin, Hillsdale, Hohokus, Midland, New Barbadoes, Orvil, Ridgewood, Saddle River and Washington.

III.

Burlington county.

The county of Burlington shall constitute two assembly districts, to be composed as follows:

1st district.

The First district to be composed of the cities of Beverly, Bordentown and Burlington and the townships of Beverly, Bordentown, Burlington, Cinnaminson, Delran, Florence, Mansfield, Palmyra and Riverside and the boroughs of Fieldsboro and Riverton;

2d district.

The Second district to be composed of the townships of Bass River, Chester, Chesterfield, Easthampton, Evesham, Lumberton, Medford, Mount Laurel, New Hanover, North Hanover, Northampton, Pemberton, Shamong, Southampton, Springfield, Tabernacle, Washington, West Hampton, Willingboro and Woodland and the borough of Pemberton.

IV.

Camden county.

The county of Camden shall constitute three assembly districts, to be composed as follows:

1st district. The First district to be composed of the First, Second, Third, Fourth, Ninth and Tenth wards of the city of Camden;

2d district. The Second district to be composed of the Fifth, Sixth, Seventh and Eighth wards of the city of Camden and the city of Gloucester City;

3d district. The Third district to be composed of the Eleventh and Twelfth wards of the city of Camden, the boroughs of Audubon, Chesilhurst, Collingswood, Haddon Heights, Haddonfield, Merchantville, Oaklyn and Woodlynne and the townships of Center, Clementon, Delaware, Gloucester, Haddon, Pensauken, Voorhees, Waterford and Winslow.

V.

Cape May county. The county of Cape May shall constitute one assembly district.

VI.

Cumberland county. The county of Cumberland shall constitute two assembly districts, to be composed as follows:

1st district. The First district to be composed of the city of Bridgeton, the townships of Hopewell, Greenwich, Stowe Creek, Fairfield, Lawrence, Downe and Commercial;

2d district. The Second district to be composed of the city of Millville, borough of Vineland and the townships of Landis, Deerfield and Maurice River.

VII.

Essex county. The county of Essex shall constitute eleven assembly districts, to be composed as follows:

1st district. The first district to be composed of the First and Eighth wards of the city of Newark and the town of Belleville;

2d district. The Second district to be composed of the Eleventh and Fifteenth wards of the city of Newark;

The Third district to be composed of the Second, Fourth and Fifth wards of the city of Newark; 3d district.

The Fourth district to be composed of the Sixth and Seventh wards of the city of Newark; 4th district.

The Fifth district to be composed of the Third and Ninth wards of the city of Newark; 5th district.

The Sixth district to be composed of the Thirteenth ward of the city of Newark and the town of Irvington; 6th district.

The Seventh district to be composed of the Fourteenth ward of the city of Newark; 7th district.

The Eighth district to be composed of the Tenth and Twelfth wards of the city of Newark; 8th district.

The Ninth district to be composed of the town of Bloomfield, the borough of Glen Ridge, the town of Nutley, the town of Montclair and the township of Verona; 9th district.

The Tenth district to be composed of the city of Orange, the town of West Orange, the township of Caldwell and the boroughs of Caldwell, West Caldwell, North Caldwell and Essex Fells; 10th district.

The Eleventh district to be composed of the city of East Orange, the village of South Orange, the township of South Orange, the township of Milburn and the township of Livingston. 11th district.

VIII.

The county of Gloucester shall constitute one assembly district. Gloucester county.

IX.

The county of Hudson shall constitute twelve assembly districts, to be composed as follows: Hudson county.

The First district to be composed of the city of Bayonne; 1st district.

The Second district to be composed of the Third, Fourth, Fifth, Sixth, Seventh and Eighth election districts of the Sixth ward of the city of Jersey City, the Seventh ward of the city of Jersey City and the Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh election districts of the Eighth ward of the city of Jersey City; 2d district.

3d district. The Third district to be composed of the First, Second, Third, Fourth, Fifth and Twelfth election districts of the Eighth ward of the city of Jersey City, the First, Fifth, Sixth, Seventh, Eighth and Ninth election districts of the Ninth ward of the city of Jersey City and the Tenth ward of the city of Jersey City;

4th district. The Fourth district to be composed of the Fourth and Fifth Wards of the city of Jersey City, the First and Second election districts of the Sixth ward of the city of Jersey City and the Second, Third and Fourth election districts of the Ninth ward of the city of Jersey City;

5th district. The Fifth district to be composed of the First and Third wards of the city of Jersey City;

6th district. The Sixth district to be composed of the Second ward of the city of Jersey City, the First ward of the city of Hoboken and the First, Second, Third and Fourth election districts of the Eleventh ward of the city of Jersey City;

7th district. The Seventh district to be composed of the Third and Fourth wards of the city of Hoboken and the First election district of the Second ward of the city of Hoboken;

8th district. The Eighth district to be composed of the Second and Third election districts of the Second ward of the city of Hoboken, the Fifth ward of the city of Hoboken, the First, Second and Fourth election districts of the Second ward of the town of West Hoboken and the township of Weehawken;

9th district. The Ninth district to be composed of the Twelfth ward of the city of Jersey City and the Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh election districts of the Eleventh ward of the city of Jersey City;

10th district. The Tenth district to be composed of the towns of Harrison and Kearny and the borough of East Newark;

11th district. The Eleventh district to be composed of the First and Third wards of the town of West Hoboken, the Third election district of the Second ward of the town of West Hoboken, the township of North Bergen and the borough of Secaucus;

12th district. The Twelfth district to be composed of the town of Union, the town of West New York and the town of Guttenberg.

X.

Hunterdon county. The county of Hunterdon shall constitute one assembly district.

XI.

Mercer county. The county of Mercer shall constitute three assembly districts, to be composed as follows:

1st district. The First district to be composed of the boroughs of Hopewell, Pennington, Princeton and Hightstown, the townships of Hopewell, Princeton, Hamilton, West Windsor, East Windsor, Lawrence, Ewing and Washington and the Eleventh ward of the city of Trenton;

2d district. The Second district to be composed of the First, Second, Fifth, Seventh, Eighth, Thirteenth and Fourteenth wards of the city of Trenton;

3d district. The Third district to be composed of the Third, Fourth, Sixth, Ninth, Tenth and Twelfth wards of the city of Trenton.

XII.

Middlesex county. The county of Middlesex shall constitute three assembly districts, to be composed as follows:

1st district. The First district to be composed of the city of Perth Amboy and the township of Woodbridge;

2d district. The Second district to be composed of the city of New Brunswick, the townships of Raritan and Piscataway, and the borough of Metuchen, Highland Park and Dunellen;

3d district. The Third district to be composed of the townships of North Brunswick, East Brunswick, Cranbury, Monroe, South Amboy, Madison, South Brunswick, Sayreville and the boroughs of Milltown, South River, Helmetta and Jamesburg.

XIII.

Monmouth county. The county of Monmouth shall constitute three assembly districts, to be composed as follows:

1st district. The First district to be composed of the townships of Atlantic, Freehold, Howell, Manalapan, Matawan, Marlboro, Millstone and Upper Freehold, the town of Freehold and the boroughs of Englishtown, Matawan, Allentown and Farmingdale;

2d district. The Second district to be composed of the townships of Eatontown, Neptune, Ocean and Wall, the cities of Long Branch and Asbury Park and the boroughs of Avon, Belmar, Bradley Beach, Deal, Neptune City, Spring Lake, Allenhurst and Manasquan, the borough of Monmouth Beach and Sea Bright.

3d district. The Third district to be composed of the townships of Holmdel, Middletown, Raritan and Shrewsbury, the towns of Keyport and Red Bank and the boroughs of Atlantic Highlands and Highlands.

XIV.

Morris county. The county of Morris shall constitute two assembly districts, to be composed as follows:

1st district. The First district to be composed of the townships of Boonton, Chester, Jefferson, Montville, Mt. Olive, Pequanac, Rockaway, Roxbury and Washington, the towns of Boonton and Dover, and the boroughs of Butler, Mt. Arlington, Netcong, Rockaway and Wharton;

2d district. The Second district to be composed of the townships of Chatham, Hanover, Mendham, Morris, Passaic and Randolph, the town of Morristown and the boroughs of Chatham, Florham Park and Madison.

XV.

Ocean county. The county of Ocean shall constitute one assembly district.

XVI.

Passaic county. The county of Passaic shall constitute five assembly districts, to be composed as follows:

1st district. The First district to be composed of the townships of Acquackanonk, Little Falls, Manchester, Pompton,

West Milford, Wayne and the boroughs of Hawthorne, Pompton Lakes, Prospect Park, Totowa, North Haledon and Seventh ward of the city of Paterson;

The Second district to be composed of the First, Third and Fourth wards of the city of Paterson; 2d district.

The Third district to be composed of the Eighth, Ninth and Tenth wards of the city of Paterson; 3d district.

The Fourth district to be composed of the Second, Fifth, Sixth and Eleventh wards of the city of Paterson; 4th district.

The Fifth district to be composed of the city of Passaic. 5th district.

XVII.

The county of Salem shall constitute one assembly district. Salem county.

XVIII.

The county of Somerset shall constitute one assembly district. Somerset county.

XIX.

The county of Sussex shall constitute one assembly district. Sussex county.

XX.

The county of Union shall constitute three assembly districts, to be composed as follows: Union county.

The First district to be composed of the Second, Third, Fourth, Fifth, Sixth, Seventh and Tenth wards of the city of Elizabeth, the township of Linden and the boroughs of Linden and Roselle; 1st district.

The Second district to be composed of the First, Eighth, Ninth, Eleventh and Twelfth wards of the city of Elizabeth, the borough of Roselle Park, the townships of Cranford, Union and Springfield and the city of Summit; 2d district.

3d district. The Third district to be composed of the boroughs of New Providence, Mountainside, Fanwood, Garwood and the cities of Rahway and Plainfield, the town of Westfield and the townships of New Providence, Fanwood and Clark.

XXI.

Warren county. The county of Warren shall constitute one assembly district.

What boundaries meant. 2. All reference to counties, cities, towns, townships, boroughs, wards and other municipalities or municipal divisions or subdivisions shall be taken to refer to the land comprised within the boundary lines of the same as the said boundary lines existed upon the first day of January, A. D. 1906.

Election of Assemblyman who must reside in district. 3. On the date fixed for the general election by the act to which this act is a further supplement an election shall be held in each of the said assembly districts for one member of the General Assembly, who shall be resident in said district, which election shall in all respects be conducted according to the act to which this act is a further supplement and the acts supplementary thereto and amendatory thereof.

County clerk to circulate law. 4. The county clerks in the several counties of this State shall, within ten days after the approval of this act, cause the same to be printed for circulation in their respective counties, and shall furnish to any person applying to them therefor a printed copy of this act. The failure of any county clerk to furnish such copy to any person so demanding the same shall not, however, be construed to invalidate or affect any election held under this act.

5. This act shall take effect immediately.

Approved April 19, 1906.

CHAPTER 134.

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.

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

Survey of salt marsh areas.

1. It shall be the duty of the director of the State Experiment Station, by himself or through an executive officer to be appointed by him to carry out the provisions of this act, to survey or cause to be surveyed all the salt-marsh areas within the State, in such order as he may deem desirable, and to such extent as he may deem necessary, and he shall prepare or cause to be prepared a map of each section so surveyed, and shall indicate thereon all the mosquito-breeding places found on every such area, together with a memorandum of the method to be adopted in dealing with such mosquito-breeding places, and the probable cost of abolishing the same.

Indicate breeding spots on map.

Survey of fresh water swamps.

2. It shall be the further duty of said director, in the manner above described, to survey, at the request of the board of health of any city, town, township, borough or village within the State, to such extent as may be necessary, any fresh-water swamp or other territory suspected of breeding malarial or other mosquitoes, within the jurisdiction of such board, and he shall prepare a map of such suspected area, locating upon it such mosquito-breeding places as may be discovered, and shall report upon the same as hereinafter provided in section eight of this act. Requests as hereinbefore provided for in this section may be made by any board of health within the State, upon its own motion, and must be made upon the petition, in writing, of ten or more freeholders residing within the jurisdiction of any such board.

Map to show breeding spots.

Municipalities informed of mosquito breeding places.

3. Whenever, in the course of a survey made as prescribed in section one of this act, it is found that within the limits of any city, town, township, borough or village there exist points or places where salt-marsh mosquitoes breed, it shall be the duty of the director aforesaid, through his executive officer, to notify, in writing, by personal service upon some officer or member thereof, the board of health within whose jurisdiction such breeding points or places occur, of the extent and location of such breeding places, and such notice shall be accompanied by a copy of the map prepared as prescribed in section one, and of the memorandum stating the character of the work to be done and its probable cost, also therein provided for. It shall thereupon become the duty of the said board, within twenty days from the time at which notice is served as aforesaid, to investigate the ownership, so far as acertainable, of the territory on which the breeding places occur, and to notify the owner or owners of such lands, if they can be found or ascertained, in such manner as other notices of such boards are served, of the facts set out in the communication from the director, and of the further fact that, under chapter sixty-eight of the laws of one thousand eight hundred and eighty-seven, as amended in chapter one hundred and nineteen of the laws of one thousand nine hundred and four, any water in which mosquito larvæ breed is a nuisance and subject to abatement as such. Said notice shall further contain an order that the nuisance, consisting of mosquito-breeding pools, be abated within a period to be stated, and which shall not be more than sixty days from the date of said notice, failing which the board would proceed to abate, in accordance with the act and its amendments above cited.

Owners notified.

Notice to abate nuisance.

If owner fails to comply, board of health to act.

4. In case any owner of salt-marsh lands on which mosquito-breeding places occur and upon whom notice has been served as above set out, fails or neglects to comply with the order of the board within the time limited therein, it shall be the duty of said board to proceed to abate under the powers given in section thirteen and fourteen of the act and its amendments cited in the preceding section, or, in case this is deemed inexpedient,

it shall certify to the common council or other governing body of the city, town, township, borough or village the facts that such an order has been made and that it has not been complied with, and it shall request such council or other governing body to provide the money necessary to enable the board to abate such nuisance in the manner provided by law. It shall thereupon become the duty of such governing body to act upon such certificate at its next meeting and to consider the appropriation of the money necessary to abate the nuisance so certified. If it be decided that the municipality has no money available for such purpose, such decision shall be transmitted to the board of health making the certificate, which said board shall thereupon communicate such decision forthwith to the director of the Agricultural Experiment Station or his executive officer.

As to funds.

5. If, in the judgment of the director aforesaid, public interests will be served thereby, he may set aside out of the moneys appropriated by this act such an amount as may be necessary to abate the nuisance found existing and to abolish the mosquito-breeding places found in the municipality which has declared itself without funds available as prescribed in the preceding section. Notice that such amount has been set aside as above described shall be given to the board of health within whose jurisdiction such mosquito-breeding places are situated, and said board shall thereupon appoint some person designated by said director or his executive officer a special inspector of said board for the sole purpose of acting in its behalf in abating the nuisance found to be existing, and all acts and work done to abate such nuisances and to abolish such breeding places shall be done in the name of and on behalf of such board of health.

Certain amount may be set aside for abating breeding spots.

Special inspector.

6. If in the proceeding taken under section four of this act the common council or other governing body of any municipality appropriate to the extent of fifty per centum or more of the money required to abate the nuisance and to abolish the mosquito-breeding places within its jurisdiction, it shall become the duty of said director of the Agricultural Experiment Station to set

Municipalities may assist in abating breeding spots.

aside out of the moneys herein appropriated such sum as may be necessary to complete the work, and in all cases preference shall be given, in the assignment of moneys herein appropriated, to those municipalities that contribute to the work and in the order of the percentage which they contribute; those contributing the highest percentage to be in all cases preferred in order.

Preference.

How work done.

7. In all cases where a municipality contributes fifty per centum or more of the estimated cost of abolishing the breeding places for salt-marsh mosquitoes within its jurisdiction, the work may be done by the municipality as other work is done under its direction, and the amount set aside as provided in section six may be paid to the treasurer or other disbursing officer of such municipality for use in completing the work; but no payment shall be made to such treasurer or other disbursing officer until the amount appropriated by the municipality has been actually expended, nor until a certificate has been filed by the director or his executive officer stating that the work already done is satisfactory and sufficient to obtain the desired result, and that the arrangements made for its completion are proper and can be carried out for the sum awarded.

Payments.

Specie of mosquitoes shown.

8. In all investigations made under section two of this act the report to be made to the board of health requesting the survey shall state what mosquitoes were found in the territory complained of, whether they are local breeders or migrants from other points, and, in the case of migrants, their probable source, whether the territory in question is dangerous or a nuisance because of mosquito breeding, the character of the work necessary to abate such nuisance and abolish the breeding places, and the probable cost of the work. Said board of health must then proceed to abolish the breeding places found under the general powers of such boards, but if it shall appear that the necessary cost of the work shall equal or exceed the value of the land without increasing its taxable value, such board may apply to the director aforesaid, who may, if he deems the matter of sufficient public interest, contribute to the cost of the necessary work, provided that not more than fifty per

Local boards may be assisted by State.

centum of the amount shall be contributed in any case, and not more than five hundred dollars in any one municipality.

Payments, how made.

9. All moneys contributed or set aside out of the amount appropriated in this act by the director of the Agricultural Experiment Station in accordance with its provisions shall be paid out by the Comptroller of the State upon the certificate of said director that all the conditions and requirements of this act have been complied with, and in the case provided for in section five payments shall be made to the contractor upon a statement by the person in charge of the work, as therein prescribed, attested by said director, showing the amount due and that the work has been completed in accordance with the specifications of his contract.

Appropriation.

10. For the purpose of carrying into effect the provisions of this act, the said director of the State Agricultural Experiment Station shall have power to expend such amount of money, annually, as may be appropriated by the Legislature; *provided,* that the aggregate sum appropriated for the purposes of this act shall not exceed three hundred and fifty thousand dollars. The Comptroller of the State shall draw his warrant in payment of all bills approved by the director of the State Experiment Station, and the Treasurer of the State shall pay all warrants so drawn to the extent of the amount appropriated by the Legislature.

Proviso.

Act effective.

11. This act shall take effect November first, one thousand nine hundred and six.

Approved April 20, 1906.

CHAPTER 135.

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.

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

Section amended.

1. Section one of an act entitled "An act to establish the office or register of deeds and mortgages in certain counties of this State," approved March seventh, one thousand nine hundred and four, be and the same is hereby amended so as to read as follows:

Register of deeds in certain counties.

1. In every county of this State having a population of over one hundred and fifteen 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;

Proviso.

provided, however, that nothing in this act contained shall be taken to repeal, affect or modify any law now in force appertaining to the office of register of deeds and mortagages in any of the counties of this State, nor to abolish the office of register of deeds and mortgages in any of the counties of this State, in which such office now exists.

Approved April 20, 1906.

CHAPTER 136.

An Act to authorize any municipality of this State to use lands for forestry purposes, to cut and sell timber therefrom and to determine the character of such use.

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

Municipal forestry.

1. The governing body of any municipality of this State shall have power to use any lands of such municipality for forest growth, and shall have the power to cut and sell any timber found or grown upon such land; and shall have the further power to enter into contracts with the State Board of Forest Park Reservation Commissioners for the control and management of lands of such municipality for forestry purposes.

Public land.

2. Any and all lands of any municipality used in accordance with the provisions of this act shall be deemed to be used for public purposes and devoted to public uses.

3. This act shall take effect immediately.

Approved April 20, 1906.

CHAPTER 137.

An Act to provide for the attendance of a part of the national guard of New Jersey at the unveiling of the Red Bank battle monument.

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

National guard at unveiling of battle monument at Red Bank.

1. The Governor is hereby authorized and requested to send a suitable representation of the national guard

of this State to participate in the military display on the occasion of the unveiling of the monument erected on the battlefield of Red Bank, in the county of Gloucester, by authority of an act of the Legislature of the State of New Jersey entitled "An act to authorize the erection of a monument on the battlefield of Red Bank, in the county of Gloucester, and to appropriate money to pay the cost thereof," approved March thirtieth, one thousand nine hundred and five.

Appropriation.

The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated to cover the cost of transportation and other necessary expenses for that purpose.

2. This act shall take effect immediately.

Approved April 20, 1906.

CHAPTER 138.

An act to amend an act entitled "An act to enable the board of chosen freeholders of any county in this State to erect, construct and maintain a viaduct between two or more municipalities in such county, connecting streets or roads of such county or municipalities, 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," 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:*

Section amended.

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:

Total expense allowable for viaducts.

5. The total expense of viaducts contracted to be built under this act in any one year shall not exceed one-fifth 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-fifth of one per centum of the ratables as aforesaid.

2. This act shall take effect immediately.

Approved April 20, 1906.

CHAPTER 139.

A Further 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.

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

Cleanliness of building and creamery utensils.

1. No person or persons, firm 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 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, 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 all 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.

Creamery not inhabitable.

License to conduct creamery from State board of health.

2. No person or persons, firm or corporation shall operate or conduct any creamery for the reception from dairymen, farmers or producers, of any milk or cream intended for sale, or for the manufacture of the same into butter, cheese, condensed milk 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 the owner or owners or manager or operator of said creamery or establishment, authorizing said owner or owners or manager or operator to engage in said business of receiving, storing, handling, selling and distributing milk or cream, and said license shall be granted by the said board under such rules and regulations as the said board may from time to time adopt.

License forfeited for violations.

3. If any such persons, so licensed, shall violate any of the provisions of this act, or any of the rules and regulations provided for in section two of this act, he or they shall forfeit his or their license, and no new license shall be granted to the said party or parties until the requirements of this act and of the said rules and regulations shall have been complied with.

Local boards notified.

4. It shall be the duty of the State Board of Health to notify, in writing, the local board of health of every sanitary district in which milk or cream is sold, and which milk or cream is found to be collected, stored, transported or distributed under unclean or unwholesome conditions.

Penalties.

5. Any person or persons who shall operate or conduct a creamery or establishment for receiving milk or cream from dairymen or producers for distribution and sale, or for manufacturing the same into butter, cheese, condensed milk 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 provisions of the act to which this act is a further supplement.

"Creamery" defined.

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

Approved April 20, 1906.

CHAPTER 140.

A Further Supplement to an act entitled "An act to prevent deception in the sale of oleomargarine, butterine, or any imitation of dairy products, and to preserve the public health," 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:*

Chief inspector charged with duties of dairy commissioner.

1. The chief inspector of the board of health of the State of New Jersey shall hereafter perform and exercise all of the duties and powers imposed, prescribed or conferred on the State Dairy Commissioner by the provisions of the act to which this act is a further supplement, and process in any action for the recovery of a penalty for violation of any of the provisions of said act to which this act is a further supplement, or any act supplementary thereto or amendatory thereof, shall be issued at the suit of and in the name of said chief inspector as plaintiff.

2. This act shall take effect immediately.

Approved April 20, 1906.

CHAPTER 141.

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

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

Section amended.

1. Section sixty-four of the act entitled "An act concerning railroads," approved April fourteenth, one thousand nine hundred and three, be and the same is hereby amended to read as follows:

May lease, merge, etc.

64. Any railroad company of this State may lease its road, or any part thereof, to any other railroad company of this or any other State, or may take a lease of the road, or any part thereof, of any other railroad company of this or any other State, or may unite and consolidate as well as merge its stock, property, franchises and road with those of any other company or companies of this or any other State, or may do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises and road may use and operate said road and their own road, and

Rates.

collect fares and freights as provided in the case of companies organized under this act, but not in excess of the charges on the line of any of the consolidated companies, and shall not exceed the rates limited by any special act incorporating such company; such leasing or consolidation may be made where the roads of the said companies connect either directly or over the intervening line of

Right of exemption and privileges surrendered.

one or more other railroad companies; no such lease, union, consolidation or merger shall take effect until the parties thereto file in the office of the Secretary of State an agreement surrendering to the State all rights of exemption and contract privileges with respect to taxation, and reserving to the State any existing right to

Right of State to take property.

take the property of any of the parties, and the property

and franchises in this State of the lessor and lessee and of such consolidated company shall be subject to taxation under the general laws of this State. Franchise taxable.

2. This act shall take effect immediately.

Approved April 20, 1906.

CHAPTER 142.

A Supplement to an act entitled "An act to create the office of Commissioner of Charities and Corrections and to define his powers and duties," approved March twenty-fifth, one thousand nine hundred and five.

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

1. The Commissioner of Charities and Corrections be and he hereby is authorized to employ from time to time, with the approval of the Governor, during a period not exceeding one year from the date of the approval of this act, architects and draughtsmen to assist in the preparation of plans and specifications for State buildings or for improvements for State institutions, and such architects and draughtsmen shall each be paid such sum for his services as shall be fixed by said Commissioner of Charities and Corrections and shall be approved of by the Governor. Assistants in preparing plans for State buildings.

2. This act shall take effect immediately.

Approved April 20, 1906.

New Jersey State Library

CHAPTER 143.

An Act to amend an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

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

Compensation of interpreters.

151. Said interpreter shall receive as compensation for such service an annual salary of not less than four hundred dollars and not more than six hundred dollars, to be fixed by the judge appointing him, said salary to be paid by the county collector monthly, upon certificate of said judge; *provided,* that in counties of the first class said interpreter shall receive, in lieu of other salary, five dollars per day for each day he shall be in attendance upon said courts, the same to be paid by the county collector upon the certificate of the clerk of said courts. The judge of the Court of Quarter Sessions in any county of the first and second class may appoint an interpreter skilled in the Italian language, whose duty it shall be to attend in person such court and the sessions of the grand jury, and at chambers, whenever requested so to do, and perform any duty required of him connected with the business of said courts in the office of the prosecutor of the pleas, the sheriff and the clerk of said courts, in the interpretation of the Italian language; and said interpreter shall receive as compensation for his services in any county of the first class an annual salary, to be fixed by the said judge, not to exceed twelve hundred dollars, and in any county of the second class an annual salary,

Proviso.

Interpreter in Italian language.

Attendance.

Compensation.

to be fixed by said judge, not to exceed nine hundred dollars, to be paid by the collector monthly, as above provided.

2. This act shall take effect immediately.

Approved April 20, 1906.

CHAPTER 144.

A Further Supplement to an act entitled "An act relative to sales of land under a public statute or by virtue of any judicial proceedings" (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:*

Bidder relieved if defect in title not shown.

1. Any purchaser of real estate at any public sale, held under the provisions of the act to which this is a supplement, or of any supplement thereto or amendment thereof, except at sales under general execution and actual levy thereunder, or for unpaid taxes or municipal liens, shall be entitled to be relieved from his bid if before delivery of the deed he shall satisfy the court by whose authority such sale was made of the existence of any substantial defect in or cloud upon the title of the premises sold which would render said title unmarketable, or of the existence of any lien or encumberance thereon, unless a reasonable description of the estate or interest to be sold, and of the defects in title and liens or encumbrances thereon, with the approximate amount of said liens and encumbrances, if any, be inserted in the notices and advertisements required by law, and in the conditions of sale; *provided, however,* that if the court shall direct any lien or encumbrance not described, and which is due and payable, to be paid out of the proceeds of sale, the purchaser shall not then be relieved by reason of such lien or encumbrance.

Proviso.

Approved April 20, 1906.

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CHAPTER 145.

An act to amend the title of, and a supplement to an act entitled "An act to provide for the purchase 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, nineteen hundred and five.

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

Title amended to read.

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 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.

Condemnation of turnpikes by counties.

2. Whenever the board of chosen freeholders of any country 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, which has been improved by the construction thereon of a macadam, telford, rubble or other stone road, 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 re-

ceiving 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, nineteen hundred, and the acts amendatory thereof and supplemental thereto.

Action approved by road commissioner.

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 freholders 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.

Borrow money to make payment.

State's share one-third.

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.

Liability of sub-divisions of county.

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.

Collection of county's share by taxation.

6. This act shall take effect immediately.

Approved April 20, 1906.

CHAPTER 146.

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:*

Distribution of State tax among the counties for school purposes.

1. The tax assessed in each year by virtue of the provisions of subdivisions one, three and four of section three 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,' which act was approved March twenty-seventh, one thousand eight hundred and eighty-eight," and the amendments thereof or supplements thereto, after deducting therefrom a sum equal to one-half of one per centum of the total valuation of the property on which said tax shall be assessed, shall be devoted to the maintenance and support of a thorough and efficient system of free public schools, and shall be apportioned annually, on or before the first day of February, among the several counties by the State Comptroller in proportion to the amount of taxable real and personal estate of said counties respectively, as shown by the last abstract of ratables from the several counties made out by the several boards of assessors, and filed in the office of said Comptroller. The State Comptroller shall, on or before the first day of November following said apportionment, draw his warrant on the State Treasurer in favor of the county collector of each county for the portion of said tax to which said county shall be entitled, as aforesaid. The moneys received by any county collector by virtue of the provisions of this act shall be

apportioned by the county superintendent of schools of such county among the several school districts therein at the same time and in the same manner as other moneys shall be apportioned by him. Apportionment by county superintendents.

2. This act shall take effect immediately.

Approved April 20, 1906.

CHAPTER 147.

A Supplement to an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

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

1. All lands the property of any county, and all lands the property of any taxing district, which are situated within the limits of any other taxing district, shall be subject to taxation by the taxing district within which such lands are situated at the true value of such lands without regard to any buildings or other improvements on such lands, notwithstanding any exemption provided for in the act to which this is a supplement. Property of municipalities in other districts taxable.

2. This act shall take effect immediately.

Approved April 20, 1906.

CHAPTER 148.

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.

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

Section amended.

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

Committee may accept streets;

1. The township committee shall have power and authority by ordinance—

(1.) To accept any street, road or public place when the same shall have been dedicated to the public use.

lay out, improve, acquire, etc.

(2.) To lay out, open, widen, straighten, name, rename, alter or vacate any street, avenue, road or highway, or section of the same, and to take and appropriate for any of such purposes any lands and real estate upon making compensation to the owner by purchase thereof at a price agreed upon, and where an agreement as to compensation cannot be made, by the payment of damages as hereinafter mentioned and provided.

2. This act shall take effect immediately.

Approved April 21, 1906.

CHAPTER 149.

An Act concerning the government of certain cities in this State and constituting a board of finance and a police board 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 boards, and providing for the maintenance of said boards.

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

Board of finance appointed by mayor.

1. In all cities in this State now or hereafter having within their territorial limits a population of not less than one hundred thousand nor more than two hundred thousand inhabitants, the mayor thereof shall, within one month after this act shall take effect, appoint four suitable persons, residents of such city, to be known as the

board of finance of such city, not more than two of whom shall be members of the same political party, all of whom shall be appointed to serve until the first day of January, nineteen hundred and eight. On the first day of January, nineteen hundred and eight, and each succeeding two years thereafter, the said mayor shall appoint four suitable persons, residents of such city, to be known as the board of finance of such city, not more than two of whom shall be members of the same political party, for the term of two years, to take the place of those members whose terms shall expire with such year; the members of said board shall be paid an annual salary of five hundred dollars, payable monthly. Any vacancy in such board of finance shall be forthwith reported by the clerk of said board to said mayor, who shall, within thirty days thereafter, appoint a person of the same political party to fill such vacancy, for the unexpired term only. Each of the members of said board shall devote such time and attention to the faithful performance of the duties of his office as the welfare of the affairs under the government, control and management of such board may require. The members of such board, so appointed as aforesaid, shall constitute and be called "the board of finance of the city of ....." (name of the city in and for which they are appointed). Each of the members of such board shall, within ten days after his said appointment, qualify by taking and subscribing before the clerk of such city, or some other person authorized to administer oaths, an oath or affirmation faithfully to discharge the duties of his office to the best of his skill and understanding, and also to give bond to such city in the sum of ten thousand dollars, each to be approved as to the form thereof by the city counsel of such city, and as to the sufficiency thereof by the mayor of such city, for the faithful discharge of their official duties, which bond shall be filed in the office of the clerk of such city.

Non-partisan.

Terms.

Salary.

Vacancies.

Corporate name.

Oath.

Bond.

2. The said board shall be in place of and be substituted for, and shall be invested with and shall perform all the powers and duties now exercised by any finance committee of any board of aldermen or common council,

Board to replace any similar board.

or by any board of aldermen or common council in any such city, by virtue of any law of this State in regard to the control and management of the finances of any such city, or the levying of taxes, and fixing the annual tax or tax levy, or tax ordinance, of any such city; the intention of this provision being that there shall be a board of finance constituted as herein provided, in place of any and every other board or authority in such city in the control, care and general management of the finances thereof, and that such board of finance in such city shall have the sole power to borrow money, issue bonds, or scrip, provide for the payment of the interest and principal thereof, and to do and perform every power and duty heretofore performed by any other board or authority in regard to the raising and borrowing of money or any other of the financial affairs of such city.

Books, records etc., turned over.

All books and papers, matters and things in the possession of the board of aldermen, common council, or any committee or department thereof, or of any authority in such city or used by them, or either of them, in the discharge of their duties in the care and management in the financial affairs of such city interested as herein provided, shall be delivered up to the board of finance organized pursuant to the provisions of this act immediately after demand therefor.

Investments.

3. The said board shall receive and invest, re-invest or keep invested and apply all moneys and securities theretofore set apart, then or hereafter to be raised, as a sinking fund in such city pursuant to any law or ordinance at any time in force therein. The persons, commission or board having charge thereof shall deliver

Securities of sinking fund.

to such board of finance, upon demand therefor made, all moneys and securities belonging to any sinking fund, together with the books and papers relating thereto.

Organization.

4. The members of such board first appointed hereunder shall meet as a municipal board immediately after the taking and subscribing of the required oaths or affirmations, and the execution and approval of their official bonds for the faithful performance of the duties of their office, and they shall immediately select one of their members to act as president of such board for the

ensuing year, and thereafter they shall select a president each year, and in case of a vacancy occurring at any time during the year the boards shall fill the office for the rest of the year; a majority of the whole number of the members of such board shall be necessary to constitute a quorum for the transaction of business, and the acts of three members of such board shall be the acts of the board; the president shall have the power to call special meetings of such board whenever he shall deem it expedient; the members of said board may make, establish, modify and repeal such by-laws, rules and regulations and pass such resolutions governing the proceedings of such board or of its members and the officers and employes over whom, by the provisions of this act, they shall have authority and control as such board may deem proper and advisable; said board shall have power to appoint a clerk and to fix his compensation; *provided, however,* that nothing in this act shall be construed to give such board power or authority to appoint or elect any officer or employe of the city government now chosen or elected by the board of aldermen, common council or other governing body.

Special meetings; rules, regulations, etc.

Proviso.

5. The mayor of any city subject to the provisions of this act shall have the right to veto the acts of such board, and copies of all resolutions or other matters duly certified shall be furnished to the mayor of every such city, and he shall have ten days in which to consider them in each case before signing or returning them to said board with his objections. The mayor shall have the power to veto any item or items contained in any ordinance or resolution appropriating money for any purpose, and to approve of the residue of such ordinance or resolution. Said board may pass any resolution of other matter, notwithstanding the objections of the mayor, by a vote of two-thirds of all the members thereof.

Mayor to approve or veto.

6. In every such city the mayor and police justice or recorder thereof shall appoint four suitable persons, residents of such city, to be known as the police board of such city, not more than two of whom shall be members of the same political party, all of whom shall be ap-

Non-partisan police board.

pointed to serve until the first day of January, nineteen hundred and eight. On the first day of January, nine-
Terms. teen hundred and eight, and each succeeding two years thereafter, the said mayor and police justice or recorder shall appoint four suitable persons, residents of such city, to be known as the police board of such city, not more than two of whom shall be members of the same political party, for the term of two years, to take the place of those members whose terms shall expire with such year; the members of said board shall be paid an
Salary. annual salary of five hundred dollars, payable monthly.
Vacancy. Any vacancy in such police board shall be forthwith reported by the clerk of said board to said mayor and police justice or recorder, who shall, within thirty days thereafter, appoint a person of the same political party to fill such vacancy, for the unexpired term only, and should the mayor fail or refuse to agree to appoint said commissioners for the space of thirty days after the passage of this act, or after the expiration of any term or the occurring of any vacancy, then the said police justice or recorder shall appoint said police board or member or members thereof, and if said police justice or recorder should fail or refuse to agree to appoint said police board for the space of thirty days thereafter, or after the expiration of any term of the occurring of any vacancy, then the mayor shall appoint the said police board or member or members thereof; each of the members of said board shall devote such time and attention to the faithful performance of the duties of his office as the welfare of the police department and the affairs under the government, control and management of such board may require, the members of such board so ap-
Corporate name. pointed as aforesaid shall constitute and be called "the police board of the city of ....." (name of the city in and for which they are appointed); each of the members of such board shall, within ten day after his said appointment, qualify by taking and subscribing before the clerk of such city, or some other person authorized to administer oaths, an oath or affirmation faithfully to discharge the duties of his office to the best of his skill
Bond. and understanding, and also to give bond to such city

in the sum of five thousand dollars each, to be approved as to sufficiency by the board of finance provided in this act, for the faithful discharge of their official duties, which bond shall be filed in the office of the clerk of such city.

Police board to replace any similar board.

7. The said police board of such city shall be in place of and substituted for, and shall become invested with, and shall perform all the powers and duties of the board of aldermen, common council or other governing body or department of such city by whatever name called, concerning the appointment power, governing and other matters relating to the police of such city; they shall also adopt such rules and regulations as to the apointment, control, duties and dismissals of the members of the police force as to them shall seem expedient, and may alter the same at pleasure; *provided, however,* that no member of said police force shall be removed except for cause and after trial therefor before said police board; the police force of such city shall not exceed one for each one thousand of population of such city, unless said police board, by a unanimous vote, should determine that a greater number is required.

Proviso.

Powers and authority.

8. The said police board of such city be and is hereby invested with full power and authority to control and manage the department of charities and correction in any such city, and it shall possess all the powers and perform all the duties now performed by any board of aldermen, common council or other governing body in any such city concerning and appertaining to the management and control of the said department of charities and correction; *provided, however,* that nothing in this act shall be construed to give such board the power or authority to appoint any superintendent of indoor relief or any superintendent of outdoor relief of any such city; said board shall also have power to buy, sell, construct or repair such things as in the judgment of said board shall seem expedient and necessary for the proper management of said department of charities and correction; said board shall also have the exclusive power to relieve and pay for the relief of the poor in any workhouse or building, and the expense of any such institution; said

Proviso.

Relief of poor.

board shall also have the exclusive power to relieve and pay for the relief of the poor not in any such workhouse or other building; said board shall, at two specific times, designated by them in each year, solicit proposals for the furnishing of supplies to the department of in and outdoor relief of the poor, and shall, in every instance, award the contract to the lowest responsible bidder; *provided, however,* that said board shall have the right at all times to reject any or all bids if deemed to be for the interest of the city.

Proviso.

Organization.

9. The members of such board first appointed hereunder shall meet as a municipal board immediately after the taking and subscribing of the required oaths or affirmations, and the execution of their official bond for the faithful performance of the duties of their office, and shall elect by ballot, by a majority vote, one of the members of such board, to act as president of said board, and should they fail to elect one to act as president on the first day of such session, they shall adjourn till the following day at ten o'clock A. M., and then proceed again to ballot for a president of said board, and should the first ballot result in no election, then the police justice or recorder shall have power, and it shall be his duty to designate one of those voted for by said board, who shall act as such president of such board for the ensuing year, and thereafter they shall select a president each year, in the same manner, and in case of a vacancy occurring at any time during the year the board shall fill the office for the rest of year in the same manner as herein provided; a majority of the whole number of the members of such board shall be necessary to constitute a quorum for the transaction of business, and the acts of three members of such board shall be the acts of the board; the president shall have the power to call special meetings of such board whenever he shall deem it expedient; the members of said board may make, establish, modify and repeal such by-laws, rules and regulations and pass such resolutions governing the proceedings of such board or of its members, and the officers and employees over whom, by the provisions of this act, they shall have au-

President.

Rules and regulations.

thority and control, as such board may deem proper and advisable.

Police justice an ex-officio member.

10. The police justice or recorder of any such city where police boards are appointed under this act shall be a member ex-officio of said board, and shall have the power, and it shall be his duty, to act as a member of said board, and vote in all cases where the said board fails to reach a decision on any question before them, whether such vote be upon a matter of appointment or other matter brought before them for action.

Clerk of board; salary.

11. The clerk of the police justice or recorder of any such city shall act and perform the duties of clerk of said police board, and shall receive a salary of three hundred dollars annually, payable monthly therefor in addition to his salary as clerk of such police justice or recorder; he shall also keep a correct and accurate account of all the proceedings of the said board in a book or books provided by said board, and shall, at all times, have the minutes of said board open for the inspection of the mayor or any member of the board of finance of such cities, and shall, at all times, give such information to members of the police board as they shall desire.

Keep records.

Money from licenses appropriated to board.

12. The moneys received by any such city for licenses for the sale of liquor or any other purpose whatever shall be and hereby is appropriated exclusively to the support and maintenance of the police department and the department of charities and correction and for the payment for the other purposes or officials provided for by this act or necessary to carry out its provisions, and if there should be an unexpended balance from said source, the same shall be placed to the credit of the department that the board of finance of such city may determine.

Annual report.

13. The said police board shall annually, in the month of May, submit a full report of the proceedings of said board to the mayor of such city, and shall set forth in said report the condition at the time of the police force of such city, and the department of charities and corrections, and the other matters within their jurisdiction, which report shall be published in the same manner as the mayor's message, and a copy thereof shall be filed in the office of the city clerk.

Act not affected by invalidity of a section.

14. In case, for any reason, any section or provision of this act shall be questioned in any court, or be held to be unconstitutional or invalid, the same shall not in anywise affect any other section or provision of this act.

Repealer.

15. All acts and parts of acts, general and special, public or local, inconsistent with the provisions of this act, be and the same are repealed, and this act shall take effect immediately.

Approved April 23, 1906.

CHAPTER 150.

An Act relative to the appointment of public officers in cities.

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

Powers exercised by resolution.

1. Whenever general power has been granted to any board or body by the charter of any city or any supplement or amendment thereto for the appointment of necessary officers, agents or servants, such power may be exercised by resolution of the board or body empowered to make such appointments in the manner provided by the charter, and their powers and duties may be thereafter prescribed by general ordinance; *provided,* that this act shall not apply to officers as to whom the charter of any city, or any supplement or amendment thereto, enacts that the mayor of such city shall nominate, and by and with the advice and consent of the common council, appoint; or as to whom it is therein provided that the mayor shall nominate, and by and with the advice and consent of any board or body of such city, appoint.

Proviso.

Repealer.

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

3. This act shall take effect immediately.

Approved April 24, 1906.

CHAPTER 151.

An Act concerning superintendents of indoor relief in cities of this State.

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

Appointed by mayor with consent of council.

1. In all cities of this State having an officer known as superintendent of indoor relief, said superintendent of indoor relief shall hereafter be appointed by the mayor, by and with the consent and confirmation of a majority of the common council, board of aldermen or other governing body, said appointment to continue during the good behavior of the said appointee.

Terms of present superintendent to continue.

2. All superintendents of indoor relief now in office shall continue therein for the term for which they were respectively elected or appointed, unless they shall resign therefrom before the expiration of said term, or unless said office shall become vacant by reason of death or removal for any other cause; in any of which events such office shall be filled in the manner provided in section one of this act.

Repealer.

3. All acts or 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 24, 1906.

CHAPTER 152.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations, and to 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:*

Municipal consent as to cemeteries.

1. It shall not be lawful to locate any new cemetery or burying-ground, or to enlarge any cemetery or burying-ground in this State without the consent and approval of the municipal authorities and board of health of the city, township, town or borough in which it is proposed to locate or enlarge said cemetery or burying-ground, upon application in writing for that purpose made; and in case of the refusal of the municipal authorities and local board of health to grant the same, then the person or persons making application as aforesaid may, within thirty days after such refusal, apply to the State Board of Health, which shall have power to reverse the decision of the local authorities and grant the application; and in case the local authorities grant the permit to locate or enlarge any cemetery or burying-ground and the same shall be deemed objectionable by the inhabitants of the city, town, township or borough where it is proposed to locate, then ten citizen freeholders thereof may, within thirty days after the granting of such permit, apply to the State Board of Health, which shall have power to reverse the decision of the local authorities and prohibit said location or enlargement; and it is hereby specially provided, that all persons making application as aforesaid for the location or enlargement of any cemetery shall accompany the same with a descriptive map of the premises they propose to occupy, a copy of which shall be also filed in the office of the State Board of Health.

May apply to State authorities.

Map provided.

Repealer.

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

Approved April 24, 1906.

CHAPTER 153.

AN ACT to provide for the collection, custody and arrangement of the military records of the State of New Jersey.

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

1. All military records, such as muster and pay-rolls, returns, order books, commissions, discharges, vouchers, accounts, letters, applications for pension or other gratuity, capable of being separated from civil records, now preserved in any department or bureau of the State government, or in the office of the clerk or surrogate of any county within this State, shall be transferred to the office of the Adjutant-General of New Jersey for future preservation, where they shall be properly indexed and arranged for use. All military records deposited with adjutant-general.

2. This act shall take effect immediately.

Approved April 25, 1906.

CHAPTER 154.

AN ACT to authorize The Passaic River Flood District Commissioners to make further investigation in regard to the best methods of regulating the flow of torrential rivers in the Passaic River Flood District to protect persons and property therein from damage by floods, and to report a plan or method for this purpose to the Legislature of this State; and providing also for the payment of the necessary expenditure made by the said commissioners for this purpose.

WHEREAS, The Legislature of this State by an act approved April nineteenth, one thousand nine hundred Preamble.

and four, authorized the Governor of this State, whenever the Legislature by special act should create and establish a river flood district within this State, defining the territory included therein, to nominate and appoint five persons residents within such district as Commissioners, with power and authority to advise and adopt plans of suitable works for the control and restraint of flood waters of rivers flowing through the district, and to make and construct and maintain dams, reservoirs, sluices, canals, aqueducts and other works appropriate for preventing damage to property in the said district from the overflow of such river, and conferring upon said commissioners certain powers for this purpose; and

WHEREAS, The Legislature subsequently passed an act creating a flood district to be called "The Passaic River Flood District," designating the boundaries thereof, which act was approved April 29, 1905; and

WHEREAS, The said commissioners have not been provided with the necessary funds with which to defray the expense of investigation as to the best method for the control and restraint of flood waters of the river flowing through the said district and have as yet adopted no specific plan therefor; and

WHEREAS, It is deemed advisable that the said commissioners should make such investigation and report a definite and detailed plan or method, and a detailed estimate of the probable cost of obtaining the necessary funds, property and rights, and of constructing the necessary works, as well as the cost of maintaining the same, and also report in detail the benefits which in their opinion will accrue to the lands specially benefited by said works, and the benefits which will accrue to each county and municipality in said district; therefore

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

Commission to investigate and report feasible plan for controlling flood waters.

1. The said commissioners be and they are hereby directed to proceed to investigate plans and methods for the controlling of flood waters of the said district, and

to report what in their opinion after such investigation is the most feasible and best plan for this purpose, which report shall set out in detail the plan adopted by the commissioners, with a detailed estimate of the cost of constructing the said works as well as the cost in detail of maintaining the same, and the said commissioners shall also report the special benefits which will in their opinion accrue to lands or property specially benefited, such estimate of special benefits to be by blocks of land or lands included between streets, roads or natural boundaries, and will state in detail the benefits which in their opinion will accrue to each county and municipality in said district; the said report shall be filed by the said commissioners with the Secretary of State of this State on or before the first day of December, one thousand nine hundred and six, and shall be open to the examination of all persons and municipalities interested, and the Secretary of State shall present the said report to the Legislature when it shall convene, and the said commissioners shall also recommend in their said report a plan for raising the money which will be necessary to meet the expenditures which will be incurred by the said commissioners in the purchase of lands and property and in the construction of works and the operation and maintenance of the same, and shall also report a bill or act to carry the plan and method adopted into execution.

Report filed with secretary of state.

2. The sum of twenty thousand dollars be and the same is hereby appropriated out of the State funds for the payment of the expenses to be incurred by the said commissioners in the performance of the duties imposed upon them by this act.

Appropriation.

3. In case the plans reported by the said commissioners shall be approved by the Legislature and the commissioners authorized to execute the said work and to raise the moneys required therefor, the sum thus appropriated with interest thereon shall be deemed a part of the expense of construction and shall be repaid, with interest at the rate of five per cent. per annum out of the first moneys received by the said commissioners from the sale of bonds, or from taxes imposed, or otherwise.

Bond issue cover expenses.

Payment.

4. The Comptroller of the State of New Jersey is hereby authorized and directed to draw his warrant on the Treasurer of this State in favor of The Passaic River Flood District Commissioners for the sum of twenty thousand dollars, and the Treasurer of this State is hereby directed to pay the same.

5. This act shall take effect immediately.

Approved April 25, 1906.

CHAPTER 155.

AN ACT relating to municipalities governed by a board of commissioners or improvement commission, providing for the election of a president and a commissioner-at-large thereof and defining their powers and duties, and also regulating the procedure to be observed in passing ordinances and resolutions.

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

Additional members of municipal commissions.

1. In any municipality containing not less than ten thousand inhabitants, which is governed by a board of commissioners or improvement commission, there shall be two additional members of such board, one of whom shall be designated by the legal voters of such municipality as president and the other as member-at-large. They shall be elected by said voters of such municipality at the annual election, and shall serve for a term of two years; *provided*, that the member-at-large chosen at the first election shall serve for one year only. Vacancies occurring from any cause in the office of president of the commission or member-at-large, or commissioner elected from any ward, shall be filled at the next annual election for the unexpired term only.

Proviso.

Vacancies.

Duties of president of commission.

2. The president shall be the chief executive officer of the municipality; he shall be vigilant and active in

causing the laws and ordinances of the municipality to be executed and enforced; he shall exercise a constant supervision over the conduct of all subordinate officers and examine into all complaints preferred against them for violation or neglect of duty, and report to the board any dereliction thereof; he shall recommend to the board, from time to time, such measures as he may deem necessary or expedient for the welfare of the municipality; he shall perform all such duties as may be required of him by law or ordinance; he shall have all the powers which any police justice may now or hereafter have, and for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage; he shall have control of the police force of the municipality, and he shall, from time to time, take such measures as he may deem necessary for the preservation of the peace and good order and the enforcement of the laws and ordinances of the municipality.

Assistants.

3. The president shall nominate, and by and with the advice and consent of the board shall appoint such officers as may be deemed necessary by the board for the proper administration of the public business; said officers shall hold office during the pleasure of the board; *provided*, that no officer shall be removed without the vote of a majority of the whole board and without giving him an opportunity to be heard. Unless sooner removed, however, they shall hold office for one year and until their successors shall have qualified. Whenever a vacancy occurs in any such office, such vacancy shall be filled for the unexpired term by the president, by and with the advice and consent of the board.

Proviso.

Term and vacancies.

Head of police department; appointments and removals.

4. The president shall be the head of the police department, and shall have power to appoint a chief of police and such policemen and subordinates as may be required by ordinance. These appointments, however, shall not take effect until confirmed by the board. He shall have power to suspend and remove the chief of police, policemen and any other members of the force, for good cause, which suspension or removal he shall report to the board, but such action shall not be final until confirmed by the board. In case, however, the

board shall not ratify any suspension or removal, the officer so suspended or removed shall be reinstated.

If no president.

5. Whenever there shall be a vacancy in the office of president, the commissioner-at-large shall act as such president and possess all his rights and powers during such vacancy; he shall preside at all meetings of the board when the president does not preside; he shall have the right to debate and vote on all questions before the board.

Annual meeting of commission.

6. The president, the commissioner elected at large and the commissioners elected from wards shall constitute the board of commissioners or improvement commission of such municipality, and shall meet on the first day of January in each year, which meeting shall be denominated the annual meeting, and thereafter at such time and place as they may by resolution direct or as may be appointed by their by-laws or to which their meetings may be adjourned. Three commissioners and the president shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. All meetings shall be presided over by the president, except as herein otherwise provided, but he shall not vote except to give a casting vote in case of a tie; in the absence of the president four commissioners shall constitute a quorum. It shall be the duty of the president, when necessary, to call special meetings of the board; in case of his neglect or refusal any four members of the board may call such meeting; notice of special meetings shall be given to all of the commissioners or left at their residence.

Quorum.

Presiding officer.

Special meetings.

In absence of president.

7. In case of the president's absence from the municipality for a period of three days, or in case of his inability to act by reason of sickness or other cause, the commissioner at large shall perform all the duties of the president during such absence or inability; *provided, however*, that it shall be the duty of the president, in case of his intended continued absence from the municipality for more than three days at any one time, to notify the said commissioner at large in writing of such intended absence, whereupon the said commissioner at large shall be and become acting president from the receipt of such

Proviso.

notice, and shall continue to act until the president's return.

Ordinances.

8. All ordinances shall be submitted in writing at a regular meeting of the board and passed at a subsequent regular meeting; *provided, however,* that no ordinance shall be finally passed, except by the vote of a majority of the whole board, and until approved by the president, or passed over his veto, or unless it is not returned by him with his approval or veto within five days (Sundays excepted) after he receives it. Every ordinance shall be recorded in full by the clerk in a proper book to be kept for that purpose, and advertised by copies set up in at least ten public places in said municipality for at least one week, or published in a newspaper published in said municipality by insertion for two successive issues; said ordinance shall not take effect until so posted or published, but in every case where such ordinance may come in question or be enforced, such posting or publication shall be presumed to have been had until the contrary thereof be shown.

Proviso.

Recorded and published.

Approval of ordinances and certain resolutions by the president.

9. Every ordinance passed by the board and every resolution appropriating money, or in any way tending to pecuniarily obligate the municipality (including the fixing of all salaries), and also resolutions auditing or directing the payment of bills or demands, together with such bills, shall, within five days after the passage thereof (Sundays excepted), be presented to the president, and the report of the clerk shall be conclusive evidence that such ordinance or resolution has been so presented; if he approves it, he shall, within five days (Sundays excepted) after its receipt by him, sign and file it with the clerk; if not, he shall, within the same time, return the same to the clerk with his objections thereto in writing, and the board shall, at their next meeting, cause the objections to be entered at length on their minutes and proceed to reconsider the same, and if two-thirds of all the commissioners shall at said meeting, or at any subsequent meeting to which they shall postpone its recommendation, vote to pass the same over said veto, it shall take effect; if such ordinance or resolution shall not be so returned by the president within five days (Sundays

If not approved, returned for reconsideration.

excepted) after he receives it, it shall take effect in like manner as if he had signed it; *provided*, that if any such ordinance, resolution or bill shall contain more than one distinct section, clause or item, the president may approve one or more thereof and veto the rest.

Proviso.

10. This act shall take effect immediately.

Approved April 26, 1906.

CHAPTER 156.

AN ACT amending sections twenty-nine and thirty of "An act concerning banks and banking" (Revision of 1899).

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

Section amended.

1. Section twenty-nine of "An act concerning banks and banking" (Revision of 1899), be and the same is hereby amended so as to read as follows:

INSOLVENT OR UNSAFE BANKS. REMEDY IN CHANCERY BY INJUNCTION AND APPOINTMENT OF RECEIVER.

Insolvency.

29. Whenever any bank shall become insolvent, or shall suspend its ordinary business for want of funds to carry on the same, the Attorney-General or any creditor or stockholder may, by petition or bill of complaint setting forth the facts and circumstances of the case, apply to the Court of Chancery for a writ of injunction and the appointment of a receiver or receivers or trustees, and the court being satisfied, by affidavit or otherwise, of the sufficiency of said application, and of the truth of the allegations contained in the petition or bill, and upon such notice, if any, as the court by order may direct, may proceed in a summary way to hear the affidavits, proofs and allegations which may be offered on behalf of the parties, and if, upon such inquiry, it shall appear to the

Application for injunction and receiver.

court that the bank has become insolvent, and is not about to resume its business in a short time thereafter, with safety to the public and advantage to the stockholder, it may issue an injunction to restrain the bank and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts, or paying out, selling, assigning or transferring any of its estate, moneys, funds, lands, tenements or effects, except to a receiver appointed by the court, until the court shall otherwise order; or whenever it shall by petition or bill of complaint, setting forth the facts and circumstances of the case, appear to the Court of Chancery, on the application of the Attorney-General, that any bank is in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority or in violation of law, or that it is unsafe or inexpedient for such bank to continue business, or that it has violated its charter, or is conducting business in an unsafe or unauthorized manner, or that it shall refuse to submit its books, papers and concerns to the inspection of the Commissioner of Banking and Insurance or any examiner appointed by him, or if any director or officer thereof shall refuse to submit to be examined upon oath touching the concerns of such bank, the Court of Chancery being satisfied, by affidavit or otherwise, of the sufficiency of such application and of the truth of the allegations contained in the petition or bill, and upon such notice, if any, as the court by order may direct, may proceed in a summary way to hear the affidavits, proofs and allegations which may be offered on behalf of the parties, and if upon such inquiry it shall appear to the court that the said bank is in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority or in violation of law, or that it is unsafe or inexpedient for such bank to continue business, or that such bank has refused to submit its books, papers and concerns to the inspection of the Commissioner of Banking and Insurance or any examiner appointed by

If bank in unsatisfactory condition, or not conducting business properly.

Summary hearing by court of chancery.

him, or that any director or officer thereof shall have refused to submit to be examined on oath touching the concerns of such bank, or that such bank has violated its charter or any law of this State binding upon it, or in conducting business in an unsafe or unauthorized manner, may issue an injunction to restrain such bank and its officers and agents, from exercising any of its privileges or franchises and from collecting or receiving any debts, or paying out, selling, assigning or transferring any of its estate, moneys, funds, lands, tenements or effects except to a receiver appointed by the court, until the court shall otherwise order.

Injunction may issue.

Section amended.

2. Section thirty of "An act concerning banks and banking" (Revision of 1899), be and the same is hereby amended so as to read as follows:

COURT MAY APPOINT RECEIVERS. POWERS OF RECEIVERS.

Appointment of receivers; their powers and duties.

30. The Court of Chancery, at the time of ordering said injunction, or at any time afterwards, may appoint a receiver or receivers or trustees for the creditors and stockholders of the bank, with full power and authority to demand, sue for, collect, receive and take into their possession all the goods and chattels, rights and credits, money and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description of the bank, and to institute suits at law or in equity for the recovery of any estate, property, damages or demands existing in favor of the bank, and in his or their discretion to compound and settle with any debtor or creditor of the bank, or with persons having possession of its property or in any way responsible at law or in equity to the bank at the time of its insolvency or suspension of business, or at the time of the appointment of a receiver, or afterwards, upon such terms and in such manner as he or they shall deem just and beneficial to the bank, and in case of mutual dealings between the bank and any person to allow just set-offs in favor of such person in all cases in which the same ought to

be allowed according to law and equity; a debtor who shall have in good faith paid his debt to the bank without notice of its insolvency or suspension of business, shall not be liable therefor, and the receiver or receivers or trustees shall have power to sell, convey and assign all the said estate, rights and interests, and shall hold and dispose of the proceeds thereof under the direction of the Court of Chancery. The word, "receiver," as used in this act shall be construed to include receivers and trustees appointed as provided in this act. As to debtors. "Receiver" defined.

3. This act shall take effect immediately.

Approved April 26, 1906.

CHAPTER 157.

AN ACT amending sections twenty-four and twenty-five of "An act concerning trust companies (Revision of 1899)."

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

1. Section twenty-four of "An act concerning trust companies (Revision of 1899)," be and the same is hereby amended so as to read as follows: Section amended.

INSOLVENT OR UNSAFE TRUST COMPANIES. REMEDY IN CHANCERY BY INJUNCTION AND APPOINTMENT OF RECEIVER.

24. Whenever any trust company shall become insolvent, or shall suspend its ordinary business for want of funds to carry on the same, the Attorney-General or any creditor or stockholder may, by petition or bill of complaint setting forth the facts and circumstances of the case, apply to the Court of Chancery for a writ of Insolvency of trust companies.

Application for injunction and receiver.

injunction and the appointment of a receiver or receivers or trustees, and the court, being satisfied by affidavit or otherwise of the sufficiency of said application, and of the truth of the allegations contained in the petition or bill, and upon such notice, if any, as the court by order may direct, may proceed in a summary way to hear the affidavits, proofs and allegations which may be offered on behalf of the parties, and if upon such inquiry it shall appear to the court that the trust company has become insolvent and is not about to resume its business in a short time thereafter with safety to the public and advantage to the stockholders, it may issue an injunction to restrain such trust company and its officers and agents from exercising any of its privileges or franchises, and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, moneys, funds, lands, tenements or effects, except to a receiver appointed by the court, until the court shall otherwise order; or whenever it shall by petition or bill of complaint setting forth the facts and circumstances of the case appear to the Court of Chancery, on the application of the Attorney-General, that any trust company is in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority or in violation of law, or that it is unsafe or inexpedient for such trust company to continue business, or that it has violated its charter, or is conducting business in an unsafe or unauthorized manner, or that it shall refuse to submit its books, papers and concerns to the inspection of the Commissioner of Banking and Insurance or any examiner appointed by him, or if any director or officer thereof shall refuse to submit to be examined upon oath touching the concerns of such trust company, the Court of Chancery being satisfied, by affidavit or otherwise, of the sufficiency of such application and of the truth of the allegations contained in the petition or bill, and upon such notice, if any, as the court by order may direct, may proceed in a summary way to hear the affidavits, proofs and allegations which may be offered on behalf of the

If trust company carry on business doubtfully or improperly.

Summary hearing by court of chancery.

parties, and if upon inquiry it shall appear to the court that the said trust company is in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority or in violation of law, or that it is unsafe or inexpedient for such trust company to continue business, or that such trust company has refused to submit its books, papers and concerns to the inspection of the Commissioner of Banking and Insurance or any examiner appointed by him, or that any director or officer thereof shall have refused to submit to be examined on oath touching the concerns of such trust company, or that such trust company has violated its charter or any law of this State binding upon it, or is conducting business in an unsafe or unauthorized manner, may issue an injunction to restrain such trust company and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, moneys, funds, lands, tenements or effects except to a receiver appointed by the court, until the court shall otherwise order.

Injunction may issue.

2. Section twenty-five of "An act concerning trust companies (Revision of 1899)," be and the same is hereby amended so as to read as follows:

Section amended.

COURT MAY APPOINT RECEIVERS. POWERS OF RECEIVERS.

25. The Court of Chancery, at the time of ordering said injunction, or at any time afterwards, may appoint a receiver or receivers or trustees for the creditors and stockholders of the trust company, with full power and authority to demand, sue for, collect, receive and take into their possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description of the corporation, and to institute suits at law or in equity for the recovery of any estate, property, damages or demands existing in favor of the

Appointment of receivers; powers and duties.

corporation, and in his or their discretion to compound and settle with any debtor or creditor of the corporation, or with persons having possession of its property or in any way responsible at law or in equity to the corporation at the time of its insolvency or suspension of business, or at the time of the appointment of a receiver, or afterwards, upon such terms and in such manner as he or they shall deem just and beneficial to the corporation, and in case of mutual dealings between the corporation and any person to allow just set-offs in favor of such person in all cases in which the same ought to be allowed according to law and equity. A debtor who shall have in good faith paid his debt to the corporation without notice of its insolvency or suspension of business shall not be liable therefor, and the receiver or receivers or trustees shall have power to sell, convey and assign all the said estate, rights and interests, and shall hold and dispose of the proceeds thereof under the direction of the Court of Chancery. The word "receiver" as used in this act shall be construed to include receivers and trustees appointed as provided in this act.

Debtors.

"Receiver" construed.

3. This act shall take effect immediately.

Approved April 26, 1906.

CHAPTER 158.

A SUPPLEMENT to an act entitled "An act concerning townships (Revision of 1899)."

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

Townships divided into wards.

1. All townships in this State having a population of more than eight thousand (8,000) inhabitants, as shown by the official State or United States census, shall be divided into not less than three (3) wards. Each ward shall consist of a contiguous territory and shall contain,

as nearly as possible, an equal number of inhabitants; *provided, however,* that where any such township shall heretofore have been divided into three or more wards, such division shall continue until changed in accordance with the terms and provisions of this act. Proviso.

Members of township committee.

2. The township committee of any township in this State having a population of more than eight thousand (8,000) 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 one year; and a majority of the members of such committee shall constitute a quorum for the transaction of business; and no ordinance or resolution shall be adopted except by a vote of a majority of the members thereof.

When elected.

3. The members of each ward and the member-at-large shall be elected at the annual township election; *provided, however,* that the members of the township committee in such townships, legally in office when this act shall take effect, shall continue in office and constitute such township committee until twelve o'clock noon of the first day of January next succeeding the date this act shall take effect in such township, and no longer. Proviso.

First election.

The first election for committeemen under this act shall be held at the first annual township election after division of such township into wards as herein provided for, or in the event of any township now being divided into wards as provided by this act, the first election hereunder shall be held at the first annual township election after the passage of this act.

How division made.

4. The division of said townships into wards shall be made by a board of three commissioners to be appointed by the judge of the Circuit Court of the county in which said township is located; said commissioners to be freeholders of such county and to be appointed by said judge upon the petition in writing of at least fifty (50) of the legal voters of said township.

Commissioners' appointment and duties.

Immediately upon the presentation of such petition the judge of the said Circuit Court shall appoint such commissioners, who shall forthwith proceed, after being duly

sworn by the clerk of the county to perform their duties faithfully, to make a division of such township into wards, as provided in this act; and the report of the said commission, signed by at least two members thereof, shall be filed in the office of the clerk of the county wherein such township is located, and a certified copy thereof shall be filed by such commission with the clerk of the township.

When division established.

5. The filing of the report of the commission with the clerk of the county and the filing of a certified copy thereof with the town clerk shall operate to establish a divison of such township into wards.

When present method applies.

6. In the event of their being no application made to the judge of the Circuit Court for the appointment of commissioners then the method of selecting such committeemen in such townships, or any of them, shall continue to be the same as that required by law at the time of the passage of this act.

Compensation.

7. The commissioners appointed by the court shall receive such compensation for their services as the court may determine, such compensation to be paid by the township, and the money therefor shall be raised by taxation in such township.

As to re-division.

8. In any township divided into wards, as provided by this act and under and by virtue of the terms of this act, there shall not be a re-division, or a changing of the ward lines, until official declaration of the next State or United States census.

Municipalities excepted.

9. Nothing herein contained shall be construed to affect or provide for the division into wards of municipalities, the boundaries of which shall be co-terminous and co-extensive with the boundaries of the township of which they are a part.

Repealer.

10. All acts or parts of acts, general or special, inconsistent herewith are hereby repealed.

11. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 159.

AN ACT to regulate fees for searches of the records of of municipal liens against real property in cities of the first class.

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

Charge for searches.

1. In cities of the first class there shall be but one fee charged for all searches and certificates of searches of the records of municipal liens of such cities against any single lot, piece, parcel or tract of land in one city block; said fee shall be three dollars, and shall be paid to the city comptroller for the use of the city.

Application.

2. Any person presenting a written application to the comptroller of such city for a certificate or certificates of the searches mentioned in section one of this act, and indicating distinctly, in such application, the property on which such searches are desired, shall pay to the comptroller the said fee of three dollars at the time of presenting such application. The comptroller shall thereupon forward such application to the custodian or custodians of the records of such municipal liens, who shall thereupon search the records in their respective offices and return to the comptroller certificates, duly signed by them, stating the result of such searches, and specifying the amounts and character of all unpaid liens against such property; the comptroller shall thereupon deliver such certificate or certificates to the person who shall have applied for the same; *provided, however,* that in cities wherein the records of such municipal liens are by law required to be kept in the custody of the comptroller of such city, the comptroller shall search the records and make the searches and certificates herein described.

Search made.

Proviso.

Fees accrue to city.

3. All moneys received by the comptroller of any city in accordance with the provisions of this act shall be paid

by said comptroller to the city treasurer for the use of the city.

Repealer.

4. This act shall take effect immediately, and shall supersede any existing legislation, and all acts and parts of acts, general and special, inconsistent herewith are hereby repealed.

Approved April 30, 1906.

CHAPTER 160.

A SUPPLEMENT to an act entitled "An act concerning idiots and lunatics," 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:*

Surplus income may be applied to support of indigent relatives.

1. Whenever any idiot, lunatic or person of unsound mind shall be possessed of or entitled unto real or personal estate, the annual income of which estate shall be more than sufficient for the proper support and maintenance of such idiot, lunatic or person of unsound mind, and his or her household, and such idiot, lunatic or person of unsound mind shall have a parent or parents, brother or brothers, sister or sisters of the whole or half blood who are without adequate means of support and dependent upon the bounty of others, such persons, or any of them, may apply to the Court of Chancery by bill or petition for a decree or order directing the guardian of such idiot, lunatic or person of unsound mind to pay over such portion of the surplus income of the estate of such idiot, lunatic or person of unsound mind to the person or persons aforesaid, not exceeding two-thirds of such surplus annual income for their support, maintenance or education in such manner as the Court may direct. And the said Court shall make such decree or order in the premises as to it shall seem equitable and

Application.

Order of court.

just under all the circumstances of the case, having special reference to the amount of the estate and the condition in life of the persons concerned; and no decree or order shall be made to continue for more than three years. The costs and counsel fees of any such application shall be paid out of the estate of such idiot, lunatic or person of unsound mind. Continuance.

2. This act shall take effect immediately, and the provisions thereof shall apply to and vest in the Court of Chancery jurisdiction over any suit or proceeding now pending in said court. Jurisdiction.

Approved April 30, 1906.

CHAPTER 161.

A SUPPLEMENT to an act entitled "An act to provide for the drainage of any pond, artificial reservoir, marsh, bog, meadow, low or wet lands where the same is necessary for the public health," approved March thirty-first, one thousand nine hundred and three.

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

1. Where any pond, artificial reservoir, marsh, swamp, bog, meadow, low or wet land which has been drained pursuant to the provisions of the act to which this is a supplement, has become so obstructed as to prevent the free passage of water and require cleaning or dredging, and the governing body of the municipality or municipalities in which such obstructions may be shall neglect to do the necessary cleaning or dredging, any ten or more citizens of such municipality or municipalities may, upon ten days notice, served upon the governing body of such municipality or municipalities apply by petition to the court which appointed the original commissioners, for the appointment of a commissioner Upon failure to act, court may appoint commission to clean, etc.

or commissioners, not exceeding three, to do the cleaning and dredging necessary to remove such obstructions and admit of a free passage of water. The said court may adjourn the hearing on such petition from time to time as it deems necessary or advisable so to do, and if said court is satisfied upon such hearing that the cleaning or dredging mentioned in such petition is necessary or advisable, and that the governing body of the municipality or municipalities have neglected to do the necessary work, he may appoint a commissioner or commissioners, not exceeding three, whose duty it shall be to do such necessary cleaning or dredging.

Hearing on petition.

Duties of commissioners.

2. The commissioner or commissioners appointed as aforesaid shall proceed with all possible speed to clean or dredge the ditch, ditches or other channels for the free passage of water heretofore provided under the act to which this is a supplement, and for that purpose shall have the same powers in regard to the borrowing of money and making contracts as provided for commissioners appointed pursuant to the act to which this is a supplement, also have power to appoint or employ and pay an engineer and counsel. The commissioner or commissioners appointed pursuant to this supplement shall continue as such, and do any further cleaning or dredging which may be necessary throughout the system of drainage mentioned in the petition hereinbefore provided for until he or they are discharged from such duty by an order of the court which made the appointment. They shall receive such compensation for their services as may be allowed to them from time to time by the said court. They shall, within thirty days after the expiration of each year, dating from the time of their appointment, make and file a full and true report of their proceedings with the said court, which report shall contain a detailed statement of all moneys received and expended by them.

Compensation.

Report.

Payment of expenses.

3. The cost of the work herein provided for, which shall include compensation paid to engineer, counsel and commissioners, and all sums paid or expenses incurrred by said commissioners, as approved by the said court from time to time, shall be certified by said commissioner

or commissioners to the governing body of the municipality or municipalities in which said work was done respectively, together with the amount due from such municipality as ascertained by the commissioner or commissioners, in the manner hereinafter provided; the cost of said work shall be paid by such municipality or municipalities in proportion as the lineal feet cleaned or dredged by such commissioner or commissioners in each municipality bear to the total number of lineal feet cleaned or dredged by such commissioner or commissioners.

Municipalities may borrow money to meet costs.

The governing body of each municipality to which the commissioners shall certify the cost, shall immediately pay over to the said commissioner or commissioners the said sum so certified as due from such governing body out of any money which may be in its hands not otherwise appropriated, and in case such municipality shall have no money in its hands out of which it can pay said sum as aforesaid, it is hereby authorized and empowered to borrow the necessary amount either by the issue of bonds or the issue of certificates of indebtedness.

4. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 162.

A FURTHER SUPPLEMENT to an act entitled "An act concerning wills," approved April fifteenth, one thousand eight hundred and forty-six.

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

Probate as evidence of execution of will.

1. The probate of the will of any person, resident in this State at the time of his or her decease, which has been or hereafter may be admitted to probate in this State, shall be conclusive evidence of the formal execu-

tion of said will, in any suit, action or proceeding not commenced within seven years from the time of such probate; *provided*, that the affidavit, deposition or testimony of the subscribing witnesses thereto, or one of them, shall state that said will was signed by said testator; *provided further*, that the attestation clause of said will states that said will was signed and declared by such testator to be his last will and testament in the presence of the subscribing witnesses thereto, who were both present at the same time and who signed their names as witnesses thereto in the presence of such testator, and in the presence of each other, or words to that effect; and *provided further*, that the time during which any person claiming as, or under the heir of such testator shall be under the age of twenty-one years shall not be taken as part of said period of seven years; and *provided further*, that nothing herein contained shall effect any suit, action or proceeding heretofore commenced and now pending.

Proviso.

Proviso.

Proviso.

Proviso.

Repealer.

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

Approved April 30, 1906.

CHAPTER 163.

AN ACT to amend an act entitled "A supplement to an act entitled 'An act for the government and regulation of the State Prison,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March twenty-fourth, one thousand eight hundred and ninety-two.

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

Section amended.

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

2. The resident physician of said prison shall reside in a residence to be erected by the State of New Jersey on land contiguous to the State Prison, which shall be kept furnished at the expense of the State, together with his necessary sustenance, fuel and light, during the term of his office. The bills for all expenses connected with said residence shall be approved by the Board of Inspectors, audited by the Comptroller and upon his warrant paid by the Treasurer of the State. The resident physician shall attend and prescribe for the sick at all times when the physician of the prison is not present, and during such times as the prison physician shall be present render him such professional assistance as he may desire. He shall also have charge of and account for all medicines and appliances purchased for the use of the sick of the prison, and further perform such other duties in connection therewith as the principal keeper may direct.

Residence of prison physician.

Duties of resident physician.

2. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 164.

A FURTHER SUPPLEMENT to an act entitled "An act relative to the State House and adjacent public grounds," passed May twenty-fifth, one thousand eight hundred and ninety-four.

WHEREAS, The present State House is not of sufficient size for the comfortable transaction of the public business, many of the departments being overcrowded and without necessary conveniences, so that the public business is retarded and transacted with difficulty; therefore,

Preamble.

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

1. The Governor, Treasurer and Comptroller of this State, constituting the State House Commission, are

Improvements at state house.

hereby authorized to make such alterations and additions to the present capitol as they may deem necessary to furnish proper accommodations for the use of the State departments.

Appropriation.

2. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated for this purpose, the same to be paid by the Treasurer, upon the warrant of the Comptroller; *provided*, said sum is included in the annual appropriations act.

Proviso.

3. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 165.

A FURTHER SUPPLEMENT to the act entitled "An act to provide for the purchase of sites for, and for the erection and equipment of, armories in cities of the first and second class and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement," approved March twenty-third, one thousand eight hundred and eighty-eight, authorizing the purchase of land and buildings and the erection of a cavalry armory in the town of Red Bank, township of Shrewsbury, county of Monmouth and State of New Jersey, pursuant to the provisions and authority of the aforesaid act and amendments thereof and supplements thereto.

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

Military board authorized to purchase site and armory at Red Bank.

1. The commission constituted by the act to which this is a supplement is hereby authorized to purchase or otherwise acquire the lands and premises with the buildings thereon erected and that may hereafter be erected

thereon, and the appurtenances thereunto belonging in the town of Red Bank in the township of Shrewsbury, county of Monmouth and State of New Jersey, now occupied and used by the Second Troop of Cavalry of the National Guard of the State of New Jersey (which troop has been in the service of the State more than ten years), and to cause any buildings now erected or which may hereafter be erected thereon, to be rebuilt, or a new armory to be erected thereon as a cavalry armory for the use of said Second Troop of Cavalry, and to suitably equip the same, when rebuilt or erected as aforesaid, with the necessary stables and armory range or ranges suitable for carbine and revolver practice, and with all necessary fittings and furnishings, and apparatus for heating the same, in the manner prescribed by the act to which this is a supplement, and the supplements thereto and amendments thereof, or said commission may, in its discretion, purchase or otherwise acquire such other lands and premises as may be suitable or convenient for the erection of such armory, and erect thereon and equip, in the manner aforesaid, an armory at Red Bank for the use of said Second Troop of Cavalry, as aforesaid; *provided, however,* that the State of New Jersey shall not be obliged to pay more than seventy-five thousand dollars for the entire cost of purchasing the necessary lands and premises and rebuilding or erecting and equipping such armory as aforesaid.

Equipment.

Proviso.

2. For the payment of expenditures herein authorized the Comptroller of the Treasury shall draw his warrant on the State Treasury, and the State Treasurer shall pay the same from time to time, as the said commission shall certify, to the Comptroller to be necessary, and to such person or parties 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 land and premises, and rebuilding or erection of such armory as aforesaid.

Appropriation.

3. No money shall be paid from the State Treasury for the purchase or other acquisition of such lands and premises, and the rebuilding or erection of such armory, until the amount shall be placed in the yearly appropria-

Preliminary work may proceed.

New Jersey State Library

tion bills, but nothing in this act contained shall prevent said commission from accepting plans and estimates and doing thereunder such preliminary work as shall pertain to the erection of said armory, *provided,* the cost of said plans and preliminary work shall be furnished temporarily from sources other than the State Treasury.

Proviso.

Repealer.

4. All acts and parts of acts so far as inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 166.

A SUPPLEMENT to an act entitled "An act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an act entitled 'An act to regulate the sale of intoxicating and brewed liquors,' passed March seventh, one thousand eight hundred and eighty-eight," approved March twentieth, one thousand eight hundred and eighty-nine.

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

Power to compel attendance of witnesses, and production of evidence.

1. When any court, excise board or other body having power to grant and revoke licenses under the provisions of the act to which this act is a supplement, and the acts amendatory thereof and supplemental thereto, shall, upon complaint or otherwise, investigate the question of revoking any license granted under the provisions of said acts, such court, board or other body shall have full power and authority to compel the attendance of witnesses, and for that purpose may issue process of subpœna signed by the clerk of the court or board, and may take the testimony of witnesses under oath, to be administered by the court or the presiding officer or acting presiding officer of the said board, and shall also have

power and authority to compel the production of such documentary evidence as either party may deem necessary for the proper presentation of the facts in such cases.

2. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 167.

A SUPPLEMENT to the act entitled "An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways, highways and other public places," approved March twenty-seventh, one thousand nine hundred and six.

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

1. The provisions of the act entitled "An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways, highways and other public places," approved March twenty-seventh, one thousand nine hundred and six, shall not apply to or affect any railroad company now existing or hereafter created and organized under any law of this State, or any such company of any other State authorized to conduct or operate any line of railroad within this State; *provided, however,* that this act shall not be construed as authorizing any railroad company to hereafter construct a railroad at grade across or upon a street in any city of this State without first obtaining from the municipal authorities such consent therefor as is now required by law, unless such construction be occasioned by the change of any railroad located at grade upon or across such street.

Does not apply to railroads.

Proviso.

2. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 168.

AN ACT for the enlargement of the New Jersey Home for Disabled Soldiers, Sailors or Marines and their Wives, at Vineland.

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

Improvements at Vineland soldiers' home.

1. The board of managers of the New Jersey Home for Disabled Soldiers, Sailors or Marines and their Wives, at Vineland, be and they are hereby authorized to make such changes, alterations, improvements and additions to the said home as are hereinafter provided for. The said board shall have the power to alter and enlarge the said home by constructing a new wing, to be built with due regard to safety, convenience and sanitation. The plans for the changes, alterations and erection of the new wing herein authorized shall be prepared by the Commissioner of Charities and Corrections.

Bids sought.

2. The board shall have power to advertise and contract for the said work, either as a whole or for separate parts thereof, reserving the right to reject any or all bids deemed disadvantageous to the State.

Contract approved.

3. Any contract, either for the whole or for a part of the said work shall receive the approval of the Governor and the Commissioners of Charities and Corrections before the same shall be operative. All contracts for said work shall be drawn or approved by the Attorney-General.

Appropriation.

4. To enable the commission to carry out the provisions of this act the sum of fifty thousand dollars, or so much thereof as is found necessary, is hereby appropriated, to be paid by the State Treasurer, on approval of the said board, upon warrant of the Comptroller.

Report.

5. The board shall make a detailed report of their operations to the next Legislature.

6. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 169.

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

Preamble.

WHEREAS, "The Monmouth Battle Monument Association," a corporation under the laws of this State, did, in conformity to the provisions of the act to which this is a supplement, convey to the State of New Jersey the tract of land in the county of Monmouth known as "Monmouth Park," containing over three acres; AND WHEREAS, a monument to commemorate the battle of Monmouth has been erected on said land by the joint contributions of the people of the State and United States governments, under the supervision of the commission created by this act; AND WHEREAS, some of the parts of the bronzes on said monument, such as swords, straps, bayonets, mouldings, etc., as well as some of the rivets which hold the bronzes to the monument, have become loosened by expansion and contraction due to changing temperature, as well as the action of the elements, and as the bronzes referred to require thorough cleaning; AND WHEREAS, the removal of the bronzes from the monument for the purpose of said repairs and cleaning will afford the opportunity for completing same by engraving thereon the titles of the various events depicted, and the names of the historical characters represented, at a much less cost and in a more thorough manner than otherwise possible; all of which work can be executed at an expense not exceeding two thousand dollars, AND WHEREAS, one of the chief inducements to the appropriation of the sum of twenty thousand dollars heretofore made by the United States toward the erection of said monument was the fact that the title to the site thereof was in the State of New Jersey, which

fact was considered a guarantee that the site and the monument would be continually cared for; therefore,

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

Appropriation.

1. Out of the moneys in the treasury of this State there be hereby appropriated the sum of two thousand dollars, to be paid as hereinafter specified, towards the repairing of the said monument.

Payment.

2. The Treasurer of this State shall, on the warrant of the Comptroller, pay to the president of said commission the moneys hereby appropriated, to be used by said commissioners created by the act to which this is a supplement, in making the repairs to said bronzes, cleaning same and completing the inscriptions on same; and in doing whatever else may be necessary in order to protect and preserve said monument.

Report.

3. As soon as the repairs to said monument as aforesaid shall have been finished, said commission shall make to the Governor a report and detailed account of the expenditures in making such repairs, who shall lay the same before the Legislature at the next session thereafter.

4. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 170.

AN ACT to aid by an appropriation of State funds the erection of a monument to commemorate the burning of the cargo of tea of the British brig "Greyhound," at Greenwich, Cumberland county, New Jersey, in the year one thousand seven hundred and seventy-four, in resistance to the tax laid and imposed on tea in the colonies.

Preamble.

WHEREAS, There is no suitable monument to commemorate the historic event above referred to; and

WHEREAS, The New Jersey branch of the society known as the Daughters of the Revolution have engaged in the collection of a fund for that purpose by subscriptions of money from their own members and from other persons; and it is desirable that their worthy object shall be promoted and encouraged by the State of New Jersey; therefore,

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

Appropriation.

1. The sum of five thousand dollars is hereby appropriated, or so much thereof as shall be included in the appropriation bill, for the purpose of aiding in the erection of a monument at Greenwich, Cumberland county, New Jersey, and the purchase of suitable grounds whereon to erect the same.

Commission appointed by governor.

2. The Governor shall appoint a commission, to consist of three persons, who, with a like number of persons to be appointed by the New Jersey branch of said society known as the Daughters of the Revolution, shall constitute a joint commission, to select a design, to contract for, erect and finish a suitable monument for the purpose aforesaid on a site to be selected and purchased by said commission, the title whereof shall be taken in the name of the State; the amount to be expended for said purpose shall be the total of the moneys raised by said society as aforesaid, plus the amount appropriated under the provisions of this act.

Payments.

3. The Comptroller 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 said monument shall be completed and unveiled, and the grounds properly graded, the commission shall make report to the Governor, and then the duties of said commission shall cease. The commissioners aforesaid shall receive no compensation for their services. At the expiration of the service of said commissioners as aforesaid the care and supervision of said monument shall devolve upon and be vested in the board of chosen freeholders of Cumberland county, and the

Freeholders to care for monument.

Cohansick Chapter of said society shall constitute in perpetuity a board of visitors to inspect and report to said board, or to the Governor, in their discretion, annually the condition, care and needs of said monument and its site.

5. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 171.

AN ACT to set apart a portion of the territories of the township of Hillsdale and the township of Washington, in the county of Bergen, and to create a new township to be called the township of River Vale.

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

Township of River Dale created from portions of Hillsdale and Washington townships.

1. All that portion of the township of Hillsdale and the township of Washington, in the county of Bergen, which is included within the limits of the boundaries which are as follows:

Beginning at a point in the center of the Hackensack river at the junction of New York and New Jersey State line, running thence northwesterly along the said State line to a point where it touches the borough of Montvale; in a southeasterly course to the borough of Park Ridge; thence continuing southerly along the easterly Park Ridge borough line to the southerly side of road leading from Park Ridge to River Vale; then continuing easterly along south side of said road to the middle of a brook east of the John Lockwood house; thence southerly down stream following the several courses thereof to northern side of road running from River Vale to Hillsdale; thence westerly along northern side of said road to the western side of Cedar lane; thence southerly along westerly side of Cedar lane to northerly side of Westwood road; thence along northerly side of Westwood road west to the center of the Pascack brook; thence down stream southeast following the several courses thereof to the line of the borough of

Harrington Park; thence northerly along the westerly Harrington Park borough line, following its several bends, to the center of the Hackensack river; thence continuing northwesterly along center and up stream of said Hackensack river, following its several courses and turns, to the place or point of beginning, shall be and hereby is set off from the said townships of Hillsdale and Washington, and shall be and is hereby created a separate township, to be called "The Township of River Vale," in the county of Bergen.

Corporate name.

2. The inhabitants of that portion of Hillsdale and that portion of Washington townships described in the foregoing lines shall be and they hereby are constituted a body politic and corporate in law, and the said township shall be entitled and known by the name of "The Township of River Vale," in the county of Bergen, and shall be entitled to all the rights, powers, authorities, privileges and advantages, and be subject to the same regulations, government and liabilities, as the other townships in the county of Bergen are or may be entitled or subject to by the laws of this State.

3. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 172.

AN ACT to consolidate with and annex to the city of Camden, in the county of Camden, the territory embraced within the borough of Woodlynne, in the county of Camden, provided a majority of the votes cast in said borough upon the question of such annexation and consolidation shall be in favor thereof, and the mayor and common council of said city shall consent thereto.

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

Woodlynne annexed to Camden.

1. On the first day of January, in the year one thousand nine hundred and seven, there shall be annexed to

and made a part of the city of Camden, in the county of Camden, all the territory embraced within the bounds of the borough of Woodlynne, in the county of Camden; *provided, however*, that this act shall not operate to affect such annexation and consolidation unless a majority of the legal votes cast at a special election to be held in said borough for that purpose, in the manner provided by law, on the eighth day of May, in the year one thousand nine hundred and six, shall be in favor of such annexation and consolidation. The clerk of said borough shall give public notice of said election by advertising the same daily, for at least five days, in two daily newspapers circulating in said borough, or by posting printed notices thereof in at least ten conspicuous places therein for five days prior to said election. If a majority of the votes cast at the said election in the said borough shall be in favor of such annexation and consolidation, the clerk of said borough shall certify the said result to the mayor and common council of said city; then and not otherwise the said question of annexation shall forthwith be considered and determined by the mayor and common council of said city, and if the said mayor and common council shall determine by resolution to accept said annexation, then this act shall become operative and not otherwise.

Proviso: referendum.

Public notice of intent.

2. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 173.

AN ACT to appropriate money for ceremonies attending the dedication of a monument to the memory of the soldiers and sailors who fought in the War of the Rebellion, erected at Elizabeth, in the county of Union.

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

1. The sum of two thousand dollars is hereby appropriated, when included in the annual appropriation bill,

Appropriation for dedication exercises at Elizabeth.

for the purpose of defraying the expenses necessarily incident to the ceremonies attending the dedication of a monument to the memory of the soldiers and sailors who fought in the War of the Rebellion, erected at Elizabeth, in the county of Union.

2. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 174.

AN ACT to amend an act entitled "An act to regulate the use of power vessels and boats navigating the waters within the jurisdiction of this State, above tide water, and to provide for the inspection and licensing of power vessels, their masters, pilots and engineers," approved April ninth, one thousand nine hundred and six.

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

1. Section three of the act entitled "An act to regulate the use of power vessels and boats navigating the waters within the jurisdiction of this State, above tide water, and to provide for the inspection and licensing of power vessels, their masters, pilots and engineers," approved April ninth, one thousand nine hundred and six, shall be and is hereby amended to read as follows: Section amended.

3. The Governor shall, within thirty days after this act becomes a law, and thereafter when vacancies shall occur, appoint one chief inspector and one assistant inspector of power vessels, each of whom shall have a practical knowledge of the construction and management of power vessels and an experience of at least two years as a licensed master, licensed pilot or licensed engineer of steamboats, and shall have a practical knowledge of the use and construction of boilers, engines and other Inspectors. Their proficiency.

machinery and appurtenances used in propelling vessels, and he shall be otherwise properly qualified to perform the duties prescribed by this act. Each inspector shall hold office for the term of three years from the date of his appointment, and thereafter until his successor has been appointed. The chief inspector shall receive an annual salary of six hundred dollars, and his assistant shall receive ten dollars for each day of actual service rendered in the performance of his duties, each to be paid by the State Treasurer on the warrant of the Comptroller. Each inspector shall receive his actual and necessary traveling expenses upon a verified statement of such expenses duly approved by the State Comptroller. If the office of either the chief or assistant inspector shall become vacant, the Governor shall fill such vacancy by the appointment of a person to serve for the remainder of such unexpired term.

Term.

Salary.

Expenses met.

Vacancies.

2. This act shall take effect immediately.

Approved April 30, 1906.

CHAPTER 175.

AN ACT respecting certain township officers in townships whereof the territorial limits have been or shall hereafter be changed or altered.

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

Continuance of township officers residing in town set off.

1. Whenever the territorial limits of any township have been or shall be altered or changed by taking or setting off and excluding therefrom the portion thereof which is included within the corporate limits of a town lying within said township, then and in such case, all the township officers of said township, excepting the assessor and collector and chosen freeholder, shall retain, hold and exercise their respective offices in and for said township, with the powers and privileges thereto belonging,

until the expiration of the year in which such change or alteration is made, and their successors shall be elected at the next general election succeeding such change or alteration.

As to assessor and collector in the town.

2. The assessor and collector of said township, if they reside within the part of said township that has been set off, shall cease to be officers of said township, but shall exercise and enjoy the office of assessor and collector respectively in said town so set off, as aforesaid, until the end of the year in which such change or alteration shall be made and until their successors are elected, which shall be at the next succeeding general election to be held for said year.

In the township.

3. The township committee of said township shall have the power to appoint an assessor and collector and chosen freeholder, who shall exercise the respective offices in and for said township with the powers and privileges thereto belonging until the end of the year in which such change or alteration shall be made, and their successors shall be elected at the next general election to be held for said year.

As to freeholder.

4. If the chosen freeholder of said township resides in the incorporated town so set off, as aforesaid, he shall hold his said office until the expiration of the year in which such change or alteration is made (or in case said town be entitled to elect freeholders by wards), then his successor or successors shall be elected at the next succeeding general election to be held for said year.

Commissioners to appeal.

5. The common council or other governing body of said town so set off shall exercise the offices of commissioners of appeal in cases of taxation for said town or city with the powers and privileges thereto belonging and shall be charged with all the duties now prescribed by law relating to commissioners of appeal in cases of taxation.

6. This act shall take effect immediately.

Approved May 1, 1906.

CHAPTER 176.

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.

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

Conveyances validated.

1. All sales and conveyances of land heretofore made by townships in this State are hereby validated and confirmed, whether the conveyances of the land so sold were executed by the Township Committee or by commissioners designated for the purpose at the town meeting; Proviso. *provided,* that the inhabitants of any such township at their town meeting had voted and determined to make sale of said lands, and the sale was made for a valuable consideration in pursuance of such vote and determination.

2. This act shall take effect immediately.

Approved May 1, 1906.

CHAPTER 177.

An Act to prescribe the manner of appointing the chief of the fire department in cities of the second class having or hereafter creating a paid fire department.

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

Power to choose chief.

1. In all cities of the second class of this State, which now have or may hereafter create a paid fire department,

the board, body or commission having by law the power to elect or appoint members of the department, shall also appoint or elect the chief of the department.

2. This act shall take effect immediately.

Approved May 1, 1906.

CHAPTER 178.

An Act to amend an act entitled "An act concerning roads" (Revision of 1874), 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 seventy of the act to which this act is an amendment is hereby amended so as to read as follows: Section amended.

70. An action doth and shall lie in behalf of any person or corporation owning any house or other building standing and erected upon any street or highway, the grade whereof shall be, or shall have been, altered by virtue of the ordinance, resolution, or other proceeding of the legislative authority of any city, borough, town corporate, village, or other municipality in this State, to recover from such city, borough, town corporate, village, or other municipality all damages which such owner or owners shall suffer by reason of altering any such grade; *provided,* that no such action shall be brought after the expiration of twelve months from the working of any such grade. Damages from alterations in road recoverable. Proviso.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 179.

An Act to amend an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

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

Section amended.

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

Passage of ordinances.

46. No ordinance or by-law shall be passed by the town council, unless the same shall have been introduced at a previous stated meeting, and shall be agreed to by a majority of the members of the council; and no ordinance shall take effect until five days after it shall have been published in the official newspapers of the town, and if there be none, in at least one newspaper published in the county and circulating in the town; *provided, however,* that no ordinance for opening, grading, flagging, curbing, paving, macadamizing any street, avenue or public place, or for the construction of any sewer, or for any street improvement, shall be passed or adopted unless it shall receive the votes of two-thirds of the members of the council; *provided further, however,* that if any such work or improvement shall have been petitioned for by the owners of one-sixth of the lands fronting on the street or section of street proposed to be improved, an ordinance for improving such street or section of street in accordance with such petition may be passed and adopted by the votes of a majority of all the members of the council.

Proviso.

Proviso.

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 2, 1906.

CHAPTER 180.

An Act to amend an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

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

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

64. Any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered, or have a sidewalk of any material constructed thereon, or be otherwise improved, as hereinbefore provided, in the following manner, namely, on the petition in writing to the council by the owners of one-sixth of the lands fronting on the street or section of street proposed to be improved, or upon like petition of ten freeholders, the council shall, by resolution, direct the town clerk to advertise such application or petition and the notice hereinafter provided for, for at least two weeks, one in each week successively, in the official paper of the town, or if there be none, in one or more newspapers published in the county and circulating in the town, and to post copies of the said petition and notice in five public places in the town, designated by the council, at least ten days prior to the time fixed for the hearing of objections to such improvement; the clerk shall also publish and post as aforesaid, with the petition, a notice signed by him, stating that objections in writing to said proposed improvement shall be filed with him and designating the time and place when and where the town council will meet to consider such objections, which time shall not be less than ten days after the date of the first publication of such petition and notice as aforesaid; and

Proceedings for improving streets.

Notice of intent.

Objections.

the said clerk shall also serve like notice on the owners of property residing along the street or section of street so proposed to be improved, at least five days before the time designated in said notice; *provided, however,* that no assessment shall be set aside or affected by reason of the failure of said clerk to serve such notice; and at or before the time named in such notice the said clerk shall file in his office affidavits showing that such petition and notice have been published and posted as herein required; at the time named in such notice the council shall proceed to consider such objections as shall have been presented, and if it appear that the owners of one-half of the land fronting on such proposed improvement have objected thereto, such improvement shall not be made, and all costs and expenses incurred in such proceedings shall be paid by the petitioners, to secure which the council shall in all cases require a deposit of fifty dollars before receiving any petition; and the council may, in its discretion, determine not to make such improvement, in which case the deposit made by the petitioner or petitioners, less any expenses that may have been incurred, shall be returned to him or them; and the defeat of any ordinance for such improvements, introduced before the council, shall be conclusive as to the determination of the council not to make such improvement; at any time after the time named in said notice for objections, the council may proceed to pass an ordinance for such improvement, and such ordinance shall be valid if it describes in general language the improvement required to be made and done, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the town clerk shall publish and post such ordinance in the same manner and for the same time he is required to publish and post the petition for the improvement described therein; and he shall file in his office an affidavit showing that such ordinance has been duly published and posted; at any time after the passage of such ordinance the council may require the clerk to advertise for proposals for doing the work of and furnishing the materials necessary for such improvement in the official paper of the town, and in such

Proviso.

Consider objections.

Ordinance.

Proposals invited.

other newspapers as shall be designated by the council, which proposals shall be presented in such form and manner and under such regulations as the council shall prescribe; upon the coming in of such proposals the council may enter into contract with the lowest responsible bidders on the terms of their proposals; *provided, however,* that the council may reject all bids if they deem it for the interest of the town so to do, in which case they shall again advertise for proposals and shall proceed in all things as if no proposal had been offered; and the council shall require the person or persons so entering into contract with the town to give bonds with ample freehold security for the due performance thereof.

Contract.

Proviso.

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

Repealer.

Approved May 2, 1906.

CHAPTER 181.

A Further Supplement to an 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:*

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 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 shall from time to time, on the requisition of the said board of park com-

Bond issue by freeholders for improving park system.

missioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding, in the aggregate three hundred thousand dollars 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 accumulation 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 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 the issue and sale, shall be paid over to the said Park Commission; *provided, however*, that the board of chosen freeholders shall not be governed by the provisions hereof in any county of this State until after the approval of this act by a majority of the votes cast at a general election, which shall be held in such county upon the question of the approval of this act, which question shall be submitted to the voters of such county, in the manner provided by law, wherever a request in writing for such submission shall have been filed with the county clerk of such county at least thirty days before the day of such general election by the commission, board or other authority having the control and maintenance of the county parks.

Amount.

Term; rate.

Sinking fund.

Taxation to meet payment.

Proviso.

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 May 2, 1906.

CHAPTER 182.

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:*

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

189. If any custodian of the school moneys of any school district shall fail to make and transmit his report to the board of education of the district, or shall fail to make and transmit his report to the county superintendent of schools on or before the first day of August in any year, he shall forfeit to said school district the sum of ten dollars for each day thereafter until he shall have made and transmitted his report to the board of education of the district and to the county superintendent of schools. Said sum shall be sued for and collected by the district clerk or secretary of the board of education of said district in any court of competent jurisdiction. Penalty for custodian of school moneys not making report.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 183.

A Further Supplement to an act entitled "An act to authorize cities to construct sewers and drains and to provide for the cost of the payment thereof." Approved March eighth, one thousand eight hundred and eighty-two.

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

1. The following fees shall be allowed for services under the act to which this is a supplement:

Fees allowable.

To the justice of the Supreme Court: For the appointment of the said commissioners, five dollars; for the hearing of objections to the report and any other hearing required by this act, five dollars for every day he shall sit to hear the same; for the confirmation of any such report, five dollars; *provided,* that no fees shall be allowed to any such justice receiving a salary in lieu of all fees; to the officer or other person serving notices ordered by the court, fifty cents for each notice served.

Proviso.

To each commissioner: Five dollars for every day he shall be actually engaged in the performance of the duties herein required of him.

By whom paid.

The foregoing fees shall be paid by the city in which the improvement is made.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 184.

A Supplement to an act entitled "An act concerning consolidated cities and annexed municipalities and townships and portions thereof," approved March twenty-second, one thousand nine hundred.

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

Liability of city for indebtedness incurred for sewer in annexed district.

1. Any city to which any portion of any township or other municipality may be hereafter annexed shall be liable to pay the entire outstanding bonded or other indebtedness of such township or other municipality which may have been incurred by such township or other municipality for the construction of any drain or sewer lying wholly within the limits of the portion of such township or other municipality so annexed to said city, but if such drain or sewer shall lie only partly within the limits of that portion of said township or other municipality annexed as aforesaid to said city, then the proportionate share of said indebtedness for which said city shall be liable shall be ascertained and determined by the joint committees to be appointed by the governing bodies of said city and township or other municipality under the provisions of section five of the act to which this is a supplement, according to the proportional cost of that portion of such drain or sewer lying within the annexed territory.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 185.

An Act relative to past due assessments under an act entitled "An act to provide for the permanent improvement of public roads in this State," approved March twenty-second, eighteen hundred and ninety-five.

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

Satisfaction of assessment by county clerk.

1. It shall be the duty of the collector or receiver of taxes in any city, township, borough or other municipality in which may lie the lands assessed for the amount of peculiar benefits conferred thereon in the manner prescribed by the act of the Legislature of this State entitled "An act to provide for the permanent improvement of public roads in this State," approved March twenty-second, one thousand eight hundred and ninety-five, to accept the amount due thereon, both of principal and all interest, as prescribed by the said statute, in full satisfaction of such assessments, and to give a receipt for the amount paid in satisfaction thereof to the person paying the same, which receipt, signed by such collector or receiver of taxes, shall be sufficient evidence of the payment and satisfaction of such assessments, and upon presentation thereof to the clerk of the county in which such land is situate, he shall satisfy the assessment and other record or records in his office relating to such unpaid assessments so far as relates to the payment of the said assessment on payment to him of a fee of twenty cents for his services.

Fee.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 186.

A Supplement to an act entitled "An act to provide for the planting and care of shade trees on the highways of the municipalities of this State, approved March twenty-eighth, one thousand eight hundred and ninety-three."

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

Jurisdiction and enforcement of ordinances.

1. The said commission may prescribe penalties for the violation of any of their ordinances, and the courts which now or hereafter shall have jurisdiction over actions for the violation of ordinances of the municipality in which said commission has been or shall be appointed shall have jurisdiction in actions for the violation of such ordinances as the said commission shall enact; and said ordinances shall be enforced 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 municipality in which such commission exists.

Officers to serve process.

2. 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 any court under this act.

Proof of ordinance.

3. A copy of any ordinance or ordinances of said commission, certified to under the hand of the clerk, secretary or president of the said commission, shall be taken in any court of this State as full and legal proof of the existence of such ordinance or ordinances, and that all requirements of law in relation to the ordaining, publishing and making of the same so as to make it legal and binding have been complied with unless the contrary be shown.

4. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 187.

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 of intent to introduce ordinance.

1. Whenever any public improvement shall be contemplated by the governing body of any city, which may have heretofore or shall hereafter adopt the act to which this is a supplement, the cost of which or any part thereof is to be borne by lands specially benefited by such proposed improvement, notice of the intention to introduce an ordinance to authorize the making of such improvement and assessing the benefits and damages therefor on lands specially benefited shall be given by publication in two newspapers, circulating in such city, at least ten days before the time at which such ordinance will be introduced, designating the time and place when such ordinance shall be introduced, and that all owners of lands specially benefited by such contemplated improvement may be heard thereon.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 188.

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:*

Riding on sidewalks.

1. The township committee of each of the several townships of this State shall have power to make, amend and repeal ordinances regulating or prohibiting the riding of any bicycle, tricycle or similar machine upon the sidewalks in any township, or upon such of said sidewalks as in the judgment of the said township committee may thereby be made unsafe for public travel.

Relating to ordinances.

2. Sections twenty, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six of the act to which this is a supplement shall apply to this act.

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 May 2, 1906.

CHAPTER 189.

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

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

Joint improvement of road lying in different municipalities.

1. Wherever any road or portion thereof is on the dividing line between two or more counties of this State

and part of the width thereof is in one county and part in another, or part of the length and part of the width thereof is in one county and part in another, and (*a*) the boards of chosen freeholders of such counties, or (*b*) the board or boards of chosen freeholders of such county or counties together with one or more of the municipalities of such county or counties abutting on said road or any part thereof, or (*c*) the municipalities of different counties abutting on said road or any part thereof, desire that said road or a portion thereof should be improved within the limits of said counties, in accordance with the act to which this is a supplement and the supplements thereto and amendments thereof, it shall and may be lawful for such board or boards of chosen freeholders and municipalities, or any of said municipalities acting together, or such municipalities of different counties abutting on said road, or any part thereof, acting together, to improve said road for its entire length, or any portion thereof, within the limits of such counties, regardless of whether or not a portion or portions thereof may be wholly in one county or more counties, and agree upon the proportion of the expense thereof to be borne by such board or boards of chosen freeholders and the municipality or municipalities undertaking said improvement.

Procedure of boards.

2. If said boards of chosen freeholders and said municipalities, or such of them as are authorized to make said improvement under the first section of this act, desire to undertake said improvement, such board or boards of chosen freeholders shall pass a resolution in accordance with the act to which this is a supplement and any supplement thereto and amendment thereof; and if such municipality or municipalities desire to make said improvement either in conjunction with or without such board or boards of chosen freeholders, the governing body of such municipality or municipalities shall pass a resolution in the form and in accordance with the terms of the act to which this is a supplement and any supplement thereto and amendment thereof; which said resolution or resolutions shall be passed and approved (if approval is necessary) in the same manner that resolu-

tions are passed and approved by such board or boards of chosen freeholders or governing body of such municipality or municipalities.

Surveys made and plans prepared.

3. That after the passage of said resolutions the board or boards of chosen freeholders and municipality or municipalities undertaking said improvement shall cause surveys to be made, and plans, cross-sections and specifications of the work to be done on the road to be prepared, and do and cause to be done the various acts and things required to be done under the act to which this is a supplement and the supplements thereto and amendments thereof, in the same manner as if such road or portion thereof lay wholly within one county and the improvement was undertaken by the board of chosen freeholders of such county.

Joint committee.

4. In order to receive bids, the board or boards of chosen freeholders or municipality or municipalities undertaking said improvement shall each appoint certain of its members, who together shall constitute a joint committee, and such joint committee shall organize by electing a chairman and clerk; said joint committee shall

Invite proposals.

advertise for bids under the terms, conditions, and in the manner specified in the act to which this is a supplement and the supplements thereto and amendments thereof, which advertisement shall have at the foot thereof the names of the chairman and clerk of said joint committee, and said bids shall be received at the time and place

Opening of bids.

specified in the advertisement and opened in open meeting of such joint committee, and the amount or items composing each bid shall be publicly announced, and the members of the committee from said board or boards of chosen freeholders or municipality or municipalities appointing them shall forthwith report the bids to the board or body so appointing them for action thereon; and thereupon the board or boards of chosen freeholders and the governing body or bodies of such municipality or municipalities undertaking said improvement, voting

Award contract.

separately, shall by resolution award the contract for said improvement in the same manner provided in the act to which this is a supplement and the supplements thereto and amendments thereof as if said road lay wholly in the

body of one county and the improvement was undertaken by the board of chosen freeholders of such county.

Proportionate cost.

5. The contract for said work shall specify the share or proportion of the cost of such improvement to be borne and paid by the county or counties and municipality or municipalities engaging in said improvement, and each of the respective boards or bodies engaging in said improvement shall be liable for such share or proportion, and no more.

May issue bonds to meet expense.

6. If in the opinion of any board of chosen freeholders or any municipality joining in or undertaking such improvement, to be determined by a resolution passed by such board of chosen freeholders or the governing body of such municipality in the manner that resolutions are passed and approved (if such approval is necessary) by such board or body, to place in the tax levy for any one fiscal year the proportion of the expense of said improvement to be borne by it, would be too burdensome on the taxpayers of such county or municipality, then it shall be lawful for such board or municipality to issue bonds for its proportion of the expense of said improvement to be borne by it; these bonds shall be designated as

Title of bonds.

"road improvement bonds," and shall be for such sums and such amounts, payable in not less than six nor more than thirty years from the date thereof, with interest at

Time and rate.

a rate not exceeding five per centum per annum, payable annually or semi-annually, as such board of chosen freeholders or governing body of such municipality by resolution may determine; said bonds may be either registered or coupon and interchangeable from registered to coupon or coupon to registered, at the will of the holder thereof; and shall be signed, sealed and executed in the manner that bonds of such county or municipality are usually signed, sealed and executed, or as such board of chosen freeholders or governing body of such municipality may by resolution direct; that annually after the issue of such bonds there shall be placed in the tax levy of such board or municipality issuing said bonds, a sum

Payment at maturity.

sufficient to pay the interest accruing on said bonds, and likewise a sum which with interest and accumulations thereon will be sufficient to pay off and discharge said

bonds at maturity, which said sums of money collected for the discharge of principal, together with the accumulations and interest, shall be deposited and kept in a sinking fund, to be used for the payment of said bonds at maturity.

Maintenance of improved road.

7. After the completion of said improvement the said road or portion of road so improved shall be maintained by the board or boards or municipality or municipalities joining in the improvement, who shall bear and pay the same share and cost of maintenance and repair that they severally bear towards the cost of the improvement.

Act construed.

8. This act shall not be taken or construed to repeal any existing act.

9. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 190.

An Act amending section nine of "An act concerning banks and banking" (Revision of 1899).

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

Section amended.

1. Section nine of "An act concerning banks and banking" (Revision of 1899), be and the same is hereby amended so as to read as follows:

DIRECTORS. ANNUAL MEETING OF STOCKHOLDERS. OFFICERS.

Management.

9. The affairs of every bank shall be managed by a board of not less than five directors, a majority of whom shall at all times be residents of the State of New Jersey, who shall be elected annually by the stockholders at their annual meeting as hereinafter provided, and hold office for one year, and until their successors are elected and

have qualified. A majority of the board of directors shall constitute a quorum for the transaction of business; *provided*, that when the number of directors shall exceed nine they may, once in six months, designate by resolution nine members, any five of whom shall constitute a quorum. The annual meeting of the stockholders shall be held at the principal place of business of the bank on the second Tuesday of January of each year, at an hour to be fixed by the by-laws. Notice of such annual meeting shall be published at least ten days before the date of the meeting in a newspaper published in the place where the principal place of business of the bank is located; or if there is no newspaper published at such place, then in one published at the place nearest thereto in the same county. At a meeting of stockholders for the election of directors each share shall entitle the owner to one vote for each director, and the stockholder may vote at any meeting of the corporation by a proxy in writing signed by him. Every director must own and hold in his own name not less than five unpledged shares of the capital stock of such bank; any vacancy in the board of directors shall be filled by the remaining members of the board, and the directors so appointed shall hold office until the next election. In case of an increase in the board of directors between the annual elections by the stockholders, the newly created directorships shall not be construed as vacancies to be filled by the board. The directors shall annually choose a president, and one or more vice-presidents from their own number, and shall appoint a cashier and other officers, agents and employees who shall be chosen in such manner and hold office for such terms as the by-laws may prescribe. Each director of every bank, when elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such bank, and will not knowingly violate, or knowingly permit to be violated, any of the provisions of this act, and that he is the owner in good faith and in his own right of the number of shares of stock required by this section, subscribed by him or standing in his name on the books of the bank, and that the same is not hypothecated, or in

Proviso.

Annual meeting.

Public notice.

Voting by shares.

Director a stockholder.

Officers.

Oath taken by director.

any way pledged, as security for any loan or debt. Such oath, subscribed by the director making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the Commissioner of Banking and Insurance, and shall be filed and preserved in his office. Oath filed.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 191.

An Act amending section twelve of "An act concerning trust companies" (Revision of 1899).

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

1. Section twelve of "An act concerning trust companies" (Revision of 1899), be and the same is hereby amended so as to read as follows: Section amended.

DIRECTORS. ANNUAL MEETING OF STOCKHOLDERS. OFFICERS.

12. The affairs of every trust company shall be managed by a board of not less than five directors, who shall be elected annually by the stockholders at their annual meeting as hereinafter provided. A majority of the board of directors shall constitute a quorum for the transaction of business; *provided*, that when the number of directors shall exceed nine they may designate by resolution nine members, any five of whom shall constitute a quorum. The annual meeting of the stockholders shall be held at the principal place of business of the trust company on the second Tuesday of January of each year, at an hour to be fixed by the by-laws. Notice of such annual meeting shall be published at least ten days before the date of the meeting in a newspaper published in the place where the principal place of business Management. Proviso. Annual meeting. Notice of

of the trust company is located; or if there is no newspaper published at such place, then in one published at the place nearest thereto in the same county. At all meetings of stockholders for the election of directors, each share shall entitle the owner to one vote for each director, and a stockholder may vote at any meeting of the corporation by a proxy in writing signed by him. Every director must own and hold in his own name not less than five unpledged shares of the capital stock of such trust company. The directors shall annually choose a president, and one or more vice-presidents from their own number, and shall appoint a secretary, a treasurer and other officers, agents and employees, who shall be chosen in such manner and hold office for such terms as the by-laws may prescribe. Each director of every trust company, when elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such trust company, and will not knowingly violate, or knowingly permit to be violated, any of the provisions of this act, and that he is the owner in good faith, and in his own right, of the number of shares of stock required by this section, subscribed by him or standing in his name on the books of the trust company, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt. Such oath, subscribed by the director making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the Commissioner of Banking and Insurance, and shall be filed and preserved in his office.

Vote by shares.

Officers.

Directors' oath.

Oath filed.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 192.

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

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

Section amended.

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

Fraud by bank or trust officers a high misdemeanor.

171. Any director of any incorporated bank, trust company, safe deposit and trust company, or savings bank in this State, or any cashier, bookkeeper, or other officer, employee or agent of any such incorporation, who shall knowingly overdraw his account with the corporation of which he shall be a director, cashier, bookkeeper, or other officer, employee or agent for his own private use and benefit, or shall purloin, embezzle or convert to his own use any money, bank bill or note, the property of the said corporation, with intent to defraud the said corporation, or wrongfully to make use of the same; or any cashier, bookkeeper, or other officer, employee or agent of any such corporation who shall make, or cause to be made, any false entry on any book of account of the said corporation, or in any way falsely keep the accounts of the said corporation, with intent to cheat or defraud the said corporation, or any person dealing therewith, shall be guilty of a high misdemeanor.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 193.

A Supplement to an act entitled "An act creating asylum districts in this State and providing for the appointment of boards of managers for the State hospitals for the insane at Trenton and Morris Plains," approved May eighteenth, eighteen hundred and ninety-seven.

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

Secretary to board of managers.

1. The Board of Managers of the New Jersey State Hospital at Trenton and the Board of Managers of the New Jersey State Hospital at Morris Plains are each hereby authorized to appoint a secretary to such board

Salary.

at an annual salary of five hundred dollars, to be paid out of the appropriation made by law to said boards respectively.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 194.

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

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

Street railway operated by borough.

1. It shall be lawful for the council to provide by ordinance for the construction, maintenance and operation of a street railway or railroad to be operated as a

street railroad in, over and upon such streets, roads, avenues, or public places within the territorial limits of the borough as set forth and described in said ordinance for the purpose of providing a mode of conveying persons to and from any steam railroad station situated within the borough. The motive power of such railway shall be the overhead trolley system, or such other motive or traction power (other than horse or animal) as the council shall in and by said ordinance fix and determine; *provided, however,* that before such ordinance shall be introduced in the council a petition in writing shall be presented to said council, setting forth the proposed route of said railroad, the terminus of which shall be a steam railroad station within the territory limits of the borough, which petition shall also describe the motive power to be employed in the operation of said road, and shall be signed by the owners of at least fifty per centum of the real estate within the borough, as shown by the last preceding tax duplicate, to which petition shall be affixed an affidavit of the assessor or collector of the borough to the effect that the persons whose names are subscribed to said petition own in the aggregate the above per centum of real estate.

Proviso.

Petition for road.

2. After the above ordinance shall have been duly passed by the council and approved by the mayor, or shall have taken effect without his approval, as provided by law, the council shall proceed to ascertain the cost of construction and equipment of said railroad, and shall thereupon, by resolution, submit the proposition of such construction, equipment and maintenance to the legal voters of the borough at a special election called for that purpose, as provided in and by section forty-one of the act to which this is a supplement, as amended by chapter one hundred and three of the lawsof one thousand nine hundred and three, approved the second day of April, one thousand nine hundred and three, which resolution shall be in the following form, namely: "Resolved that a street railroad be constructed according to the ordinance of the council entitled (here insert title of ordinance and date of approval, or passage if not approved), and that borough bonds be issued to the amount of

Special election on proposition.

dollars, in the manner and form as provided by law." That the council shall furnish a sufficient number of ballots for said election, upon which the above resolution shall be printed, and underneath the above resolution on one-half thereof shall be printed the words "For the above resolution," and upon the other half thereof in the same position the words "Against the above resolution."

Ballots.

Ballots canvassed.

Votes necessary.

The ballots cast at said election shall be canvassed and the result certified as in said section forty-one provided, and in the event of sixty per centum of the total votes so cast being in favor of said resolution, then the council shall proceed to construct said railroad as provided in said ordinance. But if there shall be a less number of votes cast for said resolution, then all proceedings thereunder shall cease and determine and shall not be revived until after the elapse of one year from the date of said special election.

Work done by contract.

3. The said council shall cause said work of construction to be done by contract, after proposals therefor shall have been published for at least two insertions in three newspapers circulating within the borough and one newspaper in the city of New York and one in the city of Newark for a like number of insertions, which contract shall be let to the lowest responsible bidder, and the council shall require a bond for the faithful performance of said contract with satisfactory sureties in the penal sum of at least ten thousand dollars.

Rate of fare.

4. The council in and by said ordinance, or one supplemental thereto, shall fix the rate of fare for passage upon said railroad, which fare shall not exceed five cents a passenger for a single trip, and shall further provide for the issuing and sale of tickets to passengers in packages of ten or any multiple thereof at a rate not exceeding three cents for each ticket, which shall entitle the holder to a single trip over the entire road.

Contract for power.

5. The council may contract with any person or corporation for a term not exceeding five years for furnishing the necessary power to operate the cars of said railroad.

May lease road.

6. The council may lease said railroad to any person or corporation who will contract to operate the same

according to the rules and time-tables established by the council for any term not exceeding five years, with the privilege of one renewal, at such annual rental as may be agreed upon; *provided*, that the legal voters of said borough shall first, at an election called, upon ten days' notice, for that purpose, by the borough council, by a majority of those voting approve of the execution of said lease. Proviso.

7. The council shall establish all necessary rules and regulations for the operation of said railroad and the government of the employes connected therewith. Rules.

8. The council shall have authority to arrange with any other company operating a street railroad within the borough for the transfer of passengers to and from such other railroad, if deemed advantageous to the citizens of the borough; *provided*, that nothing in this section shall be construed as authorizing the increase of the fares, as hereinbefore limited. Transfers. Proviso.

9. The council may arrange with another railroad or railroads to run the cars of this borough railroad upon the tracks of such other railroad and within the limits of the borough, if the convenience of the residents of the borough, in the judgment of the council, require it. Track privileges.

10. Nothing herein contained shall be taken or construed as authorizing the borough to construct or operate a street railroad within its limits for any other purpose than to afford to the citizens thereof and the public generally the means of being conveyed to and from the depot of any steam railroad within its territorial limits, and the entire length of such street railroad or railway shall not exceed one mile. Limitation of privilege.

11. The council, after a public hearing upon the first aforesaid ordinance and petition, may change the route of said railroad from that described in said petition, if public convenience requires it, in the judgment of the council. Change of route.

12. This act shall take effect immediately, and all acts or parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

Approved May 2, 1906.

CHAPTER 195.

An Act concerning savings banks.

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

I. FORMATION.

Savings banks declared corporations.

1. All savings banks organized under and by virtue of this act, are hereby declared to be corporations, possessed of the powers and functions of corporations mentioned in the first section of the act entitled "An act concerning corporations (Revision of 1896);" and, as such, shall have power:

Power to receive deposits.

I. To receive money on deposit, to invest the same, and further transact the business of a savings bank, as hereinafter provided;

To exercise corporate rights.

II. To exercise any corporate powers necessary to the exercise of the powers above given.

How formed.

2. Any number of persons not less than nine, may associate themselves for the purpose of organizing a savings bank, in accordance with the provisions of this act; but at least three-fourths of such persons shall reside in the county where the proposed bank is to be located, and shall be freeholders in this State.

Certificate of association.

3. Such persons, under their hands and seals, shall execute a certificate, in which shall be set forth:

Name.

I. The name assumed to distinguish such corporation, and to be used in its dealings, which shall be in no material respects similar to the name of any other savings bank organized and doing business in this State;

Place of business.

II. The place where its business is to be transacted, designating the particular city or other municipality;

Corporators.

III. The name, residence (if in any city, the street and number), occupation and post-office address of each corporator;

IV. A declaration that each corporator will accept the responsibilities, and faithfully discharge the duties of a manager of such savings bank when authorized according to the provisions of this act; Corporators' responsibilities.

V. The period, if any, limited for its duration. Duration.

4. Such certificate shall be executed in duplicate, and be duly acknowledged before any officer of this State authorized to take the acknowledgment and proof of deeds in this State, and shall, within sixty days after such acknowledgment, be filed, one copy in the office of the county clerk of the county wherein such savings bank is proposed to be located, and one copy in the office of the commissioner of banking and insurance of this State. Certificate in duplicate. Where filed.

5. A notice of intention to organize such savings bank shall be published at least once a week, for four weeks previous to filing the certificate of association, as provided in the preceding section, in at least one newspaper published and circulating in the city or other municipality where such savings bank is proposed to be located; or if there be no newspaper published and circulating in such city or other municipality, then in some newspaper published and circulating in said county; if none in said county, then in an adjoining county; which notice shall specify the names of the proposed corporators, the name of the proposed savings bank, and the location of the same, as set forth in the certificate of association, and if there is any savings bank or banks organized and doing business in said county, a copy of such notice shall also be sent to each of such savings banks, at least fifteen days before the filing of such certificate of association. Public notice of intention to organize.

6. Upon the receipt of any such certificate of association at the office of the Commissioner of Banking and Insurance, if the same is in due form and duly executed and acknowledged, according to the provisions of sections three and four of this act, and is accompanied by evidence satisfactory to the said commissioner of the proper publication and service, in good faith, of the notice required in the last preceding section, he shall forthwith indorse the same, over his official signature, Indorsement of certificate of association.

"filed for examination," with the date of such indorsement.

Certificate must conform to act.

7. If such certificate shall not be in form and substance as required by sections two and three of this act, or shall not be duly and properly acknowledged as required by section four of this act, or shall not be accompanied by evidence, satisfactory to the said commissioner, of the publication and service in good faith, according to the intent and purpose of this act, of the notice required by section five of this act, the said commissioner shall refuse to file such certificate until the same shall be amended in conformity to the provisions of this act.

Duty of commissioner of banking.

8. It shall be the duty of the Commissioner of Banking and Insurance, and he shall have the power, in regard to any certificate of association so filed, to ascertain from the best sources of information at his command:

Accessibility.

I. Whether greater convenience of access to a savings banks will be afforded to any considerable number of depositors by opening a savings banks at the place designated in such certificate;

Population to be served.

II. Whether the density of the population in the neighborhood designated for such savings bank and in the surrounding country affords a reasonable promise of adequate support to the enterprise;

Responsibility of corporators.

III. Whether the responsibility, character and general fitness for the discharge of the duties appertaining to such a trust of the persons named in such certificate are such as to command the confidence of the community in which such savings bank is proposed to be located.

Certificate of authorization issued by commissioner.

9. If the Commissioner of Banking and Insurance shall be satisfied from his knowledge, or from information gained, concerning the several points named in the last preceding section, that the organization of a savings bank, as proposed in such certificate, will be a public benefit, he shall, within sixty days after the same has been filed for examination, issue, under his hand, a certificate of authorization to the persons named in such certificate, or to a portion of them, together with such other persons duly qualified by section two of this act, as a majority of those named in such certificate of

association shall in writing approve, in number not less than nine nor more than fifteen; which certificate so issued shall authorize the persons named therein to open an office for the deposit of savings as designated in the certificate of association, subject to the provisions of this act; *provided,* no person shall be named in such certificate of authorization who shall not have duly made and acknowledged the declaration prescribed in subdivision four of section three of this act.

Authority to do business.

Proviso.

10. The Commissioner of Banking and Insurance shall transmit such certificate of authorization to the county clerk of the county in which the savings bank so authorized is to be located, who shall file the same, and attach it to the certificate of association previously filed by him, relating to the organization of such savings bank; the said commissioner shall also file a duplicate copy of such certificate in his office.

Certificate filed with county clerk.

11. If the Commissioner of Banking and Insurance shall not be satisfied that the establishment of a savings bank, as proposed in any certificate of association filed in his office, is expedient and desirable, he shall, within sixty days after the filing of such certificate, give notice to the county clerk of the county in which such savings bank is proposed to be located, that he refuses to issue a certificate of authorization for such savings bank; which notice shall forthwith be filed by said county clerk, with the certificate of association of such savings bank.

May refuse authorization.

12. Upon the filing of any certificate of authorization of a savings bank, as hereinbefore provided, the persons named therein, and their successors as managers, shall thereupon and thereby be duly and lawfully considered and constituted a body corporate and politic, and shall be vested with all the powers and charged with all the liabilities conferred and imposed by this act.

Body corporate.

13. Before any savings bank, so incorporated, shall be authorized to receive deposits, the managers shall transmit to the Commissioner of Banking and Insurance the name, residence and post-office address of each of the officers of such savings bank, and the place where its business is to be carried on, designating the same by street and number, when practicable.

Addresses of officers and bank.

Notice of organization and beginning business.

14. Any savings bank so incorporated shall notify the Commissioner of Banking and Insurance of the fact of organization, and the date of commencement of business; and any savings bank so incorporated that shall not organize and commence business and give such notice within one year after the certificate of authorization of the same has been filed, as hereinbefore provided, shall forfeit its rights and privileges as a corporation under this act; but the said commissioner may, for satisfactory cause shown, extend the term within which such organization may be effected and such business commenced, but not for a longer period than one year; and the order so extending such term shall be under his hand, and shall be transmitted to the county clerk of the county in which such savings bank is to be located, who shall file the same, with the certificate of association and the certificate of authorization of such savings bank.

Time for effecting organization.

II. FORMATION.

Board of managers.

15. The business of every savings bank shall be managed and directed by a board of managers of not less than nine, nor more than fifteen, who shall elect from their number a president and a vice-president, and shall elect or appoint from their own number, or otherwise, such other officers and agents as they may see fit; the persons named in the certificate of organization shall be the first managers; all vacancies in such board, by death, resignation or otherwise, shall be filled by the board of managers, on approval by the Commissioner of Banking and Inusrance, with persons duly qualified by section two of this act, as soon as practicable, at a regular meeting after such vacancies shall occur; and if such managers shall fail to fill such vacancy within six months then said commissioner shall fill such vacancy, subject to the other provisions of this act; in case all the managers of a savings bank shall abandon the conduct of its business said commissioner shall as soon as practicable appoint other persons in their places as managers.

Vacancies.

By-laws furnished commissioner of banking.

16. The board of managers shall transmit to the Commissioner of Banking and Insurance a copy of all by-

laws adopted and of any amendment or change therein, and said commissioner shall file the same in his office; regular business meetings of the board shall be held as often as once in three months, for the transaction of business; the by-laws of the board of managers may fix the number that shall constitute a quorum of the board for the transaction of business; *provided,* the number so fixed shall not be less than a majority of the whole board; but less than a quorum shall have power to adjourn from time to time, or until the next regular meeting.

Proviso.

Increase or decrease number of managers.

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

Borrowing money or non-attendance by manager to forfeit office.

18. When a manager of a savings bank shall hereafter borrow, directly or indirectly, any of the funds of the savings bank of which he is manager, or upon his becoming a surety, or guarantor for any money borrowed of, or loan made by, such savings bank, or upon his failure to attend the regular meetings of the board, or to perform any of the duties devolving upon him as such manager, for six successive months, without having been previously excused by the board for such failure, the office of such manager shall thereupon immediately become vacant; but the manager vacating his office by failure to attend meetings or to discharge his duties may, in the discretion of the board, be eligible to a re-election.

Employes bonded.

19. The managers of any savings bank shall have the power to require from the officers, clerks and agents of the bank such security for their fidelity and the faithful performance of their duties as they shall deem necessary.

Managers not interested except as depositors.

20. No manager of any savings bank shall have any interest whatever, direct or indirect, in the gains or profits thereof, except as a depositor, nor directly or indirectly, receive any pay or emolument for his services, except as hereinafter provided; and no manager or officer of any savings bank shall, directly or indirectly,

for himself or as the agent, trustee or partner of others, borrow any of its funds or deposits, or in any manner use the same, except to make such current and necessary payments as are authorized by the board of managers; and no manager or officer of such corporation shall become an indorser, surety or obligor, in any manner whatsoever, for any moneys loaned by or borrowed from such corporation.

As to managers of specially-incorporated banks.

21. Where it is provided by any special act incorporating any savings bank (and which act is still in force) that additional or new managers may be elected by receiving the votes of a certain number of the managers of said bank, and it appears that by death or resignation the number of managers of such bank has been reduced to less than the number required by their said act of incorporation to elect a new member, it shall be lawful to elect a new member or members by the votes of a less number of the managers; *provided,* they be the votes of the entire number of present managers; *and provided further,* after the number of managers has been increased to the number originally required to elect a new manager, then no new manager shall be elected unless he receives the number of votes originally required by their charter to elect a new manager.

Proviso.

Proviso.

III. COMPENSATION OF OFFICERS AND MANAGERS.

Compansation of officers.

22. Any savings bank may pay its president and other officers and agents such reasonable compensation for their services as shall be fixed by the managers; *provided,* the Commissioner of Banking and Insurance may reduce the amount of such compensation if in his judgment the same is fixed at an excessive amount.

Proviso.

Pay of managers.

23. Any savings bank may pay its managers for attendance upon meetings of the board or for service upon committees such reasonable compensation for such attendance or service as shall be from time to time fixed by a two-thirds vote of the board of managers.

IV. DEPOSITS.

Who may deposit.

24. Any savings bank may receive on deposit any sum or sums of money that may be offered for that

purpose by any person, corporation or society, or by direction of any court of record in this State, and invest the same, and declare, credit and pay dividends thereon, as hereinafter authorized and provided, and not otherwise.

Payments to depositors.

25. The sums so deposited, together with any dividends or interest credited thereto, shall be repaid to such depositors respectively, or to their legal representatives, after demand, in such manner, and at such times, and after such previous notice and under such regulations as the board of managers shall prescribe, which regulations shall be put up and posted in some conspicuous place in the principal room where the business of such bank shall be transacted, and shall be printed in the passbooks or other evidence of deposit furnished by the bank, and shall be evidence between the bank and the depositors holding the same, of the terms upon which the deposits therein acknowledged are made; *provided,* every savings bank shall have the right to limit the aggregate amount which any one depositor may deposit to such sum as they may deem it expedient to receive; and may, in their discretion, refuse to receive a deposit, and may also, at any time, return all or any part of any deposit; nor shall the aggregate amount of such deposits to the credit of any one individual, corporation or society at any time exceed five thousand dollars exclusive of accrued interest unless such deposit was made prior to the passage of this act, or pusuant to the order of a court or of a surrogate; no savings bank shall be required to receive on deposit a less sum than one dollar, nor to allow interest on the fractional part of one dollar, nor for the fractional part of a month; whenever any person indebted to any savings bank shall deposit moneys therein for the purpose of raising a fund for the payment of such indebtedness, the managers shall have the power, in their discretion, to allow interest on such deposits from the time the same are made.

Proviso.

Maximum deposit.

Deposits by minors or females.

26. When a deposit shall be made by or in the name of any person being a minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons what-

soever, except creditors, and shall be paid, together with the dividends or interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the bank; whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom the said deposit was made, or to his legal representatives; *provided,* no minor shall withdraw any deposit in his name from any account in which the first deposit was actually made by any person other than such minor, without the consent in writing of the person actually making such deposit, or his legal representative, if any, and if none, without the written consent of the natural or legal guardian of such minor.

Deposit in trust.

Proviso.

Joint deposits.

27. When a deposit has been or shall hereafter be made, in the name of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or interest or dividends thereon, may be paid to either of said persons, whether the other be living or not, and the receipt or acquittance of the person so paid shall be a valid and sufficient release and discharge to the bank for any payment so made.

Evidences of deposit binding.

28. All certificates or other evidences of deposit, made in pursuance of the regulations and usages of any savings bank, shall be as binding upon such corporation, as though made under its common seal.

V. UNCLAIMED DEPOSITS.

Publication of unclaimed dividends.

29. When there shall remain unclaimed for a period of one year any dividends declared by the managers or a receiver of any insolvent savings bank, such managers or receiver shall prepare a list for advertisement of such unclaimed dividends, and publish the same in a newspaper published in or nearest to the municipality in

which such bank is located, which advertisement shall state the name of the depositor, his place of residence, if known, and the amount of dividends unclaimed, such notice to be published at least once a week for four weeks, and the cost thereof charged to the account of unclaimed dividends.

Report of creditors not claiming deposits for ten years.

30. Every savings bank shall include in its annual report to the Commissioner of Banking and Insurance a sworn statement containing the name, the amount standing to his credit, the last-known place of residence or post-office address and the fact of death, if known, of every depositor who shall not have made a deposit or withdrawn any part of his deposit, or any part of the interest thereon, for a period of ten or more years next preceding, when the amount exceeds the sum of fifty dollars; and the officers of such savings bank shall give notice of these deposits in one or more newspapers published in or nearest to the municipality in which such bank is located, at least once a week for three weeks in succession during the month of February for two successive years.

Published in papers.

Reported by commissioner.

31. The Commissioner of Banking and Insurance shall incorporate in his annual report each return which shall have been made to him as provided in the preceding section.

Penalty for non-compliance.

32. The officers of any savings bank neglecting or refusing to make the sworn return required by section thirty of this act shall be guilty of a misdemeanor and liable to a fine not exceeding five hundred dollars.

VI. DEPOSITS. HOW INVESTED.

Legal investments.

33. No savings banks shall invest the moneys deposited with the same in any manner, except as follows, to wit:

U. S. securities.

I. In stocks or bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof;

State bonds.

II. In the interest-bearing bonds of this State; or in any bonds authorized by the laws of this State to be

issued by any commission appointed by the Supreme Court of this State, by virtue of any law of this State;

Bonds of foreign states.

III. In the bonds of any State in the Union that has not, within ten years previous to making such investment by any such bank, defaulted in the payment of any part of either principal or interest in any debt authorized by any law of such State to be contracted;

Municipal bonds.

IV. In the bonds of any county, township, municipality or school district of this State issued pursuant to the authority of any law of this State; *provided* such county, township, municipality or school district shall not, within the five years next preceding, have defaulted in the payment of any part of either principal or interest

Proviso.

of any legal debt or obligation thereof; and *provided further,* the total indebtedness of any borough or village does not exceed ten per centum of its assessed valuation, and such school district bonds are by law charged upon all the property of the inhabitants of such district; or in any interest-bearing obligation (other than obligations commonly known as improvement certificates) issued by the city, county, town, township, borough or village in which such bank is situated;

City or county bonds of other states. Proviso.

V. In the bonds of any city or county of any other State of the Union issued pursuant to the authority of any law of any such State; *provided,* no such city or county has, within ten years previous to making such investment, defaulted in the payment of any part of either principal or interest of any debt authorized by

Proviso.

law of such State to be contracted; and *provided further,* the total indebtedness of any such city or county is limited by law to ten per centum of its assessed valuation;

Railroad bonds.

VI. In first mortgage bonds of any railroad company, which has paid dividends of not less than four per centum per annum regularly, on its entire capital stock, for a period of not less than five years next previous to the purchase of such bonds, or in any consolidated mortgage bonds of any such company authorized to be issued to retire the entire bonded debt of such company;

Bond and mortgage.

VII. In bonds secured by mortgages which shall be a first lien on real estate situate in this State, and worth

at least double the amount loaned thereon, but not to exceed eighty per centum of the whole deposits shall be so loaned or invested; but in case the loan is on unimproved or unproductive real estate, the amount loaned thereon shall not be more than thirty per centum of its actual value; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee of at least three of the managers, and two members of which committee shall certify in writing to the value of the premises mortgaged, or to be mortgaged, according to their best judgment; such report shall be filed and preserved among the records of the bank;

Real estate.

VIII. In real estate strictly in accordance with the following provisions:

Bank building.

(*a*) A plot whereon is erected, or may be erected, a building or buildings requisite for the convenient transaction of its business, and from portions of which not required for its own use, a revenue may be derived; the costs of such building or buildings and lot shall in no case exceed fifty per cent. of the net surplus of such bank except with the written approval of the Commissioner of Banking and Insurance; *provided,* the limitations as to the cost of such lot and building contained in this subdivision shall not apply to or affect any such investment heretofore made by a savings bank organized under a special charter;

Proviso.

Property acquired by foreclosure.

(*b*) Such as shall have been purchased or acquired by it at sales upon the foreclosure of mortgages owned by such corporation, or upon judgments or decrees obtained or rendered for debts due to it, or in settlements effected to secure such debts or in satisfaction of such mortgages; and all such real estate shall be sold by such bank within five years after the same shall have been so purchased, unless, upon application by such corporation to the Commissioner of Banking and Insurance, he shall extend the time within which such sale shall be made;

To apply to all funds.

the provisions of this section shall apply to all funds of any savings bank, including its reserve fund, and all investments of money and sales and transfers of securities may be made in the manner provided and made lawful in this act, notwithstanding any provision in any special

charter contained limiting the number of trustees or managers who shall act in the investment of moneys and the sale or transfer of stocks or securities.

Loans upon collateral security.

34. No saving bank shall loan the money on deposit with the same, or any part thereof, upon notes, bills of exchange or drafts, except upon the additional pledge of collateral security, which shall be of the same nature and character as those in which the money deposited may be invested as directed in the preceding section, or the capital stocks of national and State banks, or the capital stock or bonds of other corporations of this State, which have not defaulted in the payment of interest or dividends, upon the collateral loaned upon, within two years next preceding the time of such loan, and then only to the extent of eighty per centum of the market value of such collaterals; *provided*, the total amount of such loans shall not exceed fifteen per centum of the total deposits held by such savings bank.

Proviso.

Penalty for violation.

35. A violation of any of the provisions of the two preceding sections by any of the managers or other officers of any savings bank shall be a misdemeanor, and upon conviction thereof any person so offending shall be punished by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars, or imprisonment for a term not exceeding two years, at the discretion of the court.

Reserve fund.

36. The managers of every savings bank, as soon as practicable, shall invest the moneys deposited with them in the securities named in the thirty-third section, except that for the purpose of meeting current payments and expenses in excess of the receipts there may be kept an available fund of not exceeding ten per centum of the whole amount of deposits with such bank; and the same may be kept on hand or on deposit in any solvent bank in this State, organized under the law of this State or of the United States; or the same may be deposited on call, at interest, in such solvent trust company incorporated under the laws of this State or of the States of New York or Pennsylvania, as a majority of the managers of such bank may direct, by resolution adopted at a regular or special meeting, and duly recorded on their minutes; or such available fund, or any part thereof,

Where kept.

may be loaned upon pledge of the securities, or any of them, named in section thirty-three of this act, but not in excess of eighty per centum of the market value of such securities so pledged; and should any of the securities so held in pledge depreciate in value, after making any loan thereon, the managers shall require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed eighty per centum of the cash market value of the securities pledged for the same. May be loaned. Limit of loan.

37 Any savings bank may deposit temporarily in banks, as provided in the preceding section, the excess of current daily receipts over the payments until such time as the same can be judiciously invested in the securities named in section thirty-three; and whenever it shall appear to the Commissioner of Banking and Insurance that the managers of any such savings bank are violating the spirit and intent of the provisions of this and the preceding section, by keeping permanently uninvested all, or any undue proportion, of the moneys received by them, he shall report the facts to the Attorney-General, who shall proceed against such bank, under the provision of section fifty-two of this act. Temporary deposits until investment made.

38. In all cases of loans upon real estate, a sufficient bond, secured by a mortgage on said real estate, shall be required of the borrower; and all the expenses of searches, examinations and certificates of title or appraisals of value, and of drawing, perfecting and recording papers, shall be paid by the borrower. Bond required on real estate loans.

39. When any building or buildings are included in the valuation of any real estate, upon which loan shall be made, the same shall be insured by the mortgagor in such company or companies as the managers shall approve, and the policy or policies of insurance shall be duly assigned, or the loss made payable, as interest may appear, to such bank; and such savings bank may renew such policy or policies of insurance in the same, or in any other company or companies, as it may elect, from year to year, or for a longer or shorter term, in case the mortgagor shall neglect to do so, and charge the amount paid to the mortgagor; and all necessary charges and expenses for such renewal or renewals shall Property kept insured.

be paid by such mortgagor to such savings bank, and shall be a lien upon the property so mortgaged, recoverable with interest from time of payment, as part of the moneys secured to be paid by such mortgage.

VII. DIVIDENDS.

Dividends.

40. The managers of every savings 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 depositors shall receive, as nearly as may be, all the profits of such bank, after deducting necessary expenses and reserving such amount as the

Surplus fund.

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,*

Proviso.

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

When deposit draws interest.

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 day of any monthly interest period or the tenth day of the month commencing any quarterly interest period, may have interest declared upon them for the whole of the period

Declare dividends.

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, divided equitably the accumulation beyond such authorized surplus, as an extra dividend to depositors, in excess of the regular dividends hereinbefore authorized. Extra dividend.

41. In determining such per centum of the surplus held by any savings bank, its interest-paying bonds shall be estimated at their market value; *provided,* such value shall not be greater than the face value thereof; its bonds and mortgages, on which there are no arrears of interest for a longer period than one year, shall be estimated at their face value; and its real estate at not above cost; concerning such stocks or bonds and mortgages as are in arrears of interest for one year or more, and concerning all other investments not herein enumerated, the Commissioner of Banking and Insurance shall determine the valuation of the same from the best information he can obtain, and may change the valuation thereof, from time to time, according as he may obtain other and further information. Bonds at par. Proviso. Valuations by commissioner.

VIII. REPORTS.

42. The managers of every savings bank shall, by a committee of not less than three of such managers, on or about the thirty-first day of December in each year, thoroughly examine the books, vouchers and assets of such savings bank and its affairs generally, and the statement or schedule of assets, showing the true condition of such bank at the close of business of said year, reported to the Commissioner of Banking and Insurance as hereinafter provided, shall be based upon such examination, and shall be verified by the oath or affirmation of a majority of the managers making such examination; but nothing herein contained shall be so construed as to prohibit the managers of any savings bank from requiring such examination at such other times as they may prescribe. Annual examination and report.

43. Every savings bank shall, on or before the thirty-first day of January in each year, make a report in writing to the Commissioner of Banking and Insurance and in such form as the said commissioner shall prescribe, Report to commissioner.

of its condition at the close of business on the thirty-first day of December preceding such report.

Contents of report.

44. Such report shall state the amount loaned upon bond and mortgage, together with a list of all bonds and mortgages upon which the interest has been in arrears for six months; the book, par and market value of all investments, designating each particular kind of security; the amount loaned upon the pledge of securities, with a statement of such securities; the amount invested in real estate, giving the cost and market value of the same; the amount of cash on hand and on deposit in banks or trust companies, with the names of such banks and trust companies and the amounts deposited in each, and such other reasonable information as the commissioner of banking and insurance may require.

All claims, liabilities, number of depositors, accounts, etc.

45. Such report shall also state all the liabilities of such savings banks on the said thirty-first day of December, the amount due to depositors, which shall include any dividend to be credited to them for any interest period ending on the day of said report, and any other debts or claims against the bank which are or may be a charge upon its assets; such report shall also state the amount deposited during the twelve months previous, and the amount withdrawn during the same period; the whole amount of interest or profits received or earned, and the amount of dividends credited to depositors; the number of accounts opened or re-opened, the number closed during that period, and the number of open accounts at the end of that period, and such other reasonable information as may be required by the Commissioner of Banking and Insurance.

Sworn report.

46. Such report shall be verified by the oath or affirmation of the two principal officers of the bank, and the statement of assets shall be verified by the oath or affirmation of a majority of the committee of managers who examined the same, pursuant to the requirements of section forty-two; and any wilful false swearing in regard to such reports, or in regard to any reports made to the Commissioner of Banking and Insurance, pursuant to the provisions of this act, shall be deemed perjury, and shall be subject to the prosecutions and punishments prescribed by law for that offense.

False oath perjury.

Special reports.

47. The Commissioner of Banking and Insurance may call for special reports from any savings bank whenever in his judgment the same may be necessary to a full and complete knowledge of its condition or affairs; which report shall be rendered by such bank within such reasonable period as shall be fixed by the commissioner.

Penalty for not furnishing report.

48. If any savings bank shall fail to furnish to the Commissioner of Banking and Insurance any annual or special report or statement required by this act within the time so required, the managers of such bank shall personally forfeit the sum of one hundred dollars per day for every day such report or statement shall be so delayed or withheld; and the said commissioner may maintain an action against such managers jointly in his name to recover such penalty, and when collected, the same shall be paid into the treasury of this State; but the said commissioner may, for sufficient cause shown, extend the time for making any such report, not exceeding thirty days.

No other report required.

49. No savings bank shall hereafter be required to make any annual or other report to the Legislature, nor to the mayor or commonalty of any city, nor to the board of freeholders of any county, nor to any other officer or authority whatsoever, except as in this act provided and required; nor be subject to the inspection or supervision of any local officer or board, nor to any interference from any such local officer or board in any matters pertaining to its business or dealings.

Commissioner's report to legislature.

50. The Commissioner of Banking and Insurance shall, on or before the fifteenth day of February in each year, make a report to the Legislature containing a statement of the condition of every savings bank, from which a report has been received for the preceding year; and also the name and location of all savings banks authorized by said commissioner to do business during the previous year, with the date of their incorporation, and particularly describing those incorporated at any time, which have commenced business during the previous year.

New Jersey State Library

IX. EXAMINATIONS.

Semi-annual examination by banking department.

51. The Commissioner of Banking and Insurance shall, either personally or by his deputy, or by such other person as he may employ for the purpose, visit and examine every savings bank in this State at least once in two years, or whenever, in his judgment, its condition or management is such as to render an examination of its affairs necessary or expedient; the said commissioner, his deputy, or other person employed as aforesaid shall have power to administer an oath or affirmation to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of such examination, by summons, subpœna or attachment, in the manner now authorized in respect to the attendance of persons as witnesses in the courts of record of this State; and all books and papers which it may be deemed necessary to examine by the said commissioner, his deputy or examiner, shall be produced, and their production may be compelled in like manner; the result of such examination shall be certified by the said Commissioner upon the records of the bank examined; and the results of all examinations, during the previous year, shall be embodied in the annual report of the said Commissioner, required by this act to be made to the Legislature.

Production of records.

Commissioner to enforce compliance with the law.

52. When it shall appear to the Commissioner of Banking and Insurance from any examination made under this act, or from the report made by any savings bank pursuant to the requirements of this act, that any such bank has committed any violation of its charter or law, or is conducting its business and affairs in an unsafe or unauthorized manner, the said commissioner shall by an order, under his hand, direct the discontinuance of such illegal and unsafe or unauthorized practices, and shall insist upon a strict conformity with the requirements of the law, and with the safety and security of its transactions; and whenever any savings bank shall refuse or neglect to make any report, as hereinbefore required, or to comply with any such order, as aforesaid, or whenever it shall appear to the said commis-

sioner, that it is unsafe or inexpedient for any savings bank to continue to transact business, he shall communicate the facts to the Attorney-General, who shall thereupon institute such proceedings as the nature of the case may require; the proceedings instituted by the Attorney-General may be for the removal of one or more of the managers, or for such other or further relief or correction as the particular facts communicated to him shall seem to require; the court before which such proceedings shall be instituted, shall have power to grant such orders, and in its discretion, from time to time to modify or revoke the same, as the evidence in the case, the situation of the parties, and the interests involved shall seem to require.

Proceedings instituted by attorney-general.

53. Each savings bank shall pay twenty dollars annually on filing its annual report, and the actual expenses of examinations made or to be made, as required by law, of any savings bank, shall be paid by the bank examined, and if any such bank shall, after due notice, refuse or neglect for thirty days to pay such expenses, the commissioner of banking and insurance may maintain an action in the name of his office against such bank for the recovery of the same; *provided,* whenever an examination is made by such commissioner or his deputy in person, no charge shall be made except for necessary traveling and other actual expenses.

Annual fee for filing report.

Proviso.

X. EXTENSION OF CHARTERS.

54. Any savings bank created under or by virtue of any law of this State, at any time before the expiration of its charter, or of the period named in the certificate of organization, or of any renewal thereof, or when the period named in its charter or certificate of organization, or in any renewal thereof, shall have expired, may file in the office of the Commissioner of Banking and Insurance a certificate under its common seal, attested by the signature of its president, authorized by resolution for that purpose, passed at a regular or special meeting of its board of managers, by at least a majority of its managers, declaring its desire that the period of

Extension of corporate existence.

its existence and its corporate powers shall be extended for any time therein mentioned from the date of the expiration of its charter, or of the period named in its certificate of organization, or of any renewal thereof.

To take effect upon filing certificate of intention.

55. Upon making, proving and filing such certificate, the period of the existence and the corporate powers of such savings bank shall be extended as declared in such certificate, as fully as if the said period had been named in the original charter or certificate of organization of such savings bank; and the said certificate or a copy duly certified by the Commissioner of Banking and Insurance shall be evidence in all courts and places; *provided,* all savings banks whose charters are extended or renewed, as provided for in this section, shall be subject to all of the provisions of this act, and to all such general laws on the subject of taxation as shall apply to other savings banks, and shall also be entitled to all the rights and privileges which it may have acquired and be liable for all the acts which it may have exercised or performed after the date of the expiration of its charter or of the period named in its certificate of organization or any renewal thereof to the same extent as if said charter or the said period had not expired by limitation.

Proviso.

XI. CHANGE OF NAME.

Manner of changing name.

56. Whenever three-fourths of all the managers of any savings bank shall, by a resolution duly passed and entered upon their minutes, express a desire and purpose to change the name of such bank, the same may be effected in the manner following, to wit: notice of intention to apply to the Commissioner of Banking and Insurance for leave to change the name of such bank, specifying the name thereof and the name to which it is proposed to change the same, shall be published as required in section five of this act; after such publication, application may be made to the Commissioner of Banking and Insurance to change the name of such bank to such name as has been agreed upon in such resolution and published in such notice, satisfactory evidence of which resolution and publication must be presented to

Notice of proposed name.

Application to commissioner.

said commissioner, together with such application; if it shall appear to the said commissioner that it is expedient and proper that such change of name be made, he shall, by an order under his hand, direct and authorize such change of corporate name to be made, and designate some day in the future, not to exceed thirty days from the date of such order, when the change shall take effect; such order shall be executed in triplicate; one copy shall be transmitted to and filed in the office of the county clerk of the county in which such bank is located, one copy shall be transmitted to the bank, and one copy shall be filed in the office of the said commissioner; thereupon from the date designated in such order for such change of name to take effect, such bank shall be known and described by the name designated in such order, and by such name shall have all the rights and powers to which it would be entitled if such change had not been made; but no such change shall in any manner lessen or impair any liability of such bank incurred or existing at the time such change of name shall be made.

Change authorized.

Copies filed.

Rights under new name.

XII. INSOLVENCY.

57. No savings bank shall be subject, otherwise than under this act, to be declared insolvent or placed in charge of receivers; whenever the Attorney-General, upon the direction of the Commissioner of Banking and Insurance, shall institute proceedings provided for in the fifty-second section, such proceedings, if instituted for the purpose of having any savings bank declared insolvent or placed in the hands of receivers, shall authorize the chancellor to take charge of and manage such bank in the manner provided for in this act.

Chancellor to take charge of insolvent banks.

58. In case it shall be represented to the Court of Chancery by any savings bank, or by a majority of the board of managers of any such bank, or by any three or more depositors in the same, whose deposits together shall make up the sum of five thousand dollars or more, by petition filed by said bank, or by bill of complaint, to which said bank shall be a party defendant, that such bank is not able to pay the interest on its deposits, or is in danger of not being able to return all its deposits in

Upon petition chancellor may cause examination.

full, without sacrifice of its assets, the chancellor shall inform himself by personal examination, or through that of some competent person by him selected, or by the statement, under oath, of the officers, or at least three of the managers, of the financial condition of such bank,

Restrain the managers.

and make order, in his discretion, restraining the managers of such bank, until his further order, from paying to any one depositor more than the chancellor shall direct, of his deposit or from paying or allowing interest on such deposits, or otherwise regulating the conduct of said managers in relation to said bank, and with or without enjoining said managers from continuing to exercise the franchise of the same.

Power and supervision of chancellor.

59. From and after the date of said order, such bank shall be and continue the ward of said court, subject to the supervision and control of the Chancellor, who shall have power, in his discretion, to suspend any or all of its managers and appoint others in their stead, and generally to control the same and direct the action of its managers in such manner as shall conduce to the preservation of its assets and the prevention of its insolvency, by writ of injunction or otherwise.

Appointment of receiver.

60. If, notwithstanding such order, and after the elapsing of time sufficient in his discretion for the prevention of its insolvency, said bank shall, on examination by or at the instance of the Chancellor, be found unable to return its deposits and pay its debts, the Chancellor shall, by order, direct the cessation of its business, except so far as shall be necessary to collect and distribute its assets equally among those entitled to share the same, appointing a receiver or continuing such managers, or any of them, as he shall deem best, and thereupon said assets shall, under his direction, be collected or their value realized by sale, and distribution shall be made as aforesaid; and the Chancellor may, by final decree directing such distribution, in his discretion, adjudge whether or not the charter of said bank shall be void.

As to new deposits.

61. The Chancellor may at any time make order authorizing the reception by such savings bank of new deposits, and directing the investment thereof in such classes of securities as shall, in his judgment, be for the

profit of such depositors, in which securities only the parties making such new deposits, or their assigns, shall have any interest or right.

Receiver's report.

62. The receiver of a savings bank shall make a report to the Chancellor once in every three months, showing the amount of money received by him, his agents and attorneys, the amount he has by law a right to retain, the items for which he has retained it, the distributive shares of each person interested in the amount in his hands, and the assets on hand at the date of each report and uncollected, the said report to be verified by the oath of such receiver, and a copy of it to be filed, immediately after making the same, in the office of the clerk of the county in which the savings bank was located; a failure to comply with the provisions of this section on the part of a receiver shall be sufficient cause for his removal.

XIII. DISSOLUTION.

Manner of dissolution.

63. A savings bank may be dissolved in the following manner: upon the request, in writing, of a majority of the board of managers of any such bank the president thereof shall call a special meeting of the managers, of which meeting and the object thereof at least three days' notice shall be given by mail to every manager; if at said meeting a resolution declaring the dissolution of said bank to be advisable and for the best interests of the community in which said bank is situate be passed by a two-thirds vote of the entire board of managers of said bank, a copy of said resolution, duly certified to by the president and secretary as having been passed in the manner above provided for, shall be presented to the Commissioner of Banking and Insurance for his approval, who shall take the matter into consideration and ascertain from the best sources of information at his command: (*a*) whether the existence of a savings bank in that neighborhood will be beneficial to such community; (*b*) whether the present condition of such bank and the density of population in the neighborhood are such as to render it probable that its continuance will be successful; if the said commissioner shall find that the ex-

Resolution of managers.

Commissioner to consider if bank beneficial, if continuance advisable.

Decision.

istence of said bank will be beneficial to such community and that the conditions are such that its continuance will be successful, he shall refuse to approve such certificate, in which case such bank shall not be dissolved; but if he shall not so find he shall approve and file said certificate in his office, unless, in his judgment, said bank is not in condition to meet its obligations in course of liquidation.

Dissolution upon filing certificate.

64. Upon the filing of said certificate in the office of the Commissioner of Banking and Insurance, approval as aforesaid, the said bank shall be deemed to be dissolved, and from thenceforth shall transact no further business whatever, except the liquidation of its affairs and the payment of its obligations and depositors.

Notice to present claims.

65. The Commissioner of Banking and Insurance shall issue a certificate that such certificate of dissolution has been approved and filed, which certificate of the commissioner, together with a notice to depositors and creditors to present all claims of every character against said bank at the bank for payment within six months from the date of the commissioner's certificate, shall be published in a newspaper published in the city or other municipality where the bank is located, if one there be, and if not, in a newspaper published in the county seat of the county wherein said bank is located; proof of such publication shall be filed in the office of the Commissioner of Banking and Insurance.

Prosecution of suits and settlement of affairs.

66. Any savings bank, notwithstanding the filing of a certificate as hereinabove authorized, shall continue a body corporate for the purpose of prosecuting and defending suits by or against it, and of enabling it to settle and close its affairs, to dispose of and convey its property, and to divide its surplus, but not for the purpose of continuing the business for which it was established; upon the dissolution of any such bank, the board of managers shall be trustees thereof, with full power to settle its affairs, collect its outstanding debts, sell and convey its property, pay its obligations and divide its surplus, if any, among those lawfully entitled thereto; they shall have power to meet and act under the by-laws of the bank, and by majority vote to prescribe and

Liquidation.

carry out the method of liquidation, and to employ the necessary clerical assistance to execute the same.

Surplus divided pro rata.

67. The surplus of said bank, if any, after the payment of its obligations, shall be divided pro rata among its depositors, existing as such at the opening of business on the day of the calling of the meeting of the board of managers to take action on the proposition of dissolution, but such division shall not include any unclaimed deposits.

XIV. GENERAL PROVISIONS.

Not engage in commercial or general banking business.

68. No savings bank shall, directly or indirectly, deal or trade in real estate, in any other case or for any other purpose than as authorized in section thirty-three of this act, or deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the terms of this act, except such personal property as may be necessary in the transaction of its business; nor shall any savings bank, or any officer thereof, in his regular attendance upon the business of such bank, in any manner, directly or indirectly, engage in the business in such bank of buying or selling exchange, gold or silver, or in the business of buying or selling or collecting promissory notes or bills of exchange; but this section shall not be taken to apply to the managers of any savings bank, acting in their private capacity.

Card system for signatures.

69. Any savings bank may, in all cases where the law provides for using a book or books for the entry of signatures, or for the purpose of designating to whom moneys shall be paid in case of death, use cards or a card system for such purposes, and the same shall in all respects have the like legal force, meaning and effect as though a book or books had been used.

XV. TO WHOM THIS ACT APPLIES.

Application of act.

70. This act shall apply to all savings banks and institutions for savings, whether chartered or incorporated under a general or a special act; *provided*, this act shall not apply to any savings bank organized under a spe-

Proviso.

cial charter as a stock company previous to the eighth day of March, one thousand eight hundred and seventy-seven, except as to sections fifteen, seventeen, twenty-six, twenty-seven, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, fifty, fifty-one, fifty-two, fifty-three, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one and sixty-two; *provided further,* section fifteen of this act shall not apply to savings banks chartered or incorporated by special acts, so far as said section may alter the method of electing managers or officers, or the method of perpetuating the corporation, as provided in such special acts or by-laws adopted in accordance therewith, or in the laws of this State now in force.

Proviso.

Repealer.

71. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; *provided,* the forty-sixth and forty-seventh sections of the act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six, are not hereby repealed, but the same shall remain in full force and effect.

Proviso.

Approved May 2, 1906.

CHAPTER 196.

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

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

Bond of treasurer and collector.

1. The treasurer and collector of each and every firemen's relief association, under whatsoever name it may be known and designated, organized or working under the act to which this is a supplement, shall in each and every year, upon assuming his office, give to the associa-

tion for which he may be chosen such officer, a bond for the faithful discharge of his duties as such officer, in a sum at least equal to the amount of money and convertible securities that may be in or coming into his hands, control or custody as such officer, and also for so much more as may be thought by the board of representatives or other governing body to be liable to come to his hands during his term of office, in excess of the amount so on hand, with a surety company corporation, authorized to give such bonds in this State, as surety thereon and therein. The cost of obtaining such bond to be paid by the association to which the bond is made and executed.

Amount.

2. The Commissioner of Banking and Insurance of this State shall be and is hereby designated as the custodian of all official bonds provided for in section one of this act, when the same are deposited with him by the auditor of the New Jersey State Firemen's Association, for the proper use and benefit of the Firemen's Association to which said bond or bonds are made payable.

Custodian of bonds.

Whenever it shall be necessary for the said auditor to obtain bonds or renewals of the same by reason of any local relief association failing to do so, or for any other reason, the said commissioner, on being notified by the said auditor, is hereby empowered, authorized and directed to pay for the same out of money in or coming to his hands from the two per centum on premiums paid for insurance placed by foreign insurance companies on property in this State, and to charge the amount so paid to such of the associations for which said bonds are so obtained or renewed and deduct the same from the amount that would be coming to said association or associations in the next pro rata distribution of said funds.

When bond obtained by auditor.

Payment.

3. Each and every firemen's relief association shall be and it is hereby authorized to pay to such delegates and chief of the department as shall attend and represent it in the annual conventions of the New Jersey State Firemen's Association, the actual expense incurred by them for railroad fares and hotel bills, upon the same being duly presented and audited by the finance committee of such association.

Expenses attending annual convention paid.

Supervisory powers by executive committee.

4. The executive committee of the New Jersey State Firemen's Association shall have the supervision and power of control of the funds and other property of all firemen's relief associations and shall see that the same are properly guarded and legally invested and expended, and shall examine the annual reports of each of said associations and shall report to the Commissioner of Banking and Insurance of this State on or before the tenth day of June in each and every year, a list of all such associations as have complied with the law in all respects, and only such associations so reported shall be entitled to the pro rata share of the money in the hands of said commissioner arising from said two per centum on premiums.

Auditor.

5. For the purpose of proper supervision and control of the said funds and property of said associations, the said executive committee may and it is hereby authorized to elect each year an auditor, who shall, by virtue of his office, become and be a member of the said executive committee, and who shall and is hereby directed, authorized and empowered to examine the books, bonds and property of each and every of said associations whenever it may seem necessary for the proper care, safety and custody of the said funds and property of said associations, and for such purpose shall have power to demand and receive, for examination, all bonds and papers necessary to a full and fair examination thereof.

Renewal of bonds.

He is hereby authorized and empowered to obtain and renew the bonds of any treasurer and collector of any association whose officers neglect or refuse to procure the official bond required by section one of this act, and he shall report to the Commissioner of Banking and Insurance any of said associations which have failed to procure said bonds; and when he shall have obtained or renewed said bonds he shall notify the said commissioner and have the expenses thereof paid by said commissioner as provided in section two of this act.

Repealer.

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

Approved May 2, 1906.

CHAPTER 197.

A Bill relative to the issuance of medals to officers and enlisted men of the National Guard and Naval Reserve of New Jersey.

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

Service medals.

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 fifteen years of continuous service, a bronze medal of honor, and a similar medal for each and every five years of subsequent service during their connection with the State military or naval force. 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 eighteen, one thousand eight hundred and ninety-four.

Honor medals.

2. All medals previously issued as provided by resolution of the State Military Board, approved December eighteenth, one thousand eight hundred and ninety-four, shall be considered as medals of honor as provided in this bill.

Statement of service.

3. Upon becoming entitled to receive a medal of honor a statement of service shall be submitted, through military channel, to the Adjutant-General. If service is correct by records of the Adjutant-General's office, the application will be transmitted to the Quartermaster-General for issue of medal.

Approved May 2, 1906.

CHAPTER 198.

A Supplement to an act entitled "An act to provide for the drainage of lands," approved March eighth, one thousand eight hundred and seventy-one (Revision 1898, p. 2047).

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

Certain conveyances considered as fee simple.

1. All conveyances of land made under and by virtue of an act entitled "An act to provide for the drainage of lands," approved March eighth, one thousand eight hundred and seventy-one, and the several supplements thereto, whereby the lands therein described have been sold and conveyed for a term of years exceeding two hundred years in duration, shall be construed and regarded as conveying to the grantee named therein an estate in fee simple, subject to the same modes of alienation, power of devise, and rules of descent and distribution, and generally to all the incidents of an estate in fee.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 199.

An Act relative to the power to impose and collect taxes in incorporated towns of this State.

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

Limitation of tax rate in towns removed.

1. Where, by the charter of any incorporated town, the right to impose and collect taxes is limited for town

purposes to a rate equal to or less than fifteen cents on each hundred dollars of the assessed valuation of taxable property within such town, such limitation shall hereafter be void and of no effect.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 200.

An Act to validate certain proceedings heretofore taken by cemetery associations for the organization and location of cemeteries or burying grounds in this State, and to validate the consents and approvals obtained therefor from the governing boards or bodies and board of health of any municipality wherein said cemeteries or burying grounds have been located.

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

Validating proceedings locating cemeteries.

1. All proceedings heretofore taken by any cemetery association for the organization and location of any cemetery or burying ground in this State, and all consents and approvals obtained therefor from the governing board or body and board of health of any municipality wherein said cemetery or burying ground has been located, where said proceedings were taken and said consents and approvals given in accordance with the terms of an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and to regulate cemeteries" (Revision), approved April ninth, one thousand eight hundred and seventy-five,' which supplement was approved March twenty-fifth, one thousand eight hundred and eighty-five, approved April eleventh, one thousand nine hundred and four," approved March twenty-eighth, one thousand nine hundred and five, are hereby confirmed and validated and made legally binding, although the title of said act did not fully identify the act to which it was intended to be an amendment.

Repealer.

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

3. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 201.

An Act to authorize the board of chosen free holders of any county, when required to remove or reconstruct any bridge over navigable waters, to raise funds for that purpose by issuing bonds of such county.

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

Bond issue to remove or reconstruct bridge ordered by federal government.

Whenever any board of chosen freeholders of any county of this State has heretofore been required or shall hereafter be required by the war department or other department of the federal government having jurisdiction in the premises to remove or reconstruct any bridge erected by said board over any navigable water in such county, it shall and may be lawful for such board to raise the funds necessary in order to make such change by issuing the bonds of said county to the amount required for said purpose. Said bonds may be registered or coupon bonds and shall be in the corporate name and under the corporate seal of said county, signed by the director and clerk of said board and countersigned by the county collector, and shall bear interest at a rate not exceeding five per centum per annum, payable half yearly, and the principal thereof shall be payable not more than thirty years after the date thereof; they may be disposed of at public or private sale, but not for less than par. The said county shall provide by taxation for the payment of the interest on said bonds as the same shall fall due, and shall in like manner raise annually a sum not less than two per centum of the total issue of said bonds, which shall constitute a sinking fund to be held for the redemption of said bonds and applied to the payment thereof from time to time.

Rate and time.

Payment at maturity.

2. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 202.

An Act to amend an act entitled "An act relating to regulating and providing for the government of cities," which act was 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 amended.

1. Section three of an act entitled "An act relating to regulating and providing for the government of cities," which act was approved April eighth, one thousand nine hundred and three, be and the same is hereby amended to read as follows:

Beginning and term of office.

3. The term of office of all the officers elected or appointed in such city shall be for a term of two years, and the terms of office of all elective officers shall commence at twelve o'clock noon on the first day of January. If any person elected shall not qualify according to law on or before the day herein fixed at which his term of office shall begin, or if any person appointed to office under the provisions of this act shall not qualify within ten days after his appointment, or if any elected or appointed officer shall remove from such city during the term of said office, then the office to which the person so removing or so failed to qualify is elected or appointed shall be deemed vacant.

What constitutes vacancy.

Section amended.

2. Section seven of an act entitled "An act relating to regulating and providing for the government of cities," which act was approved April eighth, one thousand nine hundred and three, be and the same is hereby amended to read as follows:

Presiding officer; rules; expulsion of members.

7. The city counsel shall choose its officers, and, in the absence of the president, elect a president pro tempore, fix its hours and place of meeting, adjourn from time to time, determine the rules of its own proceedings, and may punish or expel a member from office for miscon-

duct or a violation of its rules; but no expulsion shall take place except by a vote of two-thirds of all the members of the city council, nor until the member sought to be expelled shall have had five days' notice of the proceedings, and an opportunity to be heard in his defence. The stated meeting of city council shall be held on the first and third Mondays of each month.

Meetings.

3. This act shall take effect immediately.

Approved May 2, 1906.

CHAPTER 203.

An Act providing for additional time in which applications may be made to the Court of Common Pleas for the granting of licenses to keep inns and taverns and to sell spirituous, vinous, malt and brewed liquors, in municipalities bordering on the Atlantic ocean and known as seaside resorts, and for the granting of such licenses.

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

When licenses granted to seaside resorts.

1. Where the power to grant licenses to keep inns and taverns and to sell spirituous, vinous, malt and brewed liquors is now, or may hereafter be, vested in the Court of Common Pleas for municipalities bordering on the Atlantic ocean, and commonly known as seaside resorts, it shall be lawful for said Court of Common Pleas to receive applications for the granting of such licenses on other days than the first day of the terms of said court, between the first day of April and thirtieth day of June (holidays and Sundays excepted), both days included (in every year), for the granting of such licenses (and to grant such licenses); *provided,* that the applicant shall publish for a period of two weeks, at least once in each week, in a newspaper published in the municipality for which the license is to be applied; or, if no newspaper be published in said municipality, then in a news-

Proviso.

paper published in the county in which said municipality is located and circulating in said municipality, a notice setting forth the name of the applicant and the place proposed to be licensed.

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

Approved May 2, 1906.

CHAPTER 204.

An Act accepting and assenting to, on the part of the State of New Jersey, of the appropriations and grants of moneys as made and provided for in an act of the Congress of the United States approved March sixteenth, one thousand nine hundred and six, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof."

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

1. An act of Congress of the United States approved March sixteenth, one thousand nine hundred and six, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," and the appropriations and grants of moneys for the purposes therein made be and the same are hereby accepted and assented to on the part of the State of New Jersey. Act of congress accepted.

2. The assent of the State of New Jersey to the grants of moneys for the purposes, upon the terms and in accordance with the several conditions and provisions in said act contained is hereby signified and expressed, and the Secretary of State is hereby directed to transmit a certified copy of this act to the Secretary of the Treasury of the United States. Assent of state given.

3. This act shall take effect immediately.

Approved May 3, 1906.

CHAPTER 205.

An Act fixing the compensation of criers of the courts in the counties of the third class in this State.

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

Pay of court criers.

1. The court criers in the counties of the third class in this State shall receive a compensation of three dollars for each day that they shall attend at court, which shall be paid by the county collector of the respective county, upon presentation of a bill approved by the county clerk, and such compensation shall be in lieu of all fees.

Repealer.

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

Approved May 3, 1906.

CHAPTER 206.

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:*

Bribery at election a misdemeanor.

1. Any person who shall, directly or indirectly, by himself or by any other person in his behalf, give, lend, or agree to give or lend, or procure, or agree to procure or offer or promise to procure, or endeavor to procure, any money or other valuable consideration or thing, or any office, place or employment to or for

any voter, or to or for any person, in order to induce such voter to vote or refrain from registering or voting at any election, or shall corruptly do or commit any of the acts in this section mentioned, on account of any voter having voted or refrained from voting, or having registered or refrained from registering for any election, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to disfranchisement for a period of five years from the date of conviction.

Penalty.

2. Any person who shall give, advance or pay, or cause to be given, advanced or paid, any money or other valuable thing to any person, or to the use of any other person, with the intent that such money or other valuable thing, or any part thereof, shall be expended, or used for bribery of voters, or for any other unlawful purpose at any election, or who shall knowingly pay, or cause to be paid, any money to any person wholly or in part expended in bribery of a voter or voters at any election, shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to disfranchisement for five years from the date of conviction.

Contributing with view to bribery a misdemeanor.

Penalty.

3. Any person who shall, directly or indirectly, by himself, or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election, or for registering or agreeing to register, or for refraining or for agreeing to refrain from registering for any election, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to disfranchisement for a period of five years from the date of conviction.

Receiving rewards or promises a misdemeanor.

Penalty, disfranchisement.

4. Any employer of any workmen, or any agent, superintendent or overseer of any company or corporation employing workmen, or any person whosoever, who shall directly or indirectly, by himself or by any other person in his behalf or by his direction, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict by himself or by any other person any injury, damage, harm, or loss against any person or persons in his employ, in order to induce or compel such employee or employees to vote

Illegal for employer to influence employe improperly.

or refrain from voting for any particular candidate or candidates at any election, or on account of such employee or employees having voted or refrained from voting for any particular candidate or candidates at any election, or who shall, by any sort of duress, constraint or improper influence or by any fraudulent or improper device, contrivance or scheme, impede, hinder or prevent the free exercise of the franchise of any voter at any election, or shall thereby compel, induce, or prevail upon any voter to vote for or against any particular candidate or candidates at any election, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to disfranchisement for a period of five years from the date of conviction.

Penalty.

Penalty for second offense.

5. Any person who, having once been convicted of a violation of any of the provisions of this act, shall again be convicted of a violation of any of the provisions of this act, whether such conviction be for the same offense or not, shall, on such second conviction, be sentenced to disfranchisement and to pay a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding five years, or both, at the discretion of the court.

Compulsory testimony.

6. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court on any indictment for violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or to subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal proceeding or action.

Incriminating testimony not used against witness.

Repealer.

7. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

8. This act shall take effect immediately.

Approved May 3, 1906.

CHAPTER 207.

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:*

1. Section fifty-two of the act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, be and the same is hereby amended so as to read as follows:

Terms of selling.

52. At the time and place specified in the notice of sale or adjournment, the collector shall sell at public aution each parcel of real property on which the tax is in arrear, or any part thereof sufficient for the purpose, to such person as will purchase the same for the shortest term and pay the tax lien, including interest and costs of sale, or in fee where no one will bid for a shorter term; such payment to be made before the conclusion of the sale, or the property shall be resold. Within ten days after the sale the collector shall deliver to the purchaser a certificate of sale under his hand and seal and duly acknowledged by him as a conveyance of land, which shall set forth that the property therein to be described has been sold by the collector to the purchaser, the name of the delinquent owner as it appears on the books of the taxing district, term for which sold, the amount of the tax with the items of interest and costs in detail, the year for which assessed, and the time when the right to redeem will expire. The collector shall strike off and sell to the taxing district any parcel of real property for which there shall be no other purchaser, and the taxing district shall have the same remedies and rights as other purchasers, and may sell the land purchased or any part thereof for not less than the price paid therefor, together with subsequent taxes and interest, or may let the land and collect the rental.

Certificate of sale as conveyance.

Purchase by taxing district.

Section amended.

2. Section fifty-five of said act be and the same is hereby amended so as to read as follows:

Fees in connection with sales.

55. The collector or other officer shall receive for his services for preparing and publishing notices of sale twenty-five cents for each parcel of land advertised, and, for selling, twenty-five cents for each parcel sold, and for each certificate of sale fifty cents, besides necessary disbursements for printing, postage, affidavits and acknowledgements. The clerk of the taxing district shall receive for recording the report ten cents for each parcel of land sold. All fees and expenses shall form part of the tax lien and be paid by the purchaser at the tax sale. In all taxing districts where the officer making the sale is compensated by salary for the services mentioned in this section, the said fees shall be paid into the treasury of the taxing district.

Repealer.

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

Approved May 3, 1906.

CHAPTER 208.

An Act to define the crime of bribery and to provide for the punishment therefor.

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

Bribery.

1. Any person who shall do any act hereinafter prohibited shall be deemed guilty of the crime of bribery and shall be punished therefor as hereinafter provided.

No contributions or promises.

2. No person shall give or agree to give for the purpose of promoting or procuring the election of a candidate for public office, or for the purpose of promoting or procuring the nomination of any person as a candidate for public office, any money or any valuable thing to be used for any of the purposes hereinafter enumerated.

Entertainment.

(*a*) To provide or give or to pay, wholly or in part, the expense of giving or providing any meat, drink, entertainment or provision to or for any person for the purpose of influencing that person or any other person to give or refrain from giving his vote at any election, or on account of any such person or any other person having voted or refrained from voting.

Clubs.

(*b*) To provide for the payment of rent for or for the purpose of providing and fitting up any clubroom for social or recreative purposes, or providing for uniforms for any organized club.

Literature.

(*c*) To provide for the payment for the insertion in any newspaper or magazine of any article tending to influence any voter; *provided, however,* that this prohibition shall not be construed to prohibit the insertion of paid advertisements, which advertisements shall be indicated by the words "This advertisement has been paid for by ....." (inserting the name of the person or persons paying for the same).

Proviso; paid advertisements.

Not accept gift.

3. No person shall accept any money or other valuable thing, the payment of which is prohibited by this act.

Penalty for violations.

4. Any person found guilty of bribery as hereinabove defined shall be guilty of a misdemeanor, and upon conviction thereof shall, for the first offense be disfranchised for a period of two years from the date of such conviction, and for any subsequent offense shall be perpetually disfranchised, and in addition thereto the court in which such conviction is obtained, may, in its discretion, in case of a subsequent conviction, impose upon the person so convicted, the punishment now prescribed by law for a misdemeanor.

Incriminating testimony not used against witness.

5. No person called to testify in any proceedings under this act shall be liable to a criminal prosecution, either under this act or otherwise, for any matters or causes in respect to which he shall be examined, or to which his testimony shall relate, except to a prosecution for bribery committed in such testimony; nor shall any person, when called to testify in any trial for a violation of this act, be privileged to refuse to answer any questions which may be asked him, upon the ground that the same will tend to degrade or incriminate him.

Construction of act.

6. Nothing in this act contained shall be construed to alter, modify, amend or repeal any statute of this State imposing any penalty for any offenses in connection with the holding of an election; *provided, however,* that this section shall not be construed to alter or modify the provisions of section five of this act.

Proviso.

7. This act shall take effect immediately.

Approved May 3, 1906.

CHAPTER 209.

An Act to amend an act entitled "An act to provide for a board of commissioners of assessment in cities when no such board or mode of assessment of benefits is provided by the city charter," approved April twelfth, one thousand eight hundred and eighty-six.

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

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

Board of commissioners of assessment created.

1. When no provision is made by the charter of any city in this State for the appointment or election of a commission or board for the assessment of benefits (or no mode of assessment of benefits, other than the charging against each property or parcel of land the cost of making the improvement in the street or highway on which the same abuts or adjoins, is prescribed), a board of commissioners of assessments is hereby created in such city, and shall consist of three citizens, not members of the governing body, or in the employ or service of such city, to be appointed annually to such board by said governing body.

Duties.

It shall be the duty of the said board of commissioners of assessment, after such notice to the parties in interest as such governing body shall prescribe, to ascertain and make assessments according to law for the benefits resulting to the abutting or

adjoining lands (in such assessments specifying the amount thereof and the particular lot or parcel of land against which the same is assessed), from all street improvements and from the laying or relaying of water pipes, and to file a certificate of such assessment with the city clerk of said city, who shall thereupon present the same to the governing body of said city at its next meeting for its approval and confirmation; the amount of such assessments shall, after confirmation of the same by said governing body, be and become a lien upon the said abutting or adjoining lands in front or in the vicinity of which such improvements are made as said lands are described and designated in said certificate of assessment, to the same extent that taxes and other assessments are liens in such city; and said assessments shall be collected in the manner provided by law for the collection of taxes and other assessments, and shall bear interest at the same rate; in addition thereto the city may have an action to recover the amount of any such assessment against the owner or owners of said lands in any court having competent jurisdiction thereof, and a certified copy of such assessment shall, in any such action, be *prima facie* evidence of the existence of the debt due from said owner or owners to such city; in case any such assessment against any property in such city, whether made by the board of commissioners created under this act or by any other board, officer or authority in such city previous to the creation of a board under this act, is hereafter or shall have been within two years prior to the passage of this act set aside as illegal or unjust by some court of review or by stipulation of counsel or otherwise, said board of commissioners of assessment hereby created, shall be authorized, and it shall be their duty to proceed, as soon as possible thereafter, to re-assess such benefits against any such property according to law.

Certificate of assessment.

Assessment a lien.

Assessments, how recoverable.

Re-assessment when former action set aside.

2. This act shall take effect immediately, and that all acts or parts of acts inconsistent herewith, to the extent of such inconsistency only, be and the same are hereby repealed; *provided*, that this act shall not be construed to deprive any city of the power to adopt any

Repealer.

Proviso.

other method than that herein prescribed, of appointing Commissioners of Assessments or proceeding to collect assessments which is now authorized by law in such city.

Approved May 3, 1906.

CHAPTER 210.

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

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 session one thousand nine hundred and six, 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 five, who were present and rendered services in opening the session of one thousand nine hundred and six, ten dollars, $10 00

Item No. 3. To William H. Conkling, for services as assistant bill clerk to the Senate, for the session one thousand nine hundred and six, five hundred dollars, $500 00

Item No. 4. To George P. Kelley, for services as stenographer to the Senate, for the session one thousand nine hundred and six, five hundred dollars, $500 00

Item No. 5. To William Harris, for services as special clerk to president of the Senate, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 6. To George W. Stafford, for services as page of the Senate, for the session of one thousand nine hundred and six, two hundred dollars, $200 00

Item No. 7. To Charles Holz, for services as page of the Senate, for the session one thousand nine hundred and six, two hundred dollars, $200 00

Item No. 8. To James Coxon, for services as page of the Senate, for the session one thousand nine hundred and six, two hundred dollars, $200 00

Item No. 9. To Jonathan S. Buzby, for services as gallery keeper of the Senate, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 10. To James C. Leap, for services as gallery keeper of the Senate, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 11. To the widow of William H. Seymore, for services of the late William H. Seymore as clerk to Committee on Appropriations, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 12. To James T. Hoffman, for services as clerk to Senate Committee on Banks and Insurance, for the session one thousand nine hundred and six, three hunderd and fifty dollars, $350 00

Item No. 13. To Jason R. Elliott, for services as clerk to Senate Committee on Boroughs and Townships, for the session, one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 14. To William C. Van Horn, for services as clerk to Senate Committee on Corporations, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 15. To Ernest L. Quackenbush, for services as clerk to Senate Committee on Education, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 16. To Thomas Riley, for services as clerk to Senate Committee on Game and Fisheries, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 17. To Marcus Higginbotham, Jr., for services as clerk to Senate Committee on Judiciary, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 18. To Thomas H. Howley, for services as clerk to Senate Committee on Labor and Industry, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 19. To James Smith, for services as clerk to Senate Committee on Municipal Corporations, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 20. To Charles L. Bossert, for services as clerk to Senate Committee on Railroads and Canals, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 21. To Harold Shreve, for services as clerk to Senate Committee on Revision of Laws, for the session one thousand nine hundred and six, three hundred and fifty dollars, $350 00

Item No. 22. To Owen W. Kite, for services rendered to Committee on Appropria-

tions, in preparation of annual and supplemental bills, et cætera, for the session one thousand nine hundred and six, three hundred dollars, $300 00

Item No. 23. To Frederick Petry, Jr., for services rendered to Senate Committee on Incidental Expenses, for the session one thousand nine hundred and six, ten dollars, $10 00

Item No. 24. To James T. Hoffman, for traveling expenses incurred as clerk to Senate Committee on Banks and Insurance, for the session one thousand nine hundred and six, sixty-five dollars, $65 00

Item No. 25. To Jason R. Elliott, for traveling expenses incurred as clerk to Senate Committee on Boroughs and Townships, for the session one thousand nine hundred and six, sixty-seven dollars, $67 00

Item No. 26. To William C. Van Horn, for traveling expenses incurred as clerk to Senate Committee on Corporations, for the session one thousand nine hundred and six, thirty-seven dollars, $37 00

Item No. 27. To Ernest L. Quackenbush, for traveling expenses incurred as clerk to Senate Committee on Education, for the session one thousand nine hundred and six, thirty-five dollars, $35 00

Item No. 28. To Thomas Riley, for traveling expenses incurred as clerk to Senate Committee on Game and Fisheries, for the session one thousand nine hundred and six, sixty-four dollars, $64 00

Item No. 29. To Marcus Higginbotham, Jr., for traveling expenses incurred as clerk to Senate Committee on Judiciary, for the session one thousand nine hundred and six, seventy-two dollars, $72 00

Item No. 30. To Thomas H. Howley, for traveling expenses incurred as clerk to Senate Committee on Labor and Industry,

for the session one thousand nine hundred and six, twenty-six dollars, $26 00

Item No. 31. To James Smith, for traveling expenses incurred as clerk to Senate Committee on Municipal Corporations, for the session one thousand nine hundred and six, sixty-five dollars, $65 00

Item No. 32. To William C. Voorhees, for traveling expenses incurred as clerk to Senate Committee on Printed Bills, for the session one thousand nine hundred and six, $20 00

Item No. 33. To Charles L. Bossert, for traveling expenses incurred as clerk to Committee on Railroads and Canals, for the session one thousand nine hundred and six, sixty dollars, $60 00

Item No. 34. To Harold Shreve, for traveling expenses incurred as clerk to Senate Committee on Revision of Laws, for the session one thousand nine hundred and six, ten dollars and forty cents, $10 40

Item No. 35. To George P. Kelley, for traveling expenses incurred as stenographer to the Senate, for the session one thousand nine hundred and six, sixty dollars, $60 00

Item No. 36. To Wm. C. Murphy, for traveling expenses incurred as private secretary to President of the Senate, for the session one thousand nine hundred and six, twenty-five dollars, $25 00

Item No. 37. To Robert E. Morehead, for traveling expenses incurred as calendar clerk of the Senate, for the session one thousand nine hundred and six, fourteen dollars, $14 00

Item No. 38. To William H. Conkling, for traveling expenses incurred as assistant bill clerk to the Senate, for the session one thousand nine hundred and six, seventy-seven dollars, $77 00

Item No. 39. To William Harris, for traveling expenses incurred as special clerk to the President of the Senate, for the session one thousand nine hundred and six, twenty-five dollars, $25 00

Item No. 40. To Charles L. Grubb, for traveling expenses incurred as supervisor of bills of the Senate, for the session one thousand nine hundred and six, twenty-eight dollars and eighty cents, $28 80

Item No. 41. To Frank L. Wallace, for traveling expenses incurred as doorkeeper of the Senate, for the session one thousand nine hundred and six, fifty-five dollars, $55 00

Item No. 42. To Charles D. Corker, for traveling expenses incurred as doorkeeper of the Senate, for the session one thousand nine hundred and six, sixty-one dollars, $61 00

Item No. 43. To C. Clay Lewis, for traveling expenses incurred as doorkeeper of the Senate, for the session one thousand nine hundred and six, sixty dollars, $60 00

Item No. 44. To Walter T. Stewart, for traveling expenses incurred as doorkeeper of the Senate, for the session one thousand nine hundred and six, twenty-one dollars and sixty cents, $21 60

Item No. 45. To William Miller, for traveling expenses incurred as doorkeeper of the Senate, for the session one thousand nine hundred and six, sixty-nine dollars, $69 00

Item No. 46. To Edward Palmer, for traveling expenses incurred as page of the Senate, for the session one thousand nine hundred and six, forty-four dollars and twenty cents, $44 20

Item No. 47. To Stephen S. McDermott, for traveling expenses incurred as page of the Senate, for the session one thou-

sand nine hundred and six, thirty-three dollars, $33 00

Item No. 48. To Walter G. Pancoast, for traveling expenses incurred as page of the Senate, for the session one thousand nine hundred and six, twenty-seven dollars, $27 00

Item No. 49. To William I. Berry, Jr., for traveling expenses incurred as page of the Senate, for the session one thousand nine hundred and six, fifty-five dollars, $55 00

Item No. 50. To George W. Stafford, for traveling expenses incurred as page of the Senate, for the session one thousand nine hundred and six, sixty dollars, $60 00

Item No. 51. To Charles Holz, Jr., for traveling expenses incurred as page of the Senate, for the session one thousand nine hundred and six, six dollars, $6 00

Item No. 52. To James Coxon, for traveling expenses incurred as page of the Senate, for the session one thousand nine hundred and six, six dollars, $6 00

Item No. 53. To Jonathan S. Buzby, for traveling expenses incurred as gallery keeper of the Senate, for the session one thousand nine hundred and six, fifty-one dollars, $51 00

Item No. 54. To James C. Leap, for traveling expenses incurred as gallery keeper of the Senate, for the session one thousand nine hundred and six, forty dollars, $40 00

Item No. 55. To John Connell, for extra services rendered the Senate, for the session one thousand nine hundred and six, one hundred dollars, $100 00

Item No. 57. To the John L. Murphy Publishing Company, for stationery and supplies furnished the Senate, for the session one thousand nine hundred and six, seven hundred and thirty-four dollars and twenty-five cents, $734 25

Item No. 58. To L. N. Clayton, for furnishing toilet supplies to John T. Lovett, sergeant-at-arms of the Senate, for the use of the Senate, for the use of the Senate, for the session one thousand nine hundred six, three hundred eighteen dollars and fifteen cents, $318 15

Item No. 59. To C. E. Stille, for stationery and supplies furnished the Senate, for the session one thousand nine hundred and six, two hundred twenty-four dollars and twenty-five cents, $224 25

Item No. 60. To Matthias Plum, for stationery furnished the Senate, for the session one thousand nine hundred and six, two hundred and thirty-five dollars, $235 00

Item No. 61. To A. Wolfson's Sons, for stationery furnished the Senate, for the session one thousand nine hundred and six, one hundred seventy-seven dollars and fifty cents, $177 50

Item No. 62. To The Parker Pen Company, for stationery supplies furnished the Senate, for the session one thousand nine hundred and six, one hundred nine dollars and twenty-one cents, $109 21

Item No. 63. To John T. Lovett, for postage for the Senate, for the session one thousand nine hundred and six, one hundred and fifty-three dollars, $153 00

Item No. 64. To T. F. Fitzgerald, for fifteen copies of the manual of the Legislature of New Jersey for nineteen hundred and six, furnished the Senate, for the session one thousand nine hundred and six, fifteen dollars, $15 00

Item No. 65. To John Wanamaker, for stationery supplies furnished the Senate, for the session one thousand nine hundred and six, one hundred and ten dollars, $110 00

Item No. 66. To A. L. Clark, for engrossing blank oaths of Senators and members of the House of Assembly, and officers of

the one hundred and twenty-eighth Legislature, for the session one thousand nine hundred and six, $50 00

Item No. 67. To John F. Lovett, sergeant-at-arms of the Senate, for services of officers and employes of the Senate, for witness fees and subpœnas and cost of service, for witnesses brought before the investigating committee appointed by the Senate to investigate the charges against Senators George L. Shinn and George F. Martens, two hundred forty-eight dollars and thirty cents, $248 30

Item No. 68. To John F. Lovett, for services as sergeant-at-arms rendered at the investigation of charges brought against Senators George L. Shinn and George F. Martens, fifty dollars, $50 00

Item No. 69. To Howard C. Tyler, for services as secretary of the Senate rendered at the investigation of charges brought against Senators George L. Shinn and George F. Martens, fifty dollars, $50 00

Item No. 70. To W. H. Corbin, for services rendered as counsel of committee of the Senate at the investigation of charges brought against Senators. George L. Shinn and George F. Martens, five hundred dollars, $500 00

Item No. 71. To George P. Kelley, for services as stenographer at the investigation of charges brought against Senators George L. Shinn and George F. Martens, two hundred and forty-five dollars, $245 00

Item No. 72. To The John L. Murphy Publishing Company, for stationery furnished at the investigation of charges brought against Senators George L. Shinn and George F. Martens, nineteen dollars and fifty cents, $19 50

Item No. 73. To Lawrence Rhoades, for traveling expenses incurred as door-

keeper of the House of Assembly, for the session one thousand nine hundred and six, twenty-five dollars, $25 00

Item No. 74. To Joseph L. Cresse, for traveling expenses incurred as doorkeeper of the House of Assembly, for the session one thousand nine hundred and six, sixty-five dollars, $65 00

Item No. 75. To William Paullin, for traveling expenses incurred as doorkeeper of the House of Assembly for the session one thousand nine hundred and six, fifty-five dollars, $55 00

Item No. 76. To Richard Sickelmore, for traveling expenses incurred as doorkeeper of the House of Assembly, for the session one thousand nine hundred and six, fifty-five dollars, $55 00

Item No. 77. To David S. Lloyd, for traveling expenses incurred as doorkeeper of the House of Assembly, for the session one thousand nine hundred and six, twelve dollars, $12 00

Item No. 78. To Thomas M. Cashel, for traveling expenses incurred as doorkeeper of the House of Assembly, for the session one thousand nine hundred and six, eleven dollars, $11 00

Item No. 79. To Richard A. Peltier, for traveling expenses incurred as doorkeeper of the House of Assembly, for the session one thousand nine hundred and six, forty-four dollars and twenty cents, $44 20

Item No. 80. To Frank P. Yarnell, for traveling expenses incurred as doorkeeper of the House of Assembly, for the session one thousand nine hundred and six, fifty-four dollars, $54 00

Item No. 81. To Daniel Brooks, for traveling expenses incurred as doorkeeper of the House of Assembly, for the session one thousand nine hundred and six, eighty-three dollars, $83 00

Item No. 82. To Nathaniel Taylor, for traveling expenses incurred as doorkeeper of the House of Assembly, for the session one thousand nine hundred and six, sixty-nine dollars, $69 00

Item No. 83. To Charles Lee, for traveling expenses incurred as doorkeeper of the House of Assembly, for the session one thousand nine hundred and six, sixty-nine dollars, $69 00

Item No. 84. To Ditmars Van Nostrand, for traveling expenses incurred as doorkeeper of the House of Assembly, for the session one thousand nine hundred and six, thirty-three dollars and sixty cents, $33 60

Item No. 85. To John B. Walker, for traveling expenses incurred as page of the House of Assembly, for the session one thousand nine hundred and six, thirty-three dollars and eighty cents, $33 80

Item No. 86. To David M. Fowler, for traveling expenses incurred as page of the House of Assembly, for the session one thousand nine hundred and six, thirty dollars, $30 00

Item No. 87. To G. Harold Buzby, for traveling expenses incurred as page of the House of Assembly, for the session one thousand nine hundred and six, thirty-three dollars, $33 00

Item No. 88. To Arthur W. Scott, for traveling expenses incurred as page of the House of Assembly, for the session one thousand nine hundred and six, fifty-five dollars, $55 00

Item No. 89. To Charles Z. Rowe, for traveling expenses incurred as page of the House of Assembly, for the session one thousand nine hundred and six, two dollars, $2 00

Item No. 90. To Edward A. Burroughs, for traveling expenses incurred as page of

the House of Assembly, for the session one thousand nine hundred and six, thirty dollars and sixty cents, $30 60

Item No. 91. To Edward Simonson, for traveling expenses incurred as page of the House of Assembly, for the session one thousand nine hundred and six, thirty-three dollars, $33 00

Item No. 92. To Sanfilici A. Alexander, for traveling expenses incurred as page of the House of Assembly, for the session one thousand nine hundred and six, sixty-nine dollars, $69 00

Item No. 93. To Charles B. Watson, for traveling expenses incurred as page of the House of Assembly, for the session one thousand nine hundred and six, sixty-nine dollars, $69 00

Item No. 94. To Wm. H. Ford, for traveling expenses incurred as page of the House of Assembly, for the session one thousand nine hundred and six, fifty-four dollars, $54 00

Item No. 95. To John T. Dabbs, for traveling expenses incurred as assistant sergeant-at-arms of the House of Assembly, for the session one thousand nine hundred and six, thirty-three dollars, $33 00

Item No. 96. To Ralph L. Reed, for services as assistant to supervisor of bills of the House of Assembly, for the session one thousand nine hundred and six, five hundred dollars, $500 00

Item No. 97. To Reginald Branch, for services as stenographer to the House of Assembly, for the session one thousand nine hundred and six, five hundred dollars, $500 00

Item No. 98. To Richard Watt, for services as assistant to journal clerk of the House of Assembly, for the session one thousand nine hundred and six, five hundred dollars, $500 00

Item No. 99. To Joseph C. Maull, for services as clerk to Committee on Incidental Expenses, of the House of Assembly, for the session one thousand nine hundred and six, one hundred dollars, $100 00

Item No. 100. To George A. Grover, for traveling expenses incurred as supervisor of bills of the House of Assembly, for the session one thousand nine hundred and six, two dollars, $2 00

Item No. 101. To Charles R. Fenton, for traveling expenses incurred as secretary to the Speaker of the House of Assembly, for the session one thousand nine hundred and six, twenty-one dollars and sixty cents, $21 60

Item No. 102. To Robert Peacock, for traveling expenses incurred as assistant secretary to the Speaker of the House of Assembly, for the session one thousand nine hundred and six, twenty-one dollars and sixty cents, $21 60

Item No. 103. To William H. Tice, for traveling expenses incurred as clerk to Committee on Municipal Corporations, of the House of Assembly, for the session one thousand nine hundred and six, twenty-five dollars, $25 00

Item No. 104. To Daniel Patrick, for traveling expenses incurred as clerk to Committee on Revision on Revision of Laws, of the House of Assembly, for the session one thousand nine hundred and six, sixty-nine dollars, $69 00

Item No. 105. To Joseph C. Maull, for traveling expenses incurred as clerk to Committee on Incidental Expenses, of the House of Assembly, for the session one thousand nine hundred and six, seven dollars and fifty cents, $7 50

Item No. 106. To Charles W. Justice, for traveling expenses incurred as clerk to

Committee on Printed Bills, of the House of Assembly, for the session one thousand nine hundred and six, sixty-four dollars, $64 00

Item No. 107. Seymour H. Francis, for traveling expenses incurred as clerk to Committee on Railroads and Canals, of the House of Assembly, for the session one thousand nine hundred and six, fifty-four dollars, $54 00

Item No. 108. Thomas H. Cummings, for traveling expenses incurred as second assistant supervisor of bills of the House of Assembly, for the session one thousand nine hundred and six, sixty-five dollars, $65 00

Item No. 109. To Frank A. Settlemayer, for traveling expenses incurred as clerk to Committee on Judiciary, of the House of Assembly, for the session one thousand nine hundred and six, forty dollars, $40 00

Item No. 110. To Harvey F. Rorbach, for extra services rendered House of Assembly, as postmaster, for the session one thousand nine hundred and six, one hundred dollars, $100 00

Item No. 111. To Agnes M. Gill, for services rendered the House of Assembly, session of one thousand nine hundred and five, as stenographer, five dollars, $5 00

Item No. 112. To Frederick Petry, Jr., for services rendered the committee on incidental expenses of the House of Assembly, for the session one thousand nine hundred and six, ten dollars, $10 00

Item No. 113. To Baker Printing Company, for stationery furnished the House of Assembly, for the session one thousand nine hundred and six, three hundred and seventy dollars, $370 00

Item No. 114. To Advocate Publishing Co., for stationery furnished the House of Assembly, for the session of one thousand nine hundred and six, seven hundred sixty-seven dollars and ninety cents, $767 90

Item No. 115. To Lee and Company, for stationery furnished the House of Assembly, for the session one thousand nine hundred and six, one thousand, two hundred eighteen dollars and five cents, $1,218 05

Item No. 116. To Henry L. Wilson's Sons Company, for stationery furnished the House of Assembly, for the session one thousand nine hundred and six, eighty-six dollars and forty-two cents, $86 42

Item No. 117. To L. N. Clayton, for toilet supplies furnished George B. Lutts, sergeant-at-arms of the House of Assembly, for use of the House of Assembly, for the session one thousand nine hundred and six, seven hundred sixty-one dollars and thirty-five cents, $761 35

Item No. 118. To MacCrellish & Quigley, for stationery furnished the House of Assembly, for the session one thousand nine hundred and six, three hundred and sixty-five dollars, $365 00

Item No. 119. To the John L. Murphy Publishing Company, for stationery furnished the House of Assembly, for the session one thousand nine hundred and six, two hundred fifty-nine dollars and thirteen cents, $259 13

Item No. 120. To the Remington Typewriter Company, for repairing typewriter of the House of Assembly, for the session one thousand nine hundred and six, seven dollars and forty-three cents, $7 43

Item No. 121. To the Legislative News Bureau, for copies of bills introduced and passed furnished the Senate, for the session one thousand nine hundred and six, seventy-five dollars, $75 00

Item No. 122. To the Legislative News Bureau, for copies of bills introduced and passed furnished the House of Assembly, for the session one thousand nine hundred and six, one hundred dollars, $100 00

Item No. 123. To Ralph L. Reed, for traveling expenses incurred as assistant supervisor of bills of the House of Assembly, for the session one thousand nine hundred and six, twenty-five dollars, $25 00

Item No. 124. Reginald Branch, for traveling expenses incurred as stenographer of the House of Assembly, for the session one thousand nine hundred and six, fourteen dollars, $14 00

Item No. 125. To Paul T. Ludlam, for services as clerk to Committee on Corporations, of the House of Assembly, for the session one thousand nine hundred and six, three hundred dollars, $300 00

Item No. 126. To Paul T. Ludlam, for traveling expenses incurred as clerk to Committee on Corporations, of the House of Assembly, for the session one thousand nine hundred and six, fifty-six dollars, $56 00

Item No. 127. To George B. Lutts, sergeant-at-arms of the House of Assembly, for postage for the House of Assembly, for the session one thousand nine hundred and six, seventy-three dollars and sixty cents, $73 60

Item No. 128. To James T. Hoffman, for services as special clerk to Senate Committee on Incidental Expenses, for the session one thousand nine hundred and six, fifty dollars, $50 00

2. This act shall take effect immediately.

Approved May 3, 1906.

CHAPTER 211.

An Act to amend an act entitled "An act to amend 'An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State,' approved April third, one thousand nine hundred and two," which amendatory act was 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 amended.

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

Association for purposes of insurance.

1. Ten or more persons may become a corporation for the purpose of making any of the following kinds of insurance to wit:

Fire.

First. Against loss or damage to property by fire, lightning or tempest on land.

Marine.

Second. Upon vessels, freights, goods, moneys, effects, bottomry and respondentia interest, and every insurance appertaining to or connected with marine and inland risks of transportation and navigation.

Life.

Third. Upon the lives or health of persons and every insurance appertaining thereto, and to grant, purchase or dispose of annuities.

Death by accident.

Fourth. Against bodily injury or death by accident and upon the health of persons.

Injuries.

Fifth. Against loss or damage resulting from accident to or injury suffered by any person for which loss or damage the insured is liable.

Boiler explosion.

Sixth. Against damage to property of the insured, or loss of life, or damage to the person or property of another for which the insured is liable, caused by explosion of steam boilers.

Violation of trust.

Seventh. Against loss from the defaults of persons in positions of trust, public or private, or against loss

or damage on account of neglect or breaches of duty or obligations guaranteed by the insurer.

Titles. Eighth. Against loss or damage on account of encumbrances upon or defects in titles to real property and against loss by reason of the non-payment of principal and interest of bonds and mortgages. A company organized under this act to transact the business authorized by this subdivision shall have the right with its capital and surplus to take, buy, sell and deal in first mortgages on real estate.

Credit insurance. Ninth. Against loss from bad debts, commonly known as credit insurance.

Burglary. Tenth. Against loss by burglary or theft.

Glass. Eleventh. Against the breakage of glass.

Miscellaneous. Twelfth. Against loss or damage to property by any other casualty which may lawfully be the subject of insurance. Companies may be formed, upon the stock plan, to transact any kind of insurance authorized by this section, or upon the mutual plan to transact the kinds of insurance described in divisions first, third and fourth hereof.

2. This act shall take effect immediately.

Approved May 3, 1906.

CHAPTER 212.

An Act to confirm certain acknowledgments heretofore taken by attorneys at law, and certain records heretofore made.

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

Certain acknowledgments taken by attorneys validated. 1. That all acknowledgments and proofs of deeds, mortgages and other writings and the certificates thereof taken or made since the twenty-second day of March, one thousand nine hundred and one, before or by any one of the attorneys at law licensed to practice in this

State, 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 such attorneys at law had been given full power and lawful authority to take such acknowledgments and proofs of deeds and mortgages and other writings, by virtue of an act entitled "An amendment to an act entitled 'An act respecting conveyances' (Revision of 1898) approved June fourteenth, one thousand eight hundred and ninety-eight," which amendment was approved March twenty-second, one thousand nine hundred and one.

Records of deeds, etc., so taken legal.

2. That the record of any deed, mortgage or other writing acknowledged or certified as mentioned in the next preceding section is hereby made good and effectual in law as of the time such deed, mortgage or other writing was or shall be lodged for record, 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 acknowledgment 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 May 3, 1906.

CHAPTER 213.

An Act to confirm certain acknowledgments heretofore taken by attorneys-at-law, and certain records heretofore made.

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

Validating certain acknowledgments taken by attorneys.

1. All acknowledgments and proofs of deeds, mortgages and other writings, and the certificates thereof, taken or made since the eighth day of April, one thousand nine hundred and three, before or by any one of the attorneys-at-law licensed to practice in this State,

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 such attorneys-at-law had been given full power and lawful authority to take such acknowledgments and proofs of deeds and mortgages and other writings, by virtue of an act entitled "An amendment to an act entitled 'An act respecting conveyances' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight," which amendment was approved April eighth, one thousand nine hundred and three.

Records of deeds, etc., so taken legal.

2. The record of any deed, mortgage or other writing acknowledged or certified as mentioned in the next preceding section is hereby made good and effectual in law as of the time such deed, mortgage or other writing was or shall be lodged for record, 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 acknowledgment 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 May 3, 1906.

CHAPTER 214.

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

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

Section amended.

1. The first section of the act to which this act is an amendment is hereby amended to read as follows:

Twelfth section to read.

1. The twelfth section of the act to which this act is a supplement is hereby amended to read as follows:

Upon request, samples furnished inspector.

12. Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food or drug, shall, on the request therefor and the tender of the value thereof by any chief or other inspector appointed under the authority of this act, deliver to such chief or other inspector so much of any such article of food or drug as said chief or other inspector may request; if such request shall not be immediately granted said chief or other inspector shall thereupon have the power to demand and take so much of any such article of food or drug as such chief or other inspector may think proper, he, at the time of said demand and taking, tendering to the person in charge of such article of food or drug what he may deem to be the reasonable value thereof; said chief or other inspector shall, at the time of the delivery to him of such article of food or drug, or of his demanding and taking the same, divide the sample so delivered or demanded and taken, in the presence of a witness, into two or more parts, and shall duly seal two of said parts each in a suitable can, vessel or package, and, at the time of taking such sample, shall tender and if accepted shall deliver one part to the person of whom the request or demand was made, with a statement in writing, signed by said chief or other inspector, that such sample is taken for the purpose of analysis; and in any prosecution of any person for the violation of any provision of this act no proof of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample shall have been sealed up and tendered, with such writing as aforesaid, to the person on whom the request or demand was made; *provided, however*, that in any prosecution for the sale of any food or drug in violation of this act, proof of the analysis of the article so sold may be given in evidence on the part of the prosecutor, notwithstanding the fact that the purchase of such article may have been made by some person other than the chief or other inspector appointed under the authority of this act, if

If request refused.

Sample divided.

Proviso.

Purchase by outsider.

such article so sold in violation of this act shall immediately after such sale be delivered by the person so purchasing said article to the chief or any other inspector appointed under the authority of this act, and said chief or other inspector shall, upon such delivery to him, in the presence of a witness, which witness may be the person who made the said purchase, divide the said article into two or more parts and shall duly seal two of said parts, each in a suitable can, vessel or package and shall tender, and if accepted shall deliver to the person who sold the said article, one part of such sample with a statement in writing, signed by said chief or other inspector, that such sample is taken for the purpose of analysis; the chief and every other inspector appointed under the authority of this act, whenever he has reason to believe that any of the provisions of this act concerning the sale or distribution of milk or cream, or the offering or exposing of milk or cream for sale, or the having of milk or cream in possession for the purpose of sale, is being violated, shall have power to open any can, vessel or package containing such suspected milk or cream, whether the can, vessel or package be sealed or locked or not, and whether it be in transit or not; and if, upon inspection, he shall believe that such milk or cream is being distributed or sold, or had in possession with intent to distribute or sell, or offered or exposed for sale, contrary to any of the provisions of this act, he may, in the presence of one or more witnesses, take a sample thereof and seal it in a can, vessel or package, and send the sample thus enclosed and sealed for analysis to any chemist appointed under the authority of this act; he may also, in any such case, condemn such milk or cream and pour it upon the ground.

Concerning milk.

Take sample.

Condemned milk.

2. This act shall take effect immediately.

Approved May 3, 1906.

CHAPTER 215.

An act to amend an act entitled "An act to provide for drainage and sewerage in cities in this State," approved April seventh, one thousand eight hundred and ninety.

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

Section amended.

1. Section twenty-four of the said act be and is hereby amended so as to read as follows:

Assessments a lien.

24. The assessment for benefits shall be a lien upon the lots or parcels of land respectively assessed from the date of the ratification or confirmation of the report thereof, and shall be immediately due and payable to

Payments in cities.

the collector or receiver of taxes; in cities having ward collectors, but no general tax collector or tax receiver, but having a collector of delinquent taxes, such assessments shall be payable to "such municipal officer, or such officer specially appointed for such purpose, as the common council or other governing body shall by resolution determine; and in such cities the common council or other governing body is authorized to appoint by resolution a special officer for such purpose, and the term

Receiver or collector of taxes.

'collector or receiver of taxes,' as used in this act shall be held to include such officers so specially appointed or designated as aforesaid;" and it shall be the duty of

Duties of collector of taxes.

common council to forthwith furnish such officer with a certified copy of such assessment, which he shall enter upon a book to be kept in his office for that purpose, and thereupon he shall give notice for two weeks in a newspaper circulating in said city, to be inserted therein once at least in each week, that said report has been delivered to him, and requiring payment of the sums assessed within sixty days from and after the first publication of said notice, and in case such assessment shall remain

unpaid at the expiration of sixty days from and after such first publication, the said assessment shall draw interest thereon from that time at the rate of one per centum per month; and it shall be the duty of such officer to proceed in the collection of such assessment by a sale of the land in respect of which such assessment may have been made; *provided, however,* that it shall be lawful for the common council, by resolution to be laid before the mayor and approved by him in the same manner as ordinances are now laid before and approved by him, to reduce the rate of interest from one per centum per month, and fix said interest at a rate not less than five per centum per annum, if payment of the said assessment shall be made within the term of two years from and after the ratification or confirmation of any report containing the assessments of benefits or expenses for sewer construction pursuant to the provisions of this act; and in case payment of the assessment shall not be made within two years after the ratification and confirmation of the said report, the rate of interest shall be and remain at one per centum per month. Nothing herein contained shall be construed to repeal or amend chapter one hundred and sixty-two of the pamphlet laws of 1905.

Proviso.

Does not repeal.

2. Section twenty-two of the act to which this act is amendatory is hereby amended so as to read as follows:

Section amended.

22. In case there shall be in any city a board of assessments or commissioners of assessments, appointed by the common council and entrusted with the duty of assessing damages and benefits generally in respect of such local improvements as may be authorized by the charter of such city, or in case any city shall, by ordinance, provide for the appointment of commissioners of assessments to be entrusted with the duty of assessing damages and benefits under and by virtue of this act (which ordinance all cities are hereby authorized and empowered to pass), and such commissioners shall be appointed as provided by such ordinance, it shall be lawful for said council to refer all assessments of damages and benefits authorized by this act to such board or commissioners. The common council shall have the same power to extend the time for such board or com-

Assessment for benefits or damages referred to board of commissioners.

Time for making report.

missioners to make report as is conferred on the Circuit Court by section seventeen hereof, and all such extensions of time heretofore granted to any such board or commissioners are validated and confirmed. Such board or commissioners shall make said assessments in the manner and according to the principles prescribed by this act. Such board or commissioners may be at once sworn to make all assessments fairly and impartially, according to the best of their skill and judgment, and, if so sworn, need not be sworn again. They shall receive such compensation for their services under this act as shall be determined by the common council, and instead of reporting to the Circuit Court they shall make their report to the common council, which shall proceed to consider, review, alter, ratify and confirm the same at any meeting of which at least two weeks' previous notice, by advertisement, shall be given by the city clerk, or at any subsequent meeting. Such notice shall be published at least twice in a newspaper published or circulating in said city, and shall briefly state the object of such meeting with reference to said assessment; and said council, in its discretion, shall have power to refer the matter to any committee of their own body before taking final action upon it. Such report, when ratified or confirmed, shall be final and conclusive, both upon the city and upon the owner of any land affected thereby, except that any person aggrieved by an assessment of damages may appeal to the Supreme Court in the manner provided by section fifteen hereof. All the provisions of section fourteen hereof shall be applicable to the case of all references made under this section.

Assessment, how made.

Compensation of commissioners.

Report to council.

Notice of ratification.

Confirmed report final.

Appeal.

3. This act shall take effect immediately.

Approved May 3, 1906.

CHAPTER 216.

An Act to amend an act entitled "An act respecting towns and providing for the purchase of water-works or a plant for the supplying of pure and wholesome water to the inhabitants of such town for public and domestic uses and the extension of such water-works or plant, and providing for the issue of bonds to pay for such purchase or extension," approved March twenty-second, one thousand eight hundred and ninety-nine.

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

Section amended.

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

Extend water system—cost.

4. The town council may, by ordinance, without submitting the question to the voters of the town at any annual or special election, extend any waterworks or plant for the supply of water for public or domestic use so purchased at a cost not exceeding five thousand dollars in any year, and the moneys necessary for any such extension or extensions in any town shall be provided and raised as is hereinbefore provided for the raising of the moneys necessary for the purchase of such existing water-works or plant for the supply of water.

2. This act shall take effect immediately.

Approved May 7, 1906.

CHAPTER 217.

An Act authorizing payment to the owner of money paid into the school fund of this State as the proceeds of sale of unclaimed freight.

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

Refunding money from sales of freight.

1. If the proceeds of sale of any unclaimed freight has heretofore or shall hereafter be paid into the school fund of this State by any county clerk of the respective counties of this State and afterwards the owner of such money or his legal representatives shall, by a petition in writing addressed to the Comptroller of the State and the State Treasurer, demand the same and present to them satisfactory proof that he is entitled thereto, on the filing of the said petition and proofs with the said Comptroller he shall draw his warrant upon the State Treasurer for the sum of money to which the said owner or his legal representatives may be entitled and the State Treasurer shall pay the same as soon as proper appropriation shall have been made therefor.

Repealer.

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

Approved May 8, 1906.

CHAPTER 218.

A Further Supplement to the 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:*

Assessment on life insurance companies.

1. Associations or corporations of this State whose business is that of the assurance on lives shall be assessed

and taxed upon the full amount or value of their property (exclusive of real estate situate in this State, and exclusive of securities to the value of five hundred thousand dollars), deducting from such amount or value the amount of their debts and liabilities; to ascertain the said amount a statement of the amount or value of the property and of the debts and liabilities of such association or corporation as they existed on the thirty-first day of December next preceding such statement shall be annually made to the assessor or taxing officer or officers in the township, city or taxing district where the principal office of the association or corporation is located, upon the oath of the president, secretary or treasurer, or other officer of such association or corporation; in stating the liabilities on policies the basis of such statement shall be the value of such policies at the date above mentioned in this section and not the gross amount insured thereby, and such value shall be according to the computation of the same by the Commissioner of Banking and Insurance of this State by such standard of valuation as may be adopted and used by him at the time such computation shall be made according to law; the real estate of such corporation shall be separately assessed and taxed where the same is located, and no tax shall be assessed against such association or corporation on personal property in any other taxing district; in ascertaining the tax imposed by virtue of this act no deduction shall be made for non-taxable or exempt securities, but deductions shall be made of the real estate located in this State according to the amount of the same contained in the statement of the amount of value of property above mentioned, and such real estate shall be assessed and taxed in the taxing district where the same is located; in case any such association or corporation shall claim any deduction for non-taxable property or for property exempt from taxation, then no deduction shall be made or allowed for debts and liabilities; the capital stock in any such company shall not be regarded for the purposes of this act as a liability, and shall not be deducted from the amount of property and valuable assets in making the statement hereby required, and the person or persons or corpora-

Amount, how ascertained.

Value of liabilities.

Real estate taxed where located.

Deductions.

tions holding the capital stock of such association or corporation shall not be assessed or taxed therefor; *provided, however,* that this act shall not apply to any funds collected by any lodge, council, society, or fraternal beneficial association as defined in the act of March eleventh, Anno Domini one thousand eight hundred and ninety-three, from its members for the purpose of paying sick, funeral or death benefits.

Proviso.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; *provided, however,* that this act shall not in any way or manner be construed so as to repeal or modify Chapter 76 of the Laws of 1892, or Chapter 7 of the Laws of 1891, and this act shall take effect immediately.

Proviso.

Approved May 11, 1906.

CHAPTER 219.

An Act to regulate the practice of embalming, burial and disposal of dead human bodies; to license undertakers and embalmers, and to punish persons violating the provisions thereof.

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

Board of undertakers.

1. From and after the passage of this act there shall be a Board of Undertakers and Embalmers of the State of New Jersey, whose duties shall be as hereinafter stated. The board shall consist of five members, to be appointed by the Governor, each of whom shall serve for a term of three years from the date of his appointment shall take effect, respectively, and except in the case of appointment to fill vacancy. Any vacancies occurring in the board herein provided for shall be filled by the Governor for the unexpired term. The Governor

How constituted; term.

Vacancies.

shall, in his first appointments, designate the number of years each appointee shall serve. No person shall be eligible to appointment as a member of said board unless he shall have had an experience of at least five years, both as a practical undertaker and embalmer. Eligibility.

2. Said board, so appointed, and its successors shall be known by the name of "Board of Undertakers and Embalmers of the State of New Jersey." Every person so appointed to serve on said board shall receive a certificate of his appointment from the Governor, and within ten days after receiving such certificate shall make, subscribe and file, in the office of the Secretary of State, an oath to faithfully perform the duties of his office. The first meeting of the members of said board shall be held within sixty days after their appointment as aforesaid, and at a time and place agreed upon by a majority thereof, all members of said board to receive due notice of same, and shall meet at least once in every year thereafter. At such first meeting the board may adopt a common seal, and shall elect from its members a president, secretary and treasurer. The treasurer shall have charge of all receipts and disbursements of money, and to give a bond for such sum as the said board may determine. Said board shall have power, from time to time to adopt and approve rules, regulations and by-laws not inconsistent with the laws of the State of New Jersey, whereby the performance of the duties of said board shall be regulated. A certified copy of such rules and regulations, attested by the president and secretary of said board, and deposited with the State Board of Health, shall be sufficient evidence of the regular making, adoption and approval thereof. Official name. Organization. Powers.

3. For the purpose of providing a uniform examination throughout the State, and requiring a proper standard of qualification for all candidates, the said board shall, immediately after its first meeting, provide for the conducting of such examinations as it may deem necessary for the proper examination of applicants for license as undertakers and embalmers, in accordance with the rules and regulations made, adopted and approved as hereinbefore prescribed. Said examination shall be had upon questions that pertain to the embalming, burial and Examinations. Subject of.

disposal of dead human bodies, and to the shipment of bodies dying of contagious or infectious diseases, or any other cause whatsoever, in accordance with the rules and regulations of the State Board of Health, and such other subjects as the board, in its judgment, may deem proper.

When held.

For the purpose of examining applicants for license as undertakers and embalmers the said board shall appoint the times and places for holding examinations, which examinations shall be held at least semi-annually in each and every year, and such appointment shall be made with due regard to the convenience of applicants and the public service. Said board shall also prescribe the mode and manner of such examinations, and appoint the examiners to conduct the same. Said examiners to be members of the said Board of Undertakers and Embalmers.

Continuance of those engaged in the business.

4. It shall be the duty of any person engaged in the business and practice of undertaking and embalming of dead human bodies in the State of New Jersey, at the time of the passage of this act, and who shall desire to continue the same, to cause, before the first day of October, nineteen hundred and six, an application, containing his or her name, residence and place of business, and the name under which he or she is doing business, and a

Statement.

statement that at the time of the passing of this act such applicant was actually and actively doing business (either embalming or burial of dead human bodies, or both) at the place named therein, and the said business to be conducted continuously by said party or parties within the jurisdiction of the State, such application to be signed by the applicant, and the statements therein contained to be duly certified before an officer authorized

Charge for registration.

to take acknowledgments, to be registered with the said board, whose secretary shall keep a book for the purpose, and who shall enter such registration therein upon payment of a fee of five dollars, whereupon the said board shall issue to such applicant the license provided for in this act.

Application for license.

5. From and after the passage of this act every person desiring to engage in the business of undertaking and embalming of dead human bodies within the State of New Jersey, and not already engaged therein, shall

make a written application to the said board for an undertaker's and embalmer's license, accompanying the same with the application fee of five dollars, and with a certified statement of three reputable persons that the said applicant is more than twenty-one years of age, is of good moral character, and has obtained at least a grammar-school education, and has served at least two years' apprenticeship with a reputable funeral director, whereupon the secretary of said board shall issue to said applicant a permit to enter an examination held pursuant to the provisions of this act.

Fee.

Requirements for applicants.

6. Those applicants having attended an examination held pursuant to the provisions of this act, and who, in the judgment of the board, have shown themselves to be duly qualified, shall receive from the said board of undertakers and embalmers a license to conduct and practice undertaking, embalming and disposal of dead human bodies upon said applicant paying to the said board a license fee of five dollars. Should said applicant fail to pass the examination, the application fee shall be returned. Said license, when issued, shall be recorded by the board, and such record shall be open to public inspection. And a notice of such license and all licenses granted under section four of this act shall be sent to the State Board of Health of the State of New Jersey, and such license shall be admitted in evidence in any of the courts of this State, and shall be presumptive evidence as to the facts therein contained. It shall be the duty of the said board to issue with each license a card, bearing applicant's name, and a corresponding number and seal and the fact that he or she has been licensed as an undertaker and embalmer. Any person obtaining a license under this act shall register that fact, together with his or her license number, at the office of the board of health of the city, town or place in which it is proposed to carry on said business, or at the place where permits for burial for the district in which it is proposed to carry on said business are issued, and shall display said license in a conspicuous place in the office of his or her place of business.

Granting of license.

Fee.

Board of health notified.

License card.

License displayed.

7. The said board of undertakers and embalmers shall have power to revoke any license granted under this

Revoke license.

act upon conviction of violation of any of the provisions of this act, or the rules and regulations as herein prescribed, or upon conviction of continued improper conduct, said conviction being subject to approval by the courts of the State.

License not assignable.

8. No license granted or issued under the provisions of this act shall be assignable, and every such license shall specify by name the person to whom it is issued, and not more than one person shall carry on said business under one license. Except that this section shall not apply to any widow or heir of any deceased undertaker, to whom a license shall have been issued under the provisions of this act, who shall continue deceased's business of undertaking and embalming, under the supervision of a person duly authorized to practice the same under the provisions of this act.

Exception.

As to expenses of board.

9. The said Board of Undertakers and Embalmers shall pay the expenses of its members in attendance upon the examinations herein provided for out of and not to exceed the income derived under the provisions of this act, and said board shall have the power to employ any persons or officers necessary to carry out the terms of this act and to compensate them from the funds of said board, and once in each and every year said board shall make to the Governor of the State a written statement of receipts and disbursements under this act, and all surplus of funds over and above the expenditures herein authorized shall be paid over to the Treasurer of the State annually at the date of the filing of the aforesaid report with the Governor.

Annual report.

Surplus paid to State.

Only licensed persons allowed to act as embalmers.

10. From and after the passage of this act no person to whom a license has not been issued as prescribed by section four of this act, or who has not passed the examination herein prescribed, and been licensed as herein specified, shall transact the business or practice of embalming of dead humon bodies within the State, except that nothing contained in this act shall apply to commissioned medical officers of the army of the United States, or to the United States Marine Hospital Service, while so commissioned, but no person shall employ, for the purpose of embalming or preserving any dead human body, any arsenical solution nor any other poi-

Exception.

sonous agent which may, by its presence in the viscera prevent the detection of criminal uses of said poisonous agents before the death of the individual occurred.

Penalty for violations.

11. Any and every violation of any of the provisions of section ten of this act, or of any of the rules and regulations in reference to the business and practice of undertaking and embalming of dead human bodies, made and duly approved as by this act prescribed, is hereby declared to be a misdemeanor, and is punishable by a fine of not to exceed one hundred dollars, at the discretion of the court.

12. This act shall take effect immediately.

Approved May 12, 1906.

CHAPTER 220.

An Act vesting the title of the property of extinct Methodist Protestant churches and Methodist Protestant religious societies in "The New Jersey Annual Conference of the Methodist Protestant Church" and authorizing and empowering the said "The New Jersey Annual Conference of the Methodist Protestant Church" to sell and convey said property.

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

Property of extinct organizations vested.

1. All of the property, both real and personal, belonging to or held in trust for any Methodist Protestant church or Methodist Protestant religious society that has or shall become extinct shall vest in and become the property of "The New Jersey Annual Conference of the Methodist Protestant Church and its successors and assigns; *provided,* that this act shall not affect the reversionary interest of any person or persons in any such property.

Proviso.

When church extinct.

2. A church or religious society shall be regarded as extinct when its membership shall become so reduced

that it has not sufficient members to fill its offices, and has ceased to hold its regular meetings, and to keep its relation with any charge having regular connection with the said annual conference for a period of three years.

Disposition of property.

3. The said "The New Jersey Annual Conference of the Methodist Protestant Church" is hereby authorized and empowered to sell the property of any such extinct church or religious society and convey the same to the purchaser thereof by deed in its corporate name; *provided,* such sale be in pursuance of a resolution of the "The New Jersey Annual Conference of the Methodist Protestant Church."

Proviso.

4. This act shall take effect immediately.

Approved May 12, 1906.

CHAPTER 221.

An Act to amend 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:*

Section amended.

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

Circuit or law judge may cancel mortgage on proof.

1. Any circuit judge or law judge of any county may by order direct the county clerk of said county, or the register when there is such office in said county, to cancel of record any mortgage on real estate or chattels, or both, of record in said county, whenever he shall be satisfied by proof that the mortgagee therein, or the holder of said mortgage, has been fully paid the principal and interest due on said mortgage, or the mortgagor shall deposit with the county clerk any balance of principal and interest, if any, still due thereon, according to the

terms of the said mortgage; and any one or more of the mortgagors or party in interest may make application for such order, and the judge shall order notice of such application to be served on the mortgagee or mortgagees, assignee or assignees or holder of record of said mortgage, if living, and if not living, then upon his, her or their executor or executors, or administrator or administrators, if any, or if there shall be no executor or administrator, then upon the next of kin of said mortgagee or mortgagees, if residents of this State, the same as a summons should be served; and if any of the persons entitled to notice as aforesaid shall be non-residents of this State or cannot, upon due inquiry, be found therein, then such notice shall be served by publication, once a week for four weeks, in a newspaper published in said county, to be designated by said judge, and copies thereof shall be mailed to such persons at their post-office addresses, if the same can be ascertained.

Notice of application served.

Service on non-residents.

2. This act shall take effect immediately.

Approved May 14, 1906.

CHAPTER 222.

An Act to provide for the pensioning of police officers and other persons in the employ of the police department of any village in this State.

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

1. If any police officer or other employe of the police department of any village in this State, who shall have served in such department thirty years continuously or otherwise, shall, in the judgment of the governing body of such village, become incapacitated, either mentally or physically, or by reason of advanced age, for the discharge of his duties, the governing body of such

Retirement of village policemen on pension.

village may retire such person and pay to him an annual pension to an amount not exceeding one-half of the salary received by him at the time of such retirement.

Pensioned officer on duty at times.

2. In consideration of the receiving of such pension any such officer or person so pensioned may be required, from time to time, if necessary, to perform such police duty as may be ordered by the governing body of such village, or by the police committee thereof.

3. This act shall take effect immediately.

Approved May 14, 1906.

CHAPTER 223.

An Act to authorize any city in this State to change the location of its offices from its city hall to any building owned by it, and providing for payment of the expense incurred thereby and the raising of funds therefor.

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

Removal of city offices to suitable buildings.

1. Whenever the city hall in any city of this State shall become unfit, incommodious or ill-adapted to continuing therein its offices and departments, it shall be lawful for the board of aldermen, common council or other legislative body of said city, by resolution, to be approved by its mayor, to so determine, and to direct the removal of said offices and departments to any other building then owned by it and considered more suitable for said purpose, and also to transfer any department the office or offices of which may be located in said building to which said city offices are to be removed, and remove the same to any other building owned by said city and deemed suitable therefor.

Repair of building.

2. It shall be lawful for said legislative body of said city, with the approval of the mayor, to make such neces-

sary additions or repairs to said building to which said offices or departments shall be removed as they may deem necessary, and to make and execute all contracts required therefor at a cost not exceeding twenty thousand dollars, and to issue and sell bonds, not exceeding at par value twenty thousand dollars, bearing interest at four and one-half per cent. per annum, the proceeds of which shall be applied to the cost of said additions or repairs. The term of said bonds shall be fixed by the board of aldermen, common council or other legislative body of said city, and there shall be raised by tax each year the interest on the whole amount of said bonds, together with an amount equal to the proportion of one year to the number of years for which said bonds are to run, for the purpose of a sinking fund, to be paid to the sinking fund commissioners of said city, for the purpose of paying said bonds when they shall become due.

By contract; amount.

Bonds.

Character of bonds.

Sinking fund.

3 This act shall take effect immediately.

Approved May 14, 1906.

CHAPTER 224.

An Amendment to an act entitled "An act concerning the fire department of cities of the first class in this State, and the powers and duties of the board or body having the control and management thereof," approved April eighth, one thousand eight hundred and ninety-two.

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

1. Section one of said act shall be amended to read as follows:

Section amended.

1. The Board of Fire Commissioners, or other body having the control and management of the fire department in cities of the first class in this State, shall, in addition to the powers now conferred upon and authorized to be exercised by such board or body, have

Battalion chiefs.

the power to appoint, and the authority therefor is is hereby granted, as many persons from among the members of such fire department as in their judgment may seem necessary for the best interest of the department, to be known as Battalion or District Chiefs thereof, who shall perform such service and duties as may be assigned to them and each of them by such body. To make any such appointment it shall be requisite to obtain an affirmative vote of not less than two-thirds of all the members of such board or body. The compensation of such Battalion Chiefs shall be not in excess of two thousand dollars per annum, to be paid as other salaries and compensation of the subordinate officers and men of said fire department are paid; they shall hold their office or employment during good behavior and shall be removed only for cause after a hearing or opportunity therefor is afforded.

Salary.

Tenure.

2. This act shall take effect immediately.

Approved May 14, 1906.

CHAPTER 225.

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

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

Section amended.

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

Assault with intent to murder, etc.

113. Any person who shall commit an assault with intent to kill, or to commit a burglary, rape, robbery or sodomy, or to carnally abuse a woman child under the age of sixteen, with or without her consent, shall be guilty of a high misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three thousand dollars, or by imprisonment at hard labor not exceeding twelve years, or both; or any person who

Penalty.

shall commit an atrocious assault and battery by maiming or wounding another, shall be guilty of a high misdemeanor. Atrocious assault.

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

Approved May 14, 1906.

CHAPTER 226.

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

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

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

166. Any person who shall receive or buy any goods or chattels or chose in action or other valuable thing whatsoever, that shall have been stolen from any other person or taken from him by robbery, or otherwise unlawfully or fraudulently obtained, taken or converted in any manner contrary to any of the provisions of this act, knowing the same to have been stolen or taken by robbery or so obtained, taken or converted, whether such stealing or robbery shall have been committed either in the State of New Jersey or in some other State of the United States, and whether such goods, chattels, chose in action or other valuable thing shall be received or bought from the thief, robber or person so obtaining, taking or converting them, or from any other person; or shall receive, harbor or conceal any thief or robber, knowing him to be so, shall be guilty of a misdemeanor. Receiving stolen goods, etc., a misdemeanor.

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 May 14, 1906.

CHAPTER 227.

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

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

Information as to property liable to inheritance tax.

1. Whenever any person has died, or shall hereafter die, testate or intestate, seized or possessed of any property liable to the payment of a collateral inheritance tax under the provsions of the act to which this act is a further supplement, and no letters testamentary or of administration have or shall have been taken out on such estate within one year from the date of the death of such person, it shall be lawful for the Comptroller of the treasury of this State to enter into an agreement, in writing, with any person or persons giving him information of the property so as aforesaid liable to taxation, to pay to such person or persons, out of the tax collected from such property, such proportion thereof as shall be fixed and determined upon by the said Comptroller.

Payment to informer.

2. This act shall take effect immediately.

Approved May 15, 1906.

CHAPTER 228.

An Act to amend an act entitled "An act to tax intestates' estates, gifts, legacies, devises and collateral inheritance in certain cases," approved May fifteenth, one thousand eight hundred and ninety-four.

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

Section amended.

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

Inheritance tax on amount over $500.

1. A tax shall be and is hereby imposed upon the transfer of any property, real or personal, of the value of five hundred dollars or over, or of any interest therein or income therefrom, in trust or otherwise, to persons or corporations, in the following cases:

Will of residents.

First. When the transfer is by will or by the intestate laws of this State from any person dying seized or possessed of the property while a resident of the State.

Of non-residents.

Second. When the transfer is by will or intestate law, of property within the State, and the decedent was a non-resident of the State at the time of his death.

When transfer takes effect at death.

Third. When the transfer is of property made by a resident or by a non-resident, when such non-resident's property is within this State, by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, vendor or donor, or intended to take effect, in possession or enjoyment, at or after such death. Such tax shall also be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof by any such transfer, whether made before or after the passage of this act. Such tax shall be at the rate of five per centum upon the clear market value of such property, to be paid to the Treasurer of the State of New Jersey, for the use of the State, and all administrators, executors and trustees shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed.

Tax on beneficiaries.

Rate.

Exemptions.

All property passing to churches, hospitals and orphan asylums, public libraries, Bible and tract societies, and all religious, benevolent and charitable institutions and organizations, or to a father, mother, husband, wife, child, brother or sister, or lineal descendant born in lawful wedlock, or the wife or widow of a son, or the husband of a daughter, shall be exempt from the payment of taxes under this act, but no other exemption of any kind shall be allowed.

Section amended.

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

When due.

4. All taxes imposed by this act shall be due and payable at the death of the testator, grantor or intestate,

as the case may be, unless otherwise provided for, and if the same are paid within one year a discount of five per centum shall be allowed and deducted from such taxes; if not paid within one year from the date of the death of the testator, grantor or intestate, as the case may be, such tax shall bear interest at the rate of ten per centum per annum, to be computed from the expiration of one year from the date of the death of such testator, grantor or intestate, until the same is paid, and in all cases where the executors, administrators or trustees do not pay such tax within one year from the death of the decedent they shall be required to give a bond, in the form and to the effect prescribed in section two of the act to which this act is amendatory, for the payment of such tax together with interest.

Discounts.

Penalty for non-payment.

Executor's bond.

3. This act shall take effect immediately.

Approved May 15, 1906.

CHAPTER 229.

An Act to incorporate the borough of Mendham, in the county of Morris.

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 Mendham, in the county of Morris and State of New Jersey, hereinafter mentioned and described are hereby constituted and declared to be a body corporate in fact and in law, by the name of "The Borough of Mendham," and shall be governed by the general laws of this State relating to boroughs.

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

Boundaries of Mendham.

Beginning at the intersection of the Somerset and Morris county line with the road leading from the Old Ferry farm to Van Doren's Mills; thence following the

center of said road in a northwesterly direction to the intersection of said road with a road leading from Mendham to Washington Corner; thence a straight line in a northwesterly direction to the intersection of another road leading from Mendham to Washington Corner with a cross-road leading from said road to main road leading from Mendham to Morristown; thence along the center of said cross-road crossing said main road leading from Mendham to Morristown and running along center of road leading past the Pitney farm and crossing the New Jersey and Pennsylvania railroad tracks and passing the road leading to Brookside, to the intersection of said road with road commonly known as Mountain road leading along the southerly side of Mendham mountain; thence along the center of said Mountain road crossing road leading from Mendham to Calais at a point near the Stephen Babbitt farm house; thence still along said Mountain road to the intersection of Mountain road with a road leading past Wells Lawrence's house toward Ironia, said point being near Wells Lawrence's house; thence southerly along the center of said road passing said Lawrence house to a point at the intersection of said road with the main road leading from Mendham to Chester at a point near the old John Whitlock house; thence due south in a straight line to the aforementioned Somerset and Morris county line; thence following Somerset and Morris county line to the point or place of beginning.

3. This act shall take effect immediately.

Approved May 15, 1906.

CHAPTER 230.

An Act relating to paving, flagging, maintaining, repairing and otherwise improving sidewalks in municipalities in this State.

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

Ordinances as to sidewalks.

1. The board or body having the control and regulation of streets, avenues, highways and sidewalks in any cities of the first class of this State shall be authorized and empowered to pass, amend and repeal ordinances to require the sidewalks of such streets, avenues and highways to be paved or flagged, maintained, repaired or otherwise improved by the owner or owners of premises fronting or abutting thereon, or by the agent or other person in general control of buildings fronting or abutting thereon, and to prescribe reasonable penalties for the violation of any provision of any such ordinance, not to exceed five dollars for each offense.

Penalty.

Each day's neglect an offense.

2. It may be provided in any such ordinance that the neglect or refusal to obey any provision thereof may be construed to be a distinct and separate offense for each day the same shall be continued.

3. This act shall take effect immediately.

Approved May 15, 1906.

CHAPTER 231.

An Act to change, fix and define a portion of the boundary line between the city of Newark and the city of East Orange, in the county of Essex and State of New Jersey.

Preamble.

WHEREAS, The present boundary line between the city of Newark and the city of East Orange, or a certain

portion thereof, on the northwesterly line of the city of Newark, runs diagonally across South Sixteenth street, South Fifteenth street, North Fourteenth street and other public streets or highways; and

WHEREAS, It is desirable that the said boundary line between the said city of Newark and the said city of East Orange be changed so that it do not intersect in that manner such public streets or highways, to the end that such public streets or highways, or some of them, may be improved in a more expeditious and practical manner than is now possible;

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

Northwestern line changed.

1. The present boundary between the city of Newark and the city of East Orange, on the northwesterly line of the city of Newark, be altered and changed from a point on the northerly line of Central avenue, at its intersection with the present boundary line between the city of Newark and the city of East Orange, and from thence in a general northeasterly direction to the intersection of the said boundary line with the boundary line of the town of Bloomfield.

Boundary lines between Newark and East Orange.

2. The boundary line between the said city of Newark and the said city of East Orange, from a point where the northerly line of Central avenue intersects the present boundary line between said cities, and thence in a general northeasterly direction to a point where the boundary line, as hereinafter fixed, intersects the boundary line between the city of East Orange and the town of Bloomfield, is hereby fixed and defined to be as follows:

Beginning in the northerly line of Central avenue, at its intersection with the present line between the city of Newark and the city of East Orange; running thence northeasterly on a line parallel with South Sixteenth street as laid out through the city of Newark one hundred feet; thence southeasterly parallel with Central avenue to a point midway between South Fifteenth street and south Sixteenth street as laid out in said city of Newark; thence northeasterly midway between said South Fifteenth street and South Sixteenth street to

the southerly line of Ninth avenue; thence northeasterly crossing Ninth avenue to the northerly line of Ninth avenue at a point midway between South Fifteenth street and South Sixteenth street as laid out in the respective cities; thence northeasterly parallel with South Fifteenth street to a point one hundred feet southwesterly from Gould avenue; thence southeasterly parallel with Gould avenue to a point midway between South Fourteenth street and South Fifteenth street in said city of Newark; thence northeasterly parallel with South Fourteenth street to the northerly line of Main street in said city of East Orange; thence northeasterly to the central line of Eaton Place in said city of East Orange at a point one hundred feet southeasterly from the intersection of said line of Eaton Place with the easterly line of North Fifteenth street as laid out in said city of East Orange; thence southeasterly along said central line of Eaton Place to the central line of North Fourteenth street as laid out in said city of Newark; thence northeasterly along said central line of North Fourteenth street to a point distant one hundred feet northeasterly from where the northerly line of Sixth avenue as laid out in the said city of Newark, if produced northwesterly, would intersect the said central line of North Fourteenth street; thence southeasterly parallel with the said line of Sixth avenue to a point distant one hundred feet southeasterly from the easterly line of said North Fourteenth street; thence northeasterly parallel with North Thirteenth street as laid out in said city of Newark to the boundary line between the city of East Orange and the town of Bloomfield, and ending there. All territory lying easterly and southerly from the above described line to be in the city of Newark, and all territory lying northerly and westerly from the above described line to be in the city of East Orange.

Territory apportioned.

Repealer.

3. 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 15, 1906.

CHAPTER 232.

An Act to amend an act entitled "An act to authorize the improvement of streets and highways in cities of this State, and to provide for the payment of the expenses of the same," approved June thirteenth, one thousand eight hundred and ninety-eight.

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

1. Section nine of the said act be and the same is hereby amended so it reads as follows: Section amended.

9. The following fees shall be allowed for services under this act: to each commissioner, five dollars for every day he shall be actually engaged in the performance of the duties herein required of him; to each officer or other person serving notices ordered by the court, fifty cents for the service of each notice. Fees of commissioners of assessment.

2. This act shall take effect immediately.

Approved May 15, 1906.

CHAPTER 233.

An Act concerning the militia of the State.

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

ARTICLE 1.

MILITIA OF THE STATE.

PERSONS SUBJECT TO MILITARY DUTY.

1. The militia shall consist of every able-bodied male citizen of this State and every able-bodied male of for- Militia to consist of.

eign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and is a resident of this State, and shall be divided into two classes, namely, the organized militia, which shall be known as the National Guard,

Reserve.

and the remainder which shall be known as the reserve militia, subject to the following exemptions:

Exempts.

(a) Persons exempt by the laws of the United States;

(b) Person exempt by the laws of this State.

ENROLLMENT OF MILITIA.

Enrollment.

2. Whenever the Governor shall deeem it necessary, he may order an enrollment to be made of all persons liable to service in the militia; such enrollment shall state the name, residents, age and occupation of the persons enrolled and their previous or existing military or naval service.

NOTICE OF ENROLLMENT.—EXEMPTION CLAIMS.

Notice of enrollments.

3. The officer making the enrollment shall at the time of making the same file a copy thereof with the clerk of the county in which the enrolled persons reside, and immediately serve a notice of such enrollment upon each person enrolled by delivering such notice to him or depositing same in any United States post-office addressed to him at his last known place of residence,

Claim to exemption.

with the postage thereon prepaid. All persons claiming exemption must, within fifteen days after receiving such notice, apply to the judge of the inferior Court of Common Pleas for the county to hear and determine their claims for exemption. The county clerk shall mark upon the enrollment the word "exempt" opposite the name of such applicants as the court shall determine to be exempt under the law, and such clerk shall forthwith transmit a copy of such corrected roll to the adjutant-general.

CHIEF OF ENROLLMENT AND DRAFTING.

Enrolling officers.

4. The Governor may appoint and commission a chief of enrollment and drafting with the rank of colonel, and such deputy commissioners of enrollment and drafting, with the rank of captain, for each county as may in his judgment be requisite and necessary.

EXAMINATION OF ASSESSMENT ROLL AND POLL-LISTS.

All public records open to enrolling officer.

5. All assessors, county clerks, election officers and other clerks or officers shall allow enrolling officers to examine and copy their tax and assessment rolls, jury-lists or poll-lists, and all tavern-keepers and hotel-keepers, keepers of boarding-house, persons having boarders or lodgers in their families and any master or mistress of any dwelling-house, shall, upon the application of any officer authorized to make such an enrollment, give information of the names of all persons residing or lodging in such house liable to be enrolled, and all such other proper information concerning such person as such officer may demand. If any person, of whom information is required by the enrolling or drafting officer in order to enable such officer to comply with the provisions of this act, shall refuse to give such information, or shall give false information, or if any persons shall refuse to give his own name or proper information in respect to himself, or if he shall give a false name or false information in respect to himself, or shall otherwise obstruct or delay by force or otherwise, or harm any such officer in the performance of his duty, such person shall be deemed guilty of obstruction of legal process and be subject to like punishment or penalty as is prescribed for like offenses in obstructing or opposing any sheriff, constable, other ministerial officer or judicial process.

Information must be furnished.

Penalty for refusal.

COMMANDER-IN-CHIEF.

Commander-in-chief.

6. The Governor, or other person administering the government, shall be the commander-in-chief of all the military and naval forces of the State.

STAFF OF THE GOVERNOR.

Governor's staff.

7. The staff of the Governor shall consist of one adjutant-general, with the rank of brigadier-general; one quartermaster-general, with the rank of brigadier-general, who shall be commissary-general, paymaster-general, chief medical purveyor, medical storekeeper and chief of ordnance; one surgeon-general, with the rank of brigadier-general; one inspector-general, with the rank of brigadier-general; one inspector-general of rifle practice, with the rank of brigadier-general; one judge advocate-general, with the rank of brigadier-general;

Aides.

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

Non-commissioned officers.

There shall be appointed and warranted with the rank of sergeant, one standard bearer, one bugler, and one orderly, who shall report to the adjutant-general and perform such duties as he may direct.

POWER OF GOVERNOR IN CASE OF INSURRECTION, OR BREACH OF THE PEACE, OR INVASION.

Ordered out in emergencies.

8. The Governor shall have power, in case of insurrection, invasion, tumult, riot, or breach of the peace, or imminent danger thereof, to order into the active service of the State any part of the militia that he may deem proper. When the militia of this State, or a part thereof, is called forth under the Constitution and laws of the United States the Governor shall order out

for service the national guard, or such part thereof as may be necessary, and if the number available be insufficient he shall order out such part of the reserve militia as he may deem necessary. During the absence of organizations of the national guard in the service of the United States, their State designations shall not be given to new organizations.

DRAFTING OR VOLUNTEERING FROM THE MILITIA.

Drafting of reserves for service.

9. Whenever it shall be necessary to call out any portion of the reserve militia for active duty the Governor shall direct his order to the chief of enrollment and drafting, who, upon the receipt of the same, shall forthwith proceed to draft by lot as many of the reserve militia, or accept as many volunteers as are required by the Governor, and shall forthwith forward to the Governor, through the adjutant-general, a list of persons so drafted or accepted as volunteers.

PUNISHMENT FOR FAILURE TO APPEAR.

Failure to appear desertion.

10. Every member of the militia ordered out, or who volunteers, or is drafted under the provisions of this act, who does not appear at the time and place designated by his commanding officer, the chief of enrollment and drafting, or a deputy chief of enrollment and drafting, within twenty-four hours of such time, or who does not produce a sworn certificate of physical disability from a physician in good standing to so appear, shall be taken to be a deserter, and shall be subject to trial by court-martial and shall be punished as such court-martial may direct.

ORGANIZATION OF RESERVE MILITIA WHEN ORDERED OUT.

Muster of reserves.

11. The portion of the reserve militia ordered out, or accepted into the service, as indicated in sections eight and nine of this act, shall be immediately mustered into the service of the State for one year, or such less period as the Governor may direct, and shall be organized into

troops, batteries, companies, or regiments, or assigned to organizations of the national guard already existing; such new organizations shall be equipped, disciplined and governed according to the law and military regulations of the State.

PROCLAMATION OF STATE OF INSURRECTION.

Insurrection declared.

12. Whenever any portion of the militia is to be employed in the aid of the civil authority, the Governor, if in his judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county or city within which the militia is to be employed, to be in a state of insurrection.

RELIEF FROM CIVIL OR CRIMINAL LIABILITY—SECURITY FOR COSTS.

Freedom from legal liability when on duty.

13. Members of the militia ordered into the active service of the State by any proper authority, shall not be liable, civilly or criminally, for any act or acts done while in the performance of their duties. When a suit or proceeding shall be commenced in any court by any person against any officer of the militia for any act done by such officer in his official capacity in the discharge of any duty under this act, or against any person acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law,

When prosecuted.

the defendant may require the person prosecuting or instituting the suit or proceeding to file security for the payment of the costs that may be awarded to the defendant therein, and the defendant, in all cases, may make a general denial and give the special matter in evidence. In case the plaintiff shall be non-suited, or have a verdict or judgment rendered against him, the

Active service defined.

defendant shall recover treble costs. Active service under this act shall be deemed to be service in case of insurrection, riot or invasion, under order of the commander-in-chief communicated through the proper military channels.

DEPARTMENTS.

ADJUTANT-GENERAL.

Adjutant-general; duties, etc.

14. The adjutant-general shall be chief-of-staff, and shall distribute all orders from the commander-in-chief to the several commands; he shall attend at public reviews, if required, when the commander-in-chief shall review the militia or any part thereof; he shall issue all orders from the commander-in-chief for carrying into executon and perfecting the system of miltary discipline provided by this act; he shall furnish blank forms of the different returns that may be directed by the commander-in-chief, and explain the principles on which such returns shall be made; he shall make proper abstracts from the report of the inspector-general and present the same with a report of the general condition of the militia and such recommendations as he may deem necessary to advance the discipline of and to benefit the national guard to the commander-in-chief; he shall annually make a return of the national guard, as may be required, to the Secretary of War of the United States, and he shall keep a complete record of all orders issued by him, returns received, names of officers commissioned, with rank and command, and of every proceeding relative to the details of the military and naval forces ordered by the commander-in-chief, upon requisition of the President or Congress of the United States.

CERTIFICATES OF ELECTION.

Certificates of election forwarded to adjutant-general.

15. All certificates of election or appointment of officers shall be forwarded to the adjutant-general, through the military channels, to be entered of record before such officer shall be commissioned.

SEAL OF THE ADJUTANT-GENERAL.—PRINTING OF LAWS. —PURCHASE OF BOOKS.

Seal; other duties of adjutant-general.

16. The adjutant-general shall have an appropriate official seal, and affix an impression of the same to all

certificates of record issuing from his office. He shall prepare from time to time, as may be necessary, with the approval of the commander-in-chief, a compilation of laws governing the national guard, and print and issue as many copies thereof as may be required, and, when directed by the commander-in-chief, shall purchase such system of tactics, regulations and other books as may be necessary for the instruction of the national guard, which books shall be distributed as the property of the State, under proper regulations, through his office.

ASSISTANT ADJUTANT-GENERAL.

Assistants to adjutant-general.

17. The adjutant-general may have one assistant adjutant-general, with the rank of colonel, and one deputy adjutant-general, with the rank of colonel, and such other necessary clerks and employes as may be required from time to time, when approved by the Governor. The assistant adjutant-general shall perform such duties as may, from time to time, be prescribed by the adjutant-general.

THE ASSISTANT TO ACT WHEN.

Acting adjutant-general.

18. The assistant adjutant-general, in the absence of the adjutant-general from the capitol or State, or in case of his inability to perform all his duties, shall perform such duties or assist therein.

BUREAU OF ENROLLMENT AND DRAFTING.

Bureau of enrollment.

19. There shall be in the adjutant-general's department a bureau of enrollment and drafting under the chief of enrollment and drafting. Until the Governor shall appoint and commission a chief of enrollment and drafting, the assistant adjutant-general shall be acting chief of enrollment and drafting.

QUARTERMASTER-GENERAL.

Assistants to quartermaster-general.

20. The quartermaster-general may have two assistant quartermasters-general, with the rank of colonel;

one assistant commissary-general, with the rank of colonel; one deputy quartermaster-general, with the rank of lieutenant-colonel; one assistant paymaster-general, with the rank of major; one assistant military storekeeper, with the rank of captain, and such other clerks and employes as may be required from time to time and approved by the Governor. All the officers enumerated in this section shall report direct to the quartermaster-general, and shall perform such duties as he may require and direct, and they shall be responsible to him for the proper discharge of such duties.

DUTIES OF QUARTERMASTER-GENERAL.

Care of military stores and equipment.

21. The quartermaster-general shall attend to the care, preservation, safe keeping and repairing of the arms, ordnance, accoutrements, equipments and all other military property belonging to the State or issued to the State by the government of the United States for the purpose of arming and equipping the organized militia. All military property of the State, which, after a proper inspection, shall be found unsuitable for the use of the State, shall, under the direction of the Governor, be disposed of by the quartermaster-general at public auction, after suitable advertisement of same daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place, or the same may be sold at private sale when so ordered by the Governor; he shall bid in the property or suspend the sale whenever, in his opinion, better prices may or should be obtained; he shall, from time to time, render to the Governor a just and true account of the sales made by him, and shall expend the proceeds of same for the purchase of other military property as the Governor may direct; he shall be responsible for all the arms, ordnance, accoutrements, equipments and other military property which may be issued to the State by the Secretary of War in compliance with law, and it shall be his duty to prepare returns of said arms and other property of the United States at the time and in the manner requested by the Secretary of War; he shall, upon the order of the Gov-

Sale of condemned property.

Proceeds.

New Jersey State Library

Exchange of equipments, etc.

ernor, turn into the ordnance department of the United States army the rifles, carbines, bayonets, bayonet scabbards, gun slings, belts and such other necessary accoutrements and equipments, the property of the United States, and now or hereafter in possession of the State, which may be replaced, from time to time, by new arms, equipments, or other military stores, sent by the United States in substitution therefor, and cause the same to be shipped under instructions from the Secretary of War to the designated arsenal or depot at the expense of the United States; he shall keep a just and true account of all expenses necessarily incurred, including pay of officers and enlisted men, subsistence of militia, transportation of the militia, and of all military property of the State, and such expenses shall be audited and paid in the same manner as other military accounts are audited and paid; he shall render annually to the Governor a statement in detail showing the disposition of all clothing, ordnance, arms, ammunition and other military property on hand or issued; he shall, when directed by the Governor, purchase all clothing, ordnance stores, subsistence, arms and supplies required and necessary for the militia, and shall be the custodian of the State camp grounds, rifle ranges, and State arsenal.

Records of expenses, stores, etc.

ISSUE OF ARMS AND EQUIPMENTS TO ORGANIZATIONS.

Issue of military stores and equipment.

22. The quartermaster-general shall issue to commandants of organizations of the national guard, including the naval reserve, within thirty days after the commission of such commandant, upon bond with sufficient security, the arms and equipments suited to such organizations; he shall issue, upon proper requisition, all arms, uniforms, equipments, camp equipage, transportation, subsistence, forage and stores required for the State forces in time of peace, or when in actual service within the State; and he shall issue to each commissioned and non-commissioned officer who does not bear arms, upon bonded security, a rifle and revolver for use in rifle and revolver practice.

ANNUAL RETURNS TO THE QUARTERMASTER-GENERAL.

Annual report to quartermaster-general concerning State property.

23. The quartermaster-general shall require annual returns from the commandants of every uniformed organization, on or before the first day of October in each year, of the actual number, condition and situation of the arms and accoutrements, the property of the State, in possession of each organization, and from time to time make such regulation as may be necessary and proper for the safe keeping and return of the military property of the State, wheresoever situated; he may, at his discretion, cancel the bond given by any officer of the national guard as security for arms and equipments, or other military property, being first satisfied that such military property has been duly accounted for, lost or destroyed by misadventure in the public service, and without culpable negligence on the part of such officer or his sureties.

PAYMENT OF COSTS OF UNIFORMS.

Payment for uniforms of enlisted men.

24. The cost of all uniforms for enlisted men shall be paid by the State Treasurer upon the warrant of the Comptroller upon certificate from the quartermaster-general.

THE SALE OF STORES.

Inspection of unserviceable stores; sale of.

25. Inspection and surveys of unserviceable stores shall be made by such officer or officers as may be detailed for that purpose by the commander-in-chief, and stores found unsuitable or unnecessary for the public service shall be sold by the quartermaster-general, under such regulations as may be approved by the commander-in-chief; and the quartermaster-general may, upon the approval of the commander-in-chief, apply to the payment of expenses and the purchase of ordinance and ordnance stores, camp and garrison equipage, and other military stores, repairs at the State arsenal, and improvements and expenses of the State camp grounds, such moneys as may be derived from sales of unsuitable

Proceeds.

or unnecessary stores, ammunition, settlements of accounts of officers and others, and proceeds from sales of hay, farm implements, live stock and pasturage at the State camp grounds; and such receipts and expenditures shall appear in the annual report of the quartermaster-general and voucher of disbursement filed with the Comptroller of the Treasury.

REGULATIONS FOR THE CONDUCT OF THE QUARTERMASTER-GENERAL'S DEPARTMENT.

Orders pertaining to quartermaster-general's department.

26. The commander-in-chief may, upon the recommendation of the quartermaster-general, or otherwise, issue such orders from time to time as may be necessary or desirable for the more efficient conduct of the quartermaster-general's department; *provided,* they shall not be inconsistent with any of the provisions of this act.

Proviso.

ANNUAL REPORT OF THE QUARTERMASTER-GENERAL.

Annual report of quartermaster-general.

27. The quartermaster-general shall make an annual report to the Governor and commander-in-chief of the operations of his department for the year, giving the number and condition of all arms, equipments, and other military property of the State and of the United States.

PURCHASE AND ISSUE OF MEDICAL SUPPLIES.

Purveyor of medical supplies.

28. The quartermaster-general shall issue medical supplies only upon requisitions, regularly approved and forwarded, and he shall purchase, with the approval of the commander-in-chief, medical supplies to fill such requisitions.

CARE OF PROPERTY AND EFFECTS OF DISBANDED ORGANIZATIONS.

Disposition of funds of disbanded organizations.

29. Whenever any regiment or any other organization shall have been disbanded by order of the commander-in-chief, the commanding officer thereof shall

turn over to the paymaster-general all moneys remaining in his hands; and the paymaster-general shall collect and receive all moneys which were due and payable to such regiment or organization previous to such disbandment, or which would have become due on account of existing detached companies of such regiment or organization if such regiment or organization had not been disbanded, out of which moneys such paymaster-general shall pay such just debts of such disbanded regiment or organization as may be presented for payment within three months after such disbandment, and the necessary expenses of the companies of such regiment or organization while remaining detached; and whenever any of the said companies shall be assigned to any regiment or organization, he shall pay to the commanding officer of such regiment or organization a pro rata amount of the moneys remaining in his hands at the time of such assignment, to be expended by said commanding officer as provided by law for moneys received from the State treasury on account of companies.

Settlement of claims.

THE INSPECTOR-GENERAL.

30. The inspector-general shall have two assistants, who shall be commissioned as assistant inspectors-general with the rank of lieutenant-colonel.

Assistants to inspector-general.

DUTIES OF INSPECTOR-GENERAL.

31. The inspector-general shall, on or before the tenth day of October in each year, make a report of the condition of the national guard to the adjutant-general, as of the thirtieth day of June next preceding, and shall forward one copy of all inspections made to the office of the adjutant-general, one copy to the headquarters of division of the national guard, and one to the commandant of each regiment, troop, battery and signal and telegraph corps of the national guard, and the naval reserve, on or before the first day of September in each year; he shall, at least thirty days prior to an inspection,

Annual report of inspector-general.

Muster rolls.

see that each command is furnished with muster and inspection rolls in sufficient quantities to make out triplicate returns, and he shall exercise a comprehensive observation over all that pertains to the efficiency of the national guard, the condition and state of supplies of all kinds, and of arms and equipments, the State military property and the discipline and efficiency of officers and troops; he shall be under the orders of the commander-in-chief, through the adjutant-general.

INSPECTION OF PROPERTY IN GENERAL ARSENAL.

Inspection of military property.

32. The inspection of general stores, camp equipages and other military property in the general arsenal and storehouse at Trenton shall be made at the convenience of the inspector-general.

ANNUAL MUSTER AND INSPECTION.

Annual inspection.

33. The annual muster and inspection of each company, troop, battery and signal and telegraph corps of the national guard, and the naval reserve, shall be made by the inspector-general or an assistant inspector-general, upon such days in each year as may be ordered by the division commandant, at which inspection there shall be furnished by each commandant to the inspecting officer muster-rolls in triplicate of the company, which rolls shall have endorsed thereon a certificate of the commanding officer of the average number present at company drills and parades throughout the year, and which muster-rolls shall then be examined by the inspecting officer and by him certified; he shall also write upon the face of each muster-roll such comments and criticisms as he may deem advisable to make for the good of the command, and shall certify in writing to each complete roll. The officer or officers making these inspections shall be entitled to transportation and receive the same rate of pay according to their rank as is provided for similar service in the United States army for the number of days actually on duty while making said inspections, to be certified by the inspector-general.

Officer's pay.

SPECIAL INSPECTION.

Special inspections.

34. The division commander may order a special inspection of each company of the national guard at such time and place as he may deem proper, and the returns thereof shall be made in the manner directed in orders or prescribed by the regulations then in force.

THE INSPECTOR-GENERAL OF RIFLE PRACTICE.

Assistant inspectors of rifle practice.

35. The inspector-general of rifle practice shall have four assistants who shall be commissioned assistant inspectors-general of rifle practice, one with the rank of colonel and the other three with the rank of lieutenant-colonel.

DUTIES OF INSPECTOR-GENERAL OF RIFLE PRACTICE.

Duties of inspector of rifle practice.

36. The inspector-general of rifle practice shall have charge of the general instruction of the national guard in the use of such arms as may from time to time be provided by the State for their use, in order to increase their skill and efficiency, and shall, on or before the tenth day of October in each year, report to the adjutant-general the result of the year's practice as of the thirtieth day of September next preceding.

RIFLE RANGES.

Use of private ranges.

37. The commander-in-chief may contract with any association in this State having a military rifle range, for the use of such range by the national guard for its perfection in rifle practice.

SMALL ARMS PRACTICE.

Marksmen's medals.

38. To encourage marksmanship, the Governor is authorized to offer annually a State decoration to those who shall excel in markmanship, and such other troop, battery, company, regimental and brigade prizes as may

from time to time be recommended by the State Military Board.

STATE TEAMS.

State rifle team.

39. The Governor is authorized and directed, whenever he may deem it proper, to organize a rifle team for the members of the national guard to compete for excellence in rifle practice, either within or outside of the State, and to provide ammunition, subsistence and transportation therefor.

THE SURGEON-GENERAL.

Assistants to surgeon-general.

40. The surgeon-general shall have two assistants, one of whom shall be commissioned assistant surgeon-general with the rank of lieutenant-colonel, commissioned a medical inspector with the rank of colonel, one other shall be lieutenant-colonel.

DUTIES OF SURGEON-GENERAL.

Duties of surgeon-general.

41. The surgeon-general shall submit annually to the commander-in-chief a report of the medical department, and such report shall be published with that of the adjutant-general; he shall have charge and general supervision of the medical department of the State forces, and shall issue from time to time such regulations, subject to the approval of the commender-in-chief, as may be necessary; he shall, when required, examine the location of all camps or stations, to see that they are established in proper places, and are properly laid out and conducted with reference to the health and comfort of the troops; and he shall establish a medical bureau in which all papers and transactions of his department, and all statistics and available information concerning the health and comfort of the troops in camp and in the field, shall be preserved for the use and guidance of the medical staff, which he shall deliver to his successor.

MEDICAL DEPARTMENT.

What constitutes medical department.

42. All surgeons and hospital stewards of the militia, and all other persons who may hereafter be commissioned or warranted as surgeons, assistant surgeons or hospital stewards in the militia, together with such "hospital and ambulance corps" as may hereafter be created in the militia, shall constitute a department to be known as a medical department of the militia, and shall be under the medical control and direction of the surgeon-general.

EXAMINATIONS.

Examination for medical officer.

43. All candidates for appointment as medical officers in the militia shall be examined as to their ability to discharge, in a satisfactory manner, all the duties of surgeon, assistant surgeon or hospital steward, and the surgeon-general shall have the charge and regulation of such examination, and no person shall be commissioned or warranted without undergoing such examination.

Requirements.

The morals, habits, physical and mental qualifications, general aptitude for military service, and any physical or mental infirmity that will interfere with the proper and efficient discharge of the medical officers' duty, shall be subjects for careful consideration. The approval or disapproval of the surgeon-general must, in all cases, be noted on the certificate of a candidate for appointment or promotion, and no medical officer shall be commissioned or warranted without the approval of the surgeon-general.

DETAILS OF MEDICAL OFFICERS.

Details of medical officers.

44. Assignments or details of medical officers for any special duty, or for any duty outside of the commands in which they are commissioned or warranted, shall be made only upon the request or approval of the surgeon-general.

THE JUDGE ADVOCATE-GENERAL.

Assistant judge advocate-general.

45. The judge advocate-general may have one assistant judge advocate-general with the rank of major attached to his office. The assistant judge advocate-general shall perform such duties as may be prescribed, from time to time, by the judge advocate-general.

DUTIES OF THE JUDGE ADVOCATE-GENERAL.

Duties of judge advocate-general.

46. The judge advocate-general shall have the supervision, care and management of all things relating to the administration of justice in the military and naval forces; he shall act as judge-advocate at all courts-martial where the public interests require his attendance; he shall, when required so to do by the commander-in-chief, report his opinion on any question of military law; he shall, from time to time, prepare and submit rules, regulations, forms and precedents, not inconsistent with this act, for the use of military courts, which, upon approval of the commander-in-chief, shall be published in orders by the adjutant-general and distributed to commissioned officers, from and after the publication of which they shall be binding upon the militia; and he shall, on or before the first day of October in each year, make a report to the adjutant-general.

MILITARY TRIBUNALS.

Tribunals.

47. Military tribunals in this State shall be of two kinds, to wit:

Courts-martial.

(*a*) Courts-martial for the trial of offenders against military law or orders;

Courts of inquiry.

(*b*) Courts of inquiry for examining transactions of, or accusations or imputations against, officers or soldiers.

Classes of courts-martial.

The following-named courts-martial are hereby authorized:

(*a*) "General Courts,"

(*b*) "Garrison Courts,"

(*c*) "Regimental Courts" and

(*d*) "Summary Courts."

General courts. General courts may be ordered by the commander-in-chief, or by the division commander, and shall consist of from five to thirteen commissioned officers, inclusive, and a judge advocate; but of not less than thirteen members when this number can be convened without manifest injury to the service. General courts shall have, as regards persons and with reference to other courts-martial, exclusive jurisdiction over commissioned officers, over non-commissioned officers and other enlisted men, they shall have concurrent jurisdiction with the inferior courts-martial in cases cognizable by the latter.

Sentences. General courts-martial may, upon conviction of the accused of the offense or neglect charged, sentence him, if a commissioned officer, to be cashiered, suspended or reprimanded, or recommend his dishonorable dismissal from the service, as the court shall adjudge, and with reference to enlisted men, power to impose the same penalties and punishments as are hereinbefore or hereinafter prescribed for inferior courts-martial.

Garrison courts. Garrison courts-martial shall be composed of three members (commissioned officers attached to the command) and a judge advocate. They may be ordered by commanders of posts or camps, when the troops thereat consist of different organizations, for the trial of offenders within their respective commands.

Regimental courts. Regimental courts-martial shall be composed of three commissioned officers and a judge advocate; the members of the court shall be officers of the regiment or corps. The officer commanding a regiment, separate battalion, battalion of the naval reserve, or corps, may order regimental or battalion courts-martial for the trial of enlisted men belonging to the regiment, separate battalion, battalion of the naval reserve or corps from which the court is composed.

Summary courts. Summary courts-martial shall be composed of one officer detailed by the commanding officer of a regiment, separate battalion, battery, troop, company, signal corps, or battalion of the naval reserve, for the trial of non-commissioned officers and other enlisted men in their respective commands.

Trial and sentence of enlisted men. The garrison, regimental and summary courts-martial, shall have jurisdiction over non-commissioned of-

ficers and other enlisted men, and upon conviction power to impose a fine, not exceeding twenty-five dollars for each offence, reprimand, reduce to the ranks, imprison for a specified term as hereinafter provided, suspend or recommend dishonorable dismissal from the service.

Sentence must be approved.

No sentence shall be carried into execution until the same shall be approved by the officer ordering such court, and in the case of the sentence of a court-martial of a separate battalion, battery, troop or other organization attached to a brigade or the division headquarters, the same shall be first approved by the officer in command of such brigade or the division commander. No sentence of a court-martial, recommending dishonorable dismissal from the service, shall be carried into execution until the proceedings of such court shall have been reviewed by the judge advocate-general, or acting judge advocate-general, and the sentence approved by the commander-in-chief. The sentence of dishonorable dismissal shall, when so approved, be executed by the issue of such discharge through the adjutant-general.

Dismissal reviewed by judge-advocate-general.

Courts of inquiry.

Courts of inquiry shall consist of one or more commissioned officers (not to exceed three) and a recorder.

A court of inquiry to examine into the nature of any transaction of, or accusation, or imputation against any officer or soldier, may be ordered by the commander-in-chief. The division commander may, in his discretion, order a court of inquiry, upon the demand of a commissioned officer, whose conduct is to be inquired of.

Oath of members of court.

The recorder of a court of inquiry shall administer to the members the following oath: "You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice or hope of reward, so help you God"; after which the president of the court shall administer to the recorder the following oath: "You, A. B., do swear (or affirm) that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing, so help you God."

Witnesses.

A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocate

thereof; such witnesses shall take the same oath which is or may be prescribed to be taken by witnesses before courts-martial, and the party accused shall be permitted to examine and cross-examine them, so as to fully investigate the circumstances in question.

EXEMPTION FROM LIABILITIES.

Members of court not liable.

48. No action or proceeding shall be prosecuted or maintained against any member of a court-martial, or officer or agent acting under its authority, or reviewing its proceedings, for anything done, or caused to be done, by them in pursuance of the powers, privileges and duties therein granted or imposed, or by them done in the regular discharge of their official duty.

CHARGES—LIMITATION.

Charges written and clearly specified.

49. All charges upon which courts-martial are ordered shall be in writing and signed by the complainant, and shall clearly specify the offense and when committed, but no person shall be tried or convicted of any offense or neglect which took place more than two years before charges are made and filed with the officer having power to order a court for the trial thereof.

COURT TO BE SWORN.

Oath of court.

50. Before the trial of any cause the judge-advocate shall administer to the president and each of the members of the court-martial the following oath or affirmation: "You, ..., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the cause now before you, between the State of New Jersey and ....., to be tried; that you will not divulge the sentence of this court-martial until it shall be approved or disapproved; and that you will not discover the vote or opinion of any member of the court, unless required to give evidence thereof by a court of justice in a due course of law, so help you God;" and the president of the court-martial shall administer to the judge-advocate the following oath or affirmation: "You,

....., do swear (or affirm) that you will not divulge the vote or opinion of any member of this court-martial, unless required to give evidence thereof as a witness, and that you will not disclose the sentence of this court-martial until it shall have been approved or disapproved by the officer who appointed the same, so help you God."

SUBPŒNAS.

Subpœnas.

51. The president of every court-martial, both before and after he shall be sworn, or the judge-advocate, if required, shall issue all subpœnas for witnesses on behalf of the State, and, upon application, on behalf of the accused, and may direct any company commander to cause them to be served; and such company commander shall cause them to be served accordingly.

SERVING OF PAPERS.

By whom served.

52. It shall be the duty of the first sergeant, or acting first sergeant, of any company, or petty officer of the naval reserve, when required, to serve all court-martial process or notices on members of their respective companies, which shall be served by written or printed notices to be left at their residence or place of business or sent by mail addressed to their last known place of residence or business, with postage prepaid thereon, at least two days before the time specified for the return of such notice or notices; and all sheriffs, jailers, constables and other ministerial officers shall, if required, serve any process issued by any court-martial, or the president or judge-advocate thereof, to compel witnesses to attend and testify.

DISOBEDIENCE OF SUBPŒNA—PENALTY THEREOF.

Penalty for not answering subpœna.

53. Any person who shall, without reasonable excuse, disobey any subpœna duly served upon him shall, upon conviction thereof in a court of competent criminal jurisdiction, be subject to a fine of not less than ten and not more than fifty dollars, with or without costs, in the dis-

cretion of the court; and it shall be the duty of the prosecutor of the pleas in and for the county in which the court-martial or court of inquiry shall sit, to prosecute such delinquent upon the complaint of the president or judge-advocate of such court-martial or court of inquiry.

WARRANT ISSUED FOR ARREST OF DELINQUENTS.

Arrest of delinquents.

54. Whenever it shall appear, upon oath (or affirmation), to the satisfaction of any court-martial or court of inquiry that any persons duly subpœnaed to appear before it is a material witness and has wilfully disobeyed such subpœna or court of inquiry, the president thereof may issue a warrant for the arrest of such delinquent, directed to any sheriff, constable or other ministerial officer of any county, who shall execute the same by taking such delinquent into custody and bringing him before such court-martial or court of inquiry forthwith.

FALSE SWEARING.

Perjury.

55. Any person who shall wilfully swear falsely before any court-martial or court of inquiry shall be guilty of perjury, and on conviction thereof shall suffer the pains and penalties provided by the laws of this State to be inflicted upon those guilty of perjury.

COUNSEL FOR THE ACCUSED.

Counsel for the accused.

56. Upon all trials before a court-martial or court of inquiry, when the accused shall appear in person, he may be aided in his defense by such counsel learned in the law as he may procure to be present in the same manner as in criminal cases under the laws of this State, and the trial shall proceed by the oral examination of the witnesses on both sides continuously until all the evidence has been produced and closed; and the accused shall be admitted to testify, if he shall offer himself as a witness, in his own behalf.

REPORTING OF TESTIMONY.

Verbatim reports.

57. A stenographer, or other reporter, appointed by the judge-advocate, shall attend all general courts-martial and courts of inquiry, and shall truly record, verbatim, all testimony given on the trials therein, and shall deliver the same, typewritten, to the judge-advocate, at the close of the trial; and before the trial of any cause the president of the court shall administer an oath or affirmation to such recorder that he will faithfully perform his duties as recorder for said court.

PAY OF MEMBERS OF COURTS.

Compensation to members of courts.

58. Officers composing general courts-martial and courts ordered by the commander-in-chief, the division or brigade commander, also regimental and summary courts, and witnesses attending before them, shall receive from the State ten cents for every mile they necessarily travel in going to and returning from the place of trial or meeting and the following sums for each day of attendance: The president, five dollars; the judge-advocate, four dollars (which shall be in full compensation also for all services of preparing papers before and making copies after any trial, inquiry or investigation); the members, three dollars; each witness, fifty cents; *provided*, that no more than four witnesses on the part of the State and four on the part of the offender shall be entitled to pay; fees for subpœnas and service of them shall be the same as in civil cases.

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PROCEDURE OF COURTS.

Rules of procedure.

59. The procedure, records, reviews, powers, duties and privileges of military or naval courts-martial or courts of inquiry, except as now or hereinafter specifically provided, shall be governed by the rules, regulations, forms and precedents and military usages of the national guard of this State, as same may from time to time be promulgated in orders by the commander-in-chief.

FINES.

Fines imposable.

60. In addition to the powers heretofore and hereinafter conferred upon courts-martial, the following fines may be imposed: (1) for absence from or tardiness in attending any drill, parade, encampment, meeting for instruction or other duty ordered by competent authority, without proper excuse, a fine of not less than one nor more than five dollars for each day or part of a day of such absence or tardiness; (2) for any loss or destruction of any property of the State, a sum equal to the value of any property lost or destroyed, which shall be assessed by the court.

OATH FOR SUMMARY COURT.

Oath at summary court.

61. The officer detailed to hold a summary court-martial shall, before proceeding with the trial of a case, take an oath (or affirmation) that he will well and truly try and determine according to the evidence all matters brought before such court, which oath shall be annexed to and become a part of the record of such court-martial.

SERVICE OF SUMMONS FOR SUMMARY COURT.

Summoning of delinquents.

62. The summary court shall designate and direct a fit person or persons to summon all delinquents to appear before the court; service of the summons shall be made by delivering to the person to be summoned before such court a copy thereof, or by leaving a copy at his last known place of abode or business, or, in towns and cities in which there is a postal delivery, by mailing to him a copy directed to his last known place of abode or business, with the postage thereon prepaid, at least five days before the return day of such said summons.

APPEALS.

Appeal taken.

63. An appeal from any finding or sentence of any court-martial may be taken to the officer who ordered

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the court or to his successor; *provided, however,* that the appeal be taken by filing a notice thereof within two days after the finding or sentence appealed from is promulgated.

TO WHOM FINES PAID.

Fines paid to officer ordering court.

64. All fines and penalties imposed by any court-martial shall be paid to the officer ordering such court within fifteen days, and in default of such payment, an execution may issue for the collection thereof as in civil cases at law; no property shall be exempt from the collection of such fines and penalties.

PENALTY FOR FAILURE TO PAY FINES.

Failure to pay fines.

65. Enlisted men fined by a court-martial, who shall refuse or neglect to pay such fines within thirty days after same has been imposed, may be dishonorably discharged from the service upon the recommendation of the officer ordering the court-martial, without allowance for time served, and shall thereafter be disqualified from service in the national guard for a period of five years and until such fine be paid.

POWERS OF COURT-MARTIAL.

Any one may be subpœnaed.

66. All courts-martial shall have power to compel by subpœna the attendance of witnesses both civilian and military, and the production of books, papers and documents, and to punish for contempt; any person disobeying a subpœna without sufficient excuse, shall forfeit to the State the sum of twenty-five dollars, and a judge-advocate may sue for and recover such penalty in an action of debt in the name of the State, in any court of competent jurisdiction; moneys so recovered shall be paid over to the military fund of the organization in which said court shall have been appointed.

Penalty for not answering.

APPOINTMENTS OF COURTS FOR REHEARINGS.

Rehearing.

67. The commander-in-chief may convene a general court-martial for the rehearing and trial of any officer or

enlisted man of the national guard who shall have heretofore or who may hereafter be sentenced by court-martial to be dishonorably discharged or dismissed from the national guard; *provided,* in the judgment of the commander-in-chief such judgment was given in error, or new testimony can be produced, which, if produced, upon the original trial might have affected the judgment of the court; if, upon such a rehearing and trial, the court shall either acquit the accused of the charge originally preferred or mitigate the sentence of dishonorable discharge, the commander-in-chief shall, in his discretion, confer upon such accused, if a commissioned officer, the title and rank formerly held by him, and place such reinstated officer on the retired list; if an enlisted man, he may be discharged as of date of his dismissal; *provided, nevertheless,* that such general court shall be ordered within two years of the date of the approval of the sentence of the court, the findings of which are to be reviewed; in the event of the commander-in-chief appointing such officer upon the retired list, all disabilities of the sentence of such original court-martial shall be discharged, and such officer shall not by reason of such original sentence be ineligible to hold a commission in the national guard of the State of New Jersey.

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Proviso.

PRESUMPTION OF JURISDICTION.

Jurisdiction presumed.

68. The jurisdiction of courts and boards established or authorized by this act shall be presumed, and the burden of proof shall rest on any person seeking to oust such courts or boards of jurisdiction in any action or proceeding.

BONDS.

Bonds of accountable officers.

69. All officers acting as collecting and disbursing officers, and all officers to whom arms and equipments shall be furnished, shall be required to give a bond with sufficient security; bonds of collecting and disbursing officers shall be conditioned for the faithful performance of the duties of their respective offices, and the due

accounting of all moneys by them received and disbursed, and the bonds of officers to whom arms, accoutrements, and equipments are issued shall be conditioned that the arms, accoutrements and equipments shall not be loaned nor suffered to go out of the possession of the organization for which same were furnished, and shall be kept in good order and returned to the State arsenal when required. The amount of bond to be given by collecting and disbursing officers shall be fixed by the State Military Board and filed in the office of the comptroller of the treasury.

RULES AND REGULATIONS.

Rules and regulations.

70. The Governor is hereby authorized to make such rules and regulations as he may deem expedient, but such rules and regulations shall conform to this act, and, as nearly as possible, to those governing the United States army, and when promulgated, shall have the same force and effect as the provisions of this act; such rules and regulations shall not be repealed, altered, amended, or added to, except by the commanding officer of the national guard, with the approval of the Governor. The rules and regulations in force at the time of the passage of this act shall remain in force until new rules and regulations are approved and promulgated.

SENIORITY AND RANK.

Seniority.

71. All officers hereafter appointed or elected shall take rank from the date of such appointment or election. When two of the same grade bear equal date, then their rank shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, regiment or battalion.

ELECTION.

Elections by ballot; notice of.

72. All elections shall be by ballot, on five days' notice of their time and place to all persons entitled to vote, and a majority of all the votes cast shall be neces-

sary to a choice. Notice of time and place shall either be served personally or deposited in a United States post-office, addressed to the person at his last-known place of abode, with the postage thereon prepaid, at least five days before such election. No person otherwise qualified to vote shall be permitted to cast a ballot at any election provided to be held by this act, unless said person shall have, during the twelve months immediately preceding the date of such election, performed at least sixty per centum of the duty required of him or them. Voter's qualifications.

ISSUE OF COMMISSIONS.

73. All general, field, line and staff officers, who shall have been duly elected or appointed, shall be commissioned by the commander-in-chief, and their commissions shall be sent by the adjutant-general, by whom the commissions shall be countersigned, to the officer who held the election or made the appointment. Commissions.

UNIFORMS AND EQUIPMENTS.

74. No commission shall be delivered to the person elected or appointed until he shall be uniformed and equipped according to the regulations of this State. Must equip.

NEGLECT TO UNIFORM AND EQUIP.—PENALTY.

75. Should any person so elected or appointed neglect or refuse so to uniform and equip for one month from the time of his election or appointment, the commission shall be returned to the adjutant-general, with the cause of its return endorsed upon it, and the election or appointment shall thereupon be void. Failure to equip to forfeit commission.

WARRANTS OF NON-COMMISSIONED OFFICERS.

76. All non-commissioned officers shall receive warrants from the commandants of their respective regiments, separate companies, troops, batteries, signal corps, and battalions of the naval reserve; these are to Warrants for non-commissioned officers.

Examination.

be on parchment paper blanks, and to be furnished by the adjutant-general. No enlisted man shall be warranted as a non-commissioned officer unless he shall have passed a satisfactory examination before a board of examiners to be appointed by the officer authorized to issue such warrant. Commandants of companies, batteries, signal corps and troops, may appoint from the sergeants elected by the companies, batteries, signal corps and troops, the first sergeant and the quartermaster-sergeant, and shall have power to return them to the rank of sergeant and appoint others in their place from among sergeants.

OATH TO BE TAKEN.

Oath of officer.

77. Each and every officer who has been or may hereafter be appointed and commissioned in the manner aforesaid, and who shall not already have taken the same, shall previous to his entering on the execution of his office give assurance of fidelity to the government of the United States and of this State, by taking and subscribing the following oath or affirmation before a general or some field officer of the brigade: "I,..... do sincerely profess and swear (or affirm, as the case may be), that I do and will bear true faith and allegiance to the government established in this State under the authority of the people, and to the government of the United States of America, and will with integrity execute the office of ..... of the militia of the State of New Jersey, according to the best of my ability, so help me God;" and the certificate thereof shall be made upon the back of every commission by the general or field officer before whom the said oath or affirmation shall have been taken and subscribed; any general or field officer who has himself taken the foregoing oath is authorized to administer any oath or affirmation to any officer or enlisted man of the national guard or reserve militia in all military matters or cases.

ARTICLE II.

THE NATIONAL GUARD OF THE STATE.

COMPOSITION AND STRENGTH.

Military establishment.

78. The national guard of the State shall consist of a major-general, brigadier-generals, an adjutant-general's department, an inspector-general's department, a judge-advocate-general's department, an ordnance department, a quartermaster-general's department, a subsistence department, a pay department, a department of small arms practice, a medical department, a naval reserve, a signal and telegraph corps, the existing military organizations, and such others as may be organized hereafter, and such persons as may be enlisted or commissioned therein; the military organizations of the national guard shall constitute a division and the present brigades, regiments, battalions of naval reserve, troops, batteries and signal and telegraph corps shall remain as now established, but the Governor shall have power to alter, divide, annex, consolidate, disband or reorganize the same and create new organizations whenever, in his judgment, the efficiency of the State forces will be thereby increased, and he shall at any time have power to change the organization of regiments, battalions, squadrons, troops, batteries, companies and signal and telegraph corps, so as to conform to any organization, system of drill or instructions now or hereafter adopted for the army of the United States, and for that purpose the number of officers and noncommissioned officers of any grade in regiments, battalions, squadrons, troops, batteries, companies and signal and telegraph corps, may be increased to the extent made necessary by the new positions thus created; the Governor shall have power, in case of war, insurrection, invasion, or imminent danger thereof, to increase the force beyond the maximum now established by law, and to organize the same with the proper officers, as the exigencies of the service required.

Governor has power to make changes.

COMPANIES.

Composition of a company.

79. In each company of infantry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two cooks, one artificer, eighty-seven privates; the minimum strength of a company shall be fifty enlisted men.

REGIMENTS.

Regimental officers.

80. In each regiment there shall be one colonel, one lieutenant-colonel, one major for each drill battalion constituting a part of the regiment, one adjutant with the rank of captain, one quartermaster with the rank of captain, one commissary with the rank of captain, one surgeon with the rank of major, three assistant surgeons with the rank of captain, one chaplain with the rank of captain, one inspector of rifle practice with the rank of captain, one judge-advocate with the rank of captain, one paymaster with the rank of captain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one chief musician, two principal musicians, one of whom shall act as drum-major, two color sergeants, one bugler, and for each drill battalion constituting a part of a regiment, one adjutant with the rank of first lieutenant and one quartermaster and commissary with the rank of second lieutenant, one sergeant-major and one hospital steward.

BANDS.

Regimental music.

81. The commanding officer of a regiment may organize a band of musicians and a drum, fife and bugle corps, to be under his direction and command, who shall be mustered into the service as members of the band and be subject to all laws and regulations for the government of the militia; and such commanding officer may disband such band and drum, fife and bugle corps and revoke the warrants of the officers thereof.

ORGANIZATION OF A REGIMENT.

Regimental organization.

82. A regiment shall, ordinarily, consist of three battalions of infantry; when it is impracticable to assign three battalions to a regiment it may be composed of a smaller number, not less than two, each of which should consist of four companies; but where four companies cannot be assigned to a battalion, it may be composed of three companies, with the fourth company skeletonized; a regimental hospital and ambulance corps shall be organized by the regimental commandant by detailing one enlisted man from each company of the regiment, which corps shall be under the medical control of the senior medical officer of the regiment.

ORGANIZATION OF A BRIGADE.

Brigade organization.

83. A brigade shall, ordinarily, consist of three regiments of infantry, one battery of field artillery and one troop of cavalry; it may consist of a smaller number of organizations, not less than two regiments of infantry.

BRIGADE OFFICERS.

Brigade officers.

84. There shall be one brigadier-general to each brigade; his staff shall be as follows: one assistant adjutant-general, with the rank of lieutenant-colonel; one inspector, with the rank of lieutenant-colonel; one surgeon, with the rank of lieutenant-colonel; one quartermaster, with the rank of major; one judge-advocate, with the rank of major; one engineer, who shall also be signal officer, with the rank of major; two aides-de-camp, with the rank of captain. Brigade commanders may appoint upon their staffs one standard bearer, one bugler and one hospital steward, who shall rank as sergeants, and whose warrants may be revoked at the pleasure of the brigade commander.

TROOPS OF CAVALRY.

Cavalry.

85. In each troop of cavalry there shall be one captain, one first lieutenant, one second lieutenant, one

assistant surgeon, with the rank of first lieutenant; one hospital steward, one first sergeant, one quartermaster-sergeant, one veterinary sergeant, six sergeants, eight corporals, two cooks, two farriers, one saddler, one wagoner, two trumpeters, and not less than thirty nor more than seventy-six privates.

BATTERIES OF FIELD ARTILLERY.

Artillery.

86. Each battery of field artillery shall consist of one captain, one first lieutenant, two second lieutenants, one assistant surgeon, with the rank of first lieutenant; one hospital steward, with the rank of sergeant; one first sergeant, one quartermaster-sergeant, one commissary sergeant, one guidon sergeant, one veterinary sergeant, four sergeants, eight corporals, two artificers, two cooks, two trumpeters, and not less than forty privates nor more than one hundred and twenty enlisted men.

SIGNAL AND TELEGRAPH CORPS.

Signal corps.

87. A signal and telegraph corps shall be attached to the headquarters of the division, and shall consist of one signal officer, with the rank of captain; one assistant signal officer, with the rank of first lieutenant; one assistant signal officer, with the rank of second lieutenant; one assistant surgeon, with the rank of first lieutenant; one first sergeant, one quartermaster-sergeant; four sergeants, eight corporals, and not less than thirty nor more than fifty enlisted men, as many of whom as practicable shall be telegraphers, electricians, civil engineers, linemen, mechanics and signal men.

DIVISION—DIVISION, GENERAL-DIVISION STAFF.

Division staff officers.

88. There shall be a major-general of division, his staff shall be as follows: one assistant adjutant-general, with the rank of colonel; one inspector, with the rank of colonel; one surgeon, with the rank of colonel; one quartermaster, with the rank of lieutenant-colonel; one judge-advocate, with the rank of lieutenant-colonel; one

chief of artillery, with the rank of lieutenant-colonel; three aides-de-camp, each with the rank of major. The division commander may appoint upon his staff one standard bearer, one bugler, and one hospital steward, who shall be warranted as sergeants, and whose warrants may be revoked at the pleasure of the general of the division.

ELECTION, APPOINTMENT, RETIREMENT AND RESIGNATION.

ELECTION OF BRIGADIER-GENERAL.

When no brigadier-general.

89. Whenever the office of brigadier-general shall be vacant, the division commander shall give notice of an election to be held to fill such vacancy. He shall preside at the election and shall immediately thereafter certify the result to the adjutant-general.

ELECTION OF FIELD OFFICERS.

Choosing field officers.

90. Whenever the office of colonel, lieutenant-colonel, or major of a regiment or battalion shall be vacant, the commander of the brigade to which such regiment or battalion belongs shall give notice of an election to be held to fill the vacancy; he shall preside at the election and shall immediately certify its results to the adjutant-general.

ELECTION OF LINE OFFICERS.

Election of company officers.

91. Whenever the offices of captain or lieutenant of a company shall be vacant, the commanding officer of a regiment or battalion to which such company belongs shall give notice of an election to fill such vacancy; he shall preside at the election and shall immediately certify its results to the adjutant-general.

ELECTION OF COMMISSIONED OFFICERS IN ORGANIZATIONS ATTACHED TO BRIGADE OR DIVISION HEADQUARTERS.

Election in separate organizations.

92. Whenever the office of captain or lieutenant of a troop, battery or signal and telegraph corps or other

organization not part of a regiment shall be vacant, the commanding officer of the division or the brigade to which such troop, battery, signal and telegraph corps or other organization is attached shall give notice of an election to fill such vancancy; he shall preside at such an election, or he may detail an officer not below the rank of major to preside at and hold such election, and shall immediately certify the result of such election to the adjutant-general.

THE DIVISION COMMANDER—WHEN TO ACT.

Who to conduct election.

93. If there shall be no officer qualified to hold an election as herein prescribed, the division commander shall issue his warrant to any officer whom he may select to hold such election, who shall give notice of and conduct it and to certify the results to the adjutant-general.

INABILITY TO PERFORM DUTY.

When officer unable to preside.

94. If any officer whose duty it is to hold an election is prevented by sickness or otherwise from presiding at such election, he may order an officer of his command to perform such duty, but must certify the election himself.

APPOINTMENTS, RETIREMENTS AND SUPERNUMERARY.

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 as a commissioned officer 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.

RESIGNATION OF COMMISSIONED OFFICERS.

Resignation of officers.

96. Any commissioned officer wishing to resign shall to that end make application in writing to the adjutant-

general, through the proper channels, and if a sufficient reason for such resignation appears to each commanding officer to whom such application is presented, he shall so certify his approval thereon and forward same to the adjutant-general, who shall file it in his office and issue an order announcing the acceptance of the resignation, and the commission shall thereupon be void; *provided,* that no commissioned officer who shall resign shall receive an honorable discharge from the service unless his accounts for State property shall have been settled at the quartermaster-general's office within ninety days of the day of acceptance of his resignation. Upon the resignation of any officer charged with the care, custody or control of any arms, accoutrements, or equipments, or other property of the State, he shall at once cause an inventory thereof to be made, and turn over to the officer next in rank all such arms, accoutrements or other property of the State, taking a receipt therefor in triplicate, one of which receipts he shall forward to the quartermaster-general at the time he forwards his resignation, one other thereof he shall deposit with the quartermaster of the organization to which he is attached and the other he shall retain.

Proviso.

Inventory of State property turned over.

COMMISSION VOID, WHEN.

97. If any officer holding a commission in the national guard shall accept an appointment or election to any other military or naval office in the service of this State, or in the United States, the commission which he shall hold at the time of such acceptance shall be void; *provided, however,* that such acceptance shall not vacate a brevet commission.

When commission void.

Proviso.

REMOVAL FROM STATE.

98. If any officer remove out of this State, or be absent therefrom more than six months, notice thereof shall be forwarded through the proper channel by his commanding officer to the adjutant-general and his commission shall thereupon be declared void.

Removal from State voids commission.

DISBANDMENT.

When supernumerary.

99. If the command to which any officer belongs is disbanded, reduced or ceases to exist, the office of such officer shall thereby expire and he shall be placed on the supernumerary list by the adjutant-general; any officer on the supernumerary or retired list is subject to military law and regulations, and may be detailed for duty at any time by the commander-in-chief.

ENLISTMENTS, DISCHARGES AND DROPPING FROM THE ROLLS.

ENLISTMENTS AND RE-ENLISTMENTS.

Enlistments; age and term.

100. Any man who is a citizen of the United States or has declared his intention to become a citizen, if more than eighteen and less than forty-five years of age, fit for military service, of good character and temperate habits, may be enlisted in the national guard of this State under the restrictions of this act for a term of not less than three years, except that men may be enlisted as musicians if more than sixteen years of age; re-enlistments may be for one year; *provided,* such re-enlistment is made within fifteen days from the date of discharge and the applicant is not then over forty-five years of age; no minor shall be enlisted without the written consent of his parent or guardian; no man who has been dishonorably discharged from any military organization of this State (except those who may have been discharged for the non-payment of a fine and have subsequently paid same), or of the United States, shall be eligible for enlistment; men who have been discharged by reason of disbandment or for physical disability, and such disability shall have ceased, or upon their request, shall, if re-enlisted, receive credit for the period served prior to such discharge; every person who enlists or re-enlists shall, prior to his being mustered in, pass a medical examination as to his physical fitness for the service, and when passed by the medical officer, sign and make oath in an enlistment-book, which book shall contain an oath

Proviso.

Minors.

Qualifications.

Physical examination.

Oath of allegiance.

of allegiance to the State and the United States and be in such form as may be prescribed in regulations issued by the Governor; such oath shall be taken and subscribed to before the commanding officer, or officer detailed by him, of a signal and telegraph corps, troop, battery, company or band and field music, who are duly authorized to administer such oath, but no enlistment shall be valid until it be approved by the commanding officer of the organization to which the signal and telegraph corps, troop, battery or company is attached or of which it forms a part.

DISCHARGES.

When discharge granted.

101. No resignations shall be accepted nor a discharge granted unless the person applying therefor shall be free from charges preferred for violations of the law, orders or regulations governing the national guard, from indebtedness to the State and the command to which he shall be attached, and shall have duly accounted for or returned all public property for which he is responsible.

TERM OF SERVICE.

Entitled to honorable discharge after three years' service.

102. Every officer of the national guard (upon the tender and acceptance of his resignation) and every non-commissioned officer, musician and private, now enlisted, or who shall hereafter enlist in the national guard, who shall have served faithfully therein for the term of three years or more, and has performed in each year at least sixty per centum of the duty required, shall, at his request, receive a full and honorable discharge from the commander-in-chief, entitling him to exemption from jury duty and from all military duty, except in time of war or insurrection; every officer of the national guard (upon the tender and acceptance of his resignation) and every non-commissioned officer, musician and private now enlisted or who shall hereafter enlist in the national guard, who shall have served therein for three years, a non-commissioned staff officer who, had he not been enlisted as such, would be reduced to the ranks, an enlisted man at his own request; *provided,* in the judgment of

Entitled to discharge.

Proviso.

the division commandant, he assign sufficient and valid reason for such request, an enlisted man who, by reason of disability, is no longer able to perform his military duties properly, and an enlisted man who, by reason of the disbandment of the organization to which he belongs, shall not be entitled to a full and honorable discharge, shall be entitled to receive a discharge; dishonorable discharges may be issued to an enlisted man who has failed for thirty days to pay a fine imposed by any military court or has been sentenced to dismissal from the service by the sentence of a court-martial of competent jurisdiction; all certificates for discharge shall be returned direct to the adjutant-general who shall issue the same.

Dishonorable discharges.

DROPPING FROM THE ROLLS.

When dropped from roll.

When dropped man retaken.

103. An enlisted man who shall remove his residence from the State or to such distance from the armory of his organization or enter into such employment as, in the judgment of his company, troop, battery, signal and telegraph corps, or a naval reserve commander, will render it impracticable for him to perform his duties properly, or who after due diligence, cannot be found, or who shall be convicted of a felony, may be dropped from the rolls of his company, battery, troop, signal and telegraph corps, or battalion of naval reserve, by order of the commanding officer of the division; an enlisted man, dropped from the rolls by reason of removal or character of employment, may be taken up at any time upon his return to the State or change in his employment, in his former organization or in any other organization upon the approval of the commandant of the organization to which he formerly belonged, and men thus taken up shall receive credit for the time served before having been dropped.

SERVICE OF THE NATIONAL GUARD.

RESPONSIBILITY FOR EFFICIENCY.

Efficiency and responsibility.

104. The officer commanding the national guard may cause those under his command to perform any military duty, and shall be responsible to the Governor for the

general efficiency of the national guard and for the drill, instruction, inspection, small arms and artillery practice, movements, operations and care of troops; all commissioned officers and enlisted men shall be responsible to their immediate commanding officers for prompt and unhesitating obedience, proper drill and the preservation and proper use of the property of the State or organization in their possession.

DRILLS AND PARADES.

Drills per year.

105. Officers and enlisted men of each troop, battery and company shall assemble for and undergo drill and instruction at company, battalion or regimental armories or rendezvous, or for target practice, not less than twenty-four times during each calendar year preceding the annual allotment of funds under section one thousand six hundred and sixty-one, revised statutes of the United States, as amended; during the same period there shall be at least one inspection of each troop, battery and company by an officer of the national guard or by an officer of the regular army of the United States, at such times as the Governor may direct; in addition to such drills the commanding officer of any organization may require his command to meet for parade, drill or instruction at such times and places as he may in orders appoint.

Annual inspection.

CAMP SERVICE—PRACTICE MARCHES.

Camps and practice marches.

106. Each troop, battery or company not especially excused by the Governor, will be required by the division commandant to participate in practice marches or go into camp of instruction at least five consecutive days annually, under such regulations as the governor may prescribe, and under such instructors as he may appoint.

ORDERS FOR DUTY.

Orders to report for duty.

107. Orders for duty may be oral or written; if in writing, same or a copy thereof, shall be read, or delivered, to the person or persons to whom same may be

directed, or a copy thereof left at the last known place of abode or business of such person or persons, or by sending such order or notice containing the substance thereof to such person or persons by mail with the postage thereon prepaid, directed to his last known place of abode or place of business.

ACTIVE SERVICE.

Riot duty.

108. In case of any breach of the peace, tumult, riot or resistance to process of this State, or in the danger thereof in any city, town or county of the State, the commander-in-chief may, in his discretion, order a part of the whole of the national guard into active service, and to that end may issue his order to such officer of the national guard, as he may think proper, through the division commander.

TRANSPORTATION TO BE FURNISHED.

Transportation furnished by State.

109. When any portion of the national guard shall be ordered to parade, as required by law, transportation shall be furnished by the quartermaster-general, upon the requisition of the commanding officer thereof, approved by the brigade and division commanders.

BATTALION DRILLS.

Battalion drills.

110. Any regiment of the national guard, the constituent companies whereof are stationed in different cities, towns or villages, may be assembled for instruction and drills in the school of the battalion six times in each year; and it shall be the duty of the quartermaster-general, upon requisition of the commandant of any regiment, to furnish transportation for the various companies thereof, to and from the place of rendezvous;

Proviso.

provided, that no regiment shall be thus assembled, except upon the written approval of the brigade commander.

DISBANDMENT AND TRANSFER.

DISBANDMENT.

Causes for disbandment.

111. When any troop of cavalry, battery of artillery, or company of infantry, signal and telegraph corps, hospital and ambulance corps, or regiment shall fall below the standard of numbers required by law, or shall be found guilty of mutinous conduct, or when the State military board shall decide by a vote of the majority of its members that any company, troop of cavalry, battery of artillery, signal and telegraph corps, hospital and ambulance corps, or regiment has ceased to be useful, or is detrimental to the service, the commander-in-chief may cause such organization to be disbanded or consolidated with other commands.

TRANSFERS.

Transfers allowable.

112. Enlisted men may be transferred, upon their own application, from one company to another in the same regiment, upon the recommendation of the company commandant, and the approval of the regimental commandant, and from a company in one brigade to a company in the same brigade, upon the recommendation of the company and regimental commandants and the approval of the brigade commandant, and from a company in one brigade to a company in another brigade, upon the recommendation of the company, regimental and brigade commandants, and the approval of the division commandant. Transfers to or from the naval reserve shall be upon the approval of the division commandant. Non-commissioned officers must be returned to the ranks before they can be transferred, and all the transfers must be reported to the adjutant-general at once and noted on the next quarterly return.

RETURNS.

Quarterly returns.

113. All commanding officers of companies, regiments, brigades, divisions and other organizations shall

make a quarterly return on the last day of March, June, September and December in each year to the adjutant-general, through the proper channels, showing the strength of their commands, changes by gain or loss therein, and the number and condition of the uniforms, arms and equipments received and accounted for; regimental, brigade and division commanders shall make a consolidated return of their commands from said quarterly returns, and forward such returns within twenty days thereafter to the adjutant-general.

Consolidated returns.

BOARDS.

STATE MILITARY BOARD.

Military board.

114. There shall be a board of officers to be known as the State Military Board, to consist of the adjutant-general, quartermaster-general, the division and brigade commanders, the commandants of the several regiments and the senior officer of the naval reserve; they shall from time to time prepare and submit rules and regulations, forms and precedents, for the use and government of the national guard, which, upon the approval of the commander-in-chief, shall be published in orders by the adjutant-general, and distributed to commissioned officers, from and after which publication they shall be binding upon the national guard; the State military board shall be the armory board, with full charge of armories, and shall issue from time to time regulations for the control and use thereof.

Duties.

Armory board.

DIVISION BOARD.

Board to examine field officers, etc.

115. The division commander shall appoint three experienced officers, not below the rank of lieutenant-colonel, who shall constitute a board for the examination of all field officers, and officers of separate organizations hereafter elected, and may order before such board of examination as to physical ability, moral character, capacity, attainments, efficiency, and general fitness for the service, any officer in commission in the national guard; such board shall have the power of

Powers of board.

courts-martial and courts of inquiry; the board shall report to the division commander, who, on adverse report of the board, shall report to the commander-in-chief, by whom a vacancy may be declared, and such officer placed upon the retired list, and if any officer shall refuse to report himself, when directed, before the board, on report of the division commander, the commander-in-chief, may, by order, declare his commission vacant.

BRIGADE BOARD.

Brigade board.

116. The brigadier-general of each brigade shall appoint three experienced officers of his command, not below the rank of major, who shall constitute a board for the examination of all company officers who may hereafter be elected, and the report of the board shall in each case accompany the certificate of election when forwarded from brigade headquarters.

REGIMENTAL BOARD.

Regimental board.

117. There shall be a regimental board in each regiment, to consist of all the commissioned officers of the regiment, to be presided over by the senior officer present; it shall exercise a supervision over the uniforming and equipping of the members of the regiment, and perform such other duties as may properly come within their province, subject to the approval of the regimental commander.

OTHER BOARDS.

Additional boards.

118. The Governor may from time to time appoint such other boards or commissions as in his judgment may be requisite and necessary.

APPROPRIATIONS.

FOR HEADQUARTERS.

Appropriations for headquarters.

119. An appropriation of five hundred dollars each shall be made annually for the expenses of division and

brigade headquarters, three hundred dollars for each battalion headquarters of naval reserve commander, and five hundred dollars for each regiment for expenses incident to the regimental organization, which shall be paid to the division, brigade, naval reserve and regimental paymaster respectively, on the first Monday of April in each year.

REGIMENTS, COMPANIES, TROOPS, BATTERIES, ETC.

Appropriations for moneys, etc.

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

NAVAL BATTALIONS.

Appropriation to naval reserve.

121. Each battalion of the naval reserve shall receive annually the sum of fifteen hundred dollars, to be paid at the same time and in the same manner as the allowance for military companies in the national guard.

COMPTROLLER TO PAY.

How appropriations paid and to whom.

122. The money appropriated for the purposes specified in this act shall be paid by the Comptroller to the paymaster-general, and by him paid to the heads of the departments and the disbursing officers of the several regiments and battalions of the naval reserve and other organizations entitled thereto, and the several amounts

annually appropriated for heating, lighting and maintaining the armories, and for the pay of the shipkeeper's maintenance and expenses of the battalions of the naval reserve in this State, shall be also paid by the Comptroller to the paymaster-general, and by him expended in the payment of bills certified by regimental or battalion commanders as correct, just and necessary for the proper maintenance of said armories and the naval reserve.

Pay and Allowances.

PAY OF OFFICERS AND MEN.

Pay when on duty.

123. When any portion of the national guard shall be ordered by the division commander, with the approval of the commander-in-chief, to attend an encampment, or for actual duty, there shall be paid to such officers and enlisted men as shall be present for duty under such order, in addition to the allowance of rations, the following sums each, for each day actually on duty: To all military band musicians, four dollars per day; field-music musicians, two dollars per day; to all corporals and privates, one dollar and fifty cents; to all company sergeants below first sergeant, one dollar and seventy-five cents; to all first sergeants and non-commissioned staff officers, two dollars; to all commissioned officers below the rank of captain, except when said officers are in command of companies, two dollars and fifty cents; to all captains and officers commanding companies, three dollars; to all field officers below the rank of colonel, except when in command of a regiment or battalion, four dollars; to all commanding officers of regiment, or detached or separate battalions, five dollars; to the brigadier-generals, six dollars; to the major-general, eight dollars; to all staff officers, the same pay and allowance as are allowed to officers of equal grade in line; all mounted officers and all members of any troop or battery, mounted and equipped, shall be paid three dollars per day for each horse used by them. The Governor may, at his discretion, in lieu of pay at the rate fixed above for pay and horse allowance of officers and

Funds may be drawn from federal government.

enlisted men of the national guard on duty at encampments for instruction, pay for such duty from funds drawn for the purpose from the War Department, pursuant to section fourteen of the act of Congress of January 21, 1903, at the rate allowed to officers and enlisted men of corresponding grades in the regular army; *provided, however,* that the pay of each officer and enlisted man shall not be less than the aggregate of the pay and allowance for horse fixed at the State rate.

Proviso.

SPECIAL DUTY PAY.

Pay when on special duty.

124. A commissioned officer, or officers, assigned to special duty by the Governor, or under his authority, shall be paid duty pay for the time actually employed and his necessary traveling expenses and subsistence.

PAY OF OFFICERS SERVING ON BOARDS.

Pay when serving boards.

125. Officers composing the State Military Board and other boards or commissions, now or hereafter ordered or created, shall receive from the State, their actual traveling expenses in going to and returning from the place of sitting, and be paid duty pay for each day actually employed on such board or commission.

ARMS, UNIFORMS AND EQUIPMENTS.

ORGANIZATIONS.

Equipment for each organization.

126. All organizations shall be provided by the State with such arms, equipments, colors, camp and garrison equipage, books of instruction and of record, and other supplies as may be necessary for the proper performance of the duty required of them by this act, and each organization shall keep such property in proper repair and in good condition.

COMMISSIONED OFFICERS.

Allowance to officers for uniforms, etc.

127. Every commissioned officer of regiments, troops, batteries, companies, signal corps and the naval reserve

shall provide himself with the arms, uniforms and equipments prescribed by the regulations and bill of dress of this State, and there shall be allowed annually for such uniforms and equipments a sum not exceeding twenty dollars for such officers, said allowance to be paid on vouchers of expenditures for such uniforms and equipments, duly verified by affidavit.

ENLISTED MEN.

Enlisted men uniformed.

128. Every enlisted man who enters the service of the State shall be furnished by the State with a uniform.

RESPONSIBILITY FOR PUBLIC PROPERTY.

Responsibility for State property.

129 Every officer and enlisted man to whom public property of the State has been issued, shall be personally responsible to the State for such property, and no one shall be relieved from such responsibility except it be shown to the satisfaction of the Governor, that the loss or destruction of such property was unavoidable and in no way the fault of the person responsible for the same; and in all other cases the value of the property lost or destroyed shall be charged against the person at fault or the organization to which it has been issued, and such person or organization, if not relieved from such charge by the Governor, shall pay the value of such property to the paymaster-general upon demand; the value of lost or destroyed property and the person or organization to be charged therewith, shall be determined by a board to consist of an inspector on the staff of the commanding officer of the national guard and the commanding officer of the organization in which such property is lost; in case of disagreement, such values shall be fixed by the commanding officer of the national guard.

If not relieved by Governor, must meet loss.

EXEMPT FROM PROCESS OF LAW.

Military property exempt from process of law.

130. The uniforms, arms, equipments and other military property of the national guard or its members shall be exempt from every process of law, except such as may be issued in pursuance of the sentence of a court-martial.

TO BE FURNISHED WITH AN ARMORY.

Armory to be exclusively so used.

131. Every uniformed command, before being furnished with arms or equipments, shall provide itself with a suitable armory or place of deposit, within the bounds of the command, wherein the arms and equipments furnished by the State shall be carefully kept for the use of such command, for military purposes only, and shall not be loaned or hired out, nor used for any other purpose whatsoever.

UNIFORMS LEFT AT ARMORY.

Uniforms and other equipment left at armory.

132. The uniforms and equipments to be issued to each company or other organization shall be left at the armory for safe keeping, and whoever shall sell or dispose of any such uniform or equipments, or shall refuse to deliver up the same, after demand therefor, to the quartermaster or acting quartermaster of the regiment to which such company shall be attached, or to the commanding officers of such other organizations, or shall secrete or remove any such uniform or equipments with intent to sell or dispose thereof, without the written consent of the regimental commandant to which the company shall be attached, or such commanding officers, shall be deemed guilty of a misdemeanor, and on conviction thereof in a court of competent jurisdiction shall be punished by imprisonment in the county jail for not less than two nor more than six months, or by a fine of not more than one hundred dollars nor less than fifty dollars, or both fine and imprisonment, in the discretion of the court.

SEIZURE OF UNIFORMS.

Right of seizure of uniforms illegally held.

133. The commanding officer of a troop, battery or company, or the quartermaster or acting quartermaster of any regiment, upon the order of the commandant of the regiment to which he may be attached, shall have power to seize upon and hold, as the property of the regimental board, any uniforms or equipments which

are the property of the regimental board of the regiment to which such company commandant, quartermaster or acting quartermaster shall be attached; and like powers are hereby conferred upon the commanding officers thereof as to the property of such other organizations; and it shall be the duty of any justice of the peace of this State, on complaint, on oath, to him made by any such company commandant, regimental quartermaster or acting quartermaster, that any uniform or equipments are unlawfully withheld from him, by any person or persons therein named, in the county in which said justice has jurisdiction, and that the same are believed to be in any particular place, to be specified in the complaint, to issue to a constable of said county his warrant, in the nature of a search warrant, for said uniform or equipments, which warrant shall be executed in the same manner as a search warrant, and the officer to whom the same is directed shall have the same power and authority in executing the same that he would have in executing a search warrant, and on finding said uniform or uniforms or equipments he shall deliver the same to the officer making the complaint.

Search warrant.

APPLICATION TO COURT FOR RETURN OF UNIFORMS, ETC.

134. Whenever the quartermaster-general, or any military officer of this State, charged with the care and responsibility of public property, who shall have given a bond for the safe keeping and return of the same, shall, by petition, verified by his oath or affirmation, represent to any Court of Common Pleas that a certain person, whom he shall name in such petition, resident in said county, has in his possession and illegally detains any arm or arms, article or articles of clothing or equipments, the property of this State, describing the same generally, for the safe keeping and return of which such person has not given bond, after demand made for the same by the said military officer, or by any person by him duly authorized to receive the same, upon filing said petition, it shall be lawful for the said court to make an order requiring the person complained against to deliver up such property to the said military officer by such short

May apply to court for return of uniforms and equipment.

Notice to delinquent.

day as said court shall appoint, or to show cause on that day, before said court, why the same should not be delivered up, a copy of which order, certified by the clerk of said court, shall be served on said delinquent, personally, at least two entire days before the day of hearing, or left at his last known residence or place of abode at least four entire days before the day of hearing, which service may be made by any constable of the county.

ATTACHMENT FOR NON-DELIVERY OF UNIFORMS.

Attachment for contempt in not delivering uniforms, etc.

135. If the person complained against shall not deliver up said arm or arms, article or articles of clothing and equipments in said petition named, on or before the day of hearing, or show good cause to the contrary, on due proof by affidavit of the service of a copy of said order according to law, it shall be lawful for the said court to issue forthwith an attachment for contempt against said person, and he shall be held as in contempt, and dealt with accordingly, until he shall comply with the order of the court or deliver up said arm or arms, article or articles of clothing or equipments, to the military officer filing the petition, or to the sheriff of the county for him, and pay the reasonable cost of such proceeding, to be taxed by the court, for the use of the county.

JURY TRIAL.

Defendant may have jury trial.

136. If the person so complained against shall, at any time before the day of hearing, demand a trial by jury, it shall be the duty of said court to issue a venire facias to the sheriff of the county to summon a jury of twelve men competent as jurymen, according to law, to be and appear before said court at such time as shall be expressed in such writ, to make a jury for the trial of the complaint; if the verdict of the jury shall be against the party complained against, and if he shall fail within a reasonable time, to be fixed by the court, to deliver the property and pay the costs as aforesaid, he shall be deemed in contempt, and proceeded against as prescribed in the preceding section.

PROCEEDINGS, BY WHOM CONDUCTED.

Prosecutor to conduct proceedings.

137. The proceedings shall be conducted by the prosecutor of the pleas of the county where the petition is filed, and the costs shall be paid in the first instance by the sheriff of the county in which the complaint is made.

UNIFORMS, PROPERTY OF ORGANIZATIONS OR STATE.

Uniform considered property of organization.

138. The regulation uniform adopted by this State, when issued to any member of the national guard, shall be held to be the property of the regiment or other organization to which he belongs, during the existence of such regiment, or other organization, but upon the disbandment thereof shall become the property of the State.

PRIVILEGES, PROHIBITIONS AND PENALTIES.

EXEMPTION FROM CIVIL PROCESS.

Military duty exempts from arrest.

139. No person belonging to the national guard of the State shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

RIGHT OF WAY.—FREEDOM FROM INTERFERENCE.

Right of way when performing military duty; exceptions.

140. The commanding officer of any portion of the national guard parading or performing any military duty in any street or highway may require any or all persons in such street or highway to yield the right of way to such national guard, provided the carriage of United States mail, the legitimate function of the police, and the progress and operations of the hospital ambulances and fire engines and fire departments, and apparatus of the insurance patrol, shall not be interfered with thereby; all others who shall hinder, delay or obstruct any portion of the national guard, wherever parading or performing any military duty, or who shall attempt to do so, shall be guilty of a misdemeanor.

EXEMPTION FROM JURY DUTY.

No jury duty. Proviso.

141. Every member of the national guard shall be exempt from all jury duty; *provided,* he shall furnish the certificate of his immediate commanding officer that he has performed the duties required of him for the year immediately preceding a summons to act as juryman; and every such member who shall have received a full and honorable discharge shall be exempt forever after from all jury duty.

UNLAWFUL CONVERSION OF MILITARY PROPERTY.—UNLAWFUL WEARING OF UNIFORMS AND DEVICES INDICATING RANK.

Unlawful disposing or retaining military property a misdemeanor.

Who may wear uniform, insignia, etc.

Penalty.

142. Any person who shall secrete, sell, dispose of, offer for sale, purchase, retain after demand made by a commissioned officer of the national guard, or in any manner pawn or pledge any arms, uniforms, equipments, or other military property, issued under the provisions of this act, shall be guilty of a misdemeanor, and 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 regulations duly promulgated, prescribed for the use of the national guard, except members of the army and navy of the United States and the national guard of this or any other State, recognized military academies, members of associations wholly composed of soliders honorably discharged from the service of the United States and members of the order of Sons of Veterans, shall forfeit to the people of this State one hundred dollars for each offense, to be sued for in the name of the people by a judge-advocate; all moneys recovered by any action or proceeding under this section shall be paid to the paymaster-general, who shall apply the same to the use of the organized national guard.

TRESPASSERS AND DISTURBERS TO BE PLACED IN ARREST—LIQUORS AND HUCKSTERS' SALES PROHIBITED.

Police regulations.

143. The commanding officer upon any occasion of duty may place in arrest during the continuance thereof any person who shall trespass upon the camp ground, parade ground, armory, or other place devoted to such duty, or shall in any way or manner interrupt or molest the orderly discharge of duty by those under arms, or shall disturb or prevent the passage of troops going to or returning from any duty. He may prohibit and prevent the sale of all spirituous and malt liquors or wines, the holding of huckster or auction sales, and all gambling within the limits of the post, camp ground, place of encampment, parade or drill under his command, and he may, in his discretion, abate as common nuisances all such sales.

ORGANIZATIONS NOT ATTACHED TO A BRIGADE.

Independent organizations.

144. Organizations of the national guard, not a part of or attached to any brigade, shall be under the commanding officer of the national guard for all purposes.

NAVAL RESERVE.

Organization of naval reserve.

145. The naval reserve shall be a part of the national guard, and the commander-in-chief may organize other organizations of the naval reserve by voluntary enlistment for the defense of the sea cost and navigable waters. In time of peace there shall not be maintained more than two battalions thereof, organized as herein provided, which shall constitute the naval reserve of the State of New Jersey, but the commander-in-chief shall have power, in case of war, insurrection, invasion, or imminent danger thereof, to increase the forces beyond such limit of two battalions, and to organize the same as the exigencies of the service may require. The commander-in-chief may alter, annex, divide, consolidate

or disband the naval reserve or any battalion thereof, whenever, in his judgment, the efficiency of the service will thereby be increased.

Battalion to consist of.

146. The complement allowed each naval battalion shall be twenty-three officers and two hundred and fifty-five warrant officers, chief petty officers, petty officers and enlisted men as follows: One commander, to command the battalion; one lieutenant-commander, as executive officer, who shall be second in command; one lieutenant, as navigating officer, who shall be third in command; one lieutenant, as chief engineer; one chaplain, with the relative rank of lieutenant; two lieutenants, as watch and division officers; one passed assistant paymaster, with relative rank of lieutenant; one passed assistant surgeon, with the relative rank of lieutenant; one lieutenant (junior grade), as signal officer, and one lieutenant (junior grade), as aide; two lieutenants (junior grade), as watch and division officers; one lieutenant (junior grade), as passed assistant engineer; four ensigns, as junior watch officers; two ensigns, as assistant engineers; one assistant paymaster, with relative rank of lieutenant (junior grade); one assistant surgeon, with relative rank of lieutenant (junior grade); three warrant officers to rank with, but after, ensign, to be warranted by the commander and detailed to such branches of service as the commanders of battalions in their respective battalions may deem advisable; one chief master-at-arms, one chief boatswain's mate, one chief gunner's mate, one chief quartermaster, three chief machinists, one chief carpenter's mate, one chief electrician, three chief yeomen, one hospital steward, two boatswain's mates, first class; one gunner's mate, first class; two quartermasters, first class; one machinist, first class; one boilermaker, one coppersmith, two blacksmiths, one plumber and fitter, one sailmaker's mate, three water tenders, one electrician, first class; two yeomen, first class; two boatswain's mates, second class; two gunner's mates, second class; two quartermasters, second class; one machinist, second class; six oilers, one carpenter's mate, second class; two electricians, second class; one master-at-arms, third class; seven coxswains,

Officers.

Warrant officers.

one painter, one hospital apprentice, first class; forty-eight seamen, fifteen firemen, first class; forty-eight ordinary seamen, fifteen firemen, second class; two shipwrights, three buglers, one hospital apprentice, second class; forty-eight landsmen, fifteen coal passers; *provided,* that when the enlisted strength of a battalion of the naval reserve shall be less than one hundred men, such command shall not be entitled to state allowance, and may be disbanded by order of the commander-in-chief. Proviso.

Temporary mess men.

147. The commanding officer of each naval battalion shall have the power to enlist for temporary service such men in the mess men branch as may from time to time be necessary, and to discharge men so enlisted.

Selection of officers.

148. The commander and lieutenant-commander shall be chosen by the commissioned officers of their respective naval battalions; the navigator, chief engineer, chaplain, passed assistant paymaster, passed assistant surgeon, signal officer, aide, assistant paymaster and assistant surgeon shall be appointed by the commander; the watch officers shall be chosen by the petty officers and enlisted men of the deck force; the engineer officers (other than chief engineer) shall be chosen by the petty officers and enlisted men of the engineer force; warrant officers, chief petty officers and petty officers shall be appointed and rated by the commander; *provided,* that every officer elected or appointed to commissioned rank shall be examined as to his qualifications and fitness by a board of naval reserve officers to be appointed by the major-general of the national guard or officer commanding the national guard of this State for the time being, and all returns of election or appointments shall bear the certificate of such board that the persons named therein have passed a satisfactory examination. Proviso.

Battalions; how organized.

149. The battalions of the naval reserve shall be organized in conformity with the requirements of naval service and in the same manner that the ship's companies of the United States naval vessels are organized; the commander shall prepare the necessary watch, quarter and station bills and assign the officers and men to ship divisions, gun divisions, powder and torpedo divisions,

navigator's division, engineer sections and to special details, and shall organize his command as a landing force of infantry and artillery for service ashore.

Annual cruise.

150. The naval reserve shall perform duty afloat in each year, and for periods not exceeding two weeks in any one year, and whenever a vessel of the United States is available for instruction such duty shall be performed thereon; the officers and enlisted men of the naval reserve shall receive the same pay for active duty as is allowed to officers and enlisted men of the same relative rank and ratings of the military service of the national guard.

Pay.

Duties, etc., prescribed.

151. The organization, discipline, government and duties of officers and enlisted men of the naval reserve shall be as prescribed by the regulations for the government of the militia of this State and the custom and usage of the United States navy when not in conflict with the provisions of this act.

Commandant.

152. The naval reserve may be commanded by a captain, who shall be elected by the commissioned officers of the naval reserve, and he shall have power to appoint a staff to consist of an aide and a paymaster, each of the grade of lieutenant; *provided,* that if at any time the strength of the naval reserve shall fall below the limit of two battalions, the captain and his staff may be placed on a supernumerary list by order of the commander-in-chief.

Staff.

Proviso.

Uniform, insignia, etc.

153. The uniform of the naval reserve and the insignia and designation of grade and rank shall be as prescribed for the navy of the United States, except that officers shall have the State coat of arms superimposed upon collar and cap devices and upon shoulder straps and epaulettes, and the cap ribbon of the men shall have the name of the ship to which they are attached with the addition of the letters "N. R. N. J."; the relative rank of officers and men of the military and naval forces shall be the same as the relative rank of officers and men of the army and navy of the United States.

Militia laws applicable.

154. All general laws relating to and governing the militia shall apply to the naval reserve, except as herein otherwise provided.

Report to major-general.

155. The commanders commanding the battalions of the naval reserve shall report directly to the major-general commanding the national guard; he may order before an examining board of three officers, to be appointed by him, any officer in commission in the naval reserve for determination as to his mental, moral and physical qualifications and fitness for the service, and, on adverse report of the board, the commander-in-chief is authorized and empowered to declare a vacancy and place such officer on the retired list.

Armories.

156. The armories of the naval battalions shall be situated on or near the navigable waters of the State, in such position as best to promote the efficiency of the service, and the word "armories" as used or applied to the laws relative to the New Jersey naval reserve shall be held to include vessels while used only for the purpose of instruction, drill or defense.

Repealer.

157. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Validity of act.

158. If any portion of this act shall be declared unconstitutional, it shall not invalidate any other portions thereof.

159. This act shall take effect immediately.

Approved May 16, 1906.

CHAPTER 234.

A Supplement to an act entitled "An act to regulate elections" (Revision of 1896), 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:*

Statement by municipal clerk of offices to be filled.

1. It shall be the duty of all town, township, borough, city or other municipal clerk, at least forty-five days before any general or State election, to make and

certify under their hands and seals of office and forward to the clerk of the county in which such town, township, borough, city or other municipality is located a statement designating the town, township, borough, city or other municipal offices which are to be filled at such election, and the number of persons to be voted for each office.

Offices to be filled printed on ballot.

2. It shall be the duty of the county clerk of each county in the preparation of official ballots under the act to which this act is a supplement, to place on such official ballots for each party or group of petitioners, having candidates to be voted for at any election, the name or title of each office to be filled at such election, whether such party or group of petitioners shall have made any nomination for such office or not.

3. This act shall take effect immediately.

Approved May 16, 1906.

CHAPTER 235.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to regulate elections' (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight," which supplementary act was 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 amended.

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

General plan; expense.

2. The general scheme and purpose of this act shall be as follows: The said primary elections shall hereafter be conducted at public expense; such primary elections for all political parties shall be held at the same

Time and place.

time and place; the time shall be the first registry day, as hereinafter fixed, and the places shall be the places

of holding the said registry in the fall of each year; and said primary elections shall be conducted by the boards of registry and election in a manner hereinafter provided, from one o'clock until nine o'clock P. M., and substantially as general elections for members of Assembly are now conducted, with official ballots, ballot-boxes, registry lists and polling booths. The first registry day in cities having a population exceeding thirty thousand shall be held on the fourth Tuesday of September in each year, except that in each year when a Governor is to be elected said first registry day shall be the second Tuesday in September, and in all election districts outside of cities having a population exceeding thirty thousand, the said boards of registry and election shall sit, for the purposes of this act, as primary election boards on the said second or fourth Tuesday of September. The clerk of the city, town, township, borough or other municipality, as the case may be, shall prepare the primary ballots of all political parties from the petition filed in their respectivie offices as herein provided. Not less than ten (except as hereinafter provided) voters of any political party may file with the municipal clerk of their municipality a petition endorsing any member of their political party as a candidate for the nomination of said party to public office, where such nomination is to be made at the primary election, or as a candidate for the position of delegate to a political convention of said party, where the party nomination is to be made by convention, and requesting that the name of the person so endorsed be printed upon the official primary ballot of such political party. The said municipal clerks shall prepare official ballots for each political party for the said primary elections from the names of the persons so endorsed, arranging them alphabetically, or in groups, as hereinafter provided. The municipal clerk shall also print upon the official ballot, opposite the name of any person endorsed as a candidate for the position of delegate, the name of the person who is the choice of such candidate for nomination at the ensuing convention of his political party, whenever said clerk is requested so to do by said candi-

How conducted.

Registration days.

Primary ballots.

Petition for candidates.

Official ballots prepared by municipal clerks.

date, except as hereinafter provided. The ballots so prepared for each political party shall be the only ballots permitted to be voted at the primary elections. At such primary election the voters registered, or who thereupon register for the ensuing general election, shall be qualified to vote at such primary. Each voter shall request the party ticket he desires to vote, and thereupon he shall receive from the board of registry and election an official ballot of said political party, prepared as aforesaid, and no other. The voter shall then retire to the voting booth and there prepare his ballot so as to indicate his choice for the candidates of his party to be there nominated, or his choice for delegates to the political convention of his political party, as the case may be, by erasing all names thereon other than those voted for, and shall then deposit said ballot in the ballot-box of his party, unless challenged, and if challenged, make oath that he is a member of the said political party; that at the last election for members of Assembly at which he voted he voted for a majority of the candidates whose names were printed upon the party ticket of the said party, and intends to support the candidates of the said party at the ensuing election. In the case of any voter voting for the first time in this State the portion of the said oath or affirmation in reference to previous voting shall be dispensed with. Any voter who shall vote in the ballot-box of one political party at any primary election held under this act shall not be allowed to vote in the ballot-box of any other political party at the next thereafter succeeding primary election. The said board of registry and election shall indicate in the registry book the name of the political party whose primary ticket each voter voting at such primary election voted by writing opposite the name of each of such voters, in a column prepared for that purpose in such registry book, the first letter of the name of such political party, as for example, writing the letter "D" for Democratic party, the letter "R" for Republican party, the letter "P" for Prohibition party, and in like manner for other political parties. The said board of registry and elec-

Who may vote.

Preparation of ballot.

Challenges.

Party indicated on registry book.

tion, at the close of the primary election, shall canvass and count the said ballots of each political party, and shall prepare, sign and deliver to the clerk of the municipality in which said primary election is held a statement of the results thereof, as in this act provided. A copy of said statement shall be delivered by said board of registry and election to the successful candidates at said election, as determined by this act, which statement shall entitle the person holding the same to be the candidate of his party at the ensuing general election, or to attend the ensuing political convention of his party as a delegate, as the case may be.

Canvass ballots.

Statement given successful candidates.

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

Section amended.

13. The boards of registry and election appointed by the county boards of registry to conduct the registry under the act to which this act is a supplement, and the poll clerks appointed by such boards of registry and election shall, in their respective election districts, hold and conduct the primary election herein provided for. Such primary elections shall be held annually on the fourth Tuesday in September preceding the annual election for members of Assembly, except that in each year when a Governor is to be elected said primary elections shall be held on the second Tuesday of September, and shall, as nearly as may be, except as herein provided, be in all respects held and conducted as elections for members of the General Assembly are held and conducted. The two members of such board appointed from the political party which at the last preceding general election cast the largest number of votes in their county shall conduct the primary election of such party, having sole charge of the ballot-boxes of said party, and delivering, receiving and depositing the official ballots voted by members of such party, and having the sole right to challenge the voters offering to vote the ticket of such party as in this act provided; and the members of said board appointed from the political party casting the next largest number of votes in said county at said election shall, in like manner, conduct the primary election of such political party. All of the members of said board of

Primary elections conducted by boards of registry and election.

When held.

How conducted.

Charge of ballot-boxes.

registry and election shall conduct the primary election of any other political party holding a primary election under this act, and shall also ascertain and certify to the result of the primary election of all political parties holding primary elections under this act in the manner herein provided in section fifteen; *provided,* that before proceeding with such election each of the four members of the board of registry and election shall take and subscribe an oath to be administered by any duly qualified person, or by one member of the board to the others, that they and each of them will, to the best of his understanding and ability, conduct such primary election hnestly and in accordance with law; that they will challenge, in the manner provided in this act, the vote of any person offering to vote at such election whom they believe not entitled to vote thereat, and that they will also challenge the vote of any person at such election offering to vote in the ballot-box of one existing political party, whom they believe, or have reason to believe to belong to another existing political party, and that they will refuse to receive the vote of such person, in case such vote is challenged, until he shall have taken an oath or affirmation, to be administered by a member of the board in the form prescribed in section seventy-four (74) of the act to which this act is a further supplement, and also in the following form:

Proviso.

As to challenges.

Form of oath when challenged.

"You do solemnly swear (or affirm) that you are a member of the ——— political party (specifying the political party to which the affiant claims to belong); that at the last election for members of the General Assembly at which you voted you voted for a majority of the candidates of said party whose names were printed on the ticket of said party, and that you intend to support the candidates of said party at the ensuing election." In the case of voters voting for the first time in this State the portion of said oath or affirmation in relation to voting at any previous election shall be dispensed with; and if the person so challenged shall refuse to take the oath or affirmation so tendered to him he shall be deemed not to be qualified or entitled to vote at such primary election. Any person making such oath or

Perjury.

affirmation falsely shall be guilty of perjury. Any voter who shall vote in the ballot-box of one political party at any primary election held under this act shall not be allowed to vote in the ballot-box of any other political party at the next thereafter succeeding primary election. The said board of registry and election shall indicate in the registry book the name of the political party whose primary ticket each voter voting at such primary election voted, by writing opposite the name of each of such voters, in a column prepared for that purpose in such registry book, the first letter of the name of such political party, as, for example, writing the letter "D." for Democratic party, the letter "R." for Republican party, the letter "P." for Prohibition party, and in like manner for other political parties; at said primary election the polls shall be open at one o'clock in the afternoon and close at nine o'clock in the evening. Notice of the time and place of holding such primary elections shall be given by the poll clerks by five or more advertisements posted at conspicuous places in the election district at least ten days before such primary elections.

Party indicated on registry book.

Polls open.

Notice of primary election.

Approved May 16, 1906.

CHAPTER 236.

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

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

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

Section amended.

Selection of delegates at primaries.

1. In addition to the elections for filling public offices that now are or hereafter may be held under the laws of this State, there shall also be held primary elections for the selection of delegates to conventions of political parties, and for the nomination of candidates for certain public offices, as hereinafter provided; all candidates of political parties for the following offices, to

For what offices.

wit: Presidential electors, Governor, members of Congress, members of the General Assembly, members of the State Senate, county clerk, surrogate, register of deeds, sheriff, county supervisor, coroner, mayor and for all elective offices in the State and in the cities, towns or other municipalities in this State to be voted for at the general election for members of Assembly by the voters of more than one ward or township, shall be nominated at conventions composed of delegates chosen

If candidate in one ward or township.

at primary elections held pursuant to this act; all candidates of political parties for office to be voted for at the general election for members of Assembly by the voters of a single ward or township shall be nominated directly, without the intervention of delegates or conventions, at primary elections held pursuant to this act;

Proviso.

provided, that in cases where a single ward or township shall constitute an assembly district candidates for member of the Assembly from such district shall be nominated at conventions composed of delegates chosen at primary elections held pursuant to this act.

Approved May 16, 1906.

CHAPTER 237.

An Act to amend an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act to regulate elections" ' (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight," which supplementary act was approved April fourteenth, one thousand nine hundred and three, and which amendatory act was approved April fifth, one thousand nine hundred and four.

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

Section amended.

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

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

Preparation of primray ballots.

4. The official primary ballots to be used at all primary elections held pursuant to this act shall be prepared in the following manner, to wit: not less than ten legal voters of this State, who are members of the same political party, and resident in the same election district, may prepare and sign, with their names, residences and post-office addresses, a petition addressed to the clerk of such municipality as may be proper pursuant to the requirements of this act, setting forth that the signers are qualified voters of the election district in which they reside; that they are members of a political party (naming the same), and that at the last election for members of the general assembly preceding the execution of said petition they voted for a majority of the candidates whose names were printed in the first place upon the ticket of such party, and that they intend to affiliate with said party at the ensuing election; that they endorse the person or persons named in their petition as candidate or candidates for nomination for the

Petition; what it is to contain.

office or offices therein named, or for the position of delegate or delegates to the ensuing State, congressional, county, assembly, city or town, ward or other convention (as the case may be) of said political party, and that they request the said clerk to print upon the official primary ballot of such political party the name of the person or persons therein mentioned as the candidate or candidates for such nomination, or for the position of delegate or delegates to the said convention, as the case may be, and the names of persons nominated as candidates for office and names of persons nominated for the position of delegates may be contained in the same petition; said petition shall further state the residence and post-office address of each person so endorsed, and shall certify that the person or persons so endorsed is or are legally qualified under the laws of this State to be nominated, or to act as delegate or delegates, as the case may be; each of the said petitions shall be verified by the oath or affirmation of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that such petition is signed in their own proper handwriting by each of the signers thereof; that such signers are, to the best of the knowledge and belief of the affiant, legal voters of the said election district as stated in said petition, and belong to the political party named in said petition, and that such petition is prepared and filed in absolute good faith for the sole purpose of endorsing the person or persons therein named, in order to secure his or their nomination or selection as stated in said petition; *provided,* that in any election district where the total number of votes cast for the candidate of any political party for Governor at the then next last preceding gubernatorial election did not exceed twenty-five the number of signers to any petition of endorsement belonging to any said political party need not exceed one; *provided, further,* that the signers to any single petition shall not therein endorse and recommend more persons as candidates for the position of delegate or delegates than are to be chosen at the ensuing primary election in the election district in which the signers to said petition reside, nor shall said

Further statement.

Proviso.

Proviso.

signers endorse more persons as candidates for nomination to office than are to be elected in the election district in which such signers reside; said petitions shall be filed with the municipal clerk not less than ten days prior to said primary election.

Section amended.

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

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

Ballots prepared by municipal clerk.

7. The said municipal clerk shall prepare and cause to be printed separate official ballots, one ballot for each political party, members of which have filed petitions as aforesaid, for use at such primary elections, placing thereon the names of the persons endorsed in said petitions; the names of all persons endorsed as aforesaid by members of a political party, and no others, shall be placed upon the official ballot of that party; the said names shall be arranged upon said ballots in alphabetical order, except that where several candidates for the position of delegate have named the same person or persons as their choice for nomination for office at the ensuing convention, the names of such candidates may be grouped together, being arranged in alphabetical order in such group; upon the right-hand side of the ballot shall be a column, in which shall be printed the words "Choice for ————" (Governor, Congress, sheriff, mayor, or as the case may be), in which column, and underneath the words aforesaid, shall be printed the name or names of the person or persons whom any candidate for the position of delegate endorsed in any of said petitions may in his certificate request the municipal clerk to print upon the official primary ballot as his choice for nomination for office at the ensuing political convention; if the names of candidates for the position of delegates are grouped as herein provided, the said names may be bracketed, and the name or names of the persons mentioned as the choice of said candidates at the convention may be placed opposite the bracket; *provided,* that the name of any person shall not be printed in the column headed "Choice for ————" opposite the name of any candidate for the position of delegate requesting the same to be so printed, if such

Arrangement of names.

Proviso.

person shall file a written protest with the said municipal clerk, requesting said clerk not to print his name opposite the name of the said candidate for the position of delegate. At the head of the ballot of each party shall be printed a distinctive party name or title, as, for example, "Democratic Primary Ticket" or "Republican Primary Ticket"; below, in appropriate places upon said ballots, shall be printed brief instructions to the voter, stating for how many candidates for each office, or for the position of delegate, the voter may vote, and stating that the voter must indicate his choice in each instance by erasing all names printed on said ticket, except the names of the candidates for whom he wishes to vote. The number of delegates to be elected in each election district by the voters of the respective political parties shall be as follows: For State conventions of the respective political parties there shall be one delegate for every two hundred votes cast by the political party for its candidate for Governor at the gubernatorial election next preceding the primary election in question, and one delegate for each fraction thereof over one hundred; for all other conventions of the respective political parties there shall be one delegate for each one hundred votes cast by the political party for its candidate for Governor at the gubernatorial election next preceding the primary election in question, and one delegate for each fraction thereof over forty; *provided,* that each election district shall be entitled to at least one delegate to each convention of each political party; but the delegate to any convention of a political party from any election district which at the then last preceding gubernatorial election cast for the candidate of such party for Governor less than the number of votes required by this section for one delegate, shall have in such convention such vote or fraction thereof as may be determined by the official party call of such party for such convention. It shall be the duty of the chairman of the county committee of each political party to notify the municipal clerk on or before the first day of July of each year of the number of delegates for which the members of the political party represented by the said chairman shall be

Distinctive party name.

Instruction to voters.

Number of delegates.

Proviso.

Notification by chairman of county committee.

entitled to vote in each election district in such municipality. In estimating the number of delegates to which any political party is entitled in the primary election, the said chairman shall be governed by the official election returns as filed in the office of the Secretary of State. It shall be lawful for any person who shall object to the number of delegates to any political convention from any election district, as so fixed and determined, to make written application, duly verified, to the justice of the Supreme Court holding the Circuit Court in and for the said county, stating the facts of the case and the grounds of such objection, and requesting the said justice to investigate and determine the matter according to law, and if such justice shall be of opinion upon the facts stated that the ends of justice so require, he shall thereupon proceed in a summary way to hear the said application and make such order thereon as may be proper and just, which order of said justice shall be forthwith filed with the said municipal clerk, and such order shall, from the date of the filing thereof, be conclusive upon all parties, and shall, according to its terms, modify, enlarge or set aside whatever decision, if any, may have been made on such matter by said municipal clerk.

Objection to number of delegates.

Summary hearing.

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

Section amended.

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

16. The persons receiving the highest number of votes for the position of delegate to any convention on any ticket of any political party at such primary election, to the extent of the number of delegates which the respective election districts are entitled to send to the said convention, shall be the duly-elected delegates to such convention, and said persons and no others shall be entitled to sit in the said convention as delegates as aforesaid, subject to the right of the said convention to be the judge of the qualifications of its own members in the case of a contest. The time and place of holding such conventions shall be determined by the State, congressional, county, or other proper committee of the respective political parties, but shall in all cases be after

Who elected delegates.

Time and place of convention.

the holding of the primary election as herein provided.

If tie vote. In the event that by reason of tie voting more candidates shall receive a sufficient number of votes to entitle them to be elected as delegates than the number of delegates the election district is entitled to send to the convention, the additional candidates so voted for shall be considered as chosen delegates to said convention, but in such convention they shall be entitled only to the appropriate fraction of a vote; that is to say, if an election district shall be entitled to send three delegates to a convention, and two candidates receive respectively the highest and the next highest number of votes, and the three candidates receiving the next highest number of votes shall each receive the same number of votes, the said three candidates shall also be elected delegates to the convention, but shall be entitled to only one-third of a vote each therein.

Credentials. The said municipal clerk shall deliver a certificate showing the result of said election to each of the persons ascertained as aforesaid to be successful candidates, which certificates shall be the credentials of the said delegates at the ensuing conventions of the respective parties.

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

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

Vacancies among delegates. 20. In the event that any person so elected a delegate as aforesaid to any convention shall, after such election and before the meeting of such convention, die, or in writing addressed to the chairman of said convention shall decline to act as such delegate, his place as such delegate shall be filled by a majority vote of the other delegates selected from the election district in which the person so dying or resigning was elected.

Repealer. 5. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved May 16, 1906.

CHAPTER 238.

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 to extend completion of road.

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 six, such time shall be and the same is hereby extended for the further period of two years from the passage of this act; *provided, however,* that this act shall not apply unless money has actually been expended in surveys or location of route, or in acquisition of right of way or in construction since January first, one thousand eight hundred and eighty-six; *provided, further,* that this act shall not apply to any corporation unless such corporation shall first, and as the condition precedent to the exercise of any power granted by this act, file in the office of the Secretary of State an agreement, to be approved by the Governor and Attorney-General, waiving all right of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this State now in existence or that may be hereafter passed, taxing such corporations as are now authorized to be taxed by the Legislature of the State under any general law, and further agreeing that the exercise of any powr grantd 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

Proviso.

Proviso.

Waive exemptions.

State reserves right to take property.

laws affecting such corporations shall be subject to alterations or repeal by the Legislature.

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

Approved May 17, 1906.

CHAPTER 239.

An Act to amend an act entitled "A further supplement to '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," approved March twenty-third, one thousand eight hundred and eighty-three.

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

Section amended.

1. Section two of the said act, approved March twenty-third, one thousand eight hundred and eighty three, be and the same is hereby amended so as to read as follows:

City may lay pipes through other municipalities.

2. Any city which may have adopted or shall adopt the provisions of the said act shall be and hereby is authorized and empowered to lay and relay water pipes and mains under and through any avenue, road, railroad, highway, street, lane or alley in any town, township, borough or village through which the water, required for the purposes of the said act, may be conveyed from its source or sources into the limits of the said city; *provided, however,* the consent of the municipal authorities of said town, township, village or borough shall first be obtained, and proper compensation tendered to the said town, township, village or borough, and in the event that such municipal authorities shall refuse or neglect to give such consent, then it shall be lawful for the chancellor, or any vice-chancellor of this State, upon

Proviso.

If consent withheld, petition to chancellor.

petition of the city so applying for such consent, to make an order embodying and directing the terms upon which such water pipes and mains may be laid and relaid, and upon the making and filing of such order, it shall be lawful for any such city to proceed with the laying or relaying of such water pipes or mains under and through any avenue, road, railroad, highway, street, lane or alley named in such order.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 240.

An Act to regulate the use of business names.

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

Names of partners filed when "& Co." is used.

1. Any person who transacts business, using the designation "and company," or " & Co.," as a part of the firm or partnership name shall file a statement, duly executed and sworn to before some person authorized by the laws of this State to administer an oath, in the office of the clerk of the county within which such business is transacted or conducted, stating the nature of the business and the full names and residences of all persons who are members of such partnership.

Real names must be made known when assumed name or title used.

2. No person or persons shall hereafter carry on or conduct or transact business under any assumed name, or under any designation, name or style, corporate or otherwise, other than the real name or names of the individual or individuals conducting or transacting such business, unless such person or persons shall file in the office of the clerk of the county or counties in which such person or persons conduct, or transact, or intend to conduct or transact such business a certificate setting forth the name under which such business is, or is to be, conducted or transacted, and the true or real full name or

Certificate to set forth.

names of the person or persons conducting or transacting the same, with the post-office address or addresses of said person or persons. Said certificate shall be duly executed and sworn to by the person or persons so conducting, or intending to conduct such business, before some person authorized by the laws of this State to administer an oath.

When certificate filed.

3. Persons now conducting business under an assumed name, or under any such designation as is referred to in section three of this act, shall file such certificate as hereinbefore prescribed, within thirty days after this act shall take effect, and persons hereafter conducting or transacting business as aforesaid shall, before commencing said business, file such certificate in the manner hereinbefore prescribed.

Index of certificates.

4. The several county clerks of this State shall keep an alphabetical index of all persons filing certificates provided for herein, and for the indexing and filing of such certificates they shall receive a fee of twenty-five cents from the person who presents the same for filing. A copy of such certificate, duly certified to by the county clerk, in whose office the same shall be filed, shall be presumptive evidence in all courts of law in this State of the facts therein contained.

Fee.

Corporations not affected.

5. This act shall in no way affect or apply to any corporation duly organized under the laws of this State, or to any corporation organized under the laws of any other State and lawfully doing business in this State, nor shall this act be deemed or construed to prevent the lawful use of a partnership name or designation, provided that such partnership name or designation shall include the true or real names of all the members of such partnership.

Non-compliance a misdemeanor.

6. Any person or persons carrying on, conducting or transacting business as aforesaid, who shall fail to comply with the provisions of this act, shall be guilty of a misdemeanor.

Repealer.

7. All acts, or parts of acts, inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on the first day of July, A. D. nineteen hundred and six.

In effect.

Approved May 17, 1906.

CHAPTER 241.

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:*

1. Amend section one hundred and eighty-two of the act to which this is an amendment so that it shall read as follows: Section amended.

182. The board of education of each school district shall, on or before the fifteenth day of March in each year, certify to the county superintendent of schools for the county in which such school district shall be situate, and on the blanks furnished for that purpose by the State superintendent of public instruction, the number of teachers who shall have been employed in the schools of such district for the full time the schools therein shall have been kept open during the then current school year, and the number of teachers who shall have been employed in said schools for a portion of said year, but for a period of not less than four months, specifying the grade in which each of such teachers shall have been employed. There shall also be certified as aforesaid the number of pupils who shall have attended a public school in a district other than that in which they reside, and for whom tuition fees shall have been paid by the board of education, specifying the grade in which each of such pupils shall have been enrolled during said year. Report of district boards to county superintendent.

The said county superintendent of schools shall, on or before the first day of April in each year, apportion to the several school districts of said county the State School moneys, and the interest of the surplus revenue in the following manner: Annual apportionment by county superintendent.

For supervisor.

I. (*a*) The sum of six hundred dollars to each district in which there shall have been employed a supervising principal or city superintendent of schools, who shall have devoted his entire time to the supervision of the schools in such district, but if two or more districts shall have united in employing a supervising principal as aforesaid, the six hundred dollars apportioned for such principal shall be apportioned among said districts in the proportion that the number of teachers employed in each of said districts shall bear to the total number of teachers employed in all of the districts uniting in employing said supervising principal.

Assistant supervisor.

(*b*) The sum of four hundred dollars for each assistant superintendent, and supervisor other than the supervising principal, employed in the district, and permanent teacher employed in a high school or high school department having a full four years' course of study, which shall have been approved by the State Board of Education.

Each teacher of higher course.

(*c*) The sum of three hundred dollars for each permanent teacher employed in a high school or high school department having a full three years' course of study which shall have been approved by the State Board of Education.

Each teacher of ungraded school.

(*d*) The sum of two hundred dollars for each permanent teacher employed in an ungraded school, or in a kindergarten, primary or grammar department or in a high school department having a course of study of less than three full years, which course of study shall have been approved by the State Board of Education.

Temporary teachers.

(*e*) The sum of eighty dollars for each temporary teacher who shall have been employed for a period of not less than four months.

Teachers in night schools.

(*f*) The sum of eighty dollars for each teacher employed in an evening school for the full time such school shall have been maintained; *provided*, the board of education shall certify that said evening school has been maintained at least four months during the school year preceding that for which the apportionment shall be made; *provided further*, if any such teacher shall have been also employed in the day schools of the same dis-

Proviso.

Proviso.

trict, the apportionment aforesaid shall be made for such teacher in addition to any amount apportioned for him as teacher in such day schools.

High school pupils paying tuition.

(*g*) The sum of twenty-five dollars for each pupil who shall have attended a high school or a high school department in a district other than that in which he resides, and for whom a tuition fee shall be paid by the board of education.

Pupils of lower grades paying tuition.

(*h*) The sum of five dollars for each pupil who shall have attended an ungraded school or a kindergarten, primary or grammar school department, in a district other than that in which he resides, and for whom a tuition fee shall have been paid by the board of education.

When transportation furnished.

(*i*) The sum of two hundred dollars to each district in which the board of education shall have provided proper means for the transportation of pupils in accordance with the provisions of this act, so long as proper transportation shall be provided; *provided,* that no appropriation shall be made for transportation unless the services of a teacher shall have been dispensed with by reason of substituting transportation for the services of such teacher.

Proviso.

Regarding manual training teachers.

In making such apportionment, teachers employed in a manual training school or department in a district receiving an appropriation from the State for such manual training school or department, and who shall have devoted at least one-half of the time the schools in said district shall have been kept open to school work other than manual training, shall be regarded as temporary teachers only, but no apportionment shall be made for teachers who shall have devoted their entire time to teaching in such manual training school or department.

Apportionment of balance.

II. He shall apportion to the several school districts of the county the remainder of said moneys on the basis of the total days' attendance of all pupils enrolled in the public schools thereof as ascertained from the last published report of the State superintendent of public instruction. For the purpose of such apportionment an attendance upon an evening school shall be counted as one-half day's attendance. If a school in any district shall, on account of contagious disease, destruction

Ascertaining basis.

of the school house by fire or otherwise, or for other good reason, be closed, for the purpose of this apportionment, such school shall be deemed to have been in session, and the total days attendance upon such school for the time it shall have been closed as aforesaid, shall be determined by dividing the actual total days' attendance of the pupils enrolled in such school by the number of days such school shall have been actually in session, and multiplying the quotient thus obtained by the number of school days such school shall have been closed.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 242.

A Further Supplement to an act entitled "An act to remove the fire and police departments in the cities of this State from political control," approved May second, one thousand eight hundred and eighty-five.

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

Section amended.

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

Compensation of paid firemen.

1. The board of fire commissioners in cities of the first class, created by the act to which this act is a further supplement, shall fix the compensation of the permanent members of the fire department as follows:

Officers.

To battalion or district chiefs, the sum of not less than twenty hundred dollars per annum; to the captain or foreman of each respective company, the sum of not less than sixteen hundred dollars per annum; to lieutenants or assistant foremen, the sum of not less

Men.

than fourteen hundred dollars per annum; to each permanent member of the first grade, the sum of not less than thirteen hundred dollars per annum; to each permanent member of the second grade, the sum of not

less than eleven hundred dollars per annum; to each permanent member of the third grade, the sum of not less than ten hundred dollars per annum; to each permanent member of the fourth grade, the sum of not less than eight hundred dollars per annum; the above sums to be paid in monthly or semi-monthly payments to the above battalion or district chiefs, captains, foremen, lieutenants or assistant foremen and permanent members of the first, second, third and fourth grades. The said compensation to begin on the first day of the next calendar month after this act shall go into effect.

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; *provided, however*, that none of the foregoing provisions shall take effect in any city until the acceptance or rejection of this act shall have been submitted, as herein provided, to a popular vote; such submission shall be made and the vote hereinafter provided for taken at the next election, whether general, municipal or special, and it shall be the duty of the county clerk, at least ten days before any such election, to give public notice by publication in two or more newspapers published and circulating in the city in which said election is to be held, that such submission will be made at the ensuing election, stating briefly the question to be submitted as herein provided.

Proviso; referendum.

Ballot.

There shall be printed on each official ballot to be used at such election beneath the list of candidates thereon the following words: "Act of one thousand nine hundred and six increasing the compensation of firemen" with the word "for" and the word "against" above and immediately preceding such proposition. And the legal voters of such city shall at such election so decide upon the acceptance or rejection of this act by the use of such ballots. If the word "for" be marked off or defaced upon the ballot, it shall be counted as a vote against the same; if the word "against" be marked off or defaced upon the ballot it shall be counted as a vote in favor thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such proposition.

If carried, this act to take effect.

3. The acceptance or rejection of this act shall be determined by the result of such election, and if there shall be found, on a canvass of all the votes cast, to be made as herein provided, that a majority of ballots have been cast in favor of this act, then this act, but not otherwise, shall take effect immediately in such city;

Result of election filed and tabulated.

the return of the election officers and certificate of the results of the votes cast in every election district or voting precinct in such city for and against the acceptance of this act shall be filed forthwith after the close of said election by the officers conducting the same with the clerk of the city wherein such election is held, and it shall be the duty of the clerk to tabulate the said returns and canvass the votes so cast in all the election districts in said city and certify upon such tabulated statement the number of votes cast for the acceptance of this act and the number of votes cast against the acceptance of this act, and he shall file such tabulated statement with his certificate thereon in his office, there to remain of record.

Approved May 17, 1906.

CHAPTER 243.

An Act placing Robert G. Smith, late colonel, Fourth Regiment, Infantry, National Guard on the retired list of the national guard with brevet rank of brigadier-general.

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

Conferring brevet rank.

1. The Governor and Commander-in-Chief be, and he is hereby, authorized to place the name of Robert G. Smith, late colonel, Fourth Regiment, Infantry, National Guard, on the retired list, with a brevet rank of brigadier-general for long and meritorious service in the National Guard of New Jersey, and issue to him a commission as such.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 244.

An Act to amend an act entitled "A further supplement to an act entitled 'An act for the government and regulation of the State Prison,' approved April twenty-first, one thousand eight hundred and seventy-six, which supplement was passed May seventeenth, one thousand eight hundred and ninety-four."

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 and the same is hereby amended so as to read as follows:

Section amended.

3. The principal keeper of the said prison shall reside in a residence to be erected by the State of New Jersey on land contiguous to the State Prison, which shall be kept furnished at the expense of the State, during the term of his office, and shall receive a salary of three thousand five hundred dollars per annum, and at that rate for a shorter period to be paid monthly by the Treasurer of this State upon the warrant of the Comptroller, together with his necessary sustenance, fuel and light. The bills for all expenses connected with said residence shall be approved by the Board of Inspectors, audited by the Comptroller and upon his warrant paid by the Treasurer of the State. That the principal keeper of the State Prison shall have power to appoint and employ with the advice and consent of the Board of Inspectors such assistants, deputy keepers, clerks and watchmen as may be necessary and proper to enable him to execute the duties of his office, or as may be required for the proper service, management and control of the said prison, which subordinates shall receive such compensation and allowances as the said Board of Inspectors shall deem just and proper, which compensation shall be

Where prison keeper resides.

Salary and expenses.

Assistants.

Their compensation.

paid monthly by the Treasurer of the State on the warrant of the Comptroller, upon orders drawn by two of the said inspectors designated by the board for that purpose. The said principal keeper may dismiss any or all of his said deputies and assistants whenever he shall deem proper, or when he shall be required to do so by a majority of the Board of Inspectors.

Repealer.

2. Paragraph five, article three of the laws relating to the government of the New Jersey State Prison be and the same is hereby repealed.

3. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 245.

An Act in relation to the control of public parks belonging to or under the control of any municipality of this State or any department in the government thereof.

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

Control of parks.

1. In any municipality which now has or hereafter shall take advantage of an act entitled "An act to provide for the planting and care of shade trees on the highways of the municipalities of this State, approved March twenty-eighth, one thousand eight hundred and ninety-three," the commission appointed under the provisions of said act shall have exclusive control of the public parks belonging to or under the control of such municipality or any department in the government thereof, with full power and authority to improve, repair, manage, maintain and control the same.

Power of commission.

2. The said commission shall have full power and authority and is hereby empowered to pass, enact, alter, amend and repeal ordinances for the protection, regulation and control of such parks and the trees, flowers, shrubs, statuary and other improvements therein, and to prescribe fines and penalties for the violation thereof

and to fix the amount of the same. The method now or hereafter in use for the passing, enacting, altering, amending, repealing and publishing ordinances in said municipality shall be the method used to pass, enact, alter, amend, repeal and publish the ordinances herein mentioned, and said ordinances shall be enforced in the manner provided at the time of said enforcement by law for the enforcement of the ordinances of the commission authorized by the aforesaid act and any amendments or supplements thereof. Relating to ordinances.

3. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 246.

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:*

1. No writ of certiorari reviewing any contract authorized or made by the governing body of any municipality which may have heretofore or may hereafter adopt the act to which this is a supplement, or reviewing any ordinance passed by any such city authorizing any contract, shall be granted by any judge or court, unless the prosecutor thereof shall have served upon the mayor or city solicitor of any such city, at least two days before application is made for such writ, a notice of the intention to apply therefor, stating the day, hour and place where such application shall be made, accompanied by the affidavit or affidavits upon which such application shall be based; and unless such application shall be made within thirty days from the date of execution of such contract or enactment of such ordinance. Notice of application for writ of certiorari to municipality.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 247.

An Amendment to an act entitled "An act respecting conveyances" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

1. Section twenty-two of said act be amended so as to read as follows:

Acknowledgment taken in this State.

22. If any deed or instrument of the nature or description set forth in the twenty-first section of this act heretofore made and executed, or hereafter to be made and executed, shall have been or shall be acknowledged by the party who shall have executed or shall execute it, such party then having happened or happening to be in this State, whether residing here or elsewhere before

Before what officer.

the Chancellor, one of the justices of the Supreme Court, one of the masters in Chancery of this State, one of the attorneys-at-law of this State, one of the judges of the Court of Common Pleas of any county in this State, one of the commissioners of deeds appointed for any county in this State, a clerk of the Court of Common Pleas of any county, a deputy county clerk, a surrogate or deputy surrogate of any county or a register of deeds of any county in this State, whether such officer was or is appointed for, or whether he was or is in the said county where such lands, tenements or hereditaments are situate, or where such acknowledgment was or is taken or not, such officer having first made known the contents thereof to such party making such acknowledgment, and being also satisfied that such party is the grantor in such deed or instrument, of all which the said officer shall

Certificate of acknowledgment annexed.

make his certificate on, under or annexed to said deed or instrument, or if it shall have been or shall be proved

by one or more of the subscribing witnesses to it, such witness or witnesses then having happened or happening to be anywhere in this State, whether residing here or elsewhere, that such party signed, sealed and delivered it as his voluntary act and deed, before any one of the above-named officers then having been or being anywhere in this State, and if a certificate of such proof, signed by such officer, shall be written upon, or under or be annexed to such deed or instrument, then every such deed or instrument shall be received in evidence in any court of this State as if the same were then and there produced and proved.

Receivable in evidence.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 248.

An Act for the protection and enforcement of the rights of married women.

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

1. Any married woman may maintain an action in her own name, and without joining her husband therein, for all torts committed against her, or her separate property, in the same manner as she lawfully might if a feme sole; *provided, however,* that this act shall not be so construed as to interfere with or take away any right of action at law or in equity now provided for the torts above mentioned.

Action by a married woman.

Proviso.

2. Any action brought in accordance with the provisions of this act may be prosecuted by such married woman separately in her own name, and the non-joinder of her husband shall not be pleaded in any such action.

Prosecuted separately.

3. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 249.

An Act to create the office of inspector of combustibles and fire risks in cities of the first class and to define the duties thereof.

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

Inspector of combustibles.

1. It may be lawful for the board of fire commissioners, or other body having charge or control of the fire department of any city of the first class in this State, to create an office in such department to be known as inspector of combustibles and fire risks, and to appoint thereto a qualified person, who shall have the powers and authority and shall perform the duties hereinafter set forth.

Right to enter and examine.

2. In any such city the inspector of combustibles and fire risks so appointed, or those acting under and for him, shall have full right, power and authority to enter any house, store, factory or other building, and upon any lot, yard or land situated within the limits thereof, within reasonable hours in the daytime, to examine the same, the contents thereof or the purposes for which it is being used, and to require the owner, lessee, tenant or tenants, occupant or occupants thereof to submit to him a sworn written statement or report as to any facts that he may desire in relation to the construction of any such buildings, and the nature, quantity, amount, quality and condition of the contents thereof.

May demand sworn statement.

Record of inspections.

3. The said inspector of combustibles and fire risks shall keep a record of all such inspections, statements and reports, and shall so arrange the same that there shall be kept and compiled a record of all houses, stores, factories and other buildings as shall be necessary to show the nature of the buildings, the construction thereof, the use to which the same is put, the nature of the business there conducted, the contents thereof, and

the location of any combustible or explosive material therein or which may be on the premises surrounding, adjacent or connected therewith, and the mode, manner or method of storing or keeping the same, together with any and all other facts deemed necessary or desirable by such officer or by the fire commissioners or other board having control of the fire department; all of such records shall be open and accessible to all of the members of the fire department and to any other officer or department of such city; and a transcript of such record shall, on the first day of each month, be made up and deposited with the superintendent of buildings, and by him placed on file in his office and there kept for reference by him; the officers and men of all the subdivisions or companies of any such department shall familiarize themselves particularly with the facts therein contained relating to all houses, stores, shops and other buildings and premises located in that portion or district of such city under their protection, and, so far as possible, with the facts relating to all such buildings or premises located in any part of such city.

Transcript for building inspector.

Firemen to familiarize themselves with report.

4. No person, persons or corporation shall have, keep, cause or permit to be kept, in any building or in or on any property situated in any city of the first class, any gunpowder, nitro-glycerine or blast oil, dynamite, fulminate of silver, fulminate of mercury, explosive gun-cotton, petroleum (either crude or refined), benzine, naphtha or spirit gas, or any other explosive solids, liquids or material whatsoever, without first obtaining from the inspector of combustibles and fire risks a permit so to do; and such inspector of combustibles and fire risks shall have the power and authority and it shall be the duty of said inspector to enforce or assist in enforcing any and all ordinances of any such city relating to fires, explosives and combustibles, and to report to the proper authorities all violations of any ordinances relating to buildings, or the construction, alteration or repair thereof which may come to his attention.

Permit to keep explosives.

To enforce ordinances.

5. Any person, persons or corporation violating any of the provisions of this act, or any of the terms of any permit issued in conformity herewith and by virtue of

Penalties for violations.

the authority herein granted, shall be subject to a fine of twenty-five dollars for the first offense and twenty-five dollars for every day thereafter so long as the violation continues or exists.

Repealer.

6. All acts and parts of acts inconsistent herewith are hereby repealed, but nothing in this act shall be construed to diminish or affect any of the powers, authority or responsibilities of any other board, body or official of any city.

7. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 250.

An Amendment to an act entitled "An act respecting conveyances" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

1. Section twenty-three of said act be amended so as to read as follows:

Foreign acknowledgments.

23. If the party who shall have executed, or who shall execute, any such deed or instrument of the description or nature above set forth in the twenty-first section of this act, or the witnesses thereto shall have happened, or shall happen, to be in some other State in the Union or Territory thereof, or in the District of Columbia, whether such party or witnesses resided or reside in this State, or in such State, Territory, or district, or elsewhere, then such acknowledgment or proof as is above prescribed, made before and certified by the chief justice of the United States, or any associate justice of the Supreme Court of the United States, or any master in Chancery of this State, or any attorney-at-law of this State, or any circuit or district judge of the United

Before whom taken.

States, or any judge or justice of the Supreme or the superior courts, or the chancellor of any State in the Union, or Territory thereof, or District of Columbia, or any foreign commissioner of deeds for New Jersey, duly certified, under the official seal of such commissioner, or before and by any mayor or other chief magistrate of any city, borough, or corporation in such State, Territory, or district, duly certified under the seal of such city, borough or corporation, of which he was or is mayor or chief magistrate, such circuit or district judge, judge or justice of such supreme or superior court, or chancellor of such State, foreign commissioner of deeds, mayor or other chief magistrate then having been or being anywhere within the circuit, district, State, Territory, district, city, borough, or corporation, for which he was or is appointed, or before and by any judge of any court of common pleas of such State, Territory, or district, such judge then having been or being within the county or district in and for which he was or is such judge, duly certified that he was or is such judge under the great seal of such State, or under the seal of the county court of the county or district in which it is made and in and for which he was or is such judge, or before and by any officer in any such State of the Union, Territory thereof, or District of Columbia, then residing, and being anywhere in such State, Territory or district, authorized at the time of such proof or acknowledgment by the laws of such State, Territory, or district, to take the proofs and acknowledgments of deeds or conveyances of lands, tenements or hereditaments, lying and being in such State, Territory, or district; *provided,* in such case the certificate of acknowledgment or proof shall be accompanied by a certificate under the great seal of such State, Territory, or district, or under the seal of some court of record of the county, in which it was or shall be made, that the officer before whom such acknowledgment or proof was or shall be made was, at the time of the taking of said proof or acknowledgment, authorized by the laws of such State, Territory, or district, to take the acknowledgments and proofs of deeds or conveyances for lands, tenements, or here- Proviso.

ditaments in such State, Territory, or district, shall be as good and effectual as if such acknowledgment or proof had been made within this State before the chancellor thereof and had been certified by him.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 251.

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

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

Section amended.

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

In action on contract defendant may set up defect.

64. In actions on contract, whether under seal or not, the defendant may set up as a defense in abatement of the damages to be recovered by the plaintiff, a defect in or partial failure of the consideration of the contract sued on; the defendant may also recoup all damages which he may have sustained by reason of any cause of action arising out of the contract or transaction set forth in the plaintiff's demand, or connected with the subject of the action; *provided,* notice of such claim for recoupment of damages shall be filed with the clerk of the court, on or before the time specified for appearance in the process, or on or before the final hearing; and if the defendant shall recoup damages, and the amount of such damages shall be found to exceed the demand of the plaintiff, judgment shall be given in favor of the defendant and against the plaintiff, in such action for such excess, with costs.

May recoup damages.

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 17, 1906.

CHAPTER 252.

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.

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

Retirement of civil war veterans in municipal service on pension.

1. Whenever any honorably discharged Union soldier, sailor or marine who served in the War of the Rebellion has or shall have been for forty years continuously 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.

Pension to be half-pay.

2. 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 voluntary 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.

Provision for funds.

3. Provision 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 so retired.

4. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 253.

A Further Supplement to an act entitled "An act to enable cities in this State to furnish suitable accommodations for the transaction of public business," title as amended approved April fifteenth, one thousand eight hundred and eighty-seven.

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

Bond issue on value of appraised value of property not needed.

1. When in any city in this State the commissioners appointed under and by virtue of this act and the proper governing or financial body of such city have determined or may determine that any public buildings or other property belonging to such city may safely be spared or is not needed for public use, and that the same may be sold at public auction by such commission for the purposes specified in this act, it shall be lawful for the common council or other board or body having charge and control of the finances thereof, upon the request of such commissioners, to issue temporary loan bonds to an amount equal to ninety per centum of the appraised value of such property or any part thereof; the proceeds from which shall be paid into the treasury of such city and paid over to the said commissioners from time to time as required by them for the fulfillment of the purposes of this act.

Proceeds.

Value of property ascertained.

2. Before the issuing of any such bonds the common council or board or body having control of the finances of any such city shall ascertain the value of such property and shall fix the same by resolution, which value when so fixed shall be the appraised value of such property, and when such value is so fixed the same shall not be changed, and upon such appraised valuation the said bonds shall be issued as aforesaid.

Proceeds of sale to redeem bonds.

3. The proceeds arising from the sale of any such lands or property shall be used for the redemption of the bonds issued under the authority of this act, and no part of the money received from the sale of such lands shall be used for any other purposes than the redemption of such bonds until all of such bonds shall have been paid and retired.

Repealer.

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

Approved May 17, 1906.

CHAPTER 254.

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:*

Council may by ordinance vacate streets, etc., upon petition.

1. In addition to the powers heretofore conferred upon the town council of towns organized under the provisions of the act to which this is a supplement, the said council shall have power by ordinance to vacate any street, avenue or highway, or any part or section thereof that has not been opened, graded and improved, or, if opened, graded and improved, has not been used as a public thoroughfare for a period of two years, whenever a petition therefor in writing shall be presented to the council at a stated meeting thereof signed by the owner or owners of all the land abutting upon both sides of the street, avenue or highway, or section thereof to be vacated, which petition shall be under the seals of the said owners, and duly signed and acknowledged or proved in the manner in which conveyances of land, tenements or hereditaments in the State of New Jersey

Rights in street released.

Hearing of objections.

Public notice.

Proviso.

are required to be acknowledged or proved, and shall contain a release to the said municipality of all rights in said street, or section of a street, as a public highway, and a waiver of all claims for remuneration or damage by reason of the closing of the same. The town council shall then, or at a stated meeting to be held thereafter, fix a time and place, when and where it will meet to consider all objections in writing to the vacation of the street, avenue or highway, or any part or section thereof petitioned for, and shall cause a notice of the presentation of such petition to be printed in the official newspaper in the town, or, if there be none, in a newspaper published in the county and circulating in the town, for two weeks successively next preceding the said time fixed by the council, at least once in each week, which notice shall contain a general description of the vacation proposed, and the object and purpose of the petition presented to the council, and shall state the time and place when and where the council will meet to hear and consider objections to the vacation of any street, avenue or highway, or any part or section thereof, petitioned for which may be presented in writing; and the town clerk shall post copies of such notice in five public places of the town, at least ten days prior to the said time fixed by the council for the hearing of objections; and all objections, at such time and place presented in writing, the council shall consider and adjudicate upon; *provided, however,* that no ordinance for said purpose shall be passed unless it shall receive the votes of two-thirds of the members of the council.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 255.

Supplement to an act entitled "An act to authorize cities of the first class to establish and maintain dispensaries for the free distribution of medicines among the poor of the city and to raise moneys for such purposes," approved April ninth, one thousand nine hundred and two.

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

Visiting nurses.

1. The board or body having charge of the public health in any city of the first class may, from time to time, appoint and designate nurses who shall be regularly graduated from a recognized training school of nurses to act as nurses, who shall be assigned to the dispensary or dispensaries created by virtue of the act to which this is a supplement, to render such services as may be required of them from time to time in attendance upon the sick poor of such cities.

Salaries.

2. The salaries of such nurses shall be fixed by the said board of health, but in no event shall exceed the sum of seventy-five dollars ($75.00) per month, and such salaries shall be chargeable to the appropriation provided for under and by virtue of the act to which this is a supplement.

Repealer.

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

4. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 256.

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

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

Acquisition of land in Jersey City by United States.

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

Jurisdiction.

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

Concurrent jurisdiction.

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

sons charged with crimes, high misdemeanors, or misdemeanors committed within said State, may be executed therein in the same way and manner as if said consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Exempt from taxation.

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

5. This act shall take effect immediately.

Approved March 17, 1906.

CHAPTER 257.

An Act to amend an act entitled "An act to reduce the number of members of the boards of chosen freeholders in counties of this State, and to fix the salaries and provide for the election of the members of said boards," approved March twenty-sixth, one thousand nine hundred and two.

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

Section amended.

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

Expiration of officers' terms.

6. The terms of office of all officers then holding office under appointment by the board of chosen freeholders existing in any county at the time of the reorganization of said board under this act in such county,

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shall expire with the termination of office of the members of such previous board as aforesaid, notwithstanding that such officers may have been appointed for a longer term; and all offices filled by appointments by such previous boards shall then become vacant; and the boards of chosen freeholders constituted or elected under the provisions of this act shall forthwith, upon their organization, fill the offices hereby vacated for the term of one year only, and thereafter may appoint for the term of two years; *provided,* that the person holding the office of county collector in any county at the time of the reorganization of said board in such county under this act shall continue to exercise the duties of his office until his successor shall have been appointed by the board of chosen freeholders organized under this act, and shall have duly qualified; *and provided further,* that nothing in this section contained shall apply to or in anywise affect any honorably-discharged soldier or sailor of the United States, or the widow of such soldier or sailor in office at the time of the adoption of this act in any such county, but any and all such persons shall continue and remain in their respective offices the same as if this act had not been passed, and shall be removed only for cause.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 258.

An Act to provide for the purchase, construction, improvement and maintenance of public parks by cities in this State.

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

Park board to purchase lands.

1. The board or body having charge and control of the public streets or public parks where a separate board exists for that purpose in any city of this State shall

have authority to purchase lands for public parks in any such city; *provided,* that before any such purchase the board or body having charge and control of the finances of any such city, provided there be a district board having such powers, shall concur in the same. Proviso.

May acquire title by condemnation.

2. When such board or body having charge and control of the public streets as aforesaid shall deem it proper to acquire certain land for the purposes aforesaid, and the said board, or its agents, cannot agree with the owner, or owners of said land as to the price and terms of the purchase thereof, or when by the legal incapacity or absence of such owner or owners no agreement can be made for the purchase thereof, or when for any other reason, said board cannot arrange for the purchase thereof, it shall be lawful for said city to acquire the title by condemnation; *provided* that no application or proceeding shall be instituted for that purpose, except by and with the consent of the board or body having charge and control of the finances of such city. Proviso.

Board of finance to issue bonds for purchase.

3. The board having charge and control of the finances of any such city shall have the power to borrow so much money as may be necessary for the purchase and acquirement of lands for the purposes mentioned in the first section of this act, and for the laying out and improvement of the same, and for the improvement and extension of any parks heretofore purchased or acquired in any such city, and may issue bonds or obligations of the city therefor, bearing interest at a rate not exceeding four per cent. per annum, in an amount not exceeding three hundred thousand dollars, and make the same payable at such time or times as such board shall determine; *provided,* that the term of said bonds or obligations shall not exceed thirty years. Amount and rate. Proviso.

Bonds not taxable.

4. The issue of bonds under the provision of this act shall be exempt from taxation, and they shall be in such sum as the board having charge and control of the finances of said city shall determine; they shall be executed under the corporate seal of such city, and shall be signed by the mayor and comptroller of such city, and may be either registered or coupon bonds, as the board may direct. The interest on the said bonds and the

Tax to meet interest and redemption.

amount provided to be set apart for a sinking fund therefor, which shall not be less than two per cent. annually, shall be raised and paid by taxation, such tax to be assessed, levied and collected as other taxes in such city are now, or may hereafter be levied and collected.

Sale and proceed of bonds.

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

Construction of this act.

6. This act shall not repeal or effect any other legislation or proceedings thereunder for the purchase or condemnation of lands for park purposes and for maintaining such parks, and this act is declared to be additional legislation for such purpose.

Referendum.

7. This act shall not become operative until assented to by a majority of the legal votes cast upon the question at any annual election in such city. It shall be the duty of the county clerk in any county, upon receipt by him of a resolution of the governing body of such city, duly certified by the clerk of such city, requesting the county clerk to submit the acceptance or rejection of this act to the people of such city, to cause to be printed upon the regular ballots for use in such city at such election the words "For public parks" and "Against public parks," and if a majority of the votes cast upon such question shall be in favor of the adoption of this act the same shall become operative at once in such city.

Ballots prepared by county clerk.

8. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 259.

An Act to amend a supplement to an act entitled "An act for protection against mad dogs," approved March twenty-sixth, one thousand eight hundred and eighty-nine.

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

Section amended.

1. The supplement to an act entitled "An act for protection against mad dogs," approved March twenty-sixth, one thousand eight hundred and eighty-nine, be and the same is hereby amended to read as follows:

Authority to appoint persons to kill dogs running at large.

1. The common council of any incorporated city, town or borough, and the township committee of any township in this State, are hereby authorized and empowered to appoint one or more persons in their respective cities, towns, boroughs or townships, with full power and authority to kill any dog, male or female, found running at large without a muzzle, within such cities, towns, boroughs or townships, after a proclamation shall have been issued in pursuance of the first section of the act to which this is a supplement, and such person or persons so appointed shall have full power and authority and they are hereby authorized to kill any dog, male or female, found running at large within their respective cities, towns, boroughs or townships in which such a proclamation shall have been issued, after said proclamation shall have been issued for one day; *provided,* that nothing in this act shall empower or authorize said officers to kill any dog or dogs accompanied by the owner or owners of such dog or dogs.

Proviso.

Compensation of dog catcher.

2. The common council of any incorporated city, town, borough, and the township committee of any township, are hereby authorized to fix the compensation to be paid to any person or persons appointed as above

provided for, and to pay the same out of any moneys in the treasury of such city, town, borough or township.

3. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 260.

An Act to ascertain and define the easterly limits of the seaboard counties of this State, and the jurisdiction thereof.

Preamble.

WHEREAS, the easterly limits of the seaboard counties of this State should be accurately ascertained and defined, and the jurisdiction of the courts of each county, or within each county, over criminal and other offences committed upon the piers, wharves and waters fronting upon the coast-line of said counties should be established and made certain; therefore,

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

Municipal boundaries on ocean.

1. The territorial limits of each county of this State, fronting upon the sea-coast, be and the same are hereby extended to a line parallel with the ocean shoreline of said counties, and distant, easterly, three nautical miles therefrom; and the division lines between said counties, as they now exist, be and the same hereby are extended, from the several points where they now reach the sea, in courses due east until they severally reach said outer line of said counties as hereby established.

Jurisdiction of courts.

2. All crimes and other offences committed within the limits of any county as hereby extended, shall be cognizable by the proper courts of or within such county.

Limitation.

3. The provisions of this act shall be deemed and held to apply only to such counties, or portions thereof, as front upon the open sea.

4. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 261.

A Supplement to an act entitled "An act to amend an act entitled 'An act relating to newly-created municipalities,' approved February twenty-fourth, one thousand eight hundred and ninety-eight," approved April eleventh, one thousand eight hundred and ninety-eight.

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

Real estate to include sewer, etc., improvements.

1. The term "real estate," as used in the said act and the amended act to which this act is a supplement, shall include all sewer or other improvements of a public nature so lying entirely within the limits of the new municipality so created, and any indebtedness then existing, incurred for or on account of said sewer, or other improvements of a public nature, shall be and remain the indebtedness of the municipality within whose territory such sewer or other improvement lies and be its property, and neither said sewer or other public improvement nor said indebtedness shall be included or taken into account in making the apportionment and division therein provided for, and that such indebtedness shall be borne by such newly-created municipality as provided for said real estate mentioned in said act and said amendment, and shall be disposed of in like manner.

As to indebtedness.

Applies to cases considered by commissioners.

2. This act shall also apply to all cases where commissioners have heretofore been appointed by the court by virtue of said act and said amendment to make division of the assets or debts of said municipalities as provided for by said act and said amendment, and who have not as yet made their report and determination in writing as the law requires.

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

Approved May 17, 1906.

CHAPTER 262.

An Act to incorporate the borough of Laurel Springs, in the county of Camden.

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 Clementon, in the county of Camden, contained within the limits hereinafter set forth, are hereby constituted and declared to be a body politic and corporate in fact and in law by the name of "the Borough of Laurel Springs," and shall be governed by the general laws of this State relating to boroughs.

Boundaries of Laurel Springs.

2. The territorial limits of the said borough shall be as follows, to wit: Beginning at the junction of the middle lines of the White Horse stone road and Linden avenue; thence extending northwesterly, along the middle line of the White Horse stone road to the corner of lands formerly of Esaias E. Hunt, at the northerly corner of tract number two of Laurel Springs; thence along the southerly line of said Hunt's land, the several courses and distances thereof, adjoining tract number two of Laurel Springs, to the easterly corner to lands of Richard Kaighn; thence along the line between lands of said Richard Kaighn and tract number two of Laurel Springs, to the middle of a small stream crossing said line a short distance northeast of the Atlantic City Railroad; thence down the middle of said stream the several courses and distances thereof through lands of said Richard Kaighn, westerly, to the middle of Laurel avenue; thence southwesterly, along the middle of Laurel avenue to its intersection with the middle line of Central avenue, as marked on the plan of West Laurel Springs; thence easterly, along the middle of Central avenue to the middle line of Walnut avenue; thence southerly along the middle line of Walnut avenue to the middle

line of Sycamore avenue; thence easterly along the middle line of Sycamore avenue to the line between lands of Benjamin A. Tomlinson and Henry W. Bassett; thence along said line between Tomlinson and Bassett, southerly, to the northeasterly edge of the Laurel mill pond at the line of high-water mark thereof; thence southeasterly up the said northeasterly side thereof following the line of high-water mark, the several courses and distances thereof to the line between West Laurel Springs and tract number one of Laurel Springs; then along said line, northeasterly, about four hundred and fifty feet to the line between lots number forty-one and forty-two, Block E, on said tract number one; thence southeasterly along said line, crossing Tomlinson avenue, four hundred and twenty feet to the middle line of Block N on said tract number one; thence northeasterly along the middle line of Block N, two hundred feet to the southwesterly side line of Lakeview avenue; thence along the same southeasterly to the northwesterly side line of the Garden Lake tract, formerly Abel Tomlinson's land; thence northeasterly, along said line to the middle of Linden avenue aforesaid; thence easterly, along the middle line of Linden avenue, to the place of beginning.

Referendum.

3. This act shall not become operative until the provisions of this act shall be submitted to the voters of said township of Clementon at a general election for members of the General Assembly, and approved by a majority of the voters voting at said election upon the question of the approval or disapproval of said act; and said act shall be submitted to the voters in accordance with the provisions of the general election law regulating the method of submitting legislative acts or other questions at general elections.

Approved May 17, 1906.

CHAPTER 263.

An Act to amend an act entitled "An act respecting hospitals and to provide for their aid in certain cases," approved April twenty-first, one thousand eight hundred and eighty-seven.

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

Section amended.

1. Section one (1) of the act entitled "An act respecting hospitals and to provide for their aid in certain cases," approved April twenty-first, one thousand eight hundred and eighty-seven, is hereby amended to read as follows:

Increase of appropriation when expended.

1. Where the annual appropriation now made or hereafter to be made for supporting and maintaining the public hospitals in cities has already been expended, or shall hereafter become expended before the end of the fiscal year for which said appropriation is made, or where such annual appropriation is or may become insufficient and inadequate for properly supporting and maintaining such public hospitals, it shall be lawful for the board of finance and taxation or any other municipal board or authority having the control and management of the finances of any such city to increase said annual appropriation at any time during the fiscal year for which the same was made in such an amount as said board may deem reasonably necessary for said purpose; *provided,* that such additional appropriation shall not in any one year exceed the sum of fifteen thousand dollars.

Proviso.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 264.

An Act to change the boundary line between the city of East Orange, in the county of Essex, and 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:*

Fixing boundary between East Orange and South Orange.

1. The present and existing boundary line between the city of East Orange, in the county of Essex, and the village of South Orange, in the county of Essex, is hereby changed and altered so that it shall run as follows: It shall begin at a point on the present boundary line between the cities of East Orange and Orange, distant ninety-nine feet and fifty one-hundredths of a foot from the present monument stone located in Centre street, which is the present junction of the boundary lines of the cities of Orange and East Orange and the village of South Orange; from thence it shall run south fifty-three degrees two minutes east, one thousand and eighteen feet and fifteen one-hundredths of a foot to the present boundary line between the city of Newark and the village of South Orange; it being the purpose of this act that the said boundary line shall run throughout its whole length parallel to Finlay Place, in the village of South Orange, at a distance of one hundred and fifty feet north of the northerly line thereof.

Intent.

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

Approved May 17, 1906.

CHAPTER 265.

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 18th, 1898.

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

Section amended.

1. Section fourteen of the act, to which this is amendatory, shall read as follows:

Searches.

14. The counsel or attorney of the town, township, borough or other municipality shall make or have made the necessary searches, and serve or have served the necessary notices provided for in this act, for which service he shall be paid at the rate of one dollar for each notice served, and the fees for such searches and notices shall be ordered paid to him by the township committee or other governing body from time to time, upon his filing a statement, under oath, of the amount due him for such services. In case the counsel or attorney of the town, township, borough, or other municipality shall refuse to make or have made the necessary searches, or serve or have served the necessary notices provided for in this act, or shall be interested in lands subject to adjustment under this act, the said Commissioners of Adjustment shall have, and they are hereby given, full power and authority to appoint a counsellor-at-law to act as counsel and attorney to said Commissioners of Adjustment, whose duty it shall be to make or have made the necessary searches, and serve or have served

Fee.

Counsel to commissioners of adjustment.

Duty.

the necessary notices provided for in this act, and who shall receive the same compensation, and be paid in the same manner as provided for payment of counsel and attorney of towns, townships, boroughs or other municipalities, by this act.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 266.

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:*

Obtaining money or property through false representation a misdemeanor.

1. If any person or corporation shall obtain any money, wares, merchandise, goods, chattels or credit from any other person or corporation, which money, wares, merchandise, goods, chattels or credit are or shall be obtained in whole or in part upon the faith of a statement of the financial condition or responsibility of such person or corporation so obtaining such money, wares, merchandise, goods, chattels or credit, and such statement shall be in writing and signed by the person obtaining such money, wares, merchandise, goods, chattels or credit, or by the president or other head officer of such corporation obtaining such money, wares, merchandise, goods, chattels or credit, and the said statement shall be wilfully false in any material particular, then such person or the officer of the corporation, as the case may be, signing such statement shall be deemed guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 267.

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

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

Section amended.

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

Clerk's fees.

214. In all actions which may be brought by virtue of this act the following and no other fees shall be paid to the clerks of said court:

Copy of proceedings entered in any docket, or of any proceedings or any order or other paper, filed in any cause, or transcript of same, per folio,	$0.15
Drawing, signing and sealing return to certiorari,	1.00
Entering suit without process,	1.50
Execution, or any order in nature of execution, on a judgment, or execution against the body,	1.35
Execution against the body, each additional defendant,	.75
Copy of execution, or other order, in nature of execution,	.35
Granting appeal and approving bond,	1.00
Listing every cause (except tenancy suits) for trial, hearing same and entering judgment,	1.50
Entering judgment in actions in tenancy,	1.00
Issuing commission to take deposition,	.50
Mileage of constable in serving any summons, execution or warrant against body, after the first mile, the distance to be computed by counting the number of miles in and out by the most direct route from the court where process is issued; for every mile,	.04

Order for warrant, rule to show cause, for discovery, or reference, or other order, ...	1.00
Recording return of commission, ...	1.50
Recognizance filed or taken, ...	.35
Scire facias, one defendant, ...	2.10
Scire facias, each additional defendant, ...	.40
Summons, one defendant, ...	2.10
Summons, each additional defendant, ...	.40
In replevin, one defendant, ...	3.00
In replevin, each additional defendant, ...	.40
Transcript of judgment, ...	.50
Venire facias, jury of six men, ...	4.00
Venire facias, jury of twelve men, ...	5.75
Warrant to arrest, one defendant, ...	2.35
Warrant to arrest, each additional defendant,..	.75
Warrant for possession, ...	1.60
Writ of attachment, one defendant, ...	3.35

Approved May 17, 1906.

CHAPTER 268.

An Act to amend an act entitled "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 future taxation,' " passed March thirtieth, one thousand eight hundred and eighty-six, which supplement was approved April eighteenth, one thousand eight hundred and eighty-nine.

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

1. Section four of the act entitled "A further supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assess- Section amended.

ments and water rates or water rents in cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation,' " passed March thirtieth, one thousand eight hundred and eighty-six, which supplement was approved April eighteenth, one thousand eight hundred and eighty-nine, be and the same is hereby amended so as to read as follows:

Proceedings when land sold belongs to infant, lunatic, etc.

4. And be it enacted, that in case any owner, mortgagee or other person appearing to have an interest in said land so sold shall be known to be an infant under the age of twenty-one years, or an idiot, or a lunatic, no deed shall be delivered to the purchaser, or to his legal representatives or assigns, by the comptroller or other collecting officer, except upon the order of the circuit court of the county wherein said lands are situate, to be made upon a duly verified petition of the purchaser, his legal representatives or assigns, and upon such notice to said infant, idiot or lunatic, or to his or her guardian, as the court may order, and the court in such case may appoint a guardian ad litem and inquire into the ability of the said infant, idiot or lunatic, or his or her estate, to redeem said land, and may postpone the hearing from time to time, in its discretion, to give opportunity for such redemption, and may make such order in relation to such deed as may be equitable and just.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 269.

An Act to amend an act entitled "An act to provide for the purchase, construction and maintenance of public parks by cities and other municipalities in this State," approved April fourth, one thousand nine hundred and two.

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

Section amended.

1. Section five of an act entitled "An act to provide for the purchase, construction and maintenance of public parks by cities and other municipalities in this State," be and the same is hereby amended so as to read as follows:

Payment for lands purchased for parks.

5. The lands purchased under this act may be paid for out of the proceeds of said bonds, and in case of condemnation, the mode of procedure shall be that provided in an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of 1900), approved March twentieth, one thousand nine hundred.

2. This act shall take effect immediately.

Approved May 17, 1906.

CHAPTER 270.

An Act to establish fire and police commissions in certain cities of this State of less than thirty-five thousand inhabitants, and to prescribe their powers and duties.

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

Fire and police commissions.

1. There is hereby created and established in each of the cities of the second class in this State of less than

thirty-five thousand inhabitants, which shall accept the provisions of this act, a board of fire commissioners and a board of police commissioners, to which shall be respectively entrusted the government, control and management of the fire and police departments therein, and the direction and control of all public fire and police matters respectively, subject to the inspection and supervision of the common council of such city as hereinafter provided.

Appointed by mayor.

2. Such respective boards of fire and police commissioners shall each consist of four persons, residents in such city, no more than two of whom shall belong to the same political party, and each of whom shall be nominated and appointed by the mayor of such city and be confirmed by the common council thereof; the commissioners first selected after the acceptance of the provisions of this act by any city shall be appointed one for one year, one for two years, one for three years and one for four years from the first day of January in the year in which they are appointed, and thereafter one commissioner shall be appointed in like manner each year for each of said boards, for a term of four years, commencing with the first day of January in the year in which he shall be so appointed; and such mayor shall present the names of such nominees to the common council of such city for confirmation, and in case of the rejection of any of such nominees by such common council, the said mayor shall continue to present the name or names of duly qualified persons for confirmation as aforesaid, until all the members of such respective boards are duly appointed and confirmed as aforesaid; and each of said commissioners, when appointed as aforesaid, shall receive a commission from the mayor of such city and shall hold office until his successor shall be appointed and confirmed.

Term.

Confirmed by council.

Salary.

3. The commissioners of such fire and police boards shall devote such time and attention to the duties of their office as the welfare of the department under their control and the public interest therein may require, and each shall receive as compensation for his services an annual salary not exceeding one hundred dollars, to be

fixed and determined by the common council of such city.

Clerk; salary.

4. Such boards of fire and police commissioners, respectively, shall be entitled to have and appoint a clerk, at a salary not to exceed three hundred dollars per annum, who shall keep a record of their respective proceedings, and an account of all money received and expended, and said boards of commissioners, respectively, shall make detailed reports monthly to such common council.

Oath of office.

5. Before entering upon the duties of such office, each of said commissioners and the clerk of said board shall take or subscribe an oath or affirmation, before the clerk of such city, faithfully and impartially to perform the duties of such office, and each of said commissioners shall enter into a bond to such city, in such sum not exceeding five thousand dollars, with such sureties as may be designated or approved by the common council of such city, conditioned for the faithful performance of his duties as such commissioner.

Council may expel.

6. The common council of each city shall have the right to expel from office any of said commissioners therein on good cause shown, and after a trial of such commissioner before such common council, and for such purpose such common council shall be fully authorized to summon, swear or affirm, and examine witnesses, hear counsel and try and determine the charge against such commissioner as to said common council shall seem just.

Vacancies.

7. In case a vacancy occur in the said office of fire commissioner or police commissioner, such vacancy shall forthwith be filled for the remainder of such unexpired term in the same manner as the original appointment was made and confirmed.

Choose members of respective forces.

8. The commissioners composing such board of fire commissioners and board of police commissioners shall be fully authorized and empowered to employ such persons as may be deemed necessary by them, from time to time, in their respective departments, and said respective boards shall have full power and right to suspend, remove, expel or discharge any person employed or ap-

pointed in or under the department under the control of such board; *provided,* good cause shall be shown for such suspension, removal, expulsion or discharge after an investigation by such board; and *provided, further,* that the appointment of chief engineer of such fire department and the chief of police of such police department shall be approved by the common council of any such city.

Proviso.

Proviso.

Rules and regulations.

9. Said respective boards shall have power to make, from time to time, such by-laws, rules and regulations for the government of such board, and for the conduct and management of the affairs of such board and the department under its control as to the members thereof shall seem proper.

President and chiefs.

10. Said boards of fire and police commissioners shall annually, or whenever a vacancy occurs, select one of their number to act as president, who shall preside at their respective meetings; and in case of a vacancy in the offices of chief engineer or chief of police, by removal, disability or otherwise, the president of the said boards respectively shall perform all the duties and possess all the powers of said respective positions during the continuance of such vacancy.

Compensation of employes.

11. Said respective boards of fire and police commissioners shall have power to fix and regulate the compensation of all officers, servants and employes in their respective departments.

May subpœna witnesses.

12. The said boards of fire and police commissioners respectively shall have power to issue subpœnas under the hand of the president of such board, and to compel the attendance of witnesses upon any proceedings before it, and each member of such board is hereby authorized to administer oaths or affirmations in any such proceeding; and any wilful or corrupt swearing by any person before such board shall be deemed perjury, and punishable in the same manner as is now prescribed by the statutes of this State in cases of perjury.

Inform council of year's estimate of expenses.

13. On or before the first day of February, in each year, the said boards of fire and police commissioners shall, respectively, estimate in detail the expenses of their respective departments for the ensuing year, and

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

Proviso.

Proviso.

Proviso.

14. Whenever and as often as the common council of any such city shall, by resolution, direct the treasurer of such city to credit the said boards with a sum or sums of money for the support of their respective departments, on account of the appropriations so to be made as aforesaid, it shall be the duty of such treasurer, immediately upon receipt of a certified copy of such resolution, to enter on his books the sum or sums of money therein mentioned to the credit of the respective boards, and to pay, on presentation, all drafts drawn upon him, properly signed, countersigned and attested as herein provided, to an amount not exceeding the balance remaining on his books to the credit of the said boards respectively, and to preserve such drafts to be exhibited in the settlement of his accounts as treasurer of such city, and that hereafter all drafts or warrants for the payment of bills and claims for police and fire purposes,

City treasurer to credit departments.

Payments.

Drafts approved.

which have been approved and ordered paid by the police or fire commissioners, shall be issued by the said boards, and, signed by the president and secretary thereof, shall be delivered to the city auditor, accompanied by the

Auditor to countersign.

vouchers therefor; and the said auditor shall countersign said warrants and deliver them to the person or persons to whom the same may be made payable, and keep a record thereof as required for other accounts of the city, and no such draft or warrant shall be paid by the city treasurer unless so countersigned; and it shall be the duty of the clerk of the said respective boards of police and fire commissioners, at the end of each month, to de-

Monthly payments to members of departments.

posit in the office of the said auditor a report of the amounts due to the several members of the police and fire departments for salaries for the current month for which warrants are so issued, and the said auditor shall take a proper receipt from all person receiving warrants on account of the police and fire departments in a book kept for such purposes.

Powers and exemptions of police.

15. The members of the police force employed by the board of police commissioners are hereby invested with all the powers applicable to sheriffs and constables of this State, except to serve civil process; they shall also be exempt from duty as jurymen and from military service during the time they shall remain members of such police force.

Police commissioners may arrest.

16. Each of such police commissioners shall have full power to arrest, without warrant, for breaches of the peace committed in their presence; and in every such case of arrest the person so arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law.

Not hold elective office.

17. No fire or police commissioner shall accept or hold any other place of public trust or emolument within the elective franchise, unless he shall first resign his office of commissioner, and upon his acceptance of any such place his position as a member of such board shall become vacant.

Penalties for accepting other rewards, etc.

18. In case any fire or police commissioner appointed under this act shall take or receive any other reward, compensation or emolument for or in respect of any ser-

vice under this act, or for or in respect to any appointment to be made or voted on, or for or in respect of any vote to be given by him as such commissioner, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed two thousand dollars, or imprisonment at hard labor for a term not to exceed two years, or both, at the discretion of the court before which such conviction is had.

Suitable offices to be furnished.

19. It shall be the duty of the common council of any city in this State, wherein are established boards of fire and police commissioners, to provide such boards respectively with suitable and proper offices, quarters and accommodations, and to make such changes and alterations therein, and to increase and enlarge the same, wherever such respective boards shall so request such common council.

Referendum.

20. This act shall take effect immediately, but its provisions shall remain inoperative in any second-class city in this State until assented to by a majority of those of the legal voters of such city who shall vote either for or against the adoption of its provisions, as hereinafter provided, at an election to be held in such city at any time to be fixed by the board of aldermen, council or other legislative body of such city. If the time fixed for holding said election shall be the time for holding any general election, the former shall be consolidated with the latter, and be conducted in the manner required by law governing such general election. The city clerk of said city shall cause public notice of the time, place and purpose of holding the election to be given by advertisements signed by himself and set up at least eight days prior to and within thirty days next preceding the day of election, in at least five of the most public places within such city, and published in one or more newspapers printed therein for at least six days previous to the day of such election; and the clerk whose duty it shall be by law to provide ballots for such election, whether he be the clerk of the city in which such election shall take place or the clerk of the county in which such city is located, shall provide or cause to be provided for each voter voting at such election, ballots, upon which ballots (and beneath the list of candidates

When election held.

Notice.

Clerk to furnish ballots.

thereon, if any candidates are to be voted for at such election) shall be printed the following words: "For a Board of Fire and Police Commissioners," and immediately thereunder the proposition "Against a Board of Fire and Police Commissioners," and the voter may vote to adopt this act by obliterating the second proposition or may vote to reject this act by obliterating the first proposition; and in case neither the words "For a Board of Fire and Police Commissioners," nor the words "Against a Board of Fire and Police Commissioners," be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such proposition, nor shall the person depositing in the ballot-box a ballot on which neither the said words "For a Board of Fire and Police Commissioners," nor the said words "Against a Board of Fire and Police Commissioners," is marked off be counted as a voter or as voting in respect of or upon the question or proposition submitted. If voting machines shall be used at any such election, all voting by means thereof shall be conducted in the manner specified by the statute in such case made and provided. The polls for such election shall be held at the usual places of holding the annual general election in such city, and shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election between the hours aforesaid; *provided,* the board of election may adjourn such election from one o'clock until two o'clock in the afternoon, or for such shorter time between those hours as they shall see fit; and such election shall be conducted by the proper election officers of said city for the time then being, and in the manner as may then be prescribed by the ordinance of said city, if any, regulating elections therein, and such officers shall return to the board of aldermen, council or other legislative body of such city a true and correct statement in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Polls open.

Proviso.

Repealer.

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

Approved May 18, 1906.

CHAPTER 271.

A Further Supplement to an act entitled "An act for the punishment of crimes" (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:*

Taking fish from nets in ocean, without consent, a misdemeanor.

1. Any person who shall take fish out of any set-net, drift-net, pound-net, fishing pound, or the pocket of any pound-net, in the Atlantic ocean, within the jurisdiction of this State, without permission of the owner of such nets, shall be guilty of a misdemeanor.

Wilfully injuring nets a misdemeanor.

2. Any person who shall willfully cut, break or mutilate any eel-pot, lobster-pot, set, net, drift-net or pound-net set in the Atlantic ocean within the jurisdiction of this State, shall be guilty of a misdemeanor.

3. This act shall take effect immediately.

Approved May 18, 1906.

CHAPTER 272.

An Act to regulate and control private insane asylums, retreats and institutions for care or treatment of persons of unsound mind.

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

Private insane institutions licensed.

1. All asylums, homes, sanitariums, sanatoriums, retreats, hospitals, institutions or corporations now operating or which shall hereafter operate as private enter-

prises and receive, care for and treat for compensation persons who are insane or suffering from mental disorders, shall be licensed and conducted in the manner hereinafter provided.

Licensed by department of charities.

2. All institutions such as are designated in section one shall only have authority to receive, care for and treat persons when such institutions have been duly licensed by the Department of Charities and Corrections of the State of New Jersey. Whenever an application for license shall be made to the Department of Charities and Corrections, it shall be accompanied by plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and locations of the grounds appurtenant thereto, and the number of patients of either sex proposed to be received therein, and the commissioner shall make, or cause to be made, careful inquiry into the merits of such application, and ascertain whether or not the person, persons or corporation making such application have provided such building or buildings, facilities and equipments for the care and treatment of persons suffering from mental diseases, as will entitle them to be licensed.

Application to show suitability.

Semi-annual inspections.

3. Some officer representing the Department of Charities and Corrections shall, twice each year, or oftener if necessary, inquire into the facilities and equipments and sanitary conditions, accommodations and manner of management of all such licensed institutions, and determine whether or not they are being properly conducted and meet the requirements of this act; and the commissioner shall publish in his annual report an account of such private institutions, with such recommendations and comments as he may deem proper.

As to resident physician.

4. All such institutions shall have at least one resident physician, who has been regularly graduated from a reputable medical college or university, and such physician shall live in such institution or devote as much as four hours each day to the care and treatment of the patients in such institution. Receiving, caring for and treating for compensation persons, with or without commitment papers, who are suffering from insanity or any form of mental disease, shall by this act make it obliga-

tory that every such retreat, asylum, sanitarium, sanatorium or other institution, under whatever title it may be operated, shall be duly licensed.

Privileges of license.

5. That every person, association, corporation or institution, licensed by the Department of Charities and Corrections, under the provisions of this act, to keep an asylum, retreat or institution for the care, custody or treatment of the insane, or of persons of unsound mind, shall have the right and power, while such license remains in force and unrevoked, to receive and hold any patient or person who shall be delivered into the care, custody or charge of such licensed person, association, corporation or institution by virtue of any order and commitment of any judge or justice of any court of record of this State, or by virtue of the certificates of two respectable physicians under oath, setting forth the insanity or unsoundness of mind of such person, which certificate shall be dated within ten days of the reception of such person and shall be accompanied by a request, under the hand of the person by whose direction such patient is sent, stating the age and place of nativity, if known, the christian name and surname, place of residence, occupation of such patient and the degree of relationship or other circumstances of connection between the patient and person requesting his admission; and each person signing such request or certificate shall annex to his name his profession or occupation, and the place of his residence, unless these facts appear on the face of the document; and every such certificate and request shall be delivered to and lodged with the superintendent or manager of the licensee upon the reception of such patient, and shall be forthwith copied and entered in a book to be kept by such licensee for the purpose, together with a minute of the date of the reception of such patient.

Certificate of commitment.

Department informed of commitment.

6. That within five days after the reception of such patient the licensee shall mail to the Commissioner of Charities and Corrections a copy of the order and commitment or request and certificates which accompanied such patient, and within the first week of each quarter such licensee shall report in writing to the said Commis-

Quarterly report.

sioner of Charities and Corrections, the name, residence and physical and mental condition of every patient then in the custody of the licensee, under such aforesaid commitment, together with the date and cause of discharge or death of every patient who shall have been discharged or died since the last previous report, and shall keep an accurate record of all such matters.

Penalty for so treating patients without license.

7. Any person who shall receive, care for or treat any person of unsound mind, or suffering from any manner of mental disease, in any asylum or other place described in section one of this act, without authority and license from the Department of Charities and Corrections, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars, or imprisonment for not more than six months, or both, at the discretion of the court.

Penalty for violating regulations relative to conducting such institutions.

8. Any such institutions as hereinbefore described, and duly licensed according to law, which shall be found to be violating the requirements of the law regulating and controlling private institutions, into which persons who are insane or suffering from mental diseases are admitted, cared for and treated, may have their license revoked by the Commissioner of Charities and Corrections, and a continuance to receive such patients shall render the person or persons conducting such institutions liable to the same fine and imprisonment, or both, as is set forth in section seven of this act.

Managers of State asylums relieved.

9. When this act shall take effect, it shall relieve the boards of managers of the State Hospitals of New Jersey of the duty and responsibility of visiting and inspecting all such institutions as are designated and comprehended in section one.

License fee.

10. The fee or charge for the licensing of such institutions shall be twenty-five dollars for each year, and shall be paid over to the Commissioner of Charities and Corrections, and he shall receipt therefor and issue a license to all such institutions as in his judgment have met the full requirements of this act. All moneys received by the Department of Charities and Corrections for licensing private institutions shall be paid over to the State treasury.

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

Approved May 18, 1906.

CHAPTER 273.

An Act respecting playgrounds not for profit, and exempting the owners and operators thereof from liability in damages for accidents happening thereon.

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

1. No person or persons or association maintaining or operating any playground or playgrounds for public use, acquired or maintained for philanthropic purposes and not for profit, shall be liable in damages for accidents happening within the bounds of such playground or playgrounds; *provided,* that nothing herein contained shall be construed to limit the liability of any person or persons placing or operating any amusement device in such playground for profit. Liability for injuries received on free playgrounds. Proviso.

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

Approved May 18, 1906.

CHAPTER 274.

An Act for the support and maintenance of the poor.

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

1. When any adult person shall have been duly committed to the poorhouse of any county, and the board of chosen freeholders of such county shall deem it to the Maintenance of undesirable paupers outside poorhouse.

interest of such county, or for the welfare of the other inmates of such poorhouse, that such person be not actually removed to and kept in such poorhouse, it shall be lawful for such board of chosen freeholders to make such monthly allowance for the support of such a person outside of the county poorhouse as they may consider reasonable, the allowance in any case not to exceed what would be the probable cost of maintaining such person in the county poorhouse.

2. This act shall take effect immediately.

Approved May 18, 1906.

CHAPTER 275.

An Act to amend an act entitled "A supplement to an act entitled 'An act relative to morgues and morgue-keepers,'" approved March fourth, one thousand eight hundred and seventy-nine, which supplement was approved March third, one thousand eight hundred and eighty.

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

Section amended.

1. Section one of the act to be amended hereby, being chapter fifty-nine of the laws of one thousand eight hundred and eighty, is hereby amended so as to read as follows:

Coroner to deliver bodies to keeper of public morgue.

1. It shall be unlawful for the coroner or coroners of any county of this State in which there is a county physician or physicians regularly appointed by the board of chosen freeholders of such county, and morgue-keeper or morgue-keepers heretofore regularly appointed by the Court of Common Pleas of such county, or for any other person or persons in such county, to take in charge or keep any dead body or bodies that shall not, at the time of death or finding, be known and claimed, but it shall be the duty of such coroner or coroners to deliver

such body or bodies to the keeper of the public morgue of the district in which such death shall have occurred or body been found, who shall receive and place the same in such morgue.

Section amended.

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

Police to inform keeper of morgue.

7. It shall be the duty of the chief of police, or any police officer on duty in any city or other municipality in any county in which a morgue or morgues exists, to notify the coroner, who shall at once notify the keeper of the nearest morgue of the finding of all unknown or unclaimed dead in said city or other municipality.

Section amended.

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

Violations.

8. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

4. This act shall take effect immediately.

Approved May 18, 1906.

CHAPTER 276.

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

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

May issue certificates of indebtedness.

1. It shall be lawful for the borough council to issue certificates of indebtedness to run five years or less for the purchase price of a suitable building for the use of the borough council and one or more of the companies belonging to the borough fire department, provided such certificates shall not exceed six thousand dollars, and that such certificates draw interest not exceeding six per centum per annum.

Amount.

2. This act shall take effect immediately.

Approved May 18, 1906.

CHAPTER 277.

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, nineteen hundred and three.

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

Bonds issued by consolidated school district continue a lien.

1. Wherever in this Sate, prior to the passage of the act to which this act is a supplement, the territory of two adjoining municipalities shall have been actually governed as a single or consolidated school district, and while so governed, said school district shall have issued bonds for the erection of a school building therein, and at the time of the passage of the act to which this act is a supplement, the bond so as aforesaid issued, or any part thereof, shall have remained outstanding and unpaid and such district shall have been actually governed as a single or consolidated school district, such district shall not be deemed to have been abolished by the act to which this act is a supplement, but the same shall be deemed to have continued and shall hereafter continue to be maintained as a single or consolidated school district in the same manner as though the same had been created or established under the provisions of the one hundred and third section of the act to which this act is a supplement; and the bonds so as aforesaid issued by said school district shall be deemed to have continued and shall hereafter continue to be a lien upon the real estate situate in said district and the personal estates of the inhabitants thereof, as well as the property of said district, and said estates and property shall be liable for the payment of the same, notwithstanding the passage of the act to which this act is a supplement.

2. All acts and parts of acts, general or special, inconsistent herewith be and the same are hereby repealed. Repealer.

Approved May 18, 1906.

CHAPTER 278.

An Act to amend an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision of 1898)," approved June fourteenth, eighteen hundred and ninety-eight.

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

1. Section eighty-three of the act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision of 1898)," approved June fourteenth, eighteen hundred and ninety-eight, is amended to read as follows: Section amended.

83. When the special panel or list of jurors served on a defendant in any case in which the defendant shall be entitled to twenty peremptory challenges shall be exhausted from any cause before a jury for the trial of the indictment shall be obtained, talesmen shall be taken from the general panel of jurors returned, for the term at which such defendant is to be tried, if any remain; and if more talesmen should be required than the number of jurors remaining on the general panel, the sheriff or other proper officer shall forthwith summon from among the by-standers or others such additional number of persons qualified to serve as jurors as may be ordered by the court, and make return thereof immediately, and place the names of the jurors so returned in the box and draw therefrom until the jury be completed; if the first order for talesmen shall prove insufficient, other and further orders may be made until Talesmen.

Summoning to continue until jury obtained.

the necessary number of jurors shall be obtained; the defendant shall not be entitled to the service of a list of the talesmen taken from the general panel after the special panel is exhausted, nor of the talesmen summoned by order of the court; unless the court specially so direct, in which case the court shall fix the length of time the list of talesmen shall be so served, before the drawing of the jurors shall proceed.

2. This act shall take effect immediately.

Approved May 18, 1906.

CHAPTER 279.

A Supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceedings," (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:*

Confirmatory deed issued when deed given by public officer, but not recorded, lost.

1. Whenever any deed or conveyance given by any sheriff, coroner, master in chancery, executor, administrator, guardian, commissioner, auditor, or any officer or person authorized or required by any public statute or the direction of any court of competent jurisdiction in this State to make sale of any lands, tenements, hereditaments, or real estate, shall be lost before the recording thereof, the person entitled to said deed or conveyance may apply to the court under whose direction said sale was made and said deed or conveyance delivered, by a verified petition setting out the manner of the loss of said deed or conveyance; and said court shall, upon being satisfied that said deed or conveyance has been lost without being recorded, order that the officer or person who made said deed or conveyance shall make a confirmatory deed or conveyance to the grantee named in

said lost deed or conveyance, for said lands, tenements, hereditaments, or real estate, which confirmatory deed or conveyance shall recite the fact of the loss of the original deed or conveyance, and the order for the confirmatory deed or conveyance, and shall in other respects be in the same form as the original deed or conveyance, and shall be as good and valid, and have the same force and effect as the original deed or conveyance.

Fees allowable.

2. The same fees shall be allowed to the officers of the court to which application is made, as provided in the foregoing paragraph, as are allowed upon filing other petitions and making other orders in said court, and the sheriff or other officer or person shall be entitled to the same fee for making the confirmatory deed or conveyance as he was entitled to for making the original deed or conveyance.

3. This act shall take effect immediately.

Approved May 18, 1906.

CHAPTER 280.

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:*

Taxes assessed and paid in district where property located.

1. The taxes which shall hereafter be assessed upon the property of railroad and canal companies, referred to in subdivision two of section three of the act to which this act is a supplement, shall be assessed and taxed in each taxing district in this State in the same manner and at the same rate as other property located in said taxing district is assessed and taxed, and the amount of tax

derived therefrom shall be paid to the officer of each of the separate taxing districts of the State as shall be by law entitled to receive the same for the use of said taxing district.

Repealer. 2. All acts and parts of acts inconsistent herewith be and the same are hereby repealed.

3. This act shall take effect immediately.

Approved May 18, 1906.

CHAPTER 281.

An Act to amend an act entitled "An act concerning general assignments" (Revision of 1899), 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:*

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

Final account. 9. As soon as may be, after the determination of all claims, the said assignee shall render, on oath or affirmation, a final account to the said Orphans' Court in like manner and upon the same notice to creditors and others interested, which shall include the sureties on the bond of said assignee, as is now or may hereafter be directed

Exceptions. in regard to executors and administrators; and exceptions may in like manner be filed to such accounts and proceeded upon as prescribed in regard to executors and administrators, and the settlement and decrees of said court shall be conclusive on all parties except for assets which may afterward come to hand, or for fraud or apparent errors; the said Orphans' Court may, in its discretion, upon the application of said assignee or any creditor, order the said assignee in like manner to render

Intermediate account. an intermediate account, and in such case the same shall be filed in like manner and upon the same notice to cred-

itors and others interested, including the sureties of said assignee, and shall be subject to exceptions in the same manner as is now or may hereafter be directed in regard to intermediate accounts of executors and administrators, and in like manner such exceptions shall be heard and determined by said court. Exceptions.

2. Section twenty-three of said act be and the same is hereby amended so as to read as follows: Section amended.

23. The Orphans' Court may, from time to time, if necessary, by citation and attachment, compel said assignee to proceed to the execution of the duties required by this act, until final settlement and distribution as aforesaid, and to perform and obey its orders and decrees. Such citation shall issue to the assignee and his sureties. Court to compel assignee's performance of duty.

Approved May 18, 1906.

CHAPTER 282.

An Act to amend an act entitled "An act respecting the Orphans' Court and relating to the powers and duties of the ordinary and the Orphans' Court and surrogates" (Revision of one thousand eight hundred and ninety-eight), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

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

116. In case of the failure of any executor, administrator, guardian or trustee to make such settlement within the time above limited or allowed by the court, or in case any guardian or trustee shall neglect to present intermediate accounts as aforesaid, any person interested in the estate, the sureties on the bonds of such In case of failure to settle, any person may cite executor, etc.

executor, administrator, guardian or trustee, or any other person as the next friend of any infant interested, may cite such executor, administrator, guardian or trustee to make such settlement at the ensuing term of the court; and the costs of such citation and of the proceedings thereon shall be paid by such executor, administrator, guardian or trustee out of his own private estate, unless the court, for good cause shown, shall order otherwise.

Section amended.

2. Section one hundred and seventeen of said act be and the same is hereby amended so as to read as follows:

On neglect to render account for two years surrogate to cite executor, etc.

117. If any executor or administrator shall neglect to render an account of the estate of the deceased for the space of two years after his appointment, or in case any guardian or trustee shall neglect to render intermediate accounts as aforesaid, the surrogate shall report such neglect to the Orphans' Court, and if the said court so direct, it shall be the duty of the surrogate to issue a citation to such executor, administrator, guardian or trustee, and to the sureties on the bonds of such executor, administrator, guardian or trustee, to render his account, unless the court, for good cause shown, allow further time therefor; and if he fail to state and settle his account according to such citation, or within the time so allowed by the court, it shall be the duty of the Orphans' Court to remove such executor, administrator, guardian or trustee from office; and he shall pay the costs of such citation and proceedings out of his own private estate, and shall forfeit his commissions and not be allowed any compensation for his services.

Removal of executor, etc.

Section amended.

3. Section one hundred and twenty-two of said act be and the same is hereby amended so as to read as follows:

Accounts noticed for settlement.

122. The account of every executor, administrator, guardian or trustee shall be noticed for settlement on a day certain, and shall not be allowed by the Orphans' Court except as hereinafter provided, unless such executor, administrator, guardian or trustee shall first give at least one month's notice of such settlement by advertisements set up in five of the most public places of the county in which such settlement is to be made, one

Month's notice.

whereof shall be set up in the surrogate's office of said county, and also by publishing the same at least once in each week in one or more newspapers published in such county for the same length of time, and in case no newspaper be published in the county, then, instead of advertising such notice in the newspaper, by setting up advertisements in ten of the most public places in said county for the like space of time, two of which places shall be the clerk's and surrogate's offices of said county, and in every instance by mailing at least twenty days' prior to the date fixed for settlement of such account a copy of such notice to the sureties on the bonds of such executor, administrator, guardian or trustee, at the last known post-office address of such sureties.

Section amended.

4. Section one hundred and twenty-three of said act be and the same is hereby amended so as to read as follows:

In cases of guardians and trustees, citations to be issued.

123. In cases of the accounts of guardians and trustees, in lieu of the notice aforesaid the surrogate may issue citations to all parties concerned, including the sureties of such guardians and trustees, to appear at the said Orphans' Court, which citations shall be served at least ten days before the sitting of the court; and such guardian or trustee, or any person on his behalf may serve such citation on such wards or other parties by delivering a copy thereof to them, or by leaving a copy at their usual place of abode with some person of the age of fourteen years or upwards, and make and file with the surrogate an affidavit setting forth the time, place and manner of such service, whereupon the same shall have the force and effect of a service by the proper officer; no other notice of such settlement shall be required, but a citation shall issue on the final accounting of guardians or trustees.

Approved May 18, 1906.

CHAPTER 283.

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 six," approved June twenty-sixth, one thousand nine hundred and five.

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 six:

1.

COURT OF ERRORS AND APPEALS.

Judges, court of errors.

For additional allowance for compensation of judges of the Court of Errors and Appeals, eleven thousand dollars.

2.

COUNTY LUNATIC ASYLUMS.

County asylums.

For additional allowance for support of county patients in the Essex County Lunatic Asylum, eight thousand five hundred dollars;

For additional allowance for support of county patients in the Salem County Lunatic Asylum, four hundred dollars.

3.

ADVERTISING.

Advertising. For additional allowance for advertising proclamations issued by the Governor, notices of the Attorney-General in relation to delinquent miscellaneous corporations, and notices of the Comptroller in regard to public printing, et cætera, four thousand dollars.

4.

PRINTING.

Printing and binding. For additional allowance for printing and binding public documents, eleven thousand dollars.

5.

COLLATERAL INHERITANCE TAX.

Inheritance tax. For additional allowance for surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, two thousand dollars.

6.

STATE BOARD OF HEALTH.

Health. For additional allowance for the State Board of Health, pursuant to the provisions of chapter sixty-eight, laws of one thousand eight hundred and eighty-seven, two hundred and fifty dollars.

7.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-general's office. For additional allowance for compensation for clerical service in the Adjutant-General's office, seventy dollars;

For additional allowance for compensation for extra clerical service in the Adjutant-General's office, compiling roster of New Jersey troops in Colonial, Revolutionary and other wars, twenty dollars;

For the purchase of three typewriting machines, two hundred ninety-two dollars and fifty cents.

8.

PENSIONS.

Pension.

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.

9.

RIPARIAN COMMISSION.

Riparian commission.

For the restoration and resetting of monuments on the State boundary line and for the painting and other needed repairs to the permanent monument in Raritan bay and the steel beacon on the shores of Raritan bay, five hundred dollars.

10.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

Department of charities.

For additional allowance for clerical hire, two thousand one hundred dollars;

For additional allowance for traveling expenses of commissioner and assistant, four hundred dollars;

For additional allowance for blanks, stationery, postage, et cætera, five hundred ninety-seven dollars and fifty cents;

For salaries of draughtsmen, four thousand three hundred and seventy-five dollars.

11.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general's office.

For compensation and expenses of counsel employed in foreign States to enforce payment of the State's claim

for taxes due by bankrupt and other insolvent corporations, one thousand five hundred dollars.

12.

DEPARTMENT OF BANKING AND INSURANCE.

Banking department.

For additional allowance for compensation for assistants in the Department of Banking and Insurance, six hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the Department of Banking and Insurance, seven hundred dollars.

13.

COURT OF CHANCERY.

Court of chancery.

For additional allowance for the Vice-Chancellors, for salaries, ten thousand eight hundred and fifty dollars;

For additional allowance for compensation of sergeants-at-arms, one hundred and fifty dollars.

14.

STATE PRISON.

State prison.

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, one thousand dollars;

For additional allowance for furniture, appliances and repairs, including sewer assessment, three thousand three hundred dollars;

Keeper's residence.

For the erection, completion and furnishing of a residence for the principal keeper and resident physician of the State prison, pursuant to chapter fifty-five, laws of one thousand nine hundred and six, twenty thousand dollars.

15.

STATE HOME FOR BOYS.

Jamesburg school.

For the erection and completion of a double cottage at the State Home for Boys, thirty-five thousand dollars;

For making needed changes in the dining-room, kitchen, brush shop and changing and enlarging the power system, three thousand five hundred dollars;

For new piggery, slaughter house and storage for feed, one thousand five hundred dollars;

For improvements and additions to cow stables and sheds, one thousand five hundred dollars.

16.

PUBLIC LIBRARY COMMISSION.

State library.

For the purchase of books, cases, charging trays, shipping boxes and preparing the books for circulation, two thousand five hundred dollars.

17.

OYSTER AND CLAM COMMISSIONER OF THE DISTRICT OF SHARK RIVER, IN THE COUNTY OF MONMOUTH.

Shark river district.

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 sixteen dollars.

18.

Freeholders of Cumberland county.

To the Cumberland county board of chosen freeholders, in settlement of claim against the State on account of construction of State road leading eastwardly from Mauricetown bridge, nine hundred seventy-seven dollars and thirty-seven cents.

19.

EXECUTIVE DEPARTMENT.

Governor's office.

For additional allowance for the private secretary of the Governor, for salary, six hundred fifty dollars and fifty-three cents;

For additional allowance for compensation of assistants in the Executive Department, two hundred dollars;

For additional allowance for blanks and stationery for the use of the Executive Department, four hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the Executive Department, five hundred dollars.

20.

OFFICE OF THE COMPTROLLER.

Comptroller's office.

For the deputy comptroller, for salary, one thousand six hundred dollars;

For additional allowance for compensation for other clerical service in the Comptroller's office, three hundred dollars;

For additional allowance for blanks and stationery for use in the office of the Comptroller, four hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the Comptroller's office, three hundred dollars;

For additional compensation to Isaac Doughten for services rendered in the Comptroller's office, from April first, to October thirty-first, one thousand nine hundred and five, six hundred forty-one dollars and sixty-five cents; subject to approval of the Comptroller.

21.

STATE HOUSE COMMISSION.

State House Commission.

For additional allowance for the State House Commission, for the care and safe keeping of the State Capi-

tol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, ten thousand dollars;

For the State House Commission, for furnishings and necessary repairs to be made to the State House, five thousand dollars;

For the State House Commission, for vault fixtures for the office of the clerk in Chancery, twelve thousand dollars;

22.

BOARD OF EQUALIZATION OF TAXES.

Tax board.

For additional allowance for salary of assistant clerk, one hundred and seventy-five dollars;

For services of stenographer at the meetings of the board with the assessors and other local officials in each of the counties of the State, one thousand dollars;

For printing a compilation of the tax laws, with decisions, annotations, forms, et cætera, one thousand six hundred and ten dollars.

23.

OFFICE OF CLERK OF THE SUPREME COURT.

Clerk of Supreme Court.

For additional allowance for compensation for clerical service in the office of the clerk of the Supreme Court, five hundred dollars;

For compiling, comparing, supervising, printing and binding new indices of liens against real property, and copyright of system, for the clerk of the Supreme Court, three thousand dollars.

24.

OFFICE OF CLERK IN CHANCERY.

Clerk in chancery.

For additional allowance for blanks and stationery for use in the office of the clerk in chancery, three hundred dollars;

For addition allowance for postage, expressage and other incidental expenses for the office of the clerk in chancery, one hundred and fifty dollars.

25.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For laying rough floors, closing up windows and connecting new wings with the main building of the annex, cutting out stone and brick walls between old and new wings, concreting floor in cellar of old wing, building two elevator shafts, including two elevators, five thousand one hundred and fifty dollars;

For four horizontal return tubular boilers, seven thousand thirty-five dollars;

For changing the system of electric light plant, three hundred and eighty-two dollars;

For laying drain pipe and building brick catch basin, one hundred and twenty-five dollars;

For removing electric light and telephone cables and placing new cables in position, six hundred and thirty-three dollars;

For additional kitchen ranges and utensils, one thousand dollars.

26.

STATE HOSPITAL AT MORRIS PLAINS.

Morris Plains asylum.

For additional allowance for salaries of officers, six hundred and forty-five dollars and fifteen cents;

For fitting up electrical room, hydrotherapeutic room, eye, ear, nose and throat room and outfit for examining milk and drinking water, five thousand five hundred dollar;

For re-wiring and improving electric light plant to meet fire insurance requirements, two thousand dollars;

For laundry machinery and equipment, twelve thousand dollars.

For bakery, twelve thousand dollars;

27.

STATE HOME FOR GIRLS.

Girls' home at Trenton.

For premiums on insurance policies, five hundred and thirty-nine dollars and seventy-five cents;

For painting buildings, five hundred dollars;

For road improvements, one thousand five hundred dollars;

For sewer connections, three thousand dollars;

For the services of a music teacher, one hundred dollars;

For furnishing the Stokes cottage, three thousand dollars;

For additional allowance for support and necessary repairs to the home, six thousand dollars;

For installing an ice plant, two thousand four hundred and twenty-two dollars;

For equipping the Stokes cottage with electricity, two hundred dollars;

For heating the Stokes cottage, nine hundred and seventy-five dollars;

For installation of pump for central steam heating plant, six hundred and seven dollars;

For electric light fixtures for Stokes cottage, two hundred and twenty-five dollars;

For the erection of a new flue in the boiler house, ninety-seven dollars;

For the construction of cess-pools and connections for the Stokes cottage, seven hundred dollars;

For the purpose of connecting the Stokes cottage with the central heating plant, four hundred and ninety-one dollars.

28.

BOARD OF FISH AND GAME COMMISSIONERS.

Launch "Protector."

For new engines, searchlight and fixtures for launch "Protector," one thousand five hundred and seventy-five dollars.

29.

STATE OYSTER COMMISSION FOR THE DISTRICT OF ATLANTIC COUNTY.

Atlantic oyster district.

For the purchase of a boat, eight hundred dollars;
For the completion of the survey, six hundred dollars.

30.

ATTORNEY-GENERAL'S DEPARTMENT.

Morris canal investigation.

For the use of the Attorney-General in the employment of special counsel to institute proceedings to ascertain by final judicial determination of the courts, (1) what equity or interest the State of New Jersey has in the "tide water basin of one thousand eight hundred and sixty-seven" and (2) by what authority the Lehigh Valley Railroad Company operates the Morris canal, since its charter does not authorize it to conduct a canal business, the sum of ten thousand dollars is hereby appropriated and the Attorney-General is hereby directed to use this sum or any part of it in the prosecution of said proceedings.

31.

RUTGERS COLLEGE.

Agricultural college.

To the treasurer of Rutgers College, to pay the State Agricultural College for the benefit of agriculture and the mechanic arts, the balance due for services rendered to the State in the instruction, from July 1st, one thousand nine hundred and two, to July first, one thousand nine hundred and five, of students holding free State scholarships under the act passed March thirty-first, one thousand eight hundred and ninety, the sum of twenty-seven thousand six hundred dollars;

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, ten thousand two hundred dollars.

32.

STATE AGRICULTURAL COLLEGE.

Courses in agriculture.

For the organization and equipment of short courses in practical and scientific agriculture in the State Agricultural College, pursuant to chapter fifty-five of the laws of one thousand nine hundred and five, twenty-four thousand dollars.

33.

POTABLE WATER COMMISSION.

Potable water.

For the expenses and disbursements of the Potable Water Commission, including salary of secretary and engineer, stenographer, stationery and other incidental expenses, pursuant to joint resolution number two, approved March seventh, one thousand nine hundred and six, two thousand dollars.

34.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown school.

For additional allowance for maintenance of the Manual Training and Industrial School for Colored Youth, one thousand five hundred dollars.

35.

NEW JERSEY SCHOOL FOR THE DEAF.

Infirmary at deaf school.

For the purpose of placing the plumbing and ventilation of the infirmary at the School for the Deaf in a sanitary condition, three thousand dollars.

36.

STATE NORMAL SCHOOL.

Normal school.

For additional allowance for necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, three thousand dollars.

37.

STATE BOARD OF EDUCATION.

School plans.

For additional allowance for supervising plans of new school-houses, one hundred ninety-three dollars and twenty-five cents.

38.

COUNTY SUPERINTENDENTS.

County supervision.

For additional allowance for county superintendents of schools, for salaries, one thousand two hundred and eighteen dollars.

39.

STATE BOARD OF CHILDREN'S GUARDIANS.

Board of guardians.

For additional allowance to the State Board of Children's Guardians, for expenses, three hundred dollars.

40.

NEW JERSEY REFORMATORY.

Rahway reformatory.

For additional allowance for the subordinate officers and employees, for salaries, eight thousand dollars;

For additional allowance for maintenance, five thousand dollars;

For additional allowance for the superintendent, for payments to discharged inmates, five hundred dollars;

For additional allowance for traveling expenses of parole officers, one thousand dollars;

For additional allowance for furniture, appliances and repairs (including industrial departments), five thousand dollars;

For materials for constructing inmates' bathroom, four thousand dollars;

For fire insurance premiums, three thousand dollars;

For crushed stone for roads and concrete work, one thousand five hundred dollars;

For amount due the Vulcanite Portland Cement Company in settlement of claim, a sum not exceeding three hundred dollars;

For live stock, implements, et cætera, three thousand dollars;

For fuel and water, six thousand six hundred and seventy-five dollars;

For installing new industry, one thonsand five hundred dollars;

For the erection and completion of a new wing at the New Jersey Reformatory, three hundred thousand dollars.

41.

VILLAGE FOR EPILEPTICS.

Epileptic village.

For additional allowance for the first assistant physician, for salary, eight hundred and seventy-five dollars;

For grading around buildings, one thousand dollars;

For farm machinery, three hundred and fifty dollars;

For purchase of cows, nine hundred dollars;

For purchase of horses, one thousand two hundred dollars;

For purchase of threshing outfit, five hundred dollars;

For purchase of feed grinding mill, fifty dollars;

For purchase of gasoline engine or electric motor, one thousand dollars;

For furnishing buildings, eight hundred eighty-two dollars and sixty-nine cents.

42.

TENEMENT HOUSE SUPERVISION.

Tenement house supervision.

For additional allowance for architect and plan examiner, two hundred and fifty dollars;

For five additional inspectors, two thousand five hundred dollars.

For additional allowance for secretary and executive officer, two hundred and fifty dollars;

For additional allowance for incidentals, postage and expressage, two hundred and fifty dollars;

For additional allowance for inspectors' expenses, three hundred twelve dollars and fifty cents;

For traveling expenses of executive officer and plan examiner, one hundred and fifty dollars;

For salary of record clerk, six hundred dollars;

For expenses of members of the Board of Tenement House Supervision, five hundred dollars.

43.

VOTING MACHINES.

Voting machines.

For additional allowance for the State Board of Voting Machine Commissioners, three thousand five hundred dollars.

44.

PASSAIC RIVER FLOOD DISTRICT COMMISSIONERS.

Passaic flood district.

For salaries of commissioners, pursuant to chapter four of the laws of one thousand nine hundred and four (special session), six thousand dollars.

45.

HOME FOR FEEBLE-MINDED WOMEN AT VINELAND.

Women's home at Vineland.

For purchase of land lying westwardly of the main buildings of the home and eastwardly of Landis avenue, four thousand dollars;

For moving and repairing buildings, repairing roads, et cætera, three thousand dollars;

For encasing east wing and north wing of main building, one thousand two hundred dollars;

For painting and repairs, one thousand dollars;

New Jersey State Library

For construction of a poultry house, five hundred dollars;

For purchase of hose and fire apparatus, five hundred dollars.

46.

NEW JERSEY CIVIL WAR VETERAN MEDALS.

Civil War medals.

For the Governor to cause a medal to be prepared and presented to each of the honorably discharged survivors of the officers and men who enlisted from the State of New Jersey during the War of the Rebellion in New Jersey regiments, mustered into the service of the United States in this State, pursuant to joint resolution number ten, approved March twenty-eighth, one thousand nine hundred and four, three thousand dollars.

47.

INDUSTRIAL EDUCATION.

Manual training.

For additional allowance for payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, six thousand dollars.

48.

NATIONAL GUARD.

National guard.

For additional allowance for pay of officers and enlisted men, and expenses in connection with the annual encampment, twenty-nine thousand two hundred dollars;

For construction of a gallery in the Trenton armory, twelve thousand dollars;

For balance due Charles Alling Gifford, architect, Trenton armory, for professional services and expenses, one hundred and fifty-eight dollars and fifty cents;

For amount required to meet claims pursuant to chapter sixty-eight of the laws of one thousand nine hundred and three, five hundred dollars;

For amount required to meet claims pursuant to chapter seventy-five of the laws of one thousand eight hundred and ninety-nine, one hundred dollars;

For expenses of New Jersey delegates to the Inter-State National Guard Association at Washington, D. C., two hundred dollars;

For iron target frames for rifle range at Sea Girt, two thousand dollars;

For the purchase of five sub-target gun machines for instruction in rifle practice in the armories, one thousand two hundred and fifty dollars;

To Joseph H. Cutley for balance of contract on Trenton armory, seven hundred forty-eight dollars and sixty cents;

To Newton A. K. Bugbee for services as inspector on Trenton armory, two hundred and forty dollars;

To George Handley, lieutenant-colonel, First infantry, N. G. N. J., for twenty-eight sessions summary court, from October seventh, one thousand nine hundred and three, to October thirtieth, one thousand nine hundred and five, one hundred and forty dollars.

49.

PUBLIC ROADS.

Improved roads. For additional allowance for public roads, one hundred and thirty thousand dollars;

Salaries. For additional allowance for the State Commissioner of Public Roads, for salary, one thousand four hundred and fifty-eight dollars and thirty-three cents;

For additional allowance for compensation of supervisor for assisting the State Commissioner of Public Roads in supervising, constructing and performing such other duties as necessity may require, five hundred and eighty-three dollars and thirty-three cents;

Automobile. For the purchase of an automobile, four thousand dollars.

50.

COMMISSIONERS OF THE PALISADES INTERSTATE PARK.

Palisade 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.

51.

Secretary sewerage commission.

To John S. Gibson, for services heretofore rendered as secretary of the Passaic valley sewerage commission, two thousand five hundred dollars;

52.

Conference on legislation.

For expenses of the persons appointed to represent the State of New Jersey at the interstate conference on the subject of uniformity of legislation concerning divorce, eight hundred dollars.

53.

BURIAL GROUNDS.

Burial of shipwrecked bodies.

For the purpose of clearing, grading and improving burial grounds purchased by the State under chapter one hundred and seventy-one of the laws of one thousand eight hundred and ninety-eight, maintaining and caring for the same and preserving the records, three hundred and seventy-five dollars.

54.

SANITARIUM FOR TUBERCULOUS DISEASES.

Tuberculous sanitarium.

The appropriation heretofore made for maintenance, by item number ninety-one of section one of the act to which this act is a supplement, is hereby repealed so far as the moneys thereby appropriated remain in the hands of the State Treasurer.

55.

OFFICE OF THE SECRETARY OF STATE.

Secretary of State's office.

For additional allowance for services and expenses for the purpose of carrying out the provisions of "An act respecting the recording of certificates and other papers relating to and affecting corporations," approved

March twenty-eighth, one thousand nine hundred and four, one thousand two hundred dollars;

For additional allowance for blanks and stationery for use in the office of Secretary of State, including the printing of the census report, five thousand dollars;

For two thousand five hundred copies of the corporation laws, one thousand two hundred and fifty dollars.

56.

COURT OF ERRORS AND APPEALS.

Officers, court of errors.

For additional allowance for compensation of officers of the court of errors and appeals, two hundred and ninety-one dollars and sixty-two cents.

57.

COURT OF PARDONS.

Court of pardons.

For additional allowance for compensation of subordinate officers, and incidental expenses, seven hundred and fifty dollars.

58.

COMMISSION FOR THE INVESTIGATION OF SALT WATER FISHING.

Salt water fishing.

For the expenses of the commission for the investigation of salt water fishing, five hundred dollars.

59.

PORTRAITS.

Governors' portraits.

For the purchase of portraits of ex-Governors Stratton and Fort, pursuant to joint resolution number four, approved March twenty-eighth, one thousand nine hundred and four, six hundred dollars.

60.

Surveyor-general's office in Burlington.

For the purpose of carrying out the provisions of a bill pending, entitled "An act making appropriation for the purpose of improving the building and preserving the records of the surveyor-general's office of the western division of this State," two thousand dollars; *provided,* said bill becomes a law.

Proviso.

61.

Unveiling Red Bank monument.

Monument on battlefield of Red Bank, Gloucester county. For the purpose of carrying out the provisions of a bill pending entitled "An act to provide for the attendance of a part of the national guard of New Jersey at the unveiling of the Red Bank battle monument," three thousand dollars; *provided,* said bill becomes a law;

Proviso.

Expenses.

For expenses to be incurred at the dedication and unveiling of the monument erected on the battlefield of Red Bank, in the county of Gloucester, by commissioners appointed by the Governor pursuant to the provisions of an act entitled "An act to authorize the erection of a monument on the battlefield of Red Bank, in the county of Gloucester, and to appropriate money to pay the cost thereof," approved March thirtieth, one thousand nine hundred and five, three thousand dollars. Said sum to be paid to the president of said commission by the Treasurer of the State, on the warrant of the Comptroller, upon requisition signed by the president and secretary of said commission. After the said unveiling the president of said commission shall report to the Governor of the State a full account of all expenditures for said purpose, and pay into the State treasury the unexpended balance of this appropriation, if any.

Report to Governor.

62.

Elizabeth monument.

For the purpose of carrying out the provisions of a bill pending entitled "An act to appropriate money for ceremonies attending the dedication of a monument to

the memory of the soldiers and sailors who fought in the war of the Rebellion, erected at Elizabeth, in the county of Union," two thousand dollars; *provided,* said bill becomes a law. Proviso.

63.

STATE HOUSE COMMISSION.

For the State House Commission, to make such alterations and additions to the present Capitol as they may deem necessary to furnish proper accommodations for the use of the State departments, one hundred thousand dollars; *provided,* such sum shall be authorized by enactment of the present Legislature. New wing at State House. Proviso.

64.

FOREST PARK RESERVATION COMMISSION.

For the use of the State Board of Forest Park Reservation Commissioners, for the purpose of carrying out the provisions of a bill pending entitled "An act for the appointment of fire wardens, the prevention of forest fires and the repeal of sundry acts relating thereto," three thousand dollars; *provided,* said bill becomes a law. Forestry commission. Proviso.

65.

FRANCHISE COMMISSION.

For salaries of commissioners appointed pursuant to chapter two hundred and sixty-one of the laws of one thousand nine hundred and five, two hundred and fifty dollars each, in all the sum of one thousand two hundred and fifty dollars. Franchise commission.

66.

CONSTITUTIONAL COMMISSION.

For expenses of commissioners appointed pursuant to chapter eighty-eight of the laws of one thousand nine Constitutional commission.

hundred and five, one hundred eighty-one dollars and twenty-eight cents.

67.

DELAWARE RIVER PURIFICATION.

Delaware river purification.

For the purpose of carrying out the provisions of "Joint resolution authorizing the State Sewerage Commission or its representative to investigate the subject of the purification of the Delaware river," five hundred dollars; *provided,* said joint resolution becomes a law.

Proviso.

68.

Marking channels.

For the purpose of carrying out the provisions of a bill pending entitled "An act to provide for the marking and designating of the channels of the bays, thoroughfares and sounds flowed by the tide water in the counties of Ocean, Atlantic and Cape May, nine hundred dollars; *provided,* said bill becomes a law.

Proviso.

69.

PENSIONS.

Pensions.

For additional allowance for amount required to pay pensions, five hundred and twenty-five dollars; *provided,* a bill pending entitled "An act for the relief of John Fitzgerald," becomes a law.

Proviso.

70.

Revise laws as to master and servant.

For the purpose of carrying out the provisions of a bill pending entitled "Supplement to an act to provide for the appointment of a commission to revise and certify the law relating to master and servant, approved April third, one thousand nine hundred and five," one thousand dollars; *provided,* said bill becomes a law.

Proviso.

71.

Paris green.

For the purpose of carrying out the provisions of a bill pending entitled "An act to regulate the sale of

paris green," five hundred dollars; *provided,* said bill becomes a law. Proviso.

72.

For the purpose of carrying out the provisions of a bill pending entitled "A Supplement to an act entitled 'An Act to prevent the introduction into the State of New Jersey of communicable diseases by maritime vessels or maritime traffic,' approved March twenty-first, one thousand nine hundred," seven hundred twenty-nine dollars and fourteen cents; *provided,* said bill becomes a law. Quarantine. Proviso.

73.

SUPREME COURT.

For salary of an additional judge of the Circuit Courts, four thousand one hundred sixty-six dollars and sixty-six cents. Supreme court.

For salaries of two additional judges of the Circuit Courts, seven thousand five hundred dollars.

74.

For the purpose of carrying out the provisions of a bill pending entitled "A supplement to an act entitled 'An act for the assessment and collection of taxes,' approved April eighth, one thousand nine hundred and three," forty-three thousand two hundred dollars; *provided,* said bill becomes a law. County boards of taxation. Proviso.

75.

For the purpose of carrying out the provisions of a bill pending entitled "A further supplement to an act entitled 'An act relative to the Monmouth battle monument,' approved March fourteenth, one thousand eight hundred and eighty-one," two thousand dollars; *provided,* said bill becomes a law. Freehold monument. Proviso.

76.

Phillipsburg monument.

To provide for the attendance of a part of the national guard of New Jersey at the unveiling of the soldiers' and sailors' monument at Phillipsburg, in the county of Warren, pursuant to chapter eighty-nine, laws of one thousand nine hundred and six, three thousand dollars.

77.

STATE BOARD OF HEALTH.

Health officers.

To E. A. Hults, for services as health officer of the port of Perth Amboy, pursuant to chapter sixty-nine, laws of one thousand nine hundred, from January first, one thousand nine hundred and four, to May fifteenth, one thousand nine hundred and five, one thousand two hundred eleven dollars and seventy-five cents;

To Frank C. Henry, for services as health officer of the port of Perth Amboy, pursuant to chapter sixty-nine, laws of one thousand nine hundred, from May fifteenth, one thousand nine hundred and five, to April first, one thousand nine hundred and six, seven hundred forty-eight dollars and ninety-three cents.

78.

SECRETARY OF STATE, DEPARTMENT OF MOTOR VEHICLE REGULATION AND REGISTRATION.

Department of motor vehicles.

The following amounts are hereby appropriated, provided a bill pending entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of drivers thereof and uniform rules regulating the use and speed of motor veicles," becomes a law:

Salaries and sundry expenses.

For salary for the commissioner of motor vehicles, five hundred dollars;

For salary for the chief inspector, five hundred dollars;

For compensation for inspectors, and their equipment, seven hundred and fifty dollars;

For compensation for clerical services, one thousand five hundred dollars;

For postage, expressage and other incidental expenses, seven hundred and fifty dollars;

For blanks and stationery, one thousand dollars.

79.

LEGISLATURE.

Incidental expenses.

For additional allowance for incidental and contingent expenses of the present session of the Legislature, fourteen thousand five hundred dollars; all bills to be approved by the committee on incidental expenses and filed with the comptroller before final adjournment of the Legislature.

Approval of plans and contracts by Governor.

2. Before any building or buildings shall be commenced for the cost of which money is appropriated by this act or by the appropriation act for the fiscal year ending October thirty-first, one thousand nine hundred and seven, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the Governor, and such contracts shall not be approved or entered into if the total expenditure under all of the contracts necessary to the entire completion of such building or buildings according to such plans and specifications shall exceed the amount appropriated by this act for such building or buildings; and in any and every case where it shall appear that the appropriation is insufficient to complete such building or buildings, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, but shall lapse and no payment shall be made therefrom.

When appropriation 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, sailors, marines and their wives, agricultural college fund and taxes for the use of taxing districts in this State, moneys received by the State from the taxation of railroad and canal property, which may be by law apportioned to the various counties of the State for school purposes, and loans to "State school fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year.

4. This act shall take effect immediately.

Approved May 21, 1906.

CHAPTER 284.

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 seven.

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 seven, namely:

I.

EXECUTIVE DEPARTMENT.

Executive department.

For the Governor, for salary, ten thousand dollars;

For the private secretary of the Governor, for salary, four thousand dollars;

For compensation for assistant in the executive department, three thousand dollars;

For additional allowance for compensation for assistance in the executive department, three hundred dollars;

For blanks and stationery for the use of the executive department, six hundred 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 all clerical services and expenses, including the salary and expenses of the State Auditor, ten thousand one hundred dollars;

For blanks and stationery for use in the office of the Comptroller, seven hundred dollars;

For postage, expressage and other incidental expenses for the Comptroller's office, twelve 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, eight thousand five hundred dollars;

For additional allowance for compensation for clerical services in the office of the Treasurer, six hundred dollars.

For blanks and stationery for use in the office of the Treasurer, six hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the Treasurer, six hundred and fifty dollars.

4.

OFFICE OF THE SECRETARY OF STATE.

Secretay 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 three hundred dollars;

For the purpose of compiling, indices of wills, deeds and other records, in the general vault of the office of the Secretary of State, two thousand four hundred dollars;

For services and expenses for the purpose of carrying out the provisions of "An act respecting the recording of certificates and other papers relating to and affecting corporations," approved March twenty-eighth, one thousand nine hundred and four, three thousand five hundred dollars.

5.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general.

For the Attorney-General, for salary, seven thousand dollars;

For the Assistant Attorney-General, for salary, five thousand dollars;

For compensation and expenses of assistants employed by the Attorney-General, nine thousand seven hundred dollars;

For blanks and stationery for use in the office of the Attorney-General, five hundred dollars;

For postage, expressage and other incidental expenses for the Attorney-General's Department, twelve hundred dollars.

6.

STATE BOARD OF ASSESSORS.

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, eight thousand dollars;

For blanks and stationery for use in the office of the State Board of Assessors, nine hundred dollars;

For postage, expressage and other incidental expenses for the State Board of Assessors, nine hundred dollars;

For compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, five thousand 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, eight thousand dollars;

For additional compensation for assistants in the department of banking and insurance, one thousand dollars;

For blanks and stationery for use in the department of banking and insurance, two thousand dollars;

For postage, expressage and other incidental expenses for the department of banking and insurance, two 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, five thousand dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, one thousand two hundred dollars.

8.

BOARD OF EQUALIZATION OF TAXES.

Board of taxation.

For salaries for president and four members, nineteen thousand dollars; salary for clerk, two thousand five hundred dollars; salary of assistant clerk, nine hundred dollars; additional salary for assistant clerk, three hundred dollars; for blanks, stationery, etc., four hundred dollars; for postage, expressage and incidentals, five hundred dollars.

9.

STATE LIBRARY.

State library.

For the librarian, for salary, two thousand dollars;

For compensation for assistants in the State library, two thousand one hundred dollars;

For the repair, preservation and purchase of useful books for the State library, three thousand five hundred dollars;

For blanks, stationery, postage, expressage and other incidental expenses for the State library, six hundred dollars.

10.

STATE BOARD OF HEALTH.

Health.

For the State Board of Health, pursuant to the provisions of chapter sixty-eight, laws of one thousand eight hundred and eighty-seven, one thousand eight hundred and twenty-five dollars;

For compensation of assistants in the office of the State Board of Health, pursuant to said chapter, eight thousand two hundred and forty dollars;

For compensation to the secretary of said board, pursuant to said chapter, two thousand five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, two thousand dollars;

For blanks and stationery for use in the office of State Board of Health, one thousand four hundred dollars;

For maintenance of the bacteriological laboratory, five thousand five hundred dollars;

For postage required in sending to the physicians of this State the annual report of the State Board of Health and of the Bureau of Vital Statistics, three hundred and fifty dollars;

For the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," passed at the legislative session of one thousand nine hundred and one, 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, fourteen thousand eight hundred and eighty dollars;

For the purpose of carrying into effect the provisions of a bill pending, 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 sales thereof,' " approved March twenty-first, nineteen hundred and one," five thousand one hundred and twenty dollars; *provided,* said bill become a law.

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, four hundred dollars.

12.

STATE HOUSE COMMISSION.

State House. For the State House Commission, for the care and safe-keeping of the State Capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, sixty-five thousand dollars.

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 six hundred dollars.

14.

GEOLOGICAL SURVEY.

Geological survey. For salaries 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, sixteen thousand five hundred dollars.

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, thirty thousand dollars;

For salary of an additional judge of the Circuit Courts, seven thousand five hundred dollars;

For salaries of two additional judges of the Circuit Courts, seven thousand five hundred dollars;

For compensation of sergeants-at-arms and criers, one thousand three hundred dollars;

For the payment of expenses incurred by the order of the Supreme Court pursuant to chapter one hundred and forty-nine of the laws of one thousand nine hundred, two thousand five hundred dollars;

For blanks and stationery for use of the chief justice and associate justices of the Supreme Court, two hundred dollars.

16.

OFFICE OF CLERK OF THE SUPREME COURT.

Clerk of Supreme Court.

For the clerk of the Supreme Court, for salary, six thousand dollars;

For compensation for clerical service in the office of the clerk of the Supreme Court, sixteen thousand five hundred dollars;

For additional allowance for compensation for clerical service in the office of the clerk of the Supreme Court, seven hundred and fifty dollars;

For blanks and stationery for use in the office of the clerk of the Supreme Court, one thousand one hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the clerk of the Supreme Court, one thousand five hundred 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, four thousand three hundred dollars;

For additional allowance for compensation of sergeants-at-arms, two hundred dollars;

For compensation of stenographers, and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, fifteen thousand five hundred dollars.

For compensation and allowance of advisory masters, three thousand two hundred and fifty dollars;

For rent of rooms in Camden, Jersey City, Newark, and Paterson, for the use of Chancellor, vice-chancellors and advisory masters, seven thousand dollars;

For miscellaneous expenses in connection with such rooms, two hundred dollars;

For compensation of stenographer for the Chancellor, six hundred dollars;

For allowance for stationery for the Court of Chancery, five hundred dollars.

18.

OFFICE OF CLERK IN CHANCERY.

Clerk in Chancery.

For the clerk in Chancery, for salary, six thousand dollars;

For compensation for clerical service in the office of the Clerk in Chancery, twenty-four thousand five hundred dollars;

For blanks and stationery for use in the office of the clerk in Chancery, one thousand eight hundred dollars;

For postage, expressage and other incidental expenses for the office of the clerk in Chancery, two thousand and seventy-five dollars.

19.

COURT OF ERRORS AND APPEALS.

Court of Errors.

For compensation of judges of the Court of Errors and Appeals, nineteen 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, five hundred and twenty-five dollars;

For additional allowance for compensation of officers of the Court of Errors and Appeals, five hundred dollars;

For furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, five hundred dollars.

20.

COURT OF PARDONS.

Court of Pardons.

For compensation for judges of Court of Pardons, two thousand five hundred dollars;

For compensation of subordinate officers and incidental expenses, three hundred dollars;

For additional allowance for compensation of subordinate officers and incidental expenses, one thousand two hundred dollars.

21.

LAW AND EQUITY REPORTS.

Legal reports.

For the publication of the Chancery reports, seven thousand five hundred dollars;

For the publication of the law reports, five thousand two hundred dollars;

For salary of Chancery reporter, five hundred dollars;

For salary of Supreme Court reporter, five hundred dollars;

For binding Chancery and law reports, one thousand two hundred dollars.

22.

NATIONAL GUARD.

National guard.

For expenses for division, brigade and regimental headquarters, four thousand dollars;

For allowances for two batteries of artillery, two thousand dollars each, four thousand dollars;

For allowances for two troops of cavalry, at two thousand dollars each, including rent of armory, four thousand dollars;

For allowances for sixty companies of infantry, at five hundred dollars each, thirty thousand dollars;

For allowance for one signal and telegraph corps, 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, four thousand five hundred dollars;

For pay of officers and enlisted men, and expenses in connection with the annual encampment, sixty-two thousand two hundred dollars;

For compensation of the superintendent and employes, and for forage, fuel and maintenance of the State camp grounds, ten thousand dollars;

For fuel, light and maintenance of the State arsenal, one thousand five hundred dollars;

For expenses of military boards and courts-martial, one thousand dollars;

For transportation of disabled soldiers of the late rebellion and the Spanish-American war, fifty dollars;

For maintaining, heating and lighting armories at Jersey City, Camden, Newark, Paterson and Trenton, at four thousand five hundred dollars each, twenty-two thousand five hundred dollars;

For insuring regimental armories, buildings at the State camp grounds at Sea Girt, the State arsenal and all public military stores, three thousand dollars;

For ordnance stores, uniforms, clothing, camp and garrison equipage, freight and expressage and miscellaneous supplies, eight thousand dollars;

NAVAL RESERVE.

Naval reserve.

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, two thousand four hundred dollars;

Second battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, four thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, one thousand eight hundred dollars;

For ordnance, stores, uniforms, clothing, freight, expressage and miscellaneous supplies, one thousand dollars.

23.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-general.

For the Adjutant-General, for salary, two thousand five hundred dollars;

For compensation for clerical service in the Adjutant-General's office, five thousand five hundred and sixty dollars;

For additional allowance for compensation for clerical service in the Adjutant-General's office, one 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, eight hundred dollars;

For clerical service, compiling data for the roster of officers and enlisted men of New Jersey in revolutionary and other wars, at Trenton, New Jersey, or elsewhere, one thousand two hundred dollars;

For additional allowance for clerical service, compiling data for the roster of officers and enlisted men of New Jersey in revolutionary and other wars, at Trenton, New Jersey, or elsewhere, six hundred dollars;

For annual dues to Interstate National Guard Association, for the year one thousand nine hundred and seven, fifty dollars;

For compensation for extra clerical service in the Adjutant-General's office, compiling roster of New Jersey troops in colonial, revolutionary and other wars, two thousand five hundred and twenty dollars.

24.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster-general.

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 one hundred dollars;

For additional allowance for chief clerk, for salary, four hundred dollars;

For clerks, for salaries, one thousand seven hundred dollars;

For military storekeeper, for salary, one thousand two hundred dollars;

For carpenter, machinist and to persons having in charge accoutrements, et cætera, cleaning arms, et cætera, teamster and laborer, for salaries, four thousand five hundred and seventy-nine dollars and twenty-five cents;

For blanks and stationery for use in the Quartermaster-General's department, five hundred dollars;

For postage, expressage and other incidental expenses for the Quartermaster-General's department, four hundred and fifty dollars.

25.

MONMOUTH BATTLE MONUMENT.

Freehold monument.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

26.

TRENTON BATTLE MONUMENT.

For the Trenton Battle Monument Association, for the purpose of keeping said property in good condition and repair, five hundred dollars. Trenton monument.

27.

PENSIONS.

For amount required to pay pensions, pursuant to various acts relative thereto, four thousand six hundred and eighty-four dollars; Pensions.

For additional allowance for amount required to pay pensions, nine hundred dollars; *provided,* a bill pending, entitled "An act for the relief of John Fitzgerald," becomes a law. Proviso.

28.

HOME FOR DISABLED SOLDIERS AT KEARNY.

For support of the New Jersey Home for Disabled Soldiers at Kearny, and for the chaplain thereof, fifty thousand dollars. Kearny home.

29.

SOLDIERS' STATE PAY.

For claims of volunteers in the Civil War, for State pay purusant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars. Civil War claims.

30.

WASHINGTON ASSOCIATION OF NEW JERSEY.

For trustees of the Washington Association of New Jersey, twenty-five hundred dollars. Morristown headquarters.

31.

STATE BOARD OF AGRICULTURE.

Board of agriculture.

For the State Board of Agriculture, eight thousand dollars;

For the State Board of Agriculture, for the purpose of carrying out the provisions of an act to prevent the introduction into and spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of State Entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, three thousand dollars.

32.

TUBERCULOSIS COMMISSION.

Tuberculosis.

For expenses and payments by the State Tuberculosis Commission, fifteen thousand five hundred dollars.

33.

AGRICULTURAL EXPERIMENT STATION.

Experiment station.

For salaries and expenses of the Agricultural Experiment Station, twenty thousand dollars;

For printing bulletins of the Agricultural Experiment Station, one thousand five hundred dollars;

For expenses incurred by the New Jersey Agricultural Experiment Station in carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs," three thousand dollars;

34.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

Visitors to agricultural college.

For the Board of Visitors to the Agricultural College of New Jersey, for personal expenses incurred pursuant

to chapter three hundred and sixty-five of the laws of one thousand eight hundred and seventy-three, fifty dollars;

For advertising pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

STATE HOSPITALS.

State asylums.

For traveling expenses of managers, nine 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, one hundred and five thousand dollars;

For support and clothing insane convicts, at the rate of five dollars per week for each insane convict, twelve thousand dollars;

For support and clothing of indigent patients, at the rate of four dollars per week, thirty-five thousand dollars;

For salaries of officers, twelve thousand five hundred dollars;

For additional allowance for salaries of officers, one thousand five hundred dollars;

For appraisement of personal property, seventy-five dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

Morris Plains asylum.

For maintenance of county patients, at the rate of two dollars per week, one hundred and thirty thousand dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, eighteen thousand two hundred dollars;

For support and clothing of indigent patients, at the rate of four dollars per week, seventy-eight thousand dollars;

For salaries of officers, fourteen thousand five hundred and fifty dollars;

For additional allowance for salaries of officers, one thousand dollars;

For appraisement of personal property, seventy-five dollars.

38.

COUNTY LUNATIC ASYLUMS.

County asylums.

For the support of county patients in the Essex county lunatic asylum, one hundred and seven thousand dollars;

In the Hudson county lunatic asylum, sixty thousand dollars;

In the Camden county lunatic asylum, twenty-one thousand five hundred dollars;

In the Burlington county lunatic asylum, sixteen thousand dollars;

In the Passaic county lunatic asylum, four thousand dollars;

In the Gloucester county lunatic asylum, one thousand two hundred dollars;

In the Cumberland county lunatic asylum, fourteen thousand dollars;

In the Salem county lunatic asylum, two thousand dollars;

In the Atlantic county lunatic asylum, seven thousand five hundred dollars.

39.

STATE PRISON.

State prison.

For maintenance of convicts, one hundred and twelve thousand dollars;

For furniture, appliances and repairs of State prison, ten thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the physicians, deputy keepers and employes, for salaries, ninety-five thousand dollars;

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, three 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, nine hundred and fifty dollars.

40.

STATE HOME FOR BOYS.

Jamesburg school.

For the trustees of the New Jersey State Home for Boys, eighty thousand dollars;

For the trustees of said home, for expenses incurred by them in the discharge of their duties, five hundred dollars.

41.

STATE HOME FOR GIRLS.

Girls' home at Trenton.

For the trustees of the New Jersey State Home for Girls, for the support and necessary repairs to the home, thirty-three thousand dollars;

For the trustees of said home, for expenses incurred in the discharge of their duties, five hundred dollars;

For the services of a physician and medical supplies, six hundred dollars;

For the services of a music teacher, five hundred dollars.

42.

STATE BOARD OF ARBITRATION.

Arbitration.

For the members of the Board of Arbitration, for salary, six thousand dollars;

For the secretary of the State Board of Arbitration, for salary, two hundred dollars.

43.

BOARD OF FISH AND GAME COMMISSIONERS.

Fish and game commissioners.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars;

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For the purpose of stocking the waters of the State with food fishes and for defraying the cost of maintaining a hatchery and for the protection and propagation of birds and game animals within this State, five thousand dollars;

For expenses of the fish and game commissioners, one thousand dollars;

For printing game laws, license blanks, et cætera, seven hundred and fifty dollars.

44.

BLIND AND FEEBLE-MINDED.

Blind and feeble-minded.

For clothing, maintenance, support and instruction of the blind persons, inhabitants of this State, ten thousand dollars;

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this State, seventy-two thousand dollars;

For maintenance, support and instruction of feeble-minded women, thirty thousand dollars.

45.

DEPARTMENT OF LABOR.

For the commissioner, for salary, two thousand five hundred dollars; Bureau of labor.

For the assistant commissioner, for salary, one thousand five hundred dollars;

For eleven inspectors, for salaries, eleven thousand dollars;

For department clerks, for services, two thousand seven hundred and fifty dollars;

For printing, postage, expressage and other incidental expenses, one thousand dollars;

For expenses of commissioner, assistant commissioner and inspectors, five thousand one hundred and fifty dollars.

46.

STATE CHARITIES AID ASSOCIATION.

For expenses of the association, six hundred dollars. Charities.

47.

STATE HORTICULTURAL SOCIETY.

To the treasurer of the New Jersey State Horticultural Society, the sum of four 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;

Proviso. For incidental expenses, five hundred dollars; *provided,* all bills are approved by the Governor;

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 cætera, six thousand dollars.

50.

PRINTING.

Printing. For printing and binding public documents, forty-five 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, six hundred dollars;

For preparing index of session laws, one hundred dollars;

For printing and circulation of the laws, seven thousand dollars.

51.

PUBLIC ROADS.

Roads. For public roads, two hundred and fifty 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, two thousand five hundred dollars;

For expenses for clerk hire, consulting engineer, fees, stationery and actual traveling expenses, four thousand dollars.

52.

ARMORY FOR FIRST TROOP, CAVALRY.

For the purpose of erecting an armory in the city of Newark, for the use of first troop, cavalry, pursuant to chapter two hundred and four of the laws of one thousand nine hundred and three, fifty thousand dollars. Cavalry armory, Newark.

53.

LEGISLATURE.

For compensation of Senators and members of the General Assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents; Legislature.

For compensation of officers and employes of the Legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the Legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, five hundred dollars;

For manuals of the Legislature of New Jersey, two thousand dollars;

For indexing the journal of the Senate and minutes of the executive sessions and the minutes of the House of Assembly, and other incidental and contingent expenses of the Legislature, six thousand seven hundred dollars;

For toilet and other necessary supplies for use at the Legislative session, to be furnished by the State House Commission, one thousand dollars.

54.

COLLATERAL INHERITANCE TAX.

For surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, twelve thousand dollars. Inheritance tax.

55.

INSURANCE.

Insure State House.

For insurance upon State House and contents thereof, three thousand five hundred dollars.

56.

REFUNDING TAXES ON MISCELLANEOUS CORPORATIONS.

Refund taxes.

For taxes improperly levied upon corporations and to be refunded, pursuant to law, five hundred dollars.

57.

WEATHER SERVICE.

Weather reports.

For the continuance of weather stations and preparation, printing and distribution of reports, pursuant to chapter two hundred and fifty-eight of the laws of one thousand eight hundred and ninety-two, one thousand dollars.

58.

BODIES THROWN UPON SHORES OF THE STATE BY SHIPWRECK.

Shipwrecked 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, one 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 seven, 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, three hundred dollars.

63.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordenotwn school.

For maintenance of the Manual Training and Industrial School for Colored Youth, eight thousand five hundred dollars.

64.

NEW JERSEY SCHOOL FOR THE DEAF.

Deaf-mute school.

For the New Jersey School for the Deaf for the teaching, maintenance and clothing of pupils taught therein, for purchase and repair of furniture, school apparatus and other appliances, for making needed improvements and repairs in the buildings and grounds, for insurance thereof, and for maintaining the system of manual and industrial education in said school, forty-five thousand dollars.

65.

STATE NORMAL SCHOOL.

Normal school.

For the support of the State Normal School, fifty thousand dollars;

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, four thousand dollars.

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 two hundred and fifty dollars.

68.

INDUSTRIAL EDUCATION.

Manual training.

For payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, twenty-one thousand dollars;

For payment to schools for manual training, sixty thousand dollars.

69.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Public schools.

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, nine thousand dollars;

For additional allowance for salary of assistant superintendent and for clerical services in the office of State Superintendent of Public Instruction, one thousand dollars;

For stationery and blanks, four thousand dollars;

For necessary incidental expenses incurred by the State Superintendent of Public Instruction in the performance of his official duties and for supervision of manual training, two thousand five hundred dollars;

Legislative manuals.

For one thousand copies of the manual of the Legislature of New Jersey, as provided by chapter one hundred and nine, laws of one thousand nine hundred and four, one thousand dollars; *provided*, manuals are furnished schools not heretofore having received them, so far as possible, and all public schools be included in the distribution.

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, three thousand five hundred dollars.

71.

STATE BOARD OF EDUCATION.

Board of education.

For necessary expenses of the State Board of Education, three thousand dollars;

For procuring plans for school houses, five hundred dollars;

For expenses of bureau of information for teachers and school officers, five hundred dollars.

72.

TEACHERS' INSTITUTES AND HIGH SCHOOL INSPECTION.

Institutes; inspection.

For expenses of teachers' institutes and high school inspection, four thousand dollars.

73.

TEACHERS' LIBRARIES.

Teachers' libraries.

For the establishment and maintenance of libraries for use of teachers, six hundred dollars.

74.

COUNTY SUPERINTENDENTS.

County superintendents.

For county superintendents of schools, for salaries, forty-two thousand dollars.

75.

EMERGENCY.

Emergencies.

For the Governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, the sum of ten thousand dollars, said sum, or any part thereof, to be paid by the Treasurer on the warrant of the Comptroller, upon accounts approved by the Governor.

76.

STATE BOARD OF EXAMINERS.

Examinations.

For expenses incurred by the State Board of Examiners and compensation for the person appointed by the State Board of Education, two hundred and fifty dollars.

77.

STATE SEWERAGE COMMISSION.

Sewerage commission.

For salaries of commissioners, seven thousand five hundred dollars;

For salary of secretary, one thousand two hundred dollars.

For rent and necessary expenses of the commissioners, including experimental work, five thousand dollars; *provided,* said expenses are approved by the Governor. Proviso.

78.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES AND FOR THEIR WIDOWS, AT VINELAND.

For salary of commandant, one thousand five hundred dollars. Vineland home.

For salary of adjutant, one thousand dollars.

For salaries of assistants and incidental expenses, two thousand five hundred dollars;

For maintenance and all other expenses, fifteen thousand dollars.

79.

STATE OYSTER COMMISSION.

For the better regulation and control of the taking, planting and cultivating of oysters on the lands lying under the tidal waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the State of New Jersey, twelve thousand dollars; Oyster commission.

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, three hundred dollars.

80.

STATE BOARD OF CHILDREN'S GUARDIANS.

To the State Board of Children's Guardians, for expenses, eight thousand dollars. Children's guardians.

81.

PUBLIC LIBRARY COMMISSION.

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, four thousand dollars.

82.

TEACHERS' RETIREMENT FUND.

Expenses of retirement fund.

For payment of expenses incurred in connection with the administration of the teachers' retirement fund, pursuant to chapter ninety-five, laws of one thousand nine hundred and five, one thousand 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, three thousand dollars;

For the subordinate officers and employes, for salaries, forty thousand dollars;

For additional allowance for the subordinate officers and employes, for salaries, five thousand dollars;

For maintenance, forty-five thousand dollars;

For furniture, appliances and repairs (including industrial departments), fifteen thousand dollars;

For the superintendent, for payments to discharged inmates, three thousand dollars;

For traveling expenses of parole officers, one thousand five hundred dollars;

For installing new industry, one thousand dollars.

84.

VILLAGE FOR EPILEPTICS.

Epileptic village.

For the superintendent, for salary, two thousand five hundred dollars;

For additional allowance for the superintendent, for salary, five hundred dollars.

For the steward, for salary, one thousand dollars;

For additional allowance for the steward, for salary, five hundred dollars;

For the first assistant physician, for salary, eight hundred dollars;

For additional allowance for the first assistant physician, for salary, seven hundred dollars;

For the second assistant physician, for salary, eight hundred dollars;

For maintenance, including fuel and light, fifty thousand dollars.

85.

STATE AGRICULTURAL COLLEGE.

Ceramics.

For the purpose of carrying into effect the provisions of "An act to provide for the establishment of a course in practical and scientific instruction in the art of clay-working and ceramics in the State Agricultural College," approved March seventeenth, one thousand nine hundred and two, two thousand five hundred dollars.

86.

PRESERVATION OF RECORDS.

Archives.

For the purpose of publishing and completing the early records of this State, known as "New Jersey Archives," three thousand five hundred dollars.

87.

STENOGRAPHIC REPORTERS.

County court stenographers.

For amount to be refunded to the various counties in this State for salaries of stenographic reporters appointed by the justices of the Supreme Court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, ten thousand dollars.

88.

STATE SCHOOL TAX.

School tax.

For the purpose of reducing the State school tax to be assessed for the year one thousand nine hundred and seven, a sum equal to twenty-five per centum of the entire amount to be so raised is hereby appropriated, approximating seven hundred and fifty thousand dollars.

89.

BUREAU OF SHELL FISHERIES.

Shell fisheries.

For the chief of the bureau, for salary, one thousand two hundred dollars;

For blanks, stationery and other incidental expenses, one thousand dollars.

90.

RUTGERS COLLEGE.

Scholarships.

To the treasurer of Rutgers College, to pay the State Agricultural College for the benefit of agriculture and the mechanic arts, pursuant to chapter ninety, of the laws of one thousand nine hundred and five, twelve thousand dollars.

91.

JAMESTOWN TER-CENTENNIAL EXPOSITION.

Jamestown exposition.

For the board of commissioners appointed, pursuant to chapter sixty-one, laws of one thousand nine hundred and five, to represent the State of New Jersey at the

Jamestown Ter-Centennial Exposition, to be held on and near the waters of Hampton Roads, in the State of Virginia, during the year nineteen hundred and seven, fifty thousand dollars.

92.

TENEMENT HOUSE SUPERVISION.

Tenement house commission.

For rent of offices, two thousand dollars;

For furnishing office, five hundred dollars;

For printing and stationery, two thousand dollars;

For clerical service and stenographer, two thousand one hundred dollars;

For architect and plan examiner, two thousand five hundred dollars;

For additional allowance for architect and plan examiner, five hundred dollars;

For ten inspectors, one thousand dollars each, ten thousand dollars;

For five additional inspectors, one thousand dollars each, five thousand dollars;

For secretary and executive officer, two thousand five hundred dollars;

For additional allowance for secretary and executive officer, five hundred dollars;

For incidentals, postage and expressage, one thousand dollars;

For inspectors' expenses, one thousand eight hundred and seventy-five dollars;

For traveling expenses of executive officer and plan examiner, three hundred dollars;

For salary of record clerk, one thousand two hundred dollars;

For expenses of members of the Board of Tenement House Supervision, five hundred dollars.

93.

VOTING MACHINES.

Voting machines.

For the State Board of Voting Machine Commissioners, five thousand dollars.

94.

STATE AGRICULTURAL COLLEGE.

Courses in agriculture.

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, six thousand five hundred dollars.

95.

PUBLICATION OF PUBLIC ACTS.

Revision of laws.

To the revision commissioners appointed under chapter two hundred and twenty-seven, laws of one thousand nine hundred and four, for expenses and for compensation of assistants, twelve thousand dollars.

96.

STATE OYSTER COMMISSION FOR THE DISTRICT OF ATLANTIC COUNTY.

Atlantic county oyster district.

For the commissioners, for salaries, nine hundred dollars;

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand six hundred and eighty dollars;

For incidental expenses, two hundred and seventy dollars;

For surveys, two hundred dollars;

97.

POTABLE WATER COMMISSION.

Potable water.

For the expenses and disbursements of the Potable Water Commission, including salary of secretary and engineers, stenographer, stationery and other incidental expenses, pursuant to joint resolution number two, ap-

proved March seventh, one thousand nine hundred and six, one thousand dollars.

98.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

Charities and corrections.

For salary of commissioner, three thousand dollars;

For salary of assistant (architect), two thousand five hundred dollars; service;

For salaries of draughtsmen, two thousand dollars;

For clerical hire, nine hundred dollars;

For additional allowance for clerical service, two thousand two hundred dollars;

For traveling expenses of commissioner and assistant, one thousand dollars;

For blanks, stationery, postage, et cætera, one thousand dollars.

99.

FOREST PARK RESERVATION COMMISSION.

Forestry commission.

For the purchase of forest lands and expenses therewith by the State Board of Forest Park Reservation Commissioners, pursuant to chapter forty-seven, laws of one thousand nine hundred and five, ten thousand dollars;

For the use of the State Board of Forest Park Reservation Commissioners, pursuant to said chapter, including maintenance of State forest lands, two thousand dollars;

For the use of the State Board of Forest Park Reservation Commissioners, for the purpose of carrying out the provisions of a bill pending, entitled "An act for the appointment of fire wardens, the prevention of forest fires and the repeal of sundry acts relating thereto," three thousand dollars; *provided,* said bill becomes a law.

100.

BATTLE MONUMENT AT SALEM CHURCH, VIRGINIA.

Salem church monument.

For the purpose of erecting a monument on the battlefield of Salem Church, Virginia, pursuant to "An act

to authorize the erection of a monument on the battlefield of Salem Church, in the State of Virginia, to commemorate the services of the twenty-third regiment, New Jersey volunteer infantry, in the battle of Salem Church and other engagements of the Civil War, and to appropriate money to pay the cost of the erection and dedication of the same," approved March seventh, one thousand nine hundred and six, six thousand dollars.

101.

MONUMENT ON BATTLEFIELD OF MONOCACY, MARYLAND.

Monocacy monument.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to authorize the erection of a monument on the battlefield of Monocacy, in the State of Maryland, to commemorate the services of the fourteenth regiment, New Jersey volunteer infantry, in the battle of Monocacy, and thirty other engagements of the Civil War, and to appropriate money to pay the expense of erecting the same," two thousand five hundred dollars; *provided,* said bill becomes a law.

Proviso.

102.

Free antitoxin.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to provide for the free distribution of diphtheria antitoxin to the inhabitants of this State," five thousand dollars; *provided,* said bill becomes a law.

Proviso.

103.

NEW NORMAL SCHOOL.

New normal school.

For the erection and completion of the new normal school, two hundred and seventy-five thousand dollars.

104.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES AND FOR THEIR WIDOWS, AT VINELAND.

Soldiers' home at Vineland.

For erecting and furnishing an additional building and a separate boiler-house, and the installation therein

of two steel boilers, and the needed machinery for an electric lighting plant, fifty thousand dollars.

105.

Quarantine.

For the purpose of carrying out the provisions of a bill pending entitled "A supplement to an act entitled 'An act to prevent the introduction into the State of New Jersey of communicable diseases by maritime vessels or maritime traffic,' approved March twenty-first, one thousand nine hundred," one thousand two hundred and fifty dollars; *provided,* said bill becomes a law.

Proviso.

106.

County boards of taxation.

For the purpose of carrying out the provisions of a bill pending entitled "A supplement to an act entitled 'An act for the assessment and collection of taxes,' approved April eighth, one thousand nine hundred and three," forty-three thousand two hundred dollars; *provided,* said bill becomes a law.

107.

SECRETARY OF STATE, DEPARTMENT OF MOTOR VEHICLE REGULATION AND REGISTRATION.

Department of motor vehicles.

The following amounts are hereby appropriated, *provided,* a bill pending entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of drivers thereof, and uniform rules regulating the use and speed of motor vehicles," becomes a law:

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 and their equipment, two thousand dollars;

For compensation for clerical services, three thousand five hundred dollars;

For postage, expressage and other incidental expenses, one thousand dollars;

For blanks and stationery, one thousand dollars.

108.

AGRICULTURAL EXPERIMENT STATION.

Experiment station.

To the Agricultural Experiment Station to carry out the provisions of a bill pending entitled "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," the sum of thirteen thousand five hundred dollars; *provided,* said bill becomes a law.

Proviso.

Appropriation from school fund.

2. The following sum is hereby appropriated out of the income of the school fund for the purpose specified for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and seven:

FREE PUBLIC SCHOOLS.

Public schools.

For the support of free public schools, two hundred thousand dollars;

Bonds.

There shall be paid from the income of the school fund such sums required to pay premiums and accrued interest on bonds purchased by the trustees for the support of public schools.

Approval of plans and contracts by Governor.

3. Before any building or buildings shall be commenced, for the cost of which money is appropriated by this act, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the Governor, and such contracts shall not be approved or entered into if the total expenditure under all of the contracts necessary to the entire completion of such building or buildings according to such plans and specifications shall exceed the amount appropriated by this act for such building or buildings; and in any and every case where it shall appear that the appropriation is insufficient to complete such building or buildings, the appropriation hereby

made therefor shall not be applied toward the construction of such building or buildings, but shall lapse and no payment shall be made therefrom. If appropriation insufficient, to lapse.

4. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated, and except such sums which are by law devoted to specific purposes, namely, State school tax, United States appropriation to agricultural college, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, agricultural college fund and taxes for the use of taxing districts in this State, moneys received by the State from the taxation of railroad and canal property, which may be by law apportioned to the various counties of the State for school purposes, and loans to "State school fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year. Money used as specified.

5. This act shall take effect on the first day of November, one thousand nine hundred and six. Effective.

Approved May 21, 1906.

CHAPTER 285.

A Further Supplement to an act entitled "An act relative to the Supreme and Circuit Courts" (Revision of 1900), approved March twenty-three, one thousand nine hundred.

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

1. There shall be appointed by the Governor, by and with the advice and consent of the Senate, two judges, each of whom shall be empowered to hold, in the absence Additional circuit judges.

of a justice of the Supreme Court, the Circuit Courts in the respective counties. Said judges shall be in addition to the number now authorized by law, and shall receive the same salary as other judges of said court. They shall hold their offices for the term of seven years, and successors to said judges shall be in like manner appointed when said offices shall become vacant by death, expiration of term or otherwise.

Term.

2. This act shall take effect immediately.

Approved May 22, 1906.

CHAPTER 286.

An Act to provide for the appointment of a commission to report to the Governor and Legislature a revision and codification of the laws relating to police courts of this State.

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

Revise police court laws.

1. The Governor is authorized to appoint a commission consisting of three persons to prepare a revision and codification of the laws relating to police courts of this State.

No compensation; report.

2. Said commission shall serve without compensation, and shall make its report to the Governor and Legislature during the first month of the next regular session of the Legislature, or as soon thereafter as may be practicable.

Expenses met.

3. The clerical and other expenses of the commission properly incidental to its work, when approved by the Governor and Comptroller, shall be paid by the Treasurer out of any money in the treasury not otherwise appropriated.

4. This act shall take effect immediately.

Approved May 22, 1906.

CHAPTER 287.

A Supplement to an act entitled "An act to remove the fire and police departments in the cities of this State from political control," approved May second, one thousand eight hundred and eighty-five.

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

Chief may suspend pending hearing.

1. Whenever, in the judgment of the chief of police of any city of this State, acting under the provisions of the act to which this is a supplement, it is necessary or advisable, for the public welfare or for the maintenance of the discipline of said department to temporarily suspend any officer or member of said department charged with any breach of the rules or orders of said department, it shall be lawful, pending a hearing by the board of police commissioners, for said chief to summarily suspend such officer or member, without pay, for any period not exceeding ten days.

Penalty that may be imposed.

2. It shall be lawful for the board of police commissioners of any such city, upon the conviction before it of any officer or member of said department, of the violation of any rule or order of said department, to impose a fine or penalty not exceeding one month's pay, and the fine or penalty so imposed may be deducted from the pay of said officer or member, at such times and in such amounts as the said board shall direct.

Penalty for minor offenses.

3. Whenever such board of police commissioners is satisfied, in any manner, that any officer or employe of the police department of any such city has violated any of the rules or orders of such department, and that such violation is not of sufficient importance to warrant such a hearing and trial as is provided by law, such board may summarily impose upon any such officer or employe a fine or penalty not exceeding five days' pay, to be im-

posed and deducted in the manner provided in the preceding section.

4. This act shall take effect immediately.

Approved May 22, 1906.

CHAPTER 288.

An Act to license and regulate the business of private detectives and detective agencies.

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

Private detectives licensed by comptroller.

1. No person or co-partnership shall engage in the business of private detective for hire or reward, or advertise such business to be that of detective, or as conducting a detective agency, without having first obtained a license so to do as hereinafter provided from the comptroller of the State of New Jersey, and no person or co-partnership or corporation shall engage in the business for hire and reward of furnishing or supplying information as to the personal character of any person or firm, or as to the character or kind of the business and occupation of any person, firm or corporation, or own or conduct a bureau or agency for the above-mentioned purposes, except as to the financial rating of persons, firms or corporations, without having first obtained a license so to do as hereinafter provided from the comptroller of the State of New Jersey.

Application for license to state certain facts as to competency.

2. Any person intending to conduct the business of detective or detective agency, and any person intending to conduct the business of furnishing or supplying information as to the personal character of any person or firm, or as to the character or kind of business and occupation of any person, firm or corporation, or own or manage a bureau or agency for the above-mentioned purposes except as to financial rating of persons, firms or corporations, shall present to the Comptroller of the

State and file in his office a written application duly signed and verified by such person and approved by not less than five reputable citizens, freeholders of the county where such applicant resides or where it is proposed to conduct such business, which approval shall be signed by such freeholders and acknowledged by them before an officer authorized to take acknowledgments of deeds. Such application shall state the age, residence, present and previous occupation of such applicant, and the name of the city, town or village where the principal place of business is to be located, and such further facts as will tend to show the good character, competency and integrity of such applicant. The comptroller, when satisfied from an examination of such application, and such further inquiry and investigation as he shall deem proper, of the good character, competency and integrity of such applicant shall issue and deliver to such applicant a license to conduct such business upon the applicant's paying to the Comptroller for the use of the State a license fee of one hundred dollars, and upon his executing, delivering and filing in the office of said Comptroller a bond to be executed by such applicant, with one or more sureties in the sum of two thousand dollars, conditioned for the faithful and honest conduct of such business by such applicant, which bond, as to its form, manner of execution and sufficiency of the security, must be approved by the said Comptroller. The license granted pursuant to this act shall last for the period of five years, but shall be revocable at all times by the Comptroller for cause shown. Such bond shall be given to the State of New Jersey, and any person injured by the wilful, malicious and wrongful acts of the principal may bring an action on said bond in his own name to recover damages suffered by reason of such wilful, malicious and wrongful act.

License fee.

Give bond.

Term.

Action may be brought on bond.

3. In case two or more persons composing or intending to compose a co-partnership wish to carry on such business, such application must be signed and verified by all the individuals composing or intending to compose such co-partnership, and must be approved by five freeholders as provided hereinbefore, and in case the comp-

Joint or partnership license.

troller shall grant the application, a license shall be issued to such co-partnership upon the payment of a

Fee. license fee of one hundred and fifty dollars and upon

Bond. the execution, delivery, approval and filing of the bond provided for in the foregoing section, which bond, however, shall be in the sum of three thousand dollars.

Who exempt from provisions of this act. 4. Nothing in this act shall apply to employes of such duly licensed private detective or detective agencies, for whose good conduct in the business, however, the employers shall be responsible, or to any detective or officer belonging to the police force of the State, or any county, city, town or village thereof appointed or elected by due authority of law, nor shall anything in this act be construed to affect in any way attorneys or counsellors at law in the regular practice of their profession.

Vested rights, etc., not impaired. 5. Nothing herein contained shall impair or annul any vested rights, privileges or powers heretofore obtained and used under authority of an act entitled "An act to authorize the formation of pursuing and detective companies, approved March twenty-ninth, one thousand eight hundred and seventy-eight," and the several supplements thereto and all said pursuing and detective companies which have heretofore availed themselves of the provisions of said acts may continue to enjoy the rights and advantages which they now enjoy and exercise by virtue thereof.

Detectives not advertising exempt. 6. Nothing in this act shall be held or construed as applying to preventing or in any way interfering with any person or persons engaging in the business of private detective or conducting a detective bureau or agency without first obtaining a license for that purpose, if they do not advertise or hold themselves out as such duly licensed detective or licensed detective bureau or agency.

Penalty. 7. Any person volating any of the provisions of this

Exception. act shall be guilty of a misdemeanor; nor shall anything in this act be held or construed as applying to any corporation not incorporated for pecuniary profit or to any agents or employees of any such corporation.

8. This act shall take effect immediately.

Approved May 22, 1906.

CHAPTER 289.

Supplement to an act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety-eight.

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

Private detective associations may appoint pursuers having powers of a constable.

1. It shall be lawful for the trustees of associations incorporated under this act, where their certificate of incorporation provides that the object of said corporation shall be to engage in the detection, pursuit, apprehension, arrest or prosecution of thieves, tramps, marauders, or other depredators on persons or property, or the recovery of stolen goods, to appoint or elect any number of the members of said association, not to exceed twenty, pursuers, and to give to each a badge of office, who shall continue in office for one year, and during such continuance in office shall each have the power and authority of a constable, so far as may be necessary to carry out the aforesaid objects of said association, and may execute warrants for that purpose in any part of the State, and shall have all the responsibilities and immunities of constables in the exercise of said power and authority for the objects aforesaid; *provided,* that they shall not be liable to the performance of any service except as directed by the by-laws of said association; and *provided further,* that the appointment of such pursuers shall be authorized by resolution of the governing body of the municipality in which the principal office of such incorporated association is located.

Proviso.

Proviso.

Fees and rewards.

2. It shall be lawful for the members of such association to admit and receive reasonable fees and rewards, as shall be agreed upon by the officer or officers, and those who may employ them for their services as such pursuers, from any person or persons who may employ

them, and to make contracts and agreements concerning such employment.

Insurance against loss by robbery.

3. It shall be lawful for any such association to provide for the indemnification of its members from loss in whole or in part, by robbery, burglary, larceny or theft, and to make by-laws and rules and regulations for the same and to fix the dues, fees and assessments of the members and to provide for the payment and collection thereof, and to sue for and recover the same in any court of competent jurisdiction.

4. This act shall take effect immediately.

Approved May 22, 1906.

CHAPTER 290.

An Act for the taxation of the property and franchises of street railroad corporations using or occupying public streets, highways, roads, lanes or other public places in this State.

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

Taxation of street railways.

1. All the property, real and personal, and franchises of street railroad corporations which have acquired or may hereafter acquire authority or permission from this State, or from any taxing district or municipality therein, and which have, or may hereafter have, the right to use or occupy and are occupying streets, highways, roads, lanes or public places in this State, shall hereafter be valued, assessed and taxed as hereinafter provided.

Valuation and assessment of property.

2. The respective assessors or taxing officers, boards or bodies of each taxing district in this State shall, each year, ascertain the value of the property of every street railroad corporation in or upon any public street, highway, road, lane or other public place in each municipality or taxing district, and the value of its property not so

located, and all such property shall be assessed and taxed at local rates as now provided by law, and all proceedings for appeal, review and collection of the taxes so assessed shall be and remain applicable to such taxes.

Annual return to state assessors.

3. The assessor or board or body whose duty it is to make the assessment in each taxing district shall annually make a return certified in writing on or before the third Tuesday in September of the value of all property assessed under the provisions of this act, which is located in or upon any street, highway, road, lane or other public place in such taxing district, together with the names of the owners and of those operating the same, and shall file such return in the office of the State Board of Assessors. The said State Board of Assessors shall have the power to inquire into, equalize and revise the valuations returned to them in said statements by the local assessors of the various taxing districts, and to fix the valuation of such property for any taxing district which shall fail to file its return within the time required by law, or within such further time as said board may prescribe, so as to secure an equitable and fair valuation and apportionment of said franchise taxes upon a uniform basis of valuation between the various taxing districts entitled thereto.

Review of valuation, etc.

Statement furnished by street railways to state assessors.

4. Every street railroad corporation subject to taxation under the provisions of this act shall, on or before the first Tuesday in May in each year, return to the State Board of Assessors a statement showing the gross receipts from its business in this State for the year ending December 31st, next preceding, and any such corporation having part of its road in this State and part thereof in another State or States, or having part of its road on private property and part on any public street, highway, road, lane or other public place, shall make a report showing the gross receipts on the whole line, together with a statement of the length of the whole line and the length of the line in this State upon any street, highway, road, lane or other public place, and the franchise tax of such corporation for the business done in this State shall be levied by the State Board of Assessors upon such proportion of its gross receipts as the length

of the line in this State upon any street, highway, road, lane or other public place bears to the length of the whole line; such statement or report shall be subscribed and sworn to by the president, vice-president or other executive officer of such corporation, and any street railroad corporation refusing to make such annual statement or report shall forfeit, as a penalty for such neglect or refusal, not more than five thousand dollars, to be assessed by a jury for each offense, to be recovered by action in the Supreme Court of this State, in the name of the State, and when collected, paid into the State treasury; and it shall be the duty of the State Board of Assessors to certify any such default to the Attorney-General of this State, who thereupon shall bring an action at law for such penalty; any person who shall falsely make any oath required to be made under this act shall be deemed guilty of perjury, and upon conviction thereof shall be liable to all penalties by law therefor.

Penalty for refusal to report.

Action by attorney-general.

Rate of franchise tax.

5. An annual franchise tax upon the annual gross receipts of every street railroad corporation or upon such proportion of such gross receipts as the length of its line in this State upon any street, highway, road, lane or other public place, bears to the length of its whole line, shall be assessed by the State Board of Assessors as follows: For the year nineteen hundred and six, two and one-half per centum upon such gross receipts; for the year nineteen hundred and seven, three per centum; for the year nineteen hundred and eight, three and one-half per centum; for the year nineteen hundred and nine, four per centum; for the year nineteen hundred and ten, four and one-half per centum; for the year nineteen hundred and eleven, and annually thereafter, five per centum.

Apportionment of franchise tax among taxing districts.

6. The State Board of Assessors shall annually ascertain and apportion the franchise tax assessed against any street railroad corporation as aforesaid among the various taxing districts in which such corporation is operating street railroads in proportion to the value of the property located in or upon any public street, road, highway, lane or other public place, as shown by the

statements so filed with the said board; the amount of the franchise tax assessed in pursuance of this act shall be certified in writing to the respective assessors of taxes, or officers having like powers and duties in the various taxing districts in which street railroads are located, on or before the third Tuesday in October of each year; *provided,* that no change in the apportionment of the franchise tax assessed in pursuance of this act shall be made after the apportionment by said State Board of Assessors, as aforesaid, except by and with the consent in writing of the assessors of the taxing district or districts whose proportion of the franchise tax would be reduced by such change. The assessor or other taxing officer shall, within five days after being notified of such apportionment of the franchise tax, deliver or cause to be delivered to the street railroad corporations taxable under the provisions of this act, and to the collector of taxes of such taxing district a statement in writing showing the amount of such franchise tax so ascertained, which shall become due at the time and place, when and where other taxes are payable in such taxing district, and the tax so assessed and certified shall be and remain a first lien on the property and franchises of such corporations in such taxing district until paid with interest, and penalties thereon, as in cases of other delinquent taxes, and shall be collected in the same manner as other taxes are collected, and the same proceedings available for the collection of other taxes shall be and remain applicable to the collection of the franchise tax hereby authorized.

Proviso.

Taxing officer to notify railway and collector of amount due.

Tax a lien.

7. All money now or hereafter payable by any street railroad corporation to any taxing district for its exclusive use, pursuant to any contract, agreement, resolution or ordinance (except money expended for paving or repairing any street, highway or other public place, or taxes on real or personal property) shall be paid notwithstanding this act, and when paid shall be considered on account of or in full, as the case may be, for the franchise tax to be assessed and apportioned according to the provisions hereof; if the amount so payable is greater than the amount of the franchise tax appor-

Present obligations binding.

New Jersey State Library

tioned to such taxing district, such payment shall be in lieu thereof, and if less, the difference in amount shall be payable as herein provided.

Taxes imposed under this act in lieu of other taxes.

8. The franchise tax and tax on the real and personal property of street railroad corporations imposed by this act shall be in lieu of all other taxes now assessed or assessable against street railroad corporations subject to taxation in pursuance of this act.

In effect.

9. This act shall take effect on the first day of January, one thousand nine hundred and seven.

Approved May 23, 1906.

CHAPTER 291.

An Act to incorporate the borough of Folsom, in the county of Atlantic.

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 Beuna Vista, in the county of Atlantic, contained within the limits hereinafter set forth are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of the borough of Folsom, and shall be governed by the general laws of this State relating to boroughs.

Boundaries of Folsom.

2. The territorial limits of said borough shall be as follows: beginning at a point in the center of Fifth road as laid down on the plan of the Weymouth Farm and Agricultural Association at the intersection of Gloucester and Atlantic counties; thence northeasterly along the division line of said counties to a point, said point being the intersection of Gloucester and Camden counties; and continuing in the same direction along the division line of Camden and Atlantic counties to the center of Third road as laid down on said plan; thence along the center of Third road southeasterly to the cen-

ter of Seventh street as laid down on said plan; thence along the center of Seventh street in a southwesterly course to the center of Fifth road; and thence along the center of Fifth road to the place of beginning.

Election of officers.

3. The first election of officers in and for said borough of Folsom shall be held within thirty days after the passage of this act, and notice thereof shall be given by the clerk of the said township of Buena Vista, county of Atlantic, aforesaid; said notice shall be published in a newspaper circulating in the territory hereinbefore described eight days prior to said election, and shall also be posted for the same length of time in five of the most public places therein, and the said election shall be held in the manner now prescribed for the election of borough officials.

Notices.

4. This act shall take effect immediately.

Approved May 23, 1906.

CHAPTER 292.

An Act to annex a portion of the township of Orvil, in the county of Bergen, and a portion of the township of Washington, in the county of Bergen, to the borough of Montvale.

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

Portions of Orvil and Washington townships annexed to Montvale.

1. All that portion of the township of Orvil, in the county of Bergen, and of the township of Washington, in the county of Bergen, beginning in the middle of the public road leading from Chestnut Ridge, in the borough of Montvale, to Spring Valley, New York, at a point where the northerly line of said borough intersects the same and running thence (1) northerly along the middle of said road to the road leading from the Reformed Church, in the borough of Upper Saddle River, to Upper Montvale; thence (2) along the center of the

same easterly to the center of the Spring Valley road; thence (3) northerly along the center of said Spring Valley road to the New York and New Jersey State line; thence (4) southeasterly along said State line to the northerly line of the borough of Montvale; thence (5) westerly along the northerly line of the borough of Montvale to the place of beginning; be and the same is hereby set off from the townships of Orvil and Washington and annexed to and made a part of the borough of Montvale.

2. This act shall take effect immediately.

Approved May 23, 1906.

CHAPTER 293.

An Act to amend an act entitled "An act to authorize incorporated towns to construct, operate and maintain a system of sewers, or a system of sewers and drains, and to provide for the payment of the costs of the construction, operation and maintenance thereof," approved April third, one thousand nine hundred and two.

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

Section amended.

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

Acquire property for filtration, pumping station, etc.

12. In addition to the powers and authority hereinbefore given, it shall be lawful for the board of sewerage, on behalf of and in the name of such incorporated town, to acquire by purchase or condemnation, in the manner hereinafter mentioned, all lands, rights of way and real estate that shall be necessary outside of said incorporated town for the purpose of laying sewers, or sewers and drains, or either of them, to connect with

any trunk sewer, filtration beds, disposal works or place where sewage is disposed of, and any other lands and real estate, either within such incorporated town or beyond the corporate limits of the same, that may be needed for filtration beds, flushing tank or tanks, disposal works or places of deposit for this sewage from such incorporated town, or for pumping station or stations, receiving tank or tanks, vat or vats, or for any other purpose connected with such system of sewers, or system of sewers and drains. All lands purchased or acquired by condemnation for any of the purposes mentioned in this and the preceding sections shall be taken in the corporate name of such incorporated town.

Approved May 23, 1906.

CHAPTER 294.

An Act to annex to the township of Pequannock, in the county of Morris, a part or portion of the borough of Butler, in said county.

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

Portion of Butler annexed to Pequannock township.

1. All that part or portion of the borough of Butler in the county of Morris contained or included within the following described boundaries, to wit: Beginning in the middle of the Pequannock river on the line of the northerly boundary of said borough at the point thereon which would be the point of intersection by the line of Hannah M. Cook's land projected, about one hundred and fifty feet up stream from the bridge across said river to Hannah M. Cook's land, running thence (1) southwesterly along the line of Hannah M. Cook's land to a large white oak tree, and continuing southwesterly to a tall cedar post imbedded in a stone and cement foundation, being a corner of said Hannah M. Cook's land and John F. Busche's land, thence (2)

continuing in the same direction along the line of said John F. Busche's land to the point where said line intersects the present boundary line between the borough of Butler and the township of Pequannock in said county, near Garrett D. Smith's ice houses, thence (3) northerly along said boundary line to the present northeast corner of the borough of Butler, and thence (4) westerly along the middle of the Pequannock river, being the present northerly boundary of the borough of Butler to the point or place of beginning, be and the same is hereby taken or detached from the said borough of Butler and annexed to and made part of the township of Pequannock in the county of Morris, so that the territorial limits of the township of Pequannock shall extend to, be included in, and contain the lands and premises within the above boundaries, together with the inhabitants thereof, and the governmental authority of said township of Pequannock, be, and the same is hereby, in all respects, extended to, and shall be exercised within said boundaries.

2. This act shall take effect immediately.

Approved May 23, 1906.

CHAPTER 295.

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 amended.

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

Parent deserting family a disorderly person.

17. Any husband or father who deserts, or wilfully refuses or neglects to provide for and maintain his wife

or other family, and any mother who deserts or wilfully 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 wilfully 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 oath, before some magistrate in either the township or city where said disorderly person resides or the place of his or her legal settlement, or the place where his wife or other family reside.

Complaint by overseer of the poor.

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

Section amended.

18. Upon receiving such complaint against any husband or father or mother provided for in the preceding section, the magistrate before whom such complaint is made shall issue his warrant, directed to any constable of the county, or police officer of the township or city wherein such complaint is made, for the immediate apprehension of the person so complained of and for bringing him 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 or her 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 or her touching said complaint; and in default of such person entering into such bond and giving such security, said magistrate shall commit him or her to the county jail to await the investigation of said complaint.

Proceedings against deserting parent.

Bound over or committed to jail.

Section amended.

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

Magistrate to hear complaint.

19. At the time of appearance mentioned in said bond, or time appointed for such investigation, the magistrate shall proceed to hear the witnesses produced to substantiate and rebut the said complaint, and shall decide whether such person is guilty or not guilty thereof; if he decides such person is guilty, he shall adjudge him or her to be a disorderly person, and in lieu of the penalties prescribed in this act for disorderly persons, such magistrate may make an order requiring such person to pay such sum weekly 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.

Order for support.

Section amended.

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

Appeal may be taken.

21. 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 or her intention to appeal from the decision of said magistrate or jury, may appeal to the Court of Quarter Sessions 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 to 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.

Jury trial in quarter sessions.

Appeal not a stay for support.

Section amended.

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

Order in force one year.

23. All orders made against any such husband or father, or mother, under the provisions of this act, shall

continue in force for the term of one year from the time when the payments therein directed commence to run; but such order shall not be a bar to a subsequent complaint after the expiration of said term, and upon all trials both the wife of the person complained of and himself may be witnesses.

Witnesses.

Section amended.

6. Section twenty-five of the act to which this is a further amendment is hereby amended so as to read as follows:

When wife or family a public charge.

25. Where any husband or father, or mother, who deserts or wilfully refuses or neglects to provide for and maintain his wife or other family, and his said wife or other family shall be a public charge in any poorhouse of this State, or where any mother deserts or wilfully refuses or neglects to provide for and maintain her child or children or other family, and said child or children or other family shall be a public charge in any poorhouse in this State, then proceedings may be had and taken for the better relief of the board of chosen freeholders or other authority or authorities having the direction and government of such poorhouse, upon application of the director or any member of the poorhouse committee of said board of chosen freeholders, or any officer or keeper of any such poorhouse, in the same manner as by this act may be had for the relief of any township or city in which such wife or other family might become chargeable.

Section amended.

7. Section twenty-six of the act to which this is a further amendment is hereby amended so as to read as follows:

Warrant issued when residence outside county.

26. If any husband or father, or mother, shall be or reside in any other county of this State than that in which said warrant shall be issued, the magistrate issuing the same shall, in writing thereupon, direct the sum in which any bond shall be taken of the party so charged, and it shall be the duty of the person serving the same to carry it to some magistrate of the county wherein such person resides or can be found; the magistrate to whom the same shall be presented, on proof being made to him of the handwriting of the magistrate who issued such warrant, shall indorse his name thereon,

Arrest.

with an authority to arrest such person in the county where the magistrate so indorsing shall reside, which shall be sufficient authority to execute such warrant in the county where it shall be indorsed.

Section amended.

8. Section twenty-seven of the act to which this is a further amendment is hereby amended so as to read as follows:

Party to give bond for appearance.

27. The party so charged, being apprehended, shall be taken before the magistrate who indorsed said warrant, or some other magistrate of the same county, who may take from such persons a bond to the State of New Jersey, with good and sufficient surety or sureties, to be approved by said magistrate, in the sum so directed on said warrant, conditioned for his or her appearance before said magistrate who issued said warrant, at a time therein to be named, to answer said complaint and to abide all orders, judgments and decrees that may be made against him or her touching said complaint.

Section amended.

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

Hard labor for desertion.

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

Section amended.

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

Action may be taken on Sunday.

30. It shall be lawful for any constable or police officer having a warrant issued for the apprehension of any husband or father, or mother, as hereinbefore mentioned, to arrest such person on the first day of the week, commonly called Sunday; and it shall be lawful for said constable or police officer to convey such person so arrested before the magistrate issuing the warrant on the

first day of the week, commonly called Sunday, whereupon all proceedings taken and had before such magistrate shall be valid and legal as if had on any other day, and if a bond be given it shall be of the same force and effect as if given on any other day.

Section amended.

11. Section thirty-one of the act to which this is a further amendment is hereby amended so as to read as follows:

Liquor not sold to habitual drinkers.

31. Whenever any person, according to the provisions of this act, shall be convicted of being a common drunkard, or of deserting or wilfully refusing or neglecting to provide for or maintain his or her family, and it shall appear to the satisfaction of the magistrate before whom such conviction was had that the cause of such neglect is the habitual excessive use of intoxicating liquor by said convict, it shall be the duty of said magistrate to make an order, directed to the overseer of the poor of the township in which said conviction shall be made, warning all persons selling intoxicating liquor to desist from selling any intoxicating liquor to said convict; and it shall be the duty of said overseer, within five days after the receipt by him of said order, to serve a copy of said order upon all dealers of intoxicating liquor from whom said convict would be able to procure such liquor, and also to post up in three of the most public places in said township a copy of said order, and to make and preserve a record of the time and places when and where said copies were posted, and of the time and persons when and on whom said copies were served.

Warning to liquor dealers.

Approved May 23, 1906.

CHAPTER 296.

A Supplement to an act entitled "An act to regulate elections," 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:*

Schedule of appropriations on primary ballots.

1. The members of any political party which now is or may hereafter be entitled to nominate candidates at

the primary elections provided for in the act to which this act is a supplement, in all municipalities where tax levies and appropriations of money to be raised by tax are fixed by vote of the people, in addition to nominating delegates or candidates at such primary elections, may also vote for a schedule of appropriations to be placed on the party ticket at the ensuing election; if the petitioners nominating candidates for office or for delegates shall include in their position an endorsement of any proper schedule of appropriations, accompanied with a prayer that the schedule of appropriations be placed on the primary ballots, the clerk or other officer whose duty it may be to prepare the primary ballots shall place thereon such a schedule of appropriations according to the prayer of such petition. The result of such primary election in the premises shall be certified as in the case of candidates nominated at said election. Nominations of candidates by petition may also endorse a schedule of such appropriations. The party ballot or party column of any voting machine shall contain the schedule of appropriations, as determined by the voters at such primary election, as prayed for in any such petition.

Result certified.

2. This act shall take effect immediately.

Approved May 24, 1906.

CHAPTER 297.

An Act to amend an act entitled "An act relative to the writ of certiorari" (Revision of 1903), 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 amended.

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

Court to determine questions of fact and law.

11. In all cases of writs of certiorari now pending or hereafter brought to remove any tax or assessments or

other order or proceeding touching any local or public improvement, or to review the proceedings of any special statutory tribunal, the court shall determine disputed questions of fact, as well as of law, and inquire into the facts by depositions taken on notice, or in such other manner as is according to the practice of the court; *provided,* either party may use the testimony taken before tribunal whose action is being reviewed, which testimony shall be considered by the court the same as if it had been taken by deposition on notice, and either party may take additional testimony. The court may reverse or affirm, in whole or in part, such tax or assessment or other order or proceeding. Proviso.

2. This act shall take effect immediately.

Approved May 24, 1906.

CHAPTER 298.

An Act to regulate the collection of interest upon claims heretofore or hereafter barred by the Statute of Limitations.

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

1. Whenever any claim or demand which has been or shall become barred by the running of the Statute of Limitations, and shall have been or shall be revived thereafter by legislative enactment, it shall not be lawful for the holder thereof to collect more in interest thereon by judgment or otherwise than could have been recovered thereon at the time of the expiration of the statutory limit barring recovery thereon. Interest on barred claims.

2. This act shall take effect immediately.

Approved June 1, 1906.

CHAPTER 299.

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

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

Retirement at sixty years.

1. In all cities and towns of this State all such members of the police force thereof as shall have honorably served on such force for twenty years, and shall have attained the age of sixty years, may be retired upon half pay.

Retirement at fifty-five years.

2. Any member of the police force of any city or town in this State who shall have attained the age of fifty-five years, and shall have honorably served upon such force for twenty-five years, may, upon his application, be retired upon half pay.

Retirement for disability.

3. Any member of the police force of any city or town in this State having become permanently disabled by reason of injury received or disease contracted in his service as a member of such force shall be retired upon half pay.

Temporary disability.

4. Every member of the police force of any city or town in this State shall receive half pay during temporary disability occasioned by injury received or disease contracted in his service as a member of such police force.

Provision for pension fund.

5. The board or authority having control of the finances of any city or town in which this act takes effect may borrow a sum sufficient to cover all moneys payable under this act in such city or town required during the remainder of its fiscal year within which this act takes effect therein, or permit the same to be paid out of any money of said city or town not otherwise appropriated. From the time this act takes effect there shall be deducted

Deduction from officer's pay.

from every payment of salary or compensation to any member of the police force in such city or town one per centum thereof, and in every annual tax levy there shall be included a sum equal to at least four per centum of the salaries in aggregate paid to the police force of such city or town, the moneys derived from such deduction and taxes to be kept and used exclusively as a fund out of which the payments provided for in this act shall be made.

Rules and regulations.

6. In every city or town in which this act takes effect the board or authority having charge or control of the police force or department thereof is hereby empowered to make all necessary or proper rules and regulations for the due administering of this act not inconsistent with its provisions.

Investment of fund.

7. In every city or town in which this act takes effect the board or authority having charge or control of the police force or department thereof, immediately upon receiving or being paid any of the moneys raised for or constituting the fund provided for in section five of this act, shall thereupon proceed to securely invest all of such moneys not then required for or appropriated to the immediate payment of moneys payable under this act in interest-bearing bonds of such city or town, which bonds shall be held, kept and maintained exclusively for the benefit, use, purposes and credit of such fund.

Referendum.

8. The board of aldermen, common council or other like governing body of any city or town may, by resolution, at any time, submit the question of the acceptance of this act to the legal voters of said city or town, at any charter or general election. Upon the acceptance of this act it shall then, but not otherwise, go into effect, and be binding upon the city or town wherein it has been submitted to the legal voters thereof. In case of the non-acceptance of this act at any election at which it shall by force of its own terms be submitted in any city or town to the legal voters thereof, it shall be again so submitted at the general election to be held three years thereafter. In every submission to vote and the canvass of votes thereon the provisions of sections fifty-two and one hundred and eighty-five of "An act to regulate elections

When act effective.

(Revision of 1898) as amended in nineteen hundred" shall be followed. The act shall be styled in such submission "Police Pension Act of 1906."

How act styled.

Approved June 1, 1906.

CHAPTER 300.

An Act to provide for the appointment of sergeants-at-arms for the several Circuit Courts in counties of the first class and fixing the salary to be paid them.

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

Sergeant-at-arms to Circuit Court in first class counties.

1. In counties of the first class the Circuit Court judges of the several Circuit Courts may appoint a person to serve as sergeant-at-arms, whose duty it shall be to attend daily upon said courts in the county wherein appointed during the several terms thereof, and such appointment may be revoked at any time by said Circuit Court judges.

Salary.

2. The salary to be paid said sergeant-at-arms shall be one thousand dollars ($1000) per annum, and no fee or other compensation of any nature shall be allowed; such salary to be paid monthly by the county collector upon the certificate of the county clerk of said county.

3. This act shall take effect immediately.

Approved June 1, 1906.

CHAPTER 301.

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 amended.

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

Crossings in cities and towns above or below grade.

27. Where any railroad shall cross any street or highway in any city or town it shall be either above or below the grade thereof, at such distance as shall not interfere with the free and uninterrupted use of such street or highway, unless the common council or other governing body of the city (or town, incorporated as such) in charge of the streets, shall grant permission to the railroad company to cross such street or highway at grade. *Provided,* that such permission shall not be necessary for the purpose of crossing at grade any street or highway which at the time of the acquirement of the right of way is not in use for pedestrians or wagons, either at the point of crossing or at some other point between the crossing the nearest terminus of such street or highway; where a railroad is constructed above the grade of any street or highway by a bridge, it shall be lawful for the company to erect piers for the support and safety of the bridge, which piers may be located at the outer edge of the wagonway, so as not to encroach thereon, and may extend thence into the sidewalk, or place left therefor; *provided,* that from the land on each side of said street or highway, so much shall be added to the sidewalk on that side and thrown open to public use for such purpose, as shall be occupied by the pier on that side.

Proviso.

Bridges over streets.

Proviso.

2. This act shall take effect immediately.

Approved June 5, 1906.

CHAPTER 302.

An Act to enable any city in this State, other than cities of the first class, to construct, purchase or otherwise acquire water works for the purpose of supplying pure and wholesome water for public and private use in said city or in adjoining municipalities, and providing for the maintenance of the same.

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

Cities may own and operate water works and reservoir.

1. It shall and may be lawful for the common council, board of aldermen or other governing body of any city in this State, other than cities of the first class, which does not own, possess, control or operate its own reservoir or water works, to acquire by purchase or otherwise the necessary land in or near said city for the construction of a reservoir and necessary water works, and to erect and construct on the lands so acquired an adequate reservoir, or to acquire by purchase or otherwise water works already in existence and operation, supplying any city which might adopt the provisions of this act, including the franchise or franchises owned or controlled by the owners of said water works, and also including the water pipes, mains, conduits, machinery, appliances and property of every description necessarily connected with said water works, for the purpose of supplying pure and wholesome water for public and private use in said city or in adjoining municipalities.

Lay pipes.

2. For the purpose of carrying out the provisions of this act, the common council, board of aldermen or other governing body shall have power to lay all necessary pipes, mains and conduits to, through and along any and all public roads, streets or thoroughfares in any village, town, township, city or other municipal division between said reservoir and said city; *provided, however,* that the consent of the governing body of such

Proviso.

village, town, township, borough, city or other municipal division in which such roads, streets or thoroughfares are located, shall, by proper resolution, be given upon application in writing of such city, designating in such application the streets, roads or thoroughfares through which it is desired that said pipes, mains or conduits shall be laid.

Supply pipes to connect reservoir and works.

3. For the purpose of properly connecting said reservoirs and works with the pipes and mains of any other reservoir operated by any other city or company with which said city may contract for a supply of pure and wholesome water, or with any stream, river or watershed which it may be desirable to tap for the purpose of an intake of such water to the reservoir so constructed or to be constructed by said city, the said common council, board of aldermen or other governing body of such city shall have power to lay the necessary pipes, mains and conduits into, through and along any and all roads, streets or other thoroughfares of any village, town, township, borough, city or other municipal division, between said reservoir of any other city or water company, or the stream, river or watershed aforesaid; *provided,* that a designation of such streets, roads or thoroughfares shall first be presented to the governing body of such village, town, township or borough or city, and a resolution of such governing body be passed approving of such designation.

Proviso.

System in charge of commissioners.

4. The reservoir, water works and all other works connected with said water-supply, when the same have been constructed and in operation, or when they have been acquired by purchase or otherwise, shall be, become and remain in the charge, custody and control of a properly constituted water board or water commissioners, or other board of a like character, appointed by the mayor of said city in the manner hereinafter provided.

Acquire property by condemnation.

5. If, for any reason, the common council, board of aldermen or other governing body of such city cannot agree with the owner or owners of any lands required for the construction of such reservoir or other works connected with such water-supply, and necessary for the proper operation thereof, or when, by reason of legal incapacity or absence of such owner or owners, no such

agreement can be made, the common council, board of aldermen or other governing body of such city shall proceed to acquire the same in accordance with the provisions of an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred, and the several supplements thereto and acts amendatory thereof.

City may purchase water system already in existence.

6. It shall be lawful for any such city to purchase of any person (and the person herein shall mean natural person or artificial person, as the case may be), owning water-works, reservoirs, pipes, mains and conduits, within such city; and said person is hereby authorized to sell and convey to such city, all the real and personal estate, works, powers, rights, franchises and privileges of such person appertaining to such water-works, reservoirs, pipes, mains, conduits and franchises, for such sum, not exceeding the fair value thereof, as may be mutually agreed between such city and said person; and upon the due execution and delivery of the conveyance therefor the said real estate, personal property, works, powers, rights, franchises and privileges shall pass to and vest in such city in as full a manner as the same were theretofore held and enjoyed by said person; and said city may purchase, take, hold, enjoy, manage and maintain, and may convey and dispose of all such other real and personal estate, works, powerree with the person owning such water- with such water-works, reservoirs, pipes, rights, franchises and privileges connected necessary or proper for the purposes of this act.

Value.

Privileges.

Commission appointed by court to fix value.

7. And in case such city cannot agree with the person owning such water works, reservoirs, pipes, mains, conduits and franchises, as to the price to be paid therefor, it shall be lawful for any justice of the Supreme Court of this State, upon application by such city, upon two weeks' notice served on such owner by leaving such notice at the dwelling house of such owner, or at the office of such water-works company in such city, to appoint three disinterested commissioners, resident in the county wherein said city is situate, to ascertain the value of the said water-works, reservoirs, pipes, mains, con-

duits and franchises; which said commissioners shall appoint a time and place when and where to execute the duties of their office, and shall cause two weeks' notice thereof to be given to such owner, either by leaving the same at his dwelling house, or at the office of said water-works company in such city, or by publishing in a newspaper published in such city; at which time and place such commissioners shall meet, and shall then examine said water-works, reservoirs, pipes, mains, conduits and franchises, and hear the parties interested, and take evidence, if any be offered, and for that purpose shall have the power to administer oaths or affirmations, and to adjourn from day to day; and the said commissioners shall ascertain and assess the value of said water-works, reservoirs, pipes, mains, conduits and franchises; and shall make, under their hands and seals, or the hands and seals of a majority of them, an award for said water-works, reservoirs, pipes, mains, conduits and franchises, and state therein the compensation by them estimated and assessed in favor of such owner, which award shall be acknowledged by the commissioners, or a majority of them, and filed in said county clerk's office.

Notice.

Ascertainment of value filed with county clerk.

8. Before taking possession of said water-works, reservoirs, pipes, mains, conduits and franchises, such city shall pay or tender to the owner thereof the said price, or shall deposit the same with the clerk of said county; and the said award of the commissioners, together with said payment or tender, or said deposit, shall vest in said city absolutely and in fee simple said water-works, reservoirs, pipes, mains, conduits and franchises, as the case may be, and all the works, powers, rights, privileges and franchises appurtenant thereto, in all respects as if the same had been conveyed to such city by said owner by perfect instrument of sale and conveyance.

Tender of price to vest fee in commissioners.

9. Either party may appeal from the decision of said commissioners to the next or second term of the Circuit Court of said county, which court shall have full power in the premises; and, if either party desire, said court shall issue a venire for a jury to hear and determine the issue under the direction of the court as in other trials by jury, and said court shall have power to order a struck jury, or a jury of view, or both, to try such ap-

Appeal may be taken to Circuit Court.

peal; the right of such city to appeal from such decision shall not be waived by its paying or tendering or depositing the price aforesaid, and the right of such owner shall not be waived by accepting such price;

Proviso. *provided,* that no appeal by either party shall prevent such city from taking such water-works, reservoirs, pipes, mains, conduits and franchises, upon its making such payment or tender or deposit; and in all cases in which authority is or may be given to cities to acquire lands or estates for the purpose of this act it shall be lawful for such cities to condemn and take such lands and estates in the manner and by the proceedings herein provided for condemning and taking the same.

Bond issue to meet all expenses of furnishing water system.

10. For the purpose of defraying the cost and expense of the construction of said reservoir and incidental works, and the purchase or condemnation of the necessary lands, water-works and reservoirs already in existence, and the pipes, mains and conduits connected therewith, and the franchise and franchises as aforesaid, so as to enable the said city to properly operate and complete a perfect system of water-supply, it shall and may be lawful for said common council, board of aldermen or other governing body of such city to cause to be issued, under the hand of its mayor and the seal of said

Amount. city, bonds to an amount to be determined upon by said common council, board of aldermen or other governing body, payable in not less than twenty years nor more than thirty years from the date of issue, and bearing

Time and rate. interest at a rate not to exceed four per centum per annum, pledging the faith and credit of said city for the payment thereof, which bonds shall be sold to the highest bidder therefor; and any such city availing itself of the provisions of this act shall, in its annual tax levy, raise sufficient money to pay the interest on said bonds,

Sinking fund. and to provide a sinking fund for their retirement at maturity, and shall also raise in its annual tax levy, in the same manner as it raises the money for repairs to public streets or buildings, the annual expenses of the

Proviso. operation and maintenance of such plant; *provided,* that in raising such annual tax such city or its assessing or collecting officer or officers shall not be restricted by any special act of the Legislature whereby the amount of any

tax to be raised in such city is limited to any particular percentage upon the valuation of the assessed property therein.

Water fund.

11. All revenues from the sale of water shall be promptly turned over to the treasurer of the city, who shall keep the same in a separate fund to be known as the water fund, and after the payment of all of the expenses of the operation, management, maintenance and repairs of said water works, the balance shall be applied first to the payment of the said debt incurred for the purchase of said water works or the construction of said works, and next to the purchase of the bonds issued therefor, if the same can be bought at reasonable rates; and after that to be placed in and remain as a sinking fund to the extent that may be necessary to pay said bonds at maturity, and any surplus revenues may be annually appropriated to the payment of the interest on or for a sinking fund to retire any other obligations of the city; said sinking fund to be subject to draft for any reconstruction or repairs made necessary for said works by any sudden emergency.

Application of balance—

to purchase bonds,

to sinking fund.

Deficiency raised by taxation.

12. If the revenues from said works are not sufficient to operate, manage, maintain and keep in repair the same and pay interest on said bonds in any year, the deficiency so arising may be met by a draft on said sinking fund, or shall be raised by taxation in the next annual tax levy as other taxes are raised, and in the meantime by a temporary loan.

Notice of completion.

13. Upon the completion and installation of the said water works, or the acquiring of an existing water works, the common council, board of aldermen or other governing body shall at once notify the mayor in writing that the same is ready to be taken over by the said city.

Mayor to appoint water commissioners; confirmed by council.

The mayor shall within ten days after the receipt of such notice appoint three suitable persons, residents of such city to be known as the Board of Water Commissioners, not more than two of whom shall be of the same political party. Said appointments are to be made subject to the approval of the board of aldermen, common council or other governing body of such city. The first three shall be appointed, and their terms of office shall

Term. be as follows: One for the term of one year; one for the term of two years, and one for the term of three years; and thereafter one shall be appointed each year for a

Vacancies. term of three years. Any vacancy arising in the office of commissioner of such board shall be filled by appointment by the mayor of said city for the unexpired term only.

Commissioner not to hold other office. No such commissioner shall accept or hold any other place of public trust or emolument within the elective franchise, nor ony appointment to public office, unless he shall first resign his said office; and if he shall so accept any office, his office of commissioner shall thereupon

Oath. become vacant. Each of said commissioners so appointed shall, before he enters upon his duties, take and subscribe an oath or affirmation faithfully to discharge the duties of his office to the best of his skill and understanding, and cause the same to be filed in the office

Bond. of the city clerk, and shall give bonds to such city in the sum of ten thousand dollars to be approved, as to sufficiency, by the mayor and finance committee or board of such city, for the faithful discharge of his official duties, which bonds shall be filed in the office of the comptroller of such city; that each of said commis-

Salary. sioners shall be paid an annual salary to be determined by the common council, board of aldermen or other governing body, payable monthly; that the said board of

Power of commission. water commissioners of such city shall have full power to make contracts and engagements in the corporate name and on behalf of such city, in reference to any purpose whatever connected with the discharge of the duties imposed by this act, and shall have the power of condemning, taking, purchasing, holding and conveying in the corporate name of such city any real estate which in the judgment of such board may become necessary or convenient for the purposes for which they were created.

Organization of board. The said board shall forthwith after their appointment and qualification as aforesaid, and annually thereafter on the second Monday in January, in each year, organize by the choice of one of their members as chair-

Assistants. man, and they may elect a clerk who may or may not be a member of said board, and may from time to time appoint such agents, officers and employees as they may

deem proper and necessary to conduct said water works and the work connected therewith, and may determine their duties and compensation, and may remove any and all of the same at its pleasure.

Rules and ordinances.

Said board shall have the right to make and establish, amend, repeal and enforce resolutions, rules and ordinances relating or appertaining to matters by this act intended to be placed under its control; the mayor of such city shall have the right to veto all the actions of such board. Said board shall be empowered to call upon the city counsel, or the city engineer, street commissioner or any other city officer to aid such board in the execution of this act.

Counsel, etc.

Control of system in commission.

14. Upon the organization of said board of water commissioners as above prescribed, the charge, custody, maintenance and control of said water plant, and all matters and things connected therewith, shall immediately be and remain in said board.

Referendum.

15. This act shall take effect immediately, but its provisions shall remain inoperative in any city in this State until assented to by a majority of those of the legal voters of such city who shall vote either for or against the adoption of its provisions, as hereinafter provided, at an election to be held in such city at any time to be fixed by the board of aldermen, council or other legislative body of such city. If the time fixed for holding said election shall be the time for holding any general election, the former shall be consolidated with the latter, and be conducted in the manner required by law governing such general election. The city clerk of said city shall cause public notice of the time, place and purpose of holding the election to be given by advertisements signed by himself and set up at least eight days prior to and within thirty days next preceding the day of election, in at least five of the most public places within such city, and published in one or more newspapers printed therein for at least six days previous to the day of such election; and the clerk whose duty it shall be by law to provide ballots for such election, whether he be the clerk of the city in which such election shall take place or the clerk of the county in which such city is located, shall provide or cause to be provided

Public notice.

Ballots.

for each voter voting at such election, ballots, upon which ballots (and beneath the list of candidates thereon, if any candidates are to be voted for at such election) shall be printed the following words: "For a water plant," and immediately thereunder the proposition "Against a water plant," and the voter may vote to adopt this act by obliterating the second proposition or may vote to reject this act by obliterating the first proposition; and in case neither the words "For a water plant" nor the words "Against a water plant" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such proposition, nor shall the person depositing in the ballot-box a ballot on which neither the said words "For a water plant" nor the said words "Against a water plant" is marked off be counted as a voter or as voting in respect of or upon the question or proposition submitted. If voting machines shall be used at any such election, all voting by means thereof shall be conducted in the manner specified by the statute in such case made and provided. The polls for such election shall be held at the usual places of holding the annual general election in such city, and shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election between the hours aforesaid; *provided,* the board of election may adjourn such election from one o'clock until two o'clock in the afternoon, or for such shorter time between those hours as they shall see fit; and such election shall be conducted by the proper election officers of said city for the time then being, and in the manner as may then be prescribed by the ordinance of said city, if any, regulating elections therein, and such officers shall return to the board of aldermen, council or other legislative body of such city a true and correct statement in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

How vote indicated.

Polls open.

Proviso.

Approved June 8, 1906.

CHAPTER 303.

An Act to provide for the marking and designating of the channels of the bays, thoroughfares and sounds flowed by tide water in the counties of Ocean, Atlantic and Cape May.

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

Navigable waters indicated.

1. It shall be the duty of the persons designated by this act annually, on or before the first day of June, to stake, buoy, mark, or otherwise indicate, to the best of such person's ability, such channels in or beds of bays, thoroughfares and sounds as may be navigable, flowed by tide water in the counties of Ocean, Atlantic and Cape May.

Oyster superintendent to act.

2. The duty required by this act shall be performed by the oyster superintendent of the several districts of Ocean, Atlantic and Cape May counties, each superintendent to have charge of all waters included in his district. Where there exists no oyster superintendent for any of said counties the oyster superintendent for the adjoining district shall perform the duty.

Assistants and material.

3. The said superintendent shall have power to provide all stakes, buoys, signs, markers and other materials necessary to carry out the provisions of this act, and may secure and pay for the services of persons in the said districts for the purpose of ascertaining the locations of channels; *provided, however,* that said superintendent shall in no case contract for such work or materials to an amount in excess of the moneys appropriated for that purpose.

Proviso.

Not to interfere with federal buoys.

4. In carrying out the purpose of this act no buoy, stake, sign or marker shall be placed near any buoy maintained by the Government of the United States, nor placed so as to interfere with the purpose thereof.

Notice of markings.

5. The said oyster superintendent shall give public notice annually on or before June fifteenth of the fact that channels have been marked as required by this act, and in said notice inform the public of the nature of said markings and how they may be read and understood.

Salary of superintendent.

6. Each superintendent shall receive annually, as compensation for the duty required by this act, the sum of one hundred dollars, payable July fifteenth, for each district in which such channel shall be so designated, and

Expenses.

shall be allowed for the materials and services necessary to carry this act into effect the additional sum of two hundred dollars for each district in which said channels are so indicated.

Annual statement.

7. Said superintendent shall annually, on or before July fifteenth, file with the Comptroller an itemized statement, verified by oath, of the expenses incurred by him by authority of this act.

Removal of markers a misdemeanor.

8. Any person that shall wilfully remove, change, mutilate, or destroy any stake, buoy, sign or marker, placed by the oyster superintendent under authority of this act, shall be guilty of a misdemeanor.

9. This act shall take effect immediately.

Approved June 12, 1906.

CHAPTER 304.

An Act relating to proceedings to improve, by paving and other improvements, streets, roads, avenues, lanes and alleys in certain cities in this State.

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

Street, etc., improvements authorized.

1. In all cities of this State which may adopt the provisions of this act, it shall be lawful for the council or other governing body of such city, by ordinance and proceedings thereunder, to grade, pave, curb, gutter, fill up, re-fill, macadamize, asphalt, lay side and cross-walks in

any street, road, avenue, lane or alley, or any part thereof, in said city, pursuant to the provisions of the statute or statutes in force in such city, providing for the making of such improvements in such city, and levying assessments for benefits to be derived by property owners thereby; *provided,* that a remonstrance, protest of objection to the making of such improvement or improvements, or to the preliminary assessment therefor, shall not be made in writing by the owners of at least three-fourths of the land in lineal feet frontage to be assessed for such improvement or improvements, in the manner prescribed by law. Proviso.

2. This act shall take effect immediately, but the provisions shall remain inoperative in any city of this State until assented to by a majority of all the legal voters thereof voting on the question of the adoption of the provisions of this act. Approval by voters.

3. The provisions of this act shall not become operative in any city until submitted to the electors of said city for adoption, and the clerk of said city shall, in case a petition for the submission of said act, signed by five per centum or more of the legal voters of said city, be filed with him thirty days before the election at which said act shall be submitted, publish, at least ten days before such election, in two newspapers circulating in said city, a notice of the submission of said act at said election, the title hereof being sufficient for that purpose, and the officials charged with the duty of preparing the official ballots or voting machines for the election in said city shall cause to be printed on each official ballot or voting machine, above the list of candidates thereon, "for the adoption of the provisions of an act entitled 'An act relating to proceedings to improve, by paving and other improvements, streets, roads, avenues, lanes and alleys in certain cities in this State' "; that any elector desiring to vote against the adoption of such act, shall express his intention by marking off or defacing the proposition to adopt the provisions of this act, and in any precinct where voting machines shall be used, beneath the title of the act, there shall be placed a device permitting the electors to vote either for or against the Referendum. Public notice. Ballots. Voting.

adoption of said act, and if such question or proposition receive a majority of the votes cast, its terms shall go into effect on the first day of January following the said election.

4. This act shall take effect immediately.

Approved June 12, 1906.

CHAPTER 305.

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

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

Assessment for benefits derived from joint sewers.

1. Whenever any municipality which has, or in the future may, enter into any contract for the construction of a joint outlet or trunk sewer, pursuant to the act to which this is a supplement, which contract or any amendatory or supplemental contract so entered into has or shall provide that no assessment for benefits upon the land and real estate fronting on such public improvement shall be made upon the application of the jointly contracting municipalities in joint meeting, or for the joint benefit of the contracting municipalities, but in lieu thereof, that each municipality contracting for the construction of such joint outlet or trunk sewer shall be authorized and empowered to assess the property, lying within its territory, peculiarly benefited by such sewer improvement, for the purpose of raising a part or all of the amount of the entire costs, it shall be lawful for any such contracting municipality or municipalities to make an assessment for the benefits conferred upon the property situated in any such municipality in proportion as nearly as may be to the benefit such property shall be

Assessed separately.

deemed to have received or acquired on account of the construction of any such sewer, in the same manner as the cost of any local sewer or system of sewers are assessed in such municipality and as part of such local sewers or system of sewers, and any such assessment shall be made under the same procedure and by the same officers, and shall be collected in the same manner, as assessments for benefits arising from the construction of the local sewers or system of sewers in such municipality.

Repealer.

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

3. This act shall take effect immediately.

Approved June 12, 1906.

CHAPTER 306.

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

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

Section amended.

1. Section ninety-seven (97) of the act entitled "An act to regulate practice of courts of law (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three, is hereby amended so as to read as follows:

Affidavit of merit may be filed in action on contract.

97. If in an action on contract a copy of the declaration is served on the defendant personally, or if the defendant is a corporation organized under the laws of the State of New Jersey personally upon the president, or other head officer or agent in charge of its principal office in this State, or if a foreign corporation personally upon any officer, director, or registered or authorized agent, of such corporation, either with the process or

separately therefrom, the plaintiff shall be entitled to judgment against the defendant, unless within ten days from the date of such service or within such further time as the court or a judge may grant, the defendant or his agent or attorney, or such officer of such corporation or its attorney, shall file with the clerk of the court in which such action is pending an affidavit to be called an affidavit of merits, that the affiant believes that the defendant has a just and legal defense to the action on the merits of the case; *provided,* there shall be endorsed on the declaration and on the copy served, a notice that if the defendant intends to make a defense to the action, the defendant shall file an affidavit of merits within ten days from the date of such service and a plea or demurrer within twenty days therefrom, and that in default of filing such affidavit, plea or demurrer judgment will be entered against the defendant; in case such affidavit is filed, the defendant shall have twenty days from the date of the service of the declaration in which to plead or demur; in case the declaration is served separately from the process and no such affidavit is filed, the plaintiff before entering judgment shall file an affidavit of service of the declaration.

Proviso.

Time to plead or demur.

2. This act shall take effect immediately.

Approved June 12, 1906.

CHAPTER 307.

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

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

Validity of ordinances.

1. Every ordinance heretofore duly and regularly passed by the council of any borough, and published

according to law, which may have been recorded in the book kept for that purpose, and the record thereof signed by the mayor, shall be of the same binding force and effect as if the approval of the mayor had been endorsed on said ordinance.

2. This act shall take effect immediately.

Approved June 12, 1906.

CHAPTER 308.

An Act to amend an act entitled "An act concerning the commitment of insane persons into hospitals for the insane, public or private, or any institution or retreat for the care and treatment of the insane in this State, and their confinement therein," approved April second, one thousand eight hundred and ninety-eight.

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

1. Section one of an act entitled "An act concerning the commitment of insane persons into hospitals for the insane, public or private, or any institution or retreat for the care and treatment of the insane in this State, and their confinement therein," approved April second, one thousand eight hundred and ninety-eight, be and the same hereby is amended so as to read as follows: Section amended.

1. No person shall hereafter be committed to or confined as a patient in any hospital for the insane, public or private, or in any institution or retreat for the care and treatment of the insane in this State except upon the filing with the medical director of such hospital, institution or retreat of a request in writing, by a relative or other person interested in the admission therein of such person, stating the age and place of nativity, if known, the Christian name, surname, place of residence and occupation of the person so intended to be ad- Action necessary to commit person to asylum.

mitted into such hospital, institution or retreat, and the degree of relationship, if any, or other circumstances of connection existing between the said person so intended to be admitted into such hospital, institution or retreat and the person requesting his or her admission therein; nor except upon the certificates of two physicians, of whom the county physician of the county from which the admission of said patient to said hospital is requested shall be one, under oath, setting forth the insanity of such person; but no person so committed shall be held in confinement in any such hospital, institution or retreat for more than fifteen days unless the person or persons making the request for the admission of the alleged insane person into such hospital, institution or retreat shall within that time present or cause to be presented to a justice of the Supreme Court or judge of the Circuit Court or Court of Common Pleas of the county in which the person alleged to be insane resides, and if such person so alleged to be insane be a resident of another State, then to a justice of the Supreme Court or judge of the Circuit Court or Court of Common Pleas of the county wherein the hospital, institution or retreat into which such person's admission is sought may be situate, the application and certificates aforesaid, or copies of the same, certified by such medical director, and obtain the approval of such justice or judge. Such justice or judge may, in his discretion, upon presentation to him of such application and certificates, or copies of the same, certified by such medical director, institute inquiry and take proofs as to the alleged insanity of any such person whose admission into any such hospital, institution or retreat is sought before approving or disapproving of any such certificates; and such justice or judge may, in his discretion, call a jury in such case to determine the question of insanity, and he shall have power to compel the attendance of witnesses and jurors. Such approval or disapproval shall be certified by such justice or judge within five days after the presentation to him of such certificates; but if such inquiry cannot be made and conveniently concluded within that time, then and in that case the said justice or judge shall so certify to the medical director of the hospital, institution

Physicians' certificates.

Present certificate to judge.

Take proofs.

May call jury.

Action certified.

or retreat in which the patient concerning whom the inquiry is made is confined that a longer period than five days is necessary to conclude such inquiry, and stating how much longer time is required, and shall order that the said patient remain in such hospital, institution or retreat where he is so confined, if he shall have been committed, until the inquiry shall have been concluded; and if upon such inquiry the justice or judge shall determine that the person concerning whom such inquiry is made is insane, he shall so certify to the medical director of said hospital, institution or retreat aforesaid, and said insane person shall be confined therein until he shall be restored to reason or removed or discharged according to law; but if the said justice or judge shall determine that such person concerning whom such inquiry is made is not insane, then he shall so certify to the medical director of such hospital, institution or retreat aforesaid, who shall thereupon discharge such patient from the same. Determination of court.

2. This act shall take effect immediately.

Approved June 12, 1906.

CHAPTER 309.

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:*

1. Section thirty of an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, be and the same is hereby amended so as to read as follows: Section amended.

30. There may be in each county a county board of examiners consisting of the county superintendent of County examiners.

schools, who shall be its chairman, and a number of teachers not to exceed three to be appointed by him, who shall hold office for one year from the date of their respective appointments. No person shall be appointed as a county examiner unless he or she shall hold either a State or a first-grade county certificate. The county superintendent of schools shall fill vacancies that shall occur from absence or other cause. Said county board of examiners shall conduct examinations and grant certificates to teach at such times and under such rules and regulations as the State Board of Education may prescribe. It shall meet at such places as may be designated by the chairman. Each member of said board of examiners, except the county superintendent of schools, shall receive for his or her services in addition to traveling expenses, such compensation as may be fixed by the State Board of Education, not to exceed twenty-five dollars for each regular examination, which compensation shall be paid by the county collector on the order of the county superintendent of schools; *provided*, that whenever said board shall hold a special examination no compensation therefor shall be paid by the county collector, but in such case said board may charge each applicant for examination a fee not to exceed two dollars as compensation for services for such examination.

Qualifications.

Vacancies.

Duties.

Compensation.

Proviso.

2. This act shall take effect immediately.

Approved June 12, 1906.

CHAPTER 310.

A Supplement to an act entitled "An act to establish, encourage and maintain volunteer fire departments," approved April nineteenth, one thousand nine hundred and five.

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

Raising money for volunteer firemen.

1. Whenever and wherever the volunteer fire department or departments shall be doing fire duty under the

control of fire commissioners within a fire district, the resolution required by section one of the act to which this is a supplement shall be passed by the board of fire commissioners, and the moneys required to pay the firemen under such resolution, when passed, shall be raised, collected and paid to firemen in the same manner and form as other moneys to maintain the fire department is and shall be raised, collected and paid.

Repealer.

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

Approved June 12, 1906.

CHAPTER 311.

An Act to amend an act entitled "An act to provide for the incorporation of street railway companies and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six.

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

Section amended.

1. Section eight of the act entitled "An act to provide for the incorporation of street railway companies and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six, be and the same hereby is amended so as to read as follows:

Notice of proposed location of track.

8. The board of aldermen, common council or township committee of any municipality or township, upon the petition of the directors of any company incorporated under this act or a majority thereof, for a location of the tracks of its railway therein, conformably to the route designated in their articles of incorporation or for an extension of the same, shall give notice to all parties interested, by publication in one or more newspapers published and circulated in said municipality, or

if none be published there, then by posting in five of the most public places in such municipality or township, at least fourteen days before their meeting, of the time and place at which they will consider such application for location; and, after hearing, they shall pass an ordinance refusing such location or extension or granting the same, or any portion thereof, under such lawful restrictions as they may deem the interests of the public require; and the location or extension thus granted shall be deemed and taken to be the true location or extension of the tracks of the railway if an acceptance thereof, in writing, by said directors shall be filed with the Secretary of State within thirty days after receiving notice thereof, and a copy thereof delivered to the clerk or other equivalent officer of the municipality or township; *and provided, further,* that such ordinance shall not be passed or adopted until the company applying for a location of route shall file with the clerk of the board of aldermen or other body to which application is made the written consent of the owners of at least one-half of the property fronting on such portion of the street or highway through which such railway is to be made, which written consent shall be acknowledged by the subscribers thereto as are deeds entitled to be recorded; *provided,* that the consent as aforesaid of any executor or administrator having power to sell real estate shall be a sufficient consent for the lands which he has such power to sell. If the route thus accepted be shorter than the route designated in the certificate of incorporation, a proportionate part of the moneys paid to the State Treasurer upon filing the certificate of incorporation shall be forthwith refunded by the Treasurer to said company; but none of such money shall be refunded as aforesaid for any distance in length of route less than half a mile.

Ordinance authorized.

Acceptance filed.

Proviso.

Proviso.

If route shorter than designated one.

Repealer.

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

Approved June 12, 1906.

CHAPTER 312.

An Act to validate and make lawful any bridge heretofore erected over navigable waters by any board of chosen freeholders, and contracts for the erection of the same which have been performed by the contractors, and also payments made or to be made thereon, and bonds issued to provide means of payment for any such bridge.

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

Legalizing erection of bridge.

1. Any bridge heretofore constructed by the board of chosen freeholders of any county over any of the navigable waters within such county is hereby validated and declared to be lawful, notwithstanding that authority for the erection of such bridge may not previously have existed; and every such bridge shall for all purposes be deemed and taken to have been erected in pursuance of lawful authority; and any contract for the construction of any such bridge which has been fully executed on the part of the persons contracting to build the same is hereby declared to be valid and obligatory upon the board of chosen freeholders executing said contract, and all payments heretofore made or hereafter to be made by any board of chosen freeholders in pursuance of any such contract are hereby declared to be lawful and proper; and in case bonds have been issued by any board of chosen freeholders in order to provide means of payment for the construction of any such bridge, said bonds are hereby declared to be valid obligations of said county, and the said board of chosen freeholders thereof shall provide for the payment of principal and interest of said bonds by taxation according to law.

Contract valid.

Payments lawful.

Bonds validated.

2. This act shall take effect immediately.

Approved June 12, 1906.

CHAPTER 313.

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," 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:*

Thirteenth section amended.

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

Penalties.

13. The penalties to be imposed under this act shall be as follows:

Obstructing officials.

I. Every person who shall obstruct or in anywise interfere with any analyst, chemist, chief inspector or other inspector or employe of the State Board of Health in the performance of any duty under this act shall be liable to a penalty of one hundred dollars.

Other violations.

II. Every person who shall violate any of the provisions of this act, except as stated in subdivision one hereof, and except as hereinafter provided, shall be liable to a penalty of fifty dollars.

Impure milk.

III. Any person who shall violate section four of this act, by distributing or selling, or by having in his possession with intent to distribute or sell, any milk which is or shall be impure under the provisions of section three of this act by reason of its containing more than eighty-eight per centum of watery fluids and less than twelve per centum of milk solids, shall be liable to a penalty of twenty-five dollars for the first offence, and to a penalty of fifty dollars for the second and each subsequent offence; *provided, however,* that in any such case it shall be the duty of the Board of Health of the State of New Jersey or the local board of health, as the

Proviso.

case may be, within forty-eight hours after making an analysis to cause to be mailed to the person charged with such violation a notice, stating that an analysis of the milk taken from the possession of such person has shown the same to be below the statutory standard with regard to solids, and that therefore such person is guilty of a violation of this act, and stating the liability incurred by such person by reason of such violation. In case the person charged with such violation has not previous thereto paid a penalty for any alleged violation of this act, or has not been convicted of any violation of this act, and shall within fifteen days after the mailing of said above-mentioned notice pay to the Attorney-General of this State, for the use of the State, or to the local board of health, for the use of the municipality, as the case may be, a penalty of fifteen dollars, no action for the recovery of a penalty shall be commenced against such person for said violation; *provided further,* that hereafter the payment of a penalty for an alleged violation of this act, either before or after the institution of proceedings for the collection thereof, shall for the purposes of this subdivision be deemed equivalent to a conviction of the violation for which such penalty was paid.

If first offense.

Proviso.

It shall be a sufficient mailing of the notice required by this subdivision if the same is deposited in the post-office, postage prepaid, addressed to the name and address given by the person in charge of the milk from which such sample was taken, to the inspector or other person who took the said sample, as the name and address of the owner of the said milk from which such sample was taken.

How notices given.

IV. Any person who shall violate said section four of this act by distributing or selling or by having in his possession with intent to distribute or sell the same, any milk or cream which is or shall be impure under the provisions of section three of this act, by reasons of the addition thereto or mixing therewith of any water, drug, chemical, preservative or other substance, shall be liable to a penalty of fifty dollars for the first offence, to a penalty of one hundred dollars for the second offence, and to a penalty of two hundred dollars for the third and each subsequent offence.

If milk diluted or treated.

Concerning foods or drugs in sealed cans guaranteed.

V. If any person charged with the violation of any of the provisions of this act concerning impure foods or impure drugs, shall prove at the hearing or trial of the complaint, that the article alleged to be impure was purchased in a sealed can, vessel or package, under a warranty from any person or persons residing within this State, that said article was pure within the meaning of this act, and shall further prove that the said sealed can, vessel or package in which said article was delivered to the person so charged by the said warrantor had not been unsealed or opened, or the contents thereof tampered with in any way since said delivery, and shall have filed prior to the hearing or trial in the district court or with the justice of the peace, police justice or recorder before whom the case is prosecuted, and with the attorney of the prosecutor of the case, a copy of such warranty, the person so complained against shall be discharged from prosecution. In order that such warranty of any article of food or drug shall justify such discharge, the can, vessel or package in which such article of food or drug shall be contained shall contain the name of the article and the name and address of the warrantor and shall be sealed in such a manner that the contents thereof may not be tampered with without breaking the seal; the said warranty shall specifically name and describe the article or articles warranted and shall be of the following form, to wit: "It is hereby warranted that the following described articles, to wit (giving the name of article, marks on containers, size of containers and number of containers so warranted), are pure, within the meaning of the act of the Legislature of the State of New Jersey, 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."

Warranty to specify.

2. This act shall take effect immediately.

Approved June 13, 1906.

CHAPTER 314.

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:*

1. Article twenty-five, consisting of sections two hundred and thirteen to two hundred and twenty-four, inclusive, of the act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, is hereby amended so as to read as follows: Article twenty-five amended.

ARTICLE XXV.

TEACHERS' RETIREMENT FUND.

213. There shall be a board of trustees of the fund hereinafter mentioned to be known as "The Board of Trustees of the Teachers' Retirement Fund," which shall be composed of such members as the Legislature shall from time to time prescribe; and until the appointments hereinafter authorized shall take effect shall remain as heretofore constituted; and thereafter, until changed by law, said board shall consist of the State Superintendent of Public Instruction, three members, not teachers, chosen and appointed by the Governor, and five members upon whom this article shall have become binding by its terms. Said last-mentioned five trustees shall be appointed by the Governor after a nomination by the Trustees of retirement fund.

persons who are entitled to an interest in the teachers' retirement fund at their annual meeting as hereinafter provided. The annual meeting of the members entitled to an interest in the teachers' retirement fund shall be held at the State House at Trenton at twelve o'clock noon on the last Saturday in September in each year for the purpose of nominating trustees, as hereinbefore provided; of receiving the report of the board of trustees, and for the transaction of any other business properly within the jurisdiction of the meeting. Any teacher entitled to an interest in the retirement fund shall be entitled to speak, vote and hold office in the aforesaid meeting. Those present at such meeting and entitled to an interest in said fund shall constitute a quorum for business, and the acts of a majority of such quorum shall be effectual. The terms of office of the trustees appointed by the Governor shall take effect on the second Saturday of October and shall be for four years and until their successors shall be appointed. In making the first appointments, two members shall be for one year each, two for two years each, two for three years each, and two for four years each, and thereafter all appointments shall be for four years each. Vacancies in the said board shall be filled by the Governor for unexpired terms in the case of the non-teacher trustees, and till the next annual meeting of the teachers entitled to an interest in the said fund in the case of the teacher trustees. The members and officers of the board of trustees of the teachers' retirement fund as heretofore constituted shall continue in office until the board hereby constituted shall be complete, and shall then turn over to the board hereby constituted all books, papers, money, securities and property of any and all description belonging to this fund as heretofore constituted. A suitable office in the State House, at Trenton, shall be provided for said board of trustees.

Annual meeting.

Terms.

As to present board.

Organization of board.

214. Said board of trustees shall, within ten days after appointment, meet and organize by electing a president, a vice-president and a secretary. It shall be the duty of the State Superintendent of Public Instruction to fix the time and place and to issue the call for the meeting to be held for the purpose of organization. The

president and the vice-president shall be members of said board and shall hold office respectively until the next annual meeting of the board and until their successors shall be elected; *provided*, that the terms of office of such president and vice-president shall not extend beyond their respective terms of office as members of said board of trustees. The term of office of the secretary shall be fixed by the board of trustees. The annual meeting for the election of officers shall be held on the second Saturday of October in each year. Said board shall administer the fund hereinafter mentioned and order all payments therefrom according to the provisions of this article. Such portion of said fund as the board of trustees may from time to time determine may be invested in such ways as are now or may hereafter be authorized by law for savings banks, and in making such investments the trustees shall be subject to the restrictions provided by law for the managers of savings banks. All moneys so invested shall be deemed to be part of the permanent principal of said fund, and the income arising from said moneys so invested, together with all moneys received by donation, gift, legacy, bequest, devise or otherwise, and which shall not be specifically directed to be made a part of the permanent principal of said fund, shall be available for the payment of annuities under this article. All moneys received in payment of principal of bonds or other securities held by said fund shall be re-invested and shall remain a part of said permanent principal. Said board shall report annually the condition of said fund and the receipts and disbursements on account of the same, together with a list of the beneficiaries thereof, to the persons entitled to an interest in the teachers' retirement fund at their annual meeting as hereinbefore provided. The fiscal year of said fund shall begin on the first day of July and shall end on the thirtieth day of June, and the report herein required shall be for such fiscal year. A copy of said report shall be sent to the Governor, and a copy to the State Board of Education. The necessary clerical and other expenses incurred by the board of trustees and by the State Treasurer in the administration of the fund created by this article shall be paid in the manner now

Proviso.

Administration of funds.

The fund.

Annual report.

Fiscal year.

Expenses.

provided by law, but annuities shall be paid in the manner hereinafter provided.

Treasurer; duties, etc.

215. The State Treasurer shall be ex-officio treasurer of the fund hereinafter mentioned. He shall receive all moneys payable to said fund, and shall pay out the same only on warrants or orders of the board of trustees of said fund, which warrants or orders shall be signed by the president and secretary of said board, and all warrants or orders when so signed shall be full authority for the acquittance of said treasurer for all payments made from said fund. Said treasurer shall give receipts for all moneys received by him for said fund; shall keep full and correct accounts of the financial transactions connected with the said fund in proper books for such purpose, and shall make an annual report to the board of trustees at its meeting in September of the receipts and disbursements and other financial transactions connected with said fund.

Annuitants.

216. Whenever any teacher upon whom this article shall have become binding by its terms shall have taught or been employed in any of the hereinafter-mentioned schools for a period or periods aggregating twenty years or more, and upon proper evidence shall, in the judgment of the aforesaid board of trustees, have become incapacitated from performing the duties of a teacher, such teacher shall, at his or her request, be retired, and shall thereafter receive an annuity out of the fund hereinafter mentioned equal to one-half the average annual salary received by such teacher for the five years of employ-

Proviso.

ment next preceding the time of such retirement; *provided, however,* that no annuity shall be less than two hundred and fifty dollars, nor more than six hundred

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dollars; *provided, further,* that no annuity shall be paid under the provisions of this article unless the annuitant shall have first paid into said fund such sum or sums as shall make his or her total payments into said fund equal to at least the amount of his or her annuity for one year;

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provided again further, that under this provision the total payment of dues to the fund shall not in the case of any member exceed the sum of one thousand dollars. Application for retirement with annuity under this ar-

When application made.

ticle shall be filed with the board of trustees while the applicant is in actual service, or within two years after applicant has ceased teaching or active employment in any of the schools hereinafter mentioned; the decision of the board of trustees of said fund upon any application for annuity shall, upon competent evidence, conclusively determine the right of the applicant thereto; and the payment of any such annuity shall be suspended whenever the said board shall discover that the annuitant has resumed teaching, but such payment may be renewed whenever said board shall deem proper.

Decision of trustees conclusive.

Quarterly payments.

217. All annuities payable under the provisions of this article shall be paid in quarterly installments on the last days of September, December, March and June, and all annuities granted shall date from the first day of the quarter next succeeding the dates of the granting of such annuities.

Right ceases on resignation.

218. On resignation or retirement from employment in any of the schools hereinafter mentioned for any other cause than retirement on annuity as aforesaid, all right or interest in said fund of any teacher upon whom the provisions of this article shall become binding shall immediately cease and determine.

Retirement fund, how provided.

219. The retirement fund herein provided for shall be made up as follows:

(I.) A.—Two per centum of the contractual monthly salaries of all teachers who were or who shall have been teachers ten years or less when they became entitled to an interest in said fund;

B.—Two and one-half per centum of the contractual monthly salaries of all teachers who were or who shall have been teachers over ten years, but less than fifteen years, when they became entitled or shall become entitled to an interest in said fund;

C.—Three per centum of the contractual monthly salaries of all teachers who were or who shall have been teachers fifteen years and upwards when they became entitled or shall become entitled to an interest in said fund;

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D.—*Provided,* that no deduction from salary made under the provisions of this article shall exceed fifty dollars in any year for any teacher;

The said per centum of the contractual monthly salaries of such teachers respectively shall be reserved or deducted from each warrant or order for salary given to such teacher by the board of education or other officers as shall be required by law to give such warrants or orders to such teachers, and the said board of education or other officer shall, between the first and twentieth days of March, June, September and December draw their warrants for the amounts so reserved and deducted during the three preceding calendar months in favor of the custodian of the school moneys of the district or school in which such teachers shall respectively be employed, and the said custodian shall, immediately upon receipt of any such warrant or order, forward to the State Treasurer the amount of money named therein, together with a list of the names and the percentage rates, respectively, of the teachers from whose salaries the deductions represented thereby have been made;

(II.) One per centum of all annuities paid under the provisions of this article, which per centum shall be deducted and withheld from each payment made to any annuitant;

(III.) All moneys and property received by donation, gift, legacy, bequest, devise or otherwise for or on account of said fund;

(IV.) All interest on investments and other moneys which may be duly and legally raised for the increase of said fund.

Powers of trustees.

220. Said board of trustees shall have power:

Make by-laws.

A.—To frame and modify by-laws for its own government not inconsistent with the laws of this State; to elect its president and other officers, and to prescribe and enforce rules and regulations necessary to carry into effect the provisions of this article;

Subpœna witnesses.

B.—To subpœna witnesses and compel their attendance to testify before it in all matters relating to the operation of this article, and any member of said board may administer oaths or affirmations to such witnesses;

Secretary.

C.—To fix the salary and the term of office of secretary of said board;

Payment of annuities by warrant on treasurer.

D.—To draw its warrants upon the State Treasurer for the payment out of said fund of all annuities pay-

able under the provisions of this article; the members of said board, excepting the secretary, shall serve without compensation, but the State Treasurer shall, upon the warrant of the State Comptroller, pay their necessary expenses; *provided,* that if said board shall elect one of its members secretary, such member may receive compensation for services rendered as secretary;

Proviso.

E.—By the name of "The Board of Trustees of the Teachers' Retirement Fund," to sue and be sued, complain and defend in any court of law or equity;

Official name.

F.—To have, hold, purchase, sell, assign and transfer any of the securities in which any part of the said retirement fund may be invested.

Investments.

221. The provisions of this article shall be binding:

Upon whom act binding.

I. Upon such teachers entitled by law to an interest in the teachers' retirement fund heretofore authorized by enactment of the Legislature as shall, prior to January first, one thousand nine hundred and seven, signify their acceptance of this article by signing and delivering to the secretary of the board of trustees of the teachers' retirement fund a notice in substantially the following form:

Present members accepting act.

To the Secretary of the Board of Trustees of the Teachers' Retirement Fund:

Form of acceptance.

You are hereby notified that I desire to avail myself of the provisions of Article XXV. of the act of the Legislature of New Jersey 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, as amended, and that I do hereby agree to be bound thereby, and that I do hereby waive all rights under previous statutes.

Dated.....

Those of such teachers as shall not so signify their acceptance of this article shall be classified under the provisions of the respective statutes under which they became entitled to such interest, and shall be entitled only to such benefits as are thereby conferred; the board of trustees shall keep separate the fund of each class, and the secretary of the board shall keep an accurate roll of the members of each class;

Those not accepting to constitute a separate class.

Separate fund.

Other teachers may become members.

II. Upon any other teacher, who at the time this article shall take effect, is employed in any of the schools hereinafter mentioned, who shall, before January first, one thousand nine hundred and seven, sign and deliver to the board of education, board of trustees or other body by whom he or she shall be employed, a notice in substantially the form hereinbefore prescribed, and no teacher so employed, who fails to give such notice before January first, one thousand nine hundred and seven, shall be entitled to any benefits under this article;

Those accepting before January, 1908.

III. Upon such teachers appointed to any of said schools after this article takes effect as shall give such notice prior to January first, one thousand nine hundred and eight;

New teachers.

IV. Upon every teacher who shall begin to teach or begin to be employed in any of the hereinafter-mentioned schools on or after January first, one thousand nine hundred and eight.

Relative to teachers changing schools.

222. Any teacher who shall have become bound by the provisions of this article and who shall cease to teach or be employed in the district or school in which he or she was teaching or employed at the time of signing and delivering the notice, as provided in this article, and who shall be employed in any other district or school, shall immediately give written notice to the board of education having control of the school in which he or she shall be employed that he or she is entitled to an interest in the teachers' retirement fund, and said notice shall direct that the prescribed per centum of his or her contractural monthly salary be deducted monthly and forwarded quarterly to the State Treasurer as hereinbefore provided. Such teacher shall send a copy of said notice with his or her address to the secretary of the board of trustees of the teachers' retirement fund, and another copy of said notice to the State Treasurer.

School boards to ascertain if teacher a member of fund.

223. It shall be the duty of all boards of education or boards of trustees or other officers charged with the appointment or engagement of teachers to learn if the teacher so appointed or engaged is entitled to an interest in the retirement fund, and if such be the case to deduct the dues from his or her contractual monthly salary and remit the same to the State Treasurer as hereinbefore provided.

224. For the purposes of this article the word teacher shall be held to include any teacher, teacher-clerk, principal, supervisor, supervising principal or superintendent who shall teach or be employed in the public schools of this State, or in any normal, model or reformatory school of this State, or in any other school of this State supported either wholly or in part by public moneys raised under the authority of any law of this State; the word teacher shall also include any city, county or State superintendent of the public schools of this State. Teacher defined.

2. This act shall take effect immediately.

Approved June 13, 1906.

CHAPTER 315.

An Act to authorize incorporated cities, boroughs, towns, villages, and townships of this State to borrow money, and negotiate temporary loans, in anticipation of the receipt of taxes and assessments, and to secure the repayment of the moneys so borrowed.

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

1. It shall be lawful for the board or body having charge of the finances in any of the incorporated cities, boroughs, towns, villages and townships of this State from time to time, in the names of their respective municipalities, to borrow moneys and to negotiate temporary loans in anticipation of the receipt of taxes, and in anticipation of the receipt of assessments for betterments, or public improvements, and to issue the notes or other short-time obligations of such municipalities, respectively, therefor, and the same to renew as occasion shall require; *provided,* that in no one year shall moneys be so borrowed in excess of ninety per centum of the taxes of such municipalities, respectively, for that year, exclusive of county taxes, and that at no time shall moneys be so borrowed in excess of ninety per centum of the cost of any betterments, or public improvements, during the progress of the work thereon; and *provided,* Right to borrow in anticipation of taxes. Proviso. Proviso.

Proviso.

further, that the rate of interest upon any temporary loans so to be negotiated shall not exceed the rate by law established for the time being.

When loan effected.

2. Moneys may be borrowed and temporary loans negotiated, as aforesaid, in anticipation of taxes, in any year, as well before as after the taxes of that year shall have been assessed; and moneys may be so borrowed and temporary loans so negotiated in anticipation of assessments for betterments, or public improvements, at any time after the work thereon has been or shall have been begun in good faith and before the issuance of permanent or long-time bonds for the same.

Loans met promptly.

3. The notes or other short-time obligations to be issued for moneys borrowed in anticipation of taxes, in any one year, shall be paid and satisfied so soon as moneys raised by taxation for that year shall be in hand for that purpose; and those to be issued in anticipation

When bonds may issue.

of assessments, at any time, shall be paid and satisfied out of the avails of the permanent or long-time bonds which may be issued to defray the cost of the betterments, or improvements.

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

Approved June 19, 1906.

CHAPTER 316.

An Act to authorize and validate bonds heretofore or hereafter issued under authority of an act entitled "An act to authorize the improvement of streets and highways in cities of this State, and to provide for the payment of the expense of the same," approved June thirteenth, eighteen hundred and ninety-eight, and the acts amendatory thereof and supplemental thereto.

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

Validating bonds issued for street improvements.

1. All bonds heretofore or hereafter issued by any city of this State under authority of an act entitled "An

act to authorize the improvement of streets and highways in the cities of this State and to provide for the payment of the expense of the same," approved June thirteenth, eighteen hundred and ninety-eight, and the acts amendatory thereof and supplemental thereto, are hereby authorized, validated and confirmed as valid and legally binding obligations of said city in all cases where the proceeds thereof have been or shall be applied for the purpose of paying for street improvements heretofore contracted for and completed in such city, under authority of the act aforesaid, and the acts amendatory thereof and supplemental thereto, notwithstanding any irregularities that may or shall exist in the wording of, or any irregularities or defects in the passage and approval of, the ordinance or ordinances providing for such improvement, or the ordinance or ordinances, resolution or resolutions, providing for or authorizing the issuance of said bonds, and notwithstanding any defect or irregularity in the advertisement for bids for performing such improvement, or in the notice of the holding of any meeting at which any such ordinance or resolution was introduced or passed; *provided,* that nothing in this act contained shall authorize the issuance of bonds in excess of the amount now provided by law.

2. This act shall take effect immediately.

Approved June 19, 1906.

CHAPTER 317.

An Act to amend an act entitled "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," approved April fifth, one thousand nine hundred and four.

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

Section amended.

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

Deer protected.

1. It shall be unlawful for three years after the passage of this act for any person to gun for or to take, or attempt to take, kill, injure or destroy, or to have in possession any wild deer, be the same buck, doe or fawn, under a penalty of one hundred dollars for each offense; and thereafter it shall be unlawful to take, kill, injure or destroy, or to hunt with intent to take, kill, injure or destroy, any wild deer, be the same buck,

When hunting allowed.

doe or fawn, excepting on every Wednesday in the month of November, under a penalty of one hundred dollars for each and every wild deer so taken, killed, injured or had in possession, and of one hundred dollars for each attempt to take, kill, injure or destroy deer, be the same buck, doe or fawn; and no person shall kill, injure, destroy or have in possession more than one deer, be the same buck, doe or fawn, in any one year, under a penalty of one hundred dollars for every deer so killed, injured, destroyed or had in pos-

Possession as evidence.

session. The having in possession of any such deer during the times and periods prohibited in this act shall be prima facie evidence in all courts and places of the fact that they are in possession unlawfully.

2. This act shall take effect immediately.

Approved June 19, 1906.

CHAPTER 318.

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.

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

Section amended.

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

Salary of judges.

16. The annual salary of the judges of said court, in counties containing more than two hundred thousand inhabitants, shall be seven thousand five hundred dollars; in counties having between one hundred and fifty thousand and two hundred thousand inhabitants, six thousand five hundred dollars; in counties having between one hundred thousand and one hundred and fifty thousand inhabitants, five 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 between twenty thousand and thirty-five thousand inhabitants, one thousand eight hundred dollars, and in counties having less than twenty thousand inhabitants, one thousand two hundred dollars. Such salaries shall be paid by the collector or treasurer of the respective counties, in equal monthly payments, and shall be in lieu of all fees and compensations whatso-

How paid.

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

Proviso.

Proviso.

Certain laws not repealed.

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

3. This act shall take effect immediately.

Approved June 22, 1906.

CHAPTER 319.

An Act to amend the title of the act entitled "An act for the construction, maintenance and operation of water-works for he purpose of supplying cities, towns and villages of this State with water," approved April twenty-first, one thousand eight hundred and seventy-six, so that said title shall read "An act for the construction, maintenance and operation of water-works for the purpose of supplying cities, towns, townships, villages, boroughs and other municipalities in this State with water," and otherwise amending said act.

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

Title amended.

1. The title to the act of which this act is amendatory is hereby amended so as to read as follows: "An act for the construction, maintenance and operation of water-works for the purpose of supplying cities, towns, townships, villages, boroughs and other municipalities in this State with water."

Section amended.

2. Section one of said act of which this act is amendatory is hereby amended so as to read as follows:

Organization of water companies in certain municipalities.

1. Any number of persons, not less than seven, a majority of whom shall reside in this State, may form a company for the purpose of constructing, maintaining and operating water-works in any city, town, township, village, borough or other municipality in this State having a population of not more than fifteen thousand and not less than five hundred, and for the purpose of supplying such city, town, township, village, borough or other municipality and the inhabitants thereof with water.

3. This act shall take effect immediately.

Approved June 22, 1906.

CHAPTER 320.

An Act to amend an act entitled "An act to provide for the destruction of foxes and the payment of premiums therefor," approved April third, one thousand nine hundred and two.

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

Section amended.

1. Section three (3) of the act of which this act is an amendment is hereby amended to read as follows:

Certificate; to state.

3. Upon the destruction of said ears, said officers shall give to the person producing such animal or pelt, a certificate of compliance with the provisions of this act, directed to the board of chosen freeholders of the county in which such animal was slain, which certificate shall contain the following facts: The kind of animal and when, where and by whom killed, and the date, by whom and in the presence of what qualified voter the ears of such animal were destroyed; and the residences of the person killing said animal and of said voter, and, upon production and surrender of such certificate, the said board shall pay out of the county funds to the person killing said animal the sum of three dollars; and it shall be the further duty of said officer taking the affidavit provided for in the second section of this act to file the same forthwith, or cause the same to be filed in the office of the county collector of the county; and upon filing the same the said officer shall receive from the funds of the county the sum of fifty cents in full for all his services under this act; *provided, however,* that this act shall not apply to any county of this State where the board of chosen freeholders of said county, by a two-thirds vote of all its members, shall pass a resolution that this act is not for the best interest of the people of the county they represent.

Bounty.

Fee of officer.

Proviso.

2. This act shall take effect immediately, and all acts or parts of acts inconsistent herewith are hereby repealed. Repealer.

Approved June 22, 1906.

CHAPTER 321.

A Further Supplement to an act entitled "An act for the incorporation of cities and providing for their officers, government and powers," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

1. The city council of any city now or hereafter incorporated under the provisions of the act to which this act is a supplement shall have the power, under an ordinance adopted by the affirmative vote of at least two-thirds of its members, to cause sewers or drains to be built and constructed, and to cause any street or part thereof to be graded, 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. Upon the adoption of such ordinance the city council shall cause a copy of such ordinance to be delivered to the commissioners of assessment. Upon the receipt thereof it shall be the duty of the commissioners of assessment to procure a map to be made, by a surveyor not interested in such improvement, showing the land to be taken therefor, if any, and the property which in the judgment of the said commissioners will be specially benefited by such improvement, designating each lot and parcel on said map by letter or number. Said commissioners shall also ascertain, so far as practicable, the names of the

Ordinance to build sewers and improve streets.

Map made.

Owners of land ascertained.

owners of said land to be taken and of all persons having any interest therein or lien thereon, and when such names or estates or interests are not known they shall so report. They shall also appraise the value of the interest of each owner of said land and of all others interested therein, and assess the damage of such persons by reason of the taking of the same; and where the estate or interest in any of the land to be taken is unknown, they shall appraise the value of or the damage done to the fee simple. Said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; said commissioners 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 the benefits received, in proportion to the benefit to be received. Thereupon they shall make a report, signed by them or any two of them, of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and their map with the city clerk. Thereupon the said 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. Said 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 omission of the 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 front-

Appraisement and assessment.

Net cost.

Report of commissioners.

Notice to hear objections.

Owners notified.

Proviso.

age thereon, assessed for such improvement, no further proceedings shall be taken under such ordinance.

Corrections made.

At such time the city council may correct the awards or assessments made in said report, and shall confirm said awards and report, with the corrections, if any, and shall pass a resolution or ordinance ordering said improvement to be made and completed in such manner as said city council may direct; and the said city council shall direct that the said report and map, 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 land shall be vested in the city; *provided,* that where the said commissioners 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 may require.

Fee vested in city.

Proviso.

Benefits assessed.

2. After the completion of any such improvement the commissioners of assessment shall ascertain and determine the actual cost and expense thereof, and such cost and expense they shall assess, so far as the same are benefited, upon the lands specially benefited by the improvement, in proportion to the benefit received. The said commissioners 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 benefited by the improvement, the amount assessed as 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 commissioners 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

Report and map filed.

Consideration of.

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 one week prior to the date of such meeting, stating that the final report and map of the commissioners 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, map and assessment at such meeting, and after hearing such objections thereto as may be presented, the city council may confirm said report, map and assessments, or may correct said report, map or assessments and then confirm the same as corrected.

Council to confirm or correct report.

Assessments a lien.

3. 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 receiver of taxes; and the assessments so levied upon the lands benefited shall be due and payable and shall become liens upon the lands assessed as hereinafter provided.

Assessment; how paid.

Such assessment shall be payable in ten equal installments; the first installment 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 installment 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 installment is made payable as above provided; in case any installment of such assessment be not paid when the same is due and payable, then interest upon such installment shall thereafter be computed, paid and collected at the rate of seven per centum per annum. Each installment of such assessment, with the

interest, shall be a first lien upon the land assessed from and after the date when such installment 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 any incumbrance thereof; *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 the interest, in satisfaction of such assessment. No property so assessed shall be sold for or because of the non-payment of any such assessment or any installment thereof, and no proceedings shall be taken to enforce the collection of any installment so due and unpaid, until ten years from the date of the confirmation of such assessment; at which time, however, it shall be the duty of the proper officers of the city to enforce the collection of any such assessment or of any part thereof then remaining due, with the interest, by sale of the lands assessed in the same manner as the payment of other assessments are now enforced in such city. It shall be the duty of the receiver of taxes, or other officer charged with the duty of collection of assessments in such cities, to set forth in each tax bill, notice or certificate hereafter served or given by him the amount of installment in arrears upon the property described in such tax bill, notice or certificate.

Proviso.

Sale of property for non-payment of assessment.

4. During the progress of the work on any such improvement the city council shall have the power to borrow any sum or sums of money needed to pay for or on account of such improvement, and the city council shall have the power, upon the completion of any such improvement, to issue bonds to the amount of the full net cost thereof then remaining unpaid, and thereafter all moneys collected on such assessments shall be paid to the commissioners of the sinking fund as and for a sinking fund to retire such bonds at maturity, until the payments so made shall amount to a sum sufficient to retire said bonds at maturity.

Payment on account of improvement.

Bond issue and sinking fund.

Repealer.

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

6. This act shall take effect immediately.

Approved June 22, 1906.

CHAPTER 322.

An Act concerning roads.

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

Repair and maintenance of roads.

1. Whenever any road or section of road which has been or shall be constructed by the board of chosen freeholders of any county, with or without State aid, shall lie within the corporate limits of any borough, town, township or other municipality, such borough, town, township or other municipality except cities may enter into an agreement in writing with said board of freeholders, whereby said borough, town, township or other municipality shall thereafter assume the repair and maintenance of said road or section of road, and from and after the making of said agreement, and the approval thereof by the State Commissioner of Public Roads, said road or section thereof, shall cease to be a county road and shall be exclusively under the jurisdiction and control of said borough, town, township or other municipality, and shall thereafter be repaired and maintained by the same under the supervision of the State Commissioner of Public Roads.

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

3. This act shall take effect immediately.

Approved June 26, 1906.

CHAPTER 323.

An Act to enable and empower cities to construct, maintain and operate a municipal light, heat and power plant or plants and to purchase all necessary real estate and works and machinery for supplying light, heat and power for public and private use in such city.

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

Cities may operate light, heat and power plants.

1. It shall and may be lawful for the governing body of any city in this State whenever, in its judgment, it shall deem it expedient so to do, to purchase, take, hold, enjoy and convey and dispose of in the name and in the behalf of said city all such real and personal property as may be necessary for the manufacture, generation, accumulation, storage, transmission and distribution of light, heat and power for the purpose of selling and supplying the same in such city for public and private use; and to construct, maintain and operate a municipal light, heat and power plant or plants 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 city and to build, lay and construct and use, for any of the purposes stated above, underground pipes, subways or conduits in any and all streets, avenues and highways in said city and to string electric wires or lay pipes or other heat, light or power conductors therein.

Erect and maintain buildings, wires, etc.

Sale of output.

2. It shall and may be lawful for any city taking advantage of the terms and provisions of this act to sell, dispose of and furnish the light, heat or power so to be manufactured or generated by it upon such conditions,

according to such rules and regulations and for such rates or rents as the governing body of said city may from time to time prescribe.

Council to select employes, define duties, regulate business, etc.

3. It shall and may be lawful for the governing body of any city taking advantage of the 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 city 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 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,

Fix rates.

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 city and for imposing penalties for the non-payment thereof; and such rates,

Unpaid charges a lien.

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 twelve 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 city.

May issue bonds.

4. In order to supply the funds necessary to carry into effect the provisions of this act, the governing body of any city desiring to avail itself of the provisions herein contained is hereby authorized and empowered to issue the bonds of said city to an amount not exceeding one per centum of the ratables of such city, as shown by the last assessment for taxes therein, which bonds shall be sold at public sale for not less than par and accrued in-

terest; and all moneys received from the sale of said bonds, including any premium or premiums, shall be used exclusively for such purposes.

Character of bonds.

5. 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 per centum per annum, be of such denomination as said governing body shall determine, and shall be executed by the proper officials of said city and may be either registered or coupon bonds as 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.

Sinking fund to redeem bonds.

6. In order to redeem such bonds at maturity there shall be established in such city 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 shall be under the charge and control of the sinking fund commissioners of such city by whatsoever name they may be called.

Semi-annual interest.

7. The interest on said bonds shall be paid semi-annually out of funds to be provided for that purpose, by way of taxation or otherwise, by said governing body.

Act effective; referendum.

8. This act shall take effect immediately, but its provisions shall remain inoperative in any city in this State until assented to by a majority of those of the legal voters of such city who shall vote either for or against the adoption of its provisions, as hereinafter provided, at an election to be held in such city at any time to be fixed by the board of aldermen, council or other legislative body of such city. If the time fixed for holding said election shall be the time for holding any general election, the former shall be consolidated with the latter, and be conducted in the manner required by law governing such general election. The city clerk of said city

When vote taken.

Notice of election.

shall cause public notice of the time, place and purpose of holding the election to be given by advertisements signed by himself and set up at least eight days prior to and within thirty days next preceding the day of election, in at least five of the most public places within such city, and published in one or more newspapers printed therein for at least six days previous to the day of such election; and the clerk whose duty it shall be by law to provide ballots for such election, whether he be the clerk of the city in which such election shall take place or the clerk of the county in which such city is located, shall provide or cause to be provided for each voter voting at

Ballots.

such election, ballots, upon which ballots (and beneath the list of candidates thereon, if any candidates are to be voted for at such election) shall be printed the following words: "For a lighting plant," and immediately thereunder the proposition "Against a lighting plant," and the voter may vote to adopt this act by obliterating the second proposition, or may vote to reject this act by obliterating the first proposition; and in case neither the words "For a lighting plant" nor the words "Against a lighting plant" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such proposition, nor shall the person depositing in the ballot-box a ballot on which neither the said words "For a lighting plant" nor the said words "Against a lighting plant" is marked off be counted as a voter or as voting in respect of or upon the question or proposition submitted. If voting machines shall be used at any such election, all voting by means thereof shall be conducted in the manner specified by the statute in such case made

Polls open.

and provided. The polls for such election shall be held at the usual places of holding the annual general election in such city, and shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election between the

Proviso.

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

How election conducted.

hours as they shall see fit; and such election shall be conducted by the proper election officers of said city for

the time then being, and in the manner as may then be prescribed by the ordinance of said city, if any, regulating elections therein, and such officers shall return to the board of aldermen, council or other legislative body of such city a true and correct statement in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Approved July 5, 1906.

CHAPTER 324.

An Act concerning the commitment of insane persons into institutions for the care and treatment of the insane in this State, their confinement therein and their support while so confined.

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

Application filed with medical director to state certain facts.

1. No person shall be committed to or confined in any institution for the care and treatment of the insane in this State except upon filing with the medical director or other head officer of said institution an application in writing of a person interested in the admission of said person; said application shall state the following facts, if known to the applicant: The age, place of nativity, name, place of residence and occupation of the person so intended to be committed, the name and place of residence of the next of kin of said person, and the degree of relationship or other circumstances causing the applicant to interest himself in said person; and to every application filed as aforesaid shall be attached the certificates of two physicians under oath setting forth the insanity of said person.

Inquiry to be made by court as to sanity.

2 No person so confined as aforesaid shall be held in confinement for more than fifteen days unless the person applying as aforesaid shall, within that time, present,

or cause to be presented, to the justice of the Supreme Court presiding in the courts of the county in which the person so confined resides, or to a judge of the Circuit Court, or judge of the Court of Common Pleas of said county the application filed as aforesaid, with the certificates attached as aforesaid, or copies thereof certified by said medical director or other head officer; and if the residence of said person cannot be ascertained, then said application shall be made to the justice of the Supreme Court presiding in the courts of the county in which the institution in which said person is confined is situate, or to a judge of the Circuit Court or judge of the Court of Common Pleas of said county; said justice or judge may, in his discretion, on presentation to him of said application and certificates, or copies thereof certified as aforesaid, institute inquiry and take proofs as to the insanity of said person so confined; and said justice or judge may, in his discretion, call a jury to determine the question of the insanity of said person, and he shall have power to compel the attendance of witnesses and jurors; said justice or judge shall conclude said inquiry within fifteen days after the presentation to him of said application and certificates, or copies thereof certified as aforesaid, if he can conveniently do so, but if said inquiry cannot be conveniently concluded within that time, then said justice or judge shall certify that a longer time than fifteen days is necessary to conclude said inquiry, and shall certify how much longer time is required, and shall order that said person remain in said institution where he is confined, until the inquiry is concluded, and shall file said certificate and order with the medical director or other head officer of the institution in which said person is confined.

Jury may be called.

3. Upon the conclusion of said inquiry, if said justice or judge shall determine that said person, concerning whom said inquiry is made, is insane he shall so certify, and shall order that said person be confined in one of the institutions for the care and treatment of the insane in this State, if proper arrangements have been made for his maintenance therein, until he shall be restored to reason, or removed or discharged according to law; and

If insane, judge to certify commitment.

said justice or judge shall file said certificate and order with the clerk of the county; and said clerk shall forthwith forward a certified copy of said certificate and order to the medical director or other head officer of the institution in which said person is confined; and if said justice or judge shall determine that said person is not insane, he shall so certify, and shall order that said person be discharged from the institution in which he is confined; and said justice or judge shall file said certificate and order with the clerk of the county; and said clerk shall forthwith forward a certified copy of said certificate and order to the medical director or other head officer of the institution in which said person is confined.

If sane, to order release.

4. In case the person confined as aforesaid is a resident of another State, then the application and certificates hereinbefore mentioned shall be presented to the justice of the Supreme Court presiding in the courts of the county in which the institution in which said person is confined is situate, or to a judge of the Circuit Court or judge of the Court of Common Pleas of said county; and all further proceedings shall be in accordance with the provisions of this act.

If non-resident.

5. It shall not be lawful for any physician to certify as to the insanity of any person for the purpose of securing his commitment to or confinement in any institution for the care and treatment of the insane in this State unless said physician be of reputable character, a graduate of some incorporated medical college, a permanent resident of this State, and shall have been in the actual practice of his profession for at least five years; no certificate of insanity shall be made except after a personal examination of the person alleged to be insane made not more than six days prior to the confinement of said person, and according to forms approved by the managers of the State hospitals for the insane; and every such certificate shall bear date not more than six days prior to the confinement of the person named therein, and it shall contain a thorough description and identification of the person sought to be confined; and in every case shall state the facts that may be obtained concerning hereditary taint, previous attack and nervous disorder; *pro-*

Standing of physicians who certify.

Time limit.

Proviso.

vided, however, that a non-resident of this State may be confined in any institution for the care and treatment of the insane in this State upon filing with the medical director or other head officer of said institution an application as hereinbefore provided, and upon the certificates of two physicians, residents of the State from which said non-resident may be sent, which certificates shall be similar in form to those hereinbefore provided; and said non-resident physicians shall have all the qualifications required by the laws of the State from which said non-resident is sent to secure the commitment of patients resident in said State to any institution for the care and treatment of the insane located in said State; after the confinement of any non-resident, however, in any institution for the care and treatment of the insane in this State, said non-resident shall not be held in confinement therein for more than fifteen days, unless upon the certificates of two physicians resident in this State having the qualifications prescribed by this act and upon compliance with all the other provisions of this act.

Insanity of non-residents must be certified by resident physicians.

Physicians interested not to certify.

6. It shall not be lawful for any physician to certify to the insanity of any person for the purpose of securing his confinement in any institution for the care and treatment of the insane in this State of which the said physician is either the superintendent, proprietor, an officer, a regular professional attendant, or who is financially interested therein, or who is a near relative, either by blood or marriage, or guardian or trustee of the person sought to be confined.

Descriptive records made and kept.

7. Every medical director or other head officer of any institution for the care and treatment of the insane in this State shall, within three days after the reception of any patient, make, or cause to be made, a descriptive entry of the case of said patient in a book or other systematic form of case records with card index exclusively set apart for that purpose; said medical director or other head officer shall also make or cause to be made from time to time entries as to the mental state, bodily condition and medical treatment of said patient, together with the forms of restraint employed during such time as such patient remains under his care, and in the event

of the discharge or death of said patient said medical director or other head officer shall state in said case-book the circumstances appertaining thereto.

If insane and indigent.

8. If any person residing in this State be insane and indigent, such fact shall be set forth in the application hereinbefore provided, and the said justice or judge, on presentation to him of said application in manner and form hereinbefore provided, shall inquire into and determine the question of the indigence of said person as well as the question of his insanity; and if said justice or judge shall determine that said person is not insane he shall so certify, and shall order that said person be discharged from the institution in which he is confined, and shall file his certificate and order with the clerk of the county; and said clerk shall forthwith forward a certified copy of said certificate and order to the medical director or other head officer of the institution in which said person is confined.

If found not indigent.

9. If said justice or judge shall determine that said person is insane, but not indigent, he shall so certify, and shall order that said person be confined in one of the institutions for the care and treatment of the insane in this State, if proper arrangements have been made for his maintenance therein, until he is restored to reason or removed or discharged according to law; and said justice or judge shall in every such inquiry, by his order, ascertain, if possible, the legal settlement of such person, and shall file said certificate and order with the clerk of the county; and said clerk shall forthwith forward a certified copy of said certificate and order to the medical director or other head officer of the institution in which said person is confined.

Determination of legal settlement.

10. If said justice or judge shall determine that said person is insane and indigent he shall inquire into and determine the question of the legal settlement of said person; and if said justice or judge shall determine that said person is insane and indigent and has a legal settlement in the county in which he resides he shall so certify, and shall order that said person be confined in the institution for the care and treatment of the insane owned by the county in which he has a legal settlement, if there

New Jersey State Library

be such an institution, otherwise in an institution for the care and treatment of the insane owned by the State of New Jersey at the expense of the county in which he has a legal settlement until he is restored to reason, or removed or discharged according to law; and said justice or judge shall, at the same time, order the discharge of said person from any institution for the care and treatment of the insane in this State, in which he may be confined, other than the one named in said order, and his transference from said institution to the institution named in said order; and said justice or judge shall file said certificate and order with the clerk of the county; and said clerk shall forthwith forward a certified copy of said certificate and order to the medical director or other head officer of the institution in which said person is confined, and also if said person is ordered transferred to another institution, to the medical director of other head officer of the institution to which the order directs his transference; and said clerk shall report the facts to the board of chosen freeholders, or other governing body of the county in which said person has a legal settlement, whose duty it shall be to raise the money requisite to meet the expenses of the support of said person from the beginning of his confinement in any institution for the care and treatment of the insane in this State, together with the expenses of his transference from one of said institutions to another, and as soon thereafter as practicable to pay the same to the treasurer of said institution or institutions.

Transfer of patient.

County clerk to forward copy to medical director.

Freeholders to pay charges.

If non-resident of county.

11. If said justice or judge shall determine that said person is insane and indigent, and appears to have a legal settlement in a county in this State other than the one in which he resides, he shall adjourn said inquiry to some convenient date, and shall cause notice to be given to the board of chosen freeholders or other governing body of the county in which said person appears to have a legal settlement, which notice shall be served upon the county counsel or other officer of said board of chosen freeholders or other governing body at least five days before the date of said inquiry; and upon the date of said inquiry said justice or judge shall take proofs as to the

Inquiry as to legal settlement.

legal settlement of said person, and if he shall determine that said person has a legal settlement in a county other than the one in which he resides, he shall so certify, and shall order that said person be confined in an institution for the care and treatment of the insane owned by the county in which he has a legal settlement, if there be such an institution, otherwise in one of the institutions for the care and treatment of the insane owned by the State of New Jersey, at the expense of the county in which he has a legal settlement, until he is restored to reason or removed or discharged according to law; and said justice or judge shall, at the same time, order the discharge of said person from any institution for the care and treatment of the insane in this State in which he may be confined, other than the one named in said order, and his transference from said institution to the institution named in said order; and said justice or judge shall file said certificate and order with the clerk of the county; and said clerk shall forthwith forward a certified copy of said certificate and order to the medical director or other head officer of the institution in which said person is confined, and also, if said person is ordered transferred to another institution, to the medical director or other head officer of the institution to which the order directs his transference; and said clerk shall report the facts to the board of chosen freeholders or other governing body of the county in which said person has a legal settlement, whose duty it shall be to raise the money requisite to meet the expenses of the support of said person from the beginning of his confinement in any institution for the care and treatment of the insane in this State, together with the expenses of his transference from one of said institutions to another, and as soon thereafter as practicable to pay the same to the treasurer of said institution or institutions; *provided, however,* that said justice or judge may, in his discretion, on the written request of the board of chosen freeholders, or other governing body of the county in which any insane person has a legal settlement, order that said person be confined in one of the institutions for the care and treatment of the insane owned by the State of New

Where committed.

Transfer.

Order sent to medical director.

Freeholders to meet charges.

Proviso.

Jersey at the expense of the county wherein he has a legal settlement.

When patient chargeable to State.

12. If said justice or judge shall determine that said person is insane and indigent, and has no legal settlement in any county in this State, he shall so certify, and shall order that said person be confined in one of the institutions for the care and treatment of the insane owned by the State of New Jersey until he is restored to reason, or removed or discharged according to law; and said justice or judge shall at the same time order the discharge of said person from any institution for the care and treatment of the insane in this State in which he may be confined, other than the one named in said order, and his transference from said institution to the institution named in said order; and said justice or judge shall file said certificate and order with the clerk of the county; and said clerk shall forthwith forward a certified copy of said certificate and order to the medical director or other head officer of the institution in which said person is confined, and also, if said person is ordered transferred to another institution, to the medical director or other head officer of the institution to which the order directs his transference; and said clerk shall report the facts to the State Treasurer, and the State shall pay, in monthly payments, all the expenses of the support of said person from the beginning of his confinement in any institution for the care and treatment of the insane in this State, together with the expenses of his transference from one of said institutions to another, and as soon as practicable thereafter the State Treasurer shall forward the same to the treasurer of said institution or institutions.

If prisoner insane.

13. If any person in confinemen under commitment, indictment or sentence or under any other process, shall appear to be insane, the justice of the Supreme Court presiding in the courts of the county in which he is confined, or a judge of the Circuit Court or judge of the Court of Common Pleas of said county may, upon presentation to him of the application and certificates hereinbefore provided, institute an inquiry and take proofs as to the insanity of said person in the manner

and form hereinbefore provided; and if said justice or judge shall determine that said person is insane he shall so certify; and shall order that said person be discharged from imprisonment, and that he be confined in one of the institutions for the care and treatment of the insane owned by the State of New Jersey, or, if said justice or judge shall deem it expedient, to an institution for the care and treatment of the insane owned by one of the counties of this State, until said person is restored to reason or removed or discharged according to law; and said justice or judge shall file said certificate and order with the clerk of the county; and said clerk shall forthwith forward a certified copy of said certificate and order to the medical director, or other head officer of the institution for the care and treatment of the insane in which said person has been ordered confined; and said justice or judge may, in his discretion, order the removal of said person so confined as aforesaid from the institution in which he is confined, and his confinement in another one of the institutions for the care and treatment of the insane in this State; and said justice or judge shall file said order with the clerk of the county; and said clerk shall forthwith forward a certified copy of said order to the medical director, or other head officer of the institution from which said person is discharged, and likewise to the medical director or other head officer of the institution in which said person is ordered confined; *provided, however,* that if said person is restored to reason during the pendency of the proceedings against him resulting in his confinement under commitment, indictment or sentence or other process as aforesaid, said person shall be remanded by order of said justice or judge, to the place in which he was confined under commitment, indictment or sentence or other process as aforesaid, there to be dealt with according to law; but no person shall be so remanded unless the medical director or other head officer of the institution for the care and treatment of the insane, in which said person is confined, shall present to said justice or judge a certificate setting forth that said person has been restored to reason, which certificate, together with the order of said

Confined in asylum.

May transfer prisoner.

Proviso.

justice or judge, shall be filed with the clerk of the county; and said clerk shall forthwith forward a certified copy of said order to the medical director or other head officer of the institution for the care and treatment of the insane from which said person is remanded; if said person is indigent his legal settlement shall be determined, and his support at said institution for the care and treatment of the insane shall be provided for according to the provisions of this act.

Charges for support.

Liability for charges.

14. Every insane person supported in any institution for the care and treatment of the insane in this State shall be personally liable for his maintenance therein, and all the necessary expenses incurred by said institution in his behalf, and the trustee, guardian or relative who would have been bound by law to provide for and support him if he had not been sent to said institution shall be liable to pay the expenses of his clothing and maintenance in said institution, and the actual and necessary expenses to and from the same.

Members of family liable for support of insane.

15. The father and grandfather, mother and grandmother, and the children and grandchildren, severally and respectively, being of sufficient ability, of every insane person confined in any institution for the care and treatment of the insane in this State, whose estate is not sufficient for his support, shall, at his, her or their charges and expense support and maintain said person in said institution in such manner and to such an amount as said jusitce or judge shall direct.

Authority of certificate of court.

16. Any certificate and order, or order of a justice of the Supreme Court, judge of the Circuit Court or judge of the Court of Common Pleas made under the authority of this act, or a certified copy thereof shall be a sufficient warrant and authority for the medical director or other head officer of any institution for the care and treatment of the insane in this State to keep, detain, transfer or discharge any person mentioned in said order, or to do or refrain from doing any other thing mentioned in said order.

If found able to pay for support.

17. Whenever, after the commitment of any person as indigent, it shall be found that such person is able to pay for his or her board and maintenance, or that some

other person is legally bound for the support of such patient committed as indigent, it shall be the duty of the county from which such patient was committed, to undertake the collection of such sums as may be due for the board and maintenance of such patient. And whenever, after the commitment of any person as a non-indigent patient, it shall be found that the estate of such person is unable to pay for his board and maintenance, said person shall at once become an indigent patient, and his board and maintenance shall become a charge upon and be paid by the county in which he has a legal settlement in the manner provided by law. If found unable.

18. Nothing herein contained shall be construed as authorizing the State Treasurer to pay to the authorities of any county institution for the care and treatment of the insane any greater sum for any purpose than is now authorized by law. No increased expenditures.

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

20. This act shall take effect immediately.

Approved July 5, 1906.

CHAPTER 325.

An Act to validate certain bonds of boroughs.

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

1. All bonds heretofore or hereafter issued or the issuance of which has been heretofore or hereafter provided for by any borough in this State under color of the provisions of the act entitled "A general act relating to boroughs" (Revision of 1897), approved April twenty-fourth, one thousand eight hundred and ninety-seven, and the several supplements thereto or acts amendatory thereof, are hereby validated, authorized and confirmed notwithstanding any irregularity in the resolutions providing for the issuance of the same, and Bond issue validated.

notwithstanding any variance between such resolutions and the provisions of the aforesaid act; *provided,* that the resolutions providing for the issuance of said bonds set forth substantially the purposes for which said bonds were to be issued; and *provided,* that a majority of the total number of the legal votes cast either for or against the issuance of the said bonds, shall have been cast in favor of the issuance of said bonds; and *provided further,* that the aggregate amount of such bonds so issued or so provided for shall not exceed the amount authorized by said act.

Proviso.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved August 1, 1906.

CHAPTER 326.

An Act to validate bonds heretofore or hereafter issued by boroughs.

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

Bond issue validated.

1. All bonds heretofore or hereafter issued by the boroughs of this State to pay for the extension and addition to the water supply system of said borough are hereby ratified and confirmed; *provided,* said issue of bonds shall have received the approval of a majority of the votes of the voters of said borough voting at an election held for that purpose; and said borough may, after such election, direct by ordinance that the said extension and addition shall be made.

Proviso.

2. This act shall take effect immediately.

Approved August 1, 1906.

CHAPTER 327.

An Act relating to the State Camp Ground at Sea Girt.

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

Trolley road at State camp.

1. The Quartermaster-General of this State is hereby authorized to enter into an agreement, in writing, with the Atlantic Coast Electric Railroad Company for the erection, maintenance and operation by said company of a trolley road upon and over such parts of the State Camp Ground at Sea Girt as said Quartermaster-General and the Governor of this State shall designate. Said agreement shall be operative for such period, not exceeding twenty years, as said Quartermaster-General and Governor shall designate therein, and shall be for such consideration and upon such conditions and restrictions as they shall approve. Said company shall also give a bond to the State in such sum and with such sureties as the Governor may prescribe, conditioned for the faithful performance of said agreement, which said bond, together with the agreement as aforesaid, shall first be approved by the Attorney-General.

Agreement.

Bond to State.

2. This act shall take effect immediately.

Approved August 1, 1906.

CHAPTER 328.

A Supplement to an act entitled "An act to prevent the introduction into the State of New Jersey of communicable diseases by maritime vessels or maritime traffic," approved March twenty-first, one thousand nine hundred.

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

Salary of health officers at Perth Amboy.

1. The health officer of the port of Perth Amboy, in lieu of the fees prescribed by the act to which this

act is a supplement, shall be paid yearly, by the Comptroller of the Treasury of the State of New Jersey, a salary of one thousand dollars. The deputy health officer of said port designated by said health officer shall be paid yearly a salary of two hundred and fifty dollars.

Fees turned in to State.

2. All fees collected by said health officer or deputy, under the provisions of the act to which this act is a supplement, shall be paid monthly by said health officer to the Treasurer of this State, together with a full account of all such fees collected during the preceding calendar month.

3. This act shall take effect immediately.

Approved August 8, 1906.

CHAPTER 329.

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 amended.

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

Oath of office.

7. Every township officer elected or appointed to any township office shall, before entering upon the execution of his duties, make and subscribe an oath or affirmation that he will, to the best of his ability and understanding, faithfully, justly and impartially execute the duties of the office to which he has been elected or appointed; if such officer shall have been elected at any general election, his oath or affirmation shall be filed with the township clerk on or before the first day of January succeeding such election, and if he be appointed to his office, his oath or affirmation shall be filed with the

Filing of oath.

township clerk within ten days after such appointment; the oath or affirmation of any officer, except the township clerk, may be taken before the township clerk, who shall take the same without fee, or before any other officer authorized by the laws of this State to administer oaths and affirmations; the oath or affirmation of the township clerk may be taken before any officer authorized by the laws of this State to administer oaths or affirmations. Any officer heretofore elected who has filed his oath or affirmation with the township clerk prior to the first day of January, shall be deemed to have fully and properly qualified as such officer, and shall be entitled to serve for the full term of the office to which he has been elected.

Oath taken validated.

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

Repealer.

Approved August 14, 1906.

CHAPTER 330.

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

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

1. Any person who shall wilfully wear the insignia of any incorporated fraternal organization of this State, for the purpose of using the same to obtain recognition as members thereof or aid or assistance within this State, unless he shall be entitled to use or wear the same under the constitution and by-laws, rules and regulations of such incorporated fraternal organization of this State, shall be guilty of a misdemeanor.

Unlawful wearing of fraternal insignia a misdemeanor.

2. This act shall take effect immediately.

Approved August 14, 1906.

CHAPTER 331.

An Act relating to the issuance, sale and delivery of stock and securities by corporations of this State which have acquired, or may hereafter acquire authority, permission or a franchise from the State, or any municipality thereof, to use or occupy any street, highway, road, lane or public place within this State.

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

Capital stock disposed of for full value.

1. No corporation of this State, which has acquired, or may hereafter acquire authority, permission or a franchise from the State, or any municipality thereof, to use or occupy any street, highway, road, lane or public place within this State, shall hereafter issue, sell and deliver any of its capital stock, except for cash, of a like or greater amount than the par value of the stock issued therefor, or for property of at least the actual cash value of the amount of stock at par value issued in payment therefor.

Minimum value of securities.

2. No such corporation shall hereafter issue, sell and deliver its bonds, notes, or obligations of any character, except in return for cash to the extent of at least eighty per centum of the face value of said securities issued, or for property of an actual cash value of at least eighty per centum of the face value of the securities issued in payment therefor.

Secretary of State notified of issues of stock, etc.

3. Upon the issuance, sale and delivery of any stock, bonds, notes or obligations of any character of any such corporation, it shall be the duty of such corporation to forthwith file in the office of the Secretary of State a certificate setting forth the amount of stock, bonds, notes or obligations sold, as the case may be, the amount of cash received in payment therefor; or in case said securities were issued for the acquisition of property, said certificate shall state that the actual cash value of the property acquired was equal to at least

the par value of stock issued therefor, or equal to at least eighty per centum of the face value of the securities other than stock issued therefor. Said certificate shall be verified under oath as to all particulars by at least two of the officers of such corporation.

When issues illegal.

4. Any stock or securities hereafter issued by any such corporation, except in compliance with the terms of this act, shall be deemed to be illegally issued, and any officer making false affidavit to any such certificate shall be deemed to be guilty of perjury, and upon conviction punishable accordingly.

When act in effect.

5. This act shall take effect upon September first, one thousand nine hundred and six.

Approved August 14, 1906.

JOINT RESOLUTIONS.

(733)

Joint Resolutions.

JOINT RESOLUTION No. 1.

Joint Resolution of the Legislature expressing the thanks of the State of New Jersey to the captain and crew of the fishing schooner "Alberta," and authorizing the award of medals in recognition of their bravery.

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

That the thanks of the people of the whole State, through their representatives in Legislature assembled, be and the same are hereby extended to Captain Mark Casto and his brave men, who, at the peril of their own lives, rescued the passengers and crew of the stranded steamer "Cherokee," on the shoals of Absecon Inlet, on the fourteenth of January, instant; and, further, that a joint committee of three, consisting of one Senator and two members of the House of Assembly, be appointed by the presiding officer of the respective houses to prepare and present to Captain Casto and the members of his crew, medals appropriately inscribed in recognition of the courage and heroism displayed in the hour of danger to their fellowmen.

Medals awarded for bravery in saving lives.

Approved February 19, 1906.

JOINT RESOLUTION No. 2.

Joint Resolution providing for a commission to investigate the practicability and probable cost of the acquisition by the State of the title to the potable waters of the State.

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

Commission to investigate potable water supply.

1. That the members of the Board of Riparian Commissioners, who are appointed by the Governor, and the State Geologist, be and they are hereby appointed and constituted a commission to investigate the character and extent of the potable water and water supplies of this State, their ownership and value, and the probable cost of their acquisition and ownership by the State, as well as the methods that could be adopted by the State to secure the title thereto, or to such parts thereof as to said commission shall seem judicious for the State to own.

Organization.

2. Said commission shall organize as soon as practicable after the passage of this resolution by the election of one of their number as president, and shall have power to select and employ a secretary and other necessary assistants, and shall proceed with all convenient despatch to discharge their duties and to report as soon as practicable to the Legislature of the State.

Compensation and expenses.

3. The members of the said commission shall receive their actual expenses and disbursements, to be paid by the State Treasurer, upon the warrant of the Comptroller, after the vouchers therefor have been duly approved by the Governor and the president of the commission; and shall receive for their services such compensation upon the completion of their labor as may be then fixed by the Legislature.

4. This resolution shall take effect immediately.

Approved March 7, 1906.

JOINT RESOLUTION No. 3.

WHEREAS, The necessities of interstate commerce, and the convenience and safety of the people residing in the neighborhood of the Hudson river demand a more modern, rapid and economical system of transit to the city of New York than by the slow, antiquated and dangerous system of ferry boats; therefore,

RESOLVED *by the Senate of the State of New Jersey, the House of Assembly concurring:*

Commission relative to bridges over Hudson river.

1. That the Governor appoint a commission of three to confer with the Governor of the State of New York, and with the Legislature of the State of New York, during its present session, for the purpose of securing the passage of an act by the Legislature of that State to provide for the appointment of a joint commission, under proper legislation in both States, for the purpose of purchasing the necessary land and water rights, and of securing the necessary federal consent, to the construction of one or more bridges over the Hudson river, to the city of New York, at the joint expense of the two States.

Report to Legislature.

2. That said commission shall report to the next session of the Legislature, and shall present such form of proposed legislation as may be desirable and necessary for the purpose.

Expenses.

3. The commissioners shall receive the sum of one hundred dollars each, for their disbursements and expenses, for clerk hire, which latter expense shall not exceed one hundred dollars. And the sum of five hundred dollars is hereby appropriated for the purpose, to be paid out by the State Treasurer, upon warrant of the State Comptroller, upon itemized vouchers, certified to by the chairman of said commission, approved by the Governor.

Approved March 27, 1906.

JOINT RESOLUTION No. 4.

Joint Resolution requesting authority from Congress to improve the inlets of the New Jersey coast, and providing for the appointment of a special joint committee.

Preamble.

In view of the refusal and omission of the General Government to undertake any harbor improvement upon the Atlantic coast of this State, on the grounds, first, that there is no harbor of sufficient importance to warrant the expenditure of national funds, and, secondly, that such inlets as do exist are quite irreclaimable from the action of the sea.

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

Seeking authority to make improvements on coast.

1. That this State requests authority from the Congress to undertake by its own agencies and at its own cost the improvement of its Atlantic inlets, with the object of preserving the shell-fish industry of certain land-locked bays, of rendering available one or more harbors as a refuge for minor coastwise shipping, and of fostering a local commerce which is now diminishing under the influence of controllable littoral changes.

Special committee.

2. That a special joint committee be appointed of two members from the Senate and three members from the General Assembly by the presiding officers thereof to press this subject upon the attention of Congress.

JOINT RESOLUTION No. 5.

Joint Resolution empowering the Governor to appoint a commission of three members to confer with the East and West Jersey Boards of Proprietors, looking to the discontinuance of both boards.

Preamble.

In view of the anomalous condition of affairs respecting certain properties in the State of New Jersey, such

as does not exist in any other commonwealth of the Union:

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

That a commission of three members be appointed by the Governor to confer with the East and West Jersey Boards of Proprietors in order to effect an arrangement by which the State may acquire all the rights now vested in and the documents possessed by both Boards of Proprietors aforesaid, such commission to report to the Legislature at the earliest possible date. Acquirement of rights of Proprietors.

Approved April 4, 1906.

JOINT RESOLUTION No. 6.

Joint Resolution directing the Attorney-General to institute proceedings against the Morris Canal and Banking Company and the Lehigh Valley Railroad Company to ascertain the interests of the State of New Jersey, if any, in the tide water basin of one thousand eight hundred and sixty-seven, so called, and to ascertain what right, if any, the said Lehigh Valley Railroad Company has to operate the Morris Canal, and to provide assistant counsel therefor and to provide for the expenses thereof.

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

1. That the Attorney-General of New Jersey is hereby directed to forthwith institute proceedings in Chancery, or other proper court of this State, against the Morris Canal and Banking Company and the Lehigh Valley Railroad Company to ascertain what interest, if any, the State of New Jersey has in the tide water basin of one thousand eight hundred and sixty-seven, so called, and to ascertain what right, if any, the said Right of State in tide water basin; and operation of Morris canal.

Lehigh Valley Railroad Company has to operate the Morris Canal, and to carry on the said proceedings with all possible diligence; and that he shall have power to call to his aid such counsel learned in the law as he may select, in the prosecution of such suits, or of other litigation incident thereto, which may be necessary, and
Appropriation. to defray the expenses thereof the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

That this resolution shall take effect immediately.

Approved April 9, 1906.

JOINT RESOLUTION No. 7.

Joint Resolution authorizing the State Sewerage Commission or its representative to investigate the subject of the purification of the Delaware river.

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

Purification of Delaware river. The State Sewerage Commission or its representative is hereby authorized to meet the proper authorities of the States of Pennsylvania and New York, to investigate and confer upon the subject of the purification of the Delaware river, and to devise such remedy as may, in their wisdom, be deemed necessary for this purpose. Said sewerage commission or its representatives shall report to the next session of the Legislature.

Appropriation. The sum of five hundred dollars is hereby appropriated to carry out the purpose of this resolution, and shall be paid by the Treasurer upon the warrant of the Comptroller and upon the approval of the Governor;
Proviso. *provided,* such sum shall be included in the general appropriations bill.

Approved April 30, 1906.

JOINT RESOLUTION No. 8.

Preamble.

WHEREAS, Municipal government is that form of government which most directly affects the people, and, therefore, should be so economically and efficiently administered as to bear as lightly as possible upon them; and,

WHEREAS, Under the present provisions of the constitution of this State a mass of municipal legislation is enacted at each session of the Legislature, which, though general in form, is special in application (thus evading the constitutional provision against special legislation), and thereby encumbering the statute books besides causing confusion and difficulty for municipalities not intended to be affected; and,

WHEREAS, Such legislation is frequently unconstitutional, and a large part of the time and energy of the courts is spent in its construction and application; and,

WHEREAS, The principle of local self-government is recognized to be fundamental and essential to the welfare of the people; therefore,

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

Commission to consider municipal government.

1. The Governor is hereby authorized and requested to appoint three persons as commissioners, who shall consider and report to the Governor and to the Legislature on the first day of its next session upon the whole system of municipal government in this State relating to cities, towns, boroughs, villages, counties and townships.

2. Such report shall include the following:

Topics for consideration.

A. The functions and powers of said municipalities in their relations to the State, to the citizen and to each other, respectively, and how far such functions and powers should extend.

B. How far and in what respects, if any, such municipalities, or any of them, may, with safety, be relieved from legislative control in order to promote the principle of local self-government.

C. What, if any, general restrictions should be placed upon the powers and functions of such municipalities, or any of them, with respect to taxation, the issuance of bonds or other municipal obligations, and the creation of municipal indebtedness in general.

D. What, if any, constitutional changes are necessary or advisable with relation to municipalities in order to restrict or to safely enlarge their powers and functions.

Report. 3. They shall report such bill or bills as they may deem advisable for any or all of said purposes, having in view the curtailment of municipal legislation; the production of greater certainty in municipal law and efficiency in municipal government, and the decrease of taxation, and of municipal burdens in general.

Expenses. 4. The necessary expenses of the commission, when approved by the Governor, shall be paid by the Treasurer of this State, out of the treasury of the State, on the warrant of the Comptroller.

Approved May 22, 1906.

JOINT RESOLUTION NO. 9.

Joint Resolution providing for the appointment of a committee of the Legislature to investigate the granting of riparian lands by the State, and report what changes, if any, should be made in the law in connection therewith.

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

Commission to investigate riparian questions. 1. That a committee of the Legislature, to consist of three Senators, to be appointed by the President, and five members of the General Assembly, to be appointed by the Speaker, be authorized and directed to investigate the entire subject of the granting by the State of leases and grants of riparian lands, what methods have been

pursued in the past, what lands are now held by the State which may hereafter be the subject of riparian lease or grant, what lands have been heretofore granted by the State and under what condition, what methods have been used for the determination of values in fixing the rentals, and in general the whole subject of leases granted by the State of its riparian lands.

Counsel and clerical help.

2. The said committee shall have the right to employ counsel, a stenographer and other clerical assistants as may be necessary, and, with the approval of the Governor, fix their compensation, which shall be paid by the Treasurer on the warrant of the Comptroller.

Sittings.

3. The said committee shall have authority to sit after the final adjournment of the Legislature.

4. This resolution shall take effect immediately.

Approved May 22, 1906.

JOINT RESOLUTION NO. 10.

Joint Resolution providing for a commission to investigate and report to the next Legislature upon the advisability of legislation permitting municipalities of this State to construct, acquire or operate lighting and power plants for public or private consumption, or both.

Preamble.

WHEREAS, There are now pending in the Legislature of this State no less than fourteen bills authorizing different classes of municipalities to build, construct and operate lighting plants for public or private use, or both;

AND WHEREAS, Many of said bills are conflicting in their nature and incompatible with each other;

AND WHEREAS, The question of municipal ownership has been untried to any extent in this State and, so far as it relates to the operation of plants for private consumption, in the United States, and is a question of the utmost importance to the people of the various municipalities, involving a large increase in the municipal debt limit;

AND WHEREAS, The American Civic Federation is about to send a large committee to Great Britain to make a thorough and exhaustive study of this entire subject as it has been there tried, and as to the results, of which there have been conflicting accounts;

AND WHEREAS, The people of many other municipalities in this country are greatly perplexed by this question and have been unable to reach any unanimity of sentiment thereon;

AND WHEREAS, For all these reasons, in the judgment of the Legislature, it would be wiser to postpone legislation on this question until the next regular session of the Legislature, by which time the report of the American Civic Federation, above referred to, will be available, and by means of which delay the enactment of inconsistent and incongruous legislation can be avoided, and the subject presented to the next Legislature in a systematic and definite form;

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

Commission to consider municipal light plants.

1. That the Governor be and he hereby is authorized to appoint a commission, consisting of five persons, to report to the next Legislature upon the advisability of legislation of this character for the municipalities of this State, and if any such legislation be advisable to submit therewith a draft of such legislation as to them seems advisable.

Compensation and expenses.

2. The commissioners thus appointed shall receive their expenses and such compensation as the Governor may think proper, which shall be paid on the authority of the Governor by the State Treasurer, upon the warrant of the Comptroller, out of any funds available for that purpose.

Approved May 22, 1906.

JOINT RESOLUTION No. 11.

Joint Resolution providing for a commission to investigate and report to the Legislature upon the feasibility of a law providing for a division of the profits of public utility corporations between the corporations and the municipalities which may grant such corporations permission to do business therein.

Preamble.

WHEREAS, Governor Edward C. Stokes, in the message transmitted by him to this Legislature, among other things, recommends to the Legislature the appointment of a comission to study and investigate the recomendations made therein; that a plan be devised for the division of dividends declared by public utility corporations in excess of a reasonable amount, between such corporations and the municipalities which grant permission to such corporations to do business therein, and

WHEREAS, The Governor, in his message in connection with this subject, says, "Under such an arrangement, public utility corporations would not be regarded as private monopolies; they would be exempt from political blackmail; they would be free from the suspicion of corrupt legislation. The gain in public morals would be greater than the gain in public revenues. The practical details of the latter suggestion could be worked out only after careful study and investigation," and

WHEREAS, The subject referred to by the Governor is one of the greatest interest and importance to the people of this State, therefore,

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

Commission to consider excessive dividends.

1. That the Governor be and he hereby is authorized, as soon as conveniently may be upon the passage of this resolution, to appoint a commission of three persons, whose duty it shall be to investigate and report to the

next Legislature whether it is practicable and expedient to enact legislation requiring a division of dividends declared by public utility corporations in excess of a reasonable amount between such corporations and the various municipalities which may have or may thereafter grant to them franchises or permission to do business in such municipalities, and to recommend to the Legislature the passage of any law or laws which may seem to them practicable and expedient to accomplish this end.

Power of commission.

2. Such commission when appointed, shall have full power to use any process of the courts of this State to compel the attendance of witnesses and the production of books papers and documents.

Expenses met.

3. The said commissioners shall serve without compensation, but shall have the right to have their necessary expenses, incurred by them in the discharge of their duties, repaid to them by the Treasurer of this State, upon the warrant of the Comptroller. The said commissioners shall also have the right to appoint a secretary and such clerical assistants as may be necessary, and to fix the compensation of such secretary and assistants, which compensation shall likewise be paid by the Treasurer of this State, upon the warrant of the Comptroller.

Clerical help.

4. This resolution shall take effect immediately.

Approved May 22, 1906.

PROCLAMATIONS.

Proclamations by the Governor.

PROCLAMATION.

We have gathered the fruits of another year of plenty. The earth has yielded bounteous harvests to the husbandman. All our industries flourish. Labor is happily and peacefully employed and trade and commerce are at flood tide. We are at peace at home and abroad. The hearts of the people turn to righteousness and abundant opportunity is theirs to satisfy the aspirations of mind and soul. Civilization goes onward, blessed by the progress of science, by a broader Christianity, by higher ideals, by the spirit of honesty and truth. For all these things we lift our hearts in gratitude to Almighty God.

Therefore I, EDWARD C. STOKES, Governor of the State of New Jersey, do designate Thursday, the thirtieth day of November as a day of praise and thanksgiving, and do recommend that the people gather in places of religious worship and render thanks to our Heavenly Father for the blessings of the past and present and ask for His continued guidance in the years to come.

Given under my hand and seal at Trenton, this eleventh day of November, in the year of our Lord, one thousand nine hundred and five.

[L. S.]

EDWARD C. STOKES.

Attest:

EDWARD W. GRAY,
Secretary to the Governor.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.
TRENTON, N. J., January 2, 1906.

WHEREAS, The Comptroller did, on the second day of January, nineteen hundred and six, 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 3d, 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 1903 under the laws of the State of New Jersey, and made payable into the State Treasury; and

WHEREAS, Under the provisions of said act the charters of said corporations are repealed and all powers conferred by law upon such corporations declared inoperative and void, unless the Governor gives further time for payment; and

WHEREAS, The Governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid:

Therefore, I, Edward C. Stokes, Governor of the State of New Jersey, pursuant to the provisions of said act of the Legislature, do hereby issue this proclamation that the charters of the following named corporations so reported and in default, to wit:

A. A. Madden and Company,
Abby Press,
Abel Maria da Silva and Company,
Accident Advice Association,
Account, Audit and Assurance Company,
Ackerman Lumber and Wood Working Company,

Acme Fuel Compound Company,
Acme Game Ball and Manufacturing Company,
Adams Realty Company,
Aero-Acumulative Motor System Company,
Aetna Illuminating Oil Company,
Agency and Audit Company,
A. G. Frothingham and Company,
Agnew Company,
Air Funnel Equipment Company for railroad cars and all other kinds of vehicles,
Airless Pneumatic Tire and Rubber Company,
Air Light Company of New York,
Alabama Lumber and Coal Company,
A. Lafayette Jones Company,
Alaska Fishing and Packing Company,
Alba Dentists Company,
Alberta Oil Company,
Albert Lewis Lumber Company,
Allegheny Crayon Company,
Alloway Knitting Mills,
Althol Manufacturing Company,
Alwil Shop,
American Acrograph Company.
American Ammonia and Cyanide Company,
American Amusement Company.
American Automatic Sales Company,
American Bicycle Company,
American Bicycle Track Association,
American Bituminous Colleries,
American Breeders Co-operative Sales Association,
American Brick Machinery Company,
American Buchu Company,
American Butter Company,
American Cabinet Company,
American Candle Fastener Company,
American Chemical Brick and Stone Company,
American Chemical Power Company,
American Coal and Coke Company,
American Cocoanut Company,
American Concrete Company,
American Consolidated Pine Fibre Company,

American Construction and Supply Company,
American and Continental Shoe and Leather Syndicate.
American Cotton Products Company,
American Cotton Seed Company,
American Crude Rubber Company,
American Cuban Development Company,
American Delcalcomania Company,
American Dermatological Company,
American Diamond Drilling Company,
American Drug Company,
American Electric Improvement Company,
American Electric Purification Company,
American Engineers Exchange,
American Falls Water Power Company,
American Fastner Company,
American Filtering Funnel Company,
American Flour Manufacturing Company,
American Folding Machine Company,
American Folding Scaffold Company,
American Food and Chemical Company,
American Fuel Saver Corporation,
American Gardening Publishing Company,
American Gas Construction Company,
American Gas Light Improver Company,
American Grains Growing Company,
American Guide Book and Directory Company,
American Home Telephone Company,
American Household Hardware Manufacturing Company,
American Incubator Company,
American Interlaced Horse Collar Company,
American Mecca Oil Company,
American Mercantile Company of Topeka, Kansas,
American Merchandise Company,
American Metal Cross Tie Company,
American Metal Market Company,
American Mining and Engineering Company,
American Naval Stores Company,
American Oil Products Company,
American Oil Vapor Burner Company,
American Orderphone Company,
American Palace Car Company of New Jersey,

American Plaster Ventilated Tile Company,
American Plumbing Supply and Lead Company,
American Pneumatic Horse Collar Company,
American Protective Bottle Company,
American Rating Agency of Incorporated Companies,
American Rice Huller Company,
American Roller Bearing Company,
American Rubber Works Company,
American Sash and Door Company,
American Saw Company,
American Securities Company,
American Shear and Edge Tool Company,
American Stave Machine Company,
American Steel Casting Company,
American Stock Security Corporation,
American Street Railways Bonding Company,
American Surgical Instrument Company,
American Switch Company,
American Tobacco Reclaiming Corporation,
American Transferring Design Company,
American Underwriting Company,
American Universal Underground Electric Railway Company,
American Vacuum Can and Machine Company,
American Vitagraph Company,
American Water Hoisting Company,
American Wine and Tonic Company,
American Witch Hazel Corporation,
Ames-Pearson Tobacco Company,
Amyville Youghiogheny Gas, Coal and Coke Company,
Andrewes Dye Works,
Angel Soap Company,
Angelus Clock Company,
Anglo-American Amalgamated Amusement Association,
Annulo Stopper Company,
Anthracite Carbon and Manufacturing Company,
Apollo Cement and Manufacturing Company,
Appleton-McKibbon Company,
Arc Lamp Company, of New Jersey,
Arion Manufacturing Company,
Arizona Mining Company,
Arkansas Land and Improvement Company,

Arkonia Manufacturing Company,
Arkwright Pharmaceutical Company,
Art Village Improvement Association,
Asbestos Slab Manufacturing Company,
Assembled Tile and Slab Company,
Associated Architects,
Atlantic Acetylene Burner Company,
Atlantic City Cycle Coliseum Company,
Atlantic City Movable Sidewalk Company,
Atlantic Coast Power Company,
Atlantic Construction Company,
Atlantic Flour Mills Company,
Atlantic and Gulf Steamship Company,
Atlantic Heights Improvement Company,
Atlantic Highlands Land and Improvement Company,
Atlantic Koalin Company,
Atlantic Mutual Investment Company,
Atlantic Novelty Company,
Atlantic Palace Circle Company,
Atlantic Realty Company,
Atlantic Shipping Company,
Atlas Automobile Company,
Atlas Construction Company,
Atlas Engineering and Dredging Company,
Atlas Match Company,
Atwood Power and Speed Gauge Company,
Audit and Agency Company,
Augusta Electric Company,
Auto Coupler and Supply Company,
Automatic Car Brake and Fender Company,
Automatic Gas Regulator Company,
Automatic Heating Company,
Automatic Photograph Company,
Automatic Switch Company,
Automatic Telephone Meter Company,
Automatic Threading Lathe Company,
Automatic Train Controller Company,
Automatic Water Purifying Company,
Auto Street Sweeper Company,
Auxiliary Telephone Company,
Azteca Mining Company,
Bald Eagle Oil Company Consolidated, of New Jersey,

Baldwin Land and Investment Company,
Ballou Dickson Company,
Bamberg Machine Manufacturing Company,
Barkelew and Kent,
Barnegat City Improvement Company,
Barry Bicycle Support Manufacturing Company,
Barrys Hackensack Dairy Company,
Bauchelle Manufacturing Company,
Baxter Outfit Company,
Bayonne Realty Company,
Bay State Electric Heat and Light Company,
Beacon Mountain Spring Water Company,
Beam Gold Mining Lumber and Manufacturing Company,
Bear Creek Consolidated Gold Mining Company,
Beatrice Oil Company,
Beaumont Barge Line Company,
Beaumont Oil Transportation Company,
Bellevue Hotel Company,
Bell Ice Manufacturing Company,
Berkeley Arms Hotel Company,
Berkshire Iron Company,
Bessemer Iron Ore Company, of Blacksburg, South Carolina,
Billings Pipe Bender Manufacturing Company,
Bill Mining Company,
Bioplasm Company,
Birch Brook Gold Mining Company,
Bird Machine Manufacturing Company,
Birmingham Cement Company,
Bishop Stamp and Typewriter Ribbon Company,
Blackstone Building Company,
Blanden Lumber Company,
Blasse Pure Air Heater Company,
Bleak House Hotel Company,
Blue Mountain Malting Company,
Boflay Camera and Chemical Company,
Bolivia Trading Company,
Bolton Brothers Silk Dyeing Company,
Bonita Construction Company,
Bonita Water Company,
Bonner Gold Mining Company,

Boone Construction Company,
Boothby Restaurant Company,
Boston Belt and Clasp Company,
Boston Steel and Iron Company,
Bradford Gas Engine Company,
Bridgeton Glass Manufacturing Company,
Brigantine Company,
Broadway Building Company,
Brown Slate Company,
Bruck Solidified Oil Company,
Brunswick and Birmingham Construction Company,
Buckeye Engine Company,
Bullock Billiard Table Manufacturing Company,
Burlington Garbage Reduction Company,
Burn and Ingraham Company,
Burrill Brothers Company,
Bush Engine Company,
Business Publishing Company,
Butler Turbine Engine Company,
By-Product Coke Oven Company,
Byrd Sarsaparilla Planting Company,
Cadillac Oil Company,
C. A. Granton Roof Joint Manufacturing Company,
Caldwell Furnace Foundry Company,
California Copper Company,
California Mining Company,
Callipooia Mining and Tunnel Company,
Campbell Web Company,
Canadian Manifold Company,
Canadian Oil Company,
Canadian Tanners Glue Company,
Canadian Tubular Steamship Oil Transportation Company,
Capital Glass Manufacturing Company,
Cardinal Remedy Company,
Carolan and Clark Company,
Carolina Products Company,
Cato Glen Coal Company,
C. E. Miller and Company, Incorporated,
Central Brewing Company,
Central Building and Construction Company,
Central Land and Coal Company,

Century Carbonate Company,
Century Gold Mining Company,
Century Rock Salt Company,
Cereal Phosphate Food Company,
C. F. Kees and Company, Incorporated,
C. G. Gunthers Sons,
Chalchihuites Mines Company,
Challenge Manufacturing Company,
Champion Iron and Separating Company,
Champion Match Company,
Chandlee Wire Fence Company,
Charles B. Overbaugh Corporation,
Charles Efros Company,
Charles F. Oxley Manufacturing Company,
Charles S. McNally Metal Company,
Chartered Company, of Lower California,
Chellis Curtain Fixture Manufacturing Company,
Chemical Company of America,
Chesley Machinery Company,
Chester Contract Company,
Chicago Lima Oil Company,
Chicago Mutual Home Union,
Christy Saddle Company,
Church Manufacturing Company,
Church Publishing Company,
Citizens Home Investing Corporation,
Citizens Water Company, of Passaic, N. J.,
City Street Car Company,
City and Suburban Construction Company,
Clarendon Spring Water Company,
Clarendon Woolen Company,
Clark Construction Company,
Clear Springs Sanitarium Company,
Clementon Hall Association,
Cleveland Cold Storage Company,
Cleveland Consolidated Oil Company,
Cleveland Monticello Oil Company,
Cleveland, Richfield and Akron Transit Company,
Cleveland Spencerville Oil Company,
Cline Stock Car Company,
Clipper Lawn Mower Company, Incorporated,
Cloverbrook Farm Company,

C. M. Horton Manufacturing Company,
Coalite Manufacturing Company,
Coban Coffee Company,
Coconino Copper Company,
Coker Creek Gold Mining Company,
Coleman House Company,
College Company,
College World Company,
Collyer Brothers Lighterage and Transportation Company,
Colonial Bond and Guaranty Company,
Colonial Lumber and Box Corporation,
Colonial Produce Company, of America,
Colonial Realty Corporation,
Colorado Consolidated Fuel and Oil Company,
Colorado Gold Placers Company,
Colorado Gold and Silver Mining and Development Company,
Colorado Land and Cattle Raisers Company,
Columbia Can Company,
Columbia Folding Paper Box Company,
Columbia Institute of Literature, Science and the Arts,
Columbia Manufacturing and Importing Company,
Columbia Mining and Smelting Company,
Columbia Realty Company,
Columbia Spinning Company,
Columbia Sugar Company,
Columbian Cheese Company,
Columbian Foundry Company,
Combined Valve Company,
Commerce Accounts and Finance Company,
Commercial Construction Company,
Commercial Electric Company,
Commercial Railway Equipment Company,
Commonwealth Hygienic Ice Company,
Compressed Air House Cleaning Company, of New York,
Comstock-Hoff Manufacturing Company,
Coney Island Electric Race Horse Company,
Confectionery Specialty Company,
Congo and Saugha Development Company,
Conkling Ore Dephosphorizing Company,

Conn Butter Improvement Company,
Connecticut Commercial Corporation,
Consolidated Gravel Company,
Consolidated Schools Company,
Consolidated Stone Company,
Consolidated Supply Company,
Consolidated Telpherage Company,
Consumers Cigar Company, of New Jersey,
Consumers Penny Pouch Express Company,
Consumers Silk Mills and Coupon Exchange Company,
Continental Cement Company,
Continental Engineering and Construction Company,
Continental Manufacturing Company,
Continental Slate Company,
Continental Trading Company,
Conway-Pechin Leather Company,
Cooke Company,
Corporation Realty Company,
Corporation Supply Company,
Cortez Company,
Coxey Steel and Silica Sand Company,
Crescent Specialty Supply and Manufacturing Company,
Cross Fork Oil and Gas Company,
Crucible Graphite Company,
Crusader Company,
Cuba Realty Company, Limited,
Cuban Land Syndicate Company,
Cuhlmann Chemical Company,
Cummins Indian Cogress and Wildest West,
Cupauro Mining Company,
Curative Company,
Curtis, Davis and Hill Piano Company,
Cutter Food Company,
Daab Contracting Company,
Daly Gold Lining Dental Company,
Darlington Electric Fountain and Supply Company,
Day Manufacturing Company,
Dege Brothers Company,
De Lamars Nevada Gold Mining Company,
Delaware Bay Fish and Oyster Company,
Delaware and Magnetic Springs Railway Company,

Delaware River Navigation Company,
Delaware River Ship and Engine Building Company,
Delaware Valley Construction Company,
Della Art Company,
Del Rio Water Power Company,
Denmark Water Company,
Desk Lavatory Company,
Development Company, of the Collins Wireless Telephone and Telegraph System,
Development Corporation,
Dexter Placer Company,
Dey and Thompson,
Diamond Hill Broken Stone Company,
Diamond Stable Company,
Dill and Collins Company,
Doell Firemans Outfit and Novelty Company,
Domestic Hand-Steam Laundry Company,
Doremus Automatic Vending Company,
Driver-Watt Company,
Dryburg Engineering, Construction and Guarantee Company,
Dryden Springs and Hotel Company,
Duncan Manufacturing Company,
Duquesne Coal Company,
Duquesne Realty Company,
Dwyer Leather Company,
Dynamite Ordnance and Armaments Company,
E. A. Gillinder Glass Company,
Eagle Mattress and Supply Company,
Eagle Medicine Company,
Eagle Rock Water Company,
Earnshaw Manufacturing Company,
East Coast Investment Company,
East Coast Milling Company,
East Jersey Express Company,
Eastern Acetylene Gas Company,
Eastern Anthracite Company,
Eastern Land and Building Company,
Eastern Milling and Export Company,
Easton and Phillipsburg Steam Heat and Power Company,
Ebenezer Consolidated Mines Company,

Economy Packing Machine Company,
Economy Tool Manufacturing Company,
Edgerton Press and Manufacturing Company,
Edgewater Drug Company,
E. D. Steward Teamster and Hauling Company,
Edwards and Docker Company,
Eichbaum Company,
El Diaz Gold and Copper Company,
Electrical Specialties Company,
Electric Railways Corporation,
Electric Self Winding Clock Company,
Electric Vaporizer Disinfector Company,
Elizabeth Printing and Publishing Company,
El Rusic Honduras Mining Company,
Emery Mining Company,
Empire Adjustable Shade Holder Company,
Empire Amusement Company,
Empire Catering Company,
Empire City Gas and Electric Company,
Empire Natural Gas and Oil Company,
Empire State Plantation Company,
Employes Protective Association,
Empress Tea and Coffee Company,
Englemann Patent Vehicle Gear Company,
Engineering Company, of America,
Enterprise Iron Company,
Enterprise Mining and Milling Company,
Ephrata Mountain Crystal Spring Water Company,
Equitable Investment Company,
Equitable Oil and Transportation Company,
Erie Match Company,
Erie Watch Company,
Esmeralda Mining Company,
Essex French and American Ice Cream Company,
Essex Gas Stove Company,
Essex Land Company,
Essex Messenger Service Company,
Euclid Land Company,
Eureka Automobile Company,
Evans Cold Water Tank Company,
Evening Union Printing Company,
Ever Ready Prepared Flour Company,

Excelsior Grass and Weed Destroyer Company,
Excelsior Wall Paper Company,
Exchange News and Publishing Company,
Facer Forged Steel Car Wheel and Locomotive Wheel Company,
Feasel-Wheaten Company,
Federal Company,
Federal Manufacturing and Specialty Company,
Federal Motor Vehicle Company,
Federal Salt Company,
Federal Securities Company,
Federal Varnish Company,
Fehr Talcum Company,
Fergusson Lock Company,
Ferrocarril De Rio Seco S. A.,
Ferrous Pigment Company,
F. H. Schule Company,
F. H. Schule German-American Universal Separator Company,
Fidelity Assurity Company,
Fidelity Bond and Realty Company,
Fidelity Home Purchase and Savings Company,
Fidelity Land Company,
Finance Company,
Finance and Development Company,
Fireproof Elevator Hatchway Company,
First National Mercantile Company,
Fischer Electric Company,
Fischer Motor Vehicle Promotion Syndicate,
Fitzhugh Gas and Gasoline Engine Company,
Florida Construction Company,
Florida Fruit Flavoring Extract Company,
F. Middleton Company,
Folding Baby Carriage Company,
Fombell Clay Manufacturing Company,
Forrest Insect Guard Company,
Forestlakes Company,
Forest Manufacturing Company,
Fort Pitt-Arizona Mining Company,
Founder's Corporation,
Fountain Farm Water Company,
Fountain Gas Company,

Fowler Artesian Water Company,
Fowler Paint, Oil and Glass Company,
Franklin Machine Works (Incorporated),
Frank M. Swan Company,
Fred. W. McGee and Company,
Frederick Chemical Company,
Frederick Thom Land Company,
Fredrick Manufacturing Company,
Freeman Coal Company,
Freie Presse Printing Association,
Fritz and Wiedmann Brewing Company,
Fuller Farm-Tool Manufacturing Company,
Furniture, Stoves and Repair Company,
F. W. Hofele Telescopic Ladder Company,
F. W. Meyer Marine Fire Indicating System Company,
F. W. Mills Manufacturing Company,
Galena Creek Gold Mining Company,
Galvanic Metal Paper Company,
Garment Trade Publishing Company,
Garretson Southern Furnace Company,
Gas Industries Company,
Gem City Milling Company,
Gem Folding Box Company,
General Contracting Company,
General Gas, Electric and Power Company,
General Metal Rolling Machine and Manufacturing Company,
General Oil Company,
General Publishing Company,
General Refrigeration Company, of America,
General Typing Machine Company,
George Anspach,
Geo. A. Smith Machinery Company,
George H. Clarke Powdered Drink Company,
Georgia Mining Company,
German-American Development Company, of Central America,
German-American Steel Ball Company,
Gilbert Brothers Company,
Gilchrist Improved Jar Company,
Ginty B. B. B. Tablet Company,

Girard Gold Mining and Milling Company,
Glen Rock Oil Company,
Globe Company,
Globe Window Glass Company,
Golden Gate Steel and Iron Company,
Gold Pan Mining Company,
Golsan Publishing Company,
Goodrich Polish Manufacturing Company,
Good Roads Trap Rock Company,
Goodson Graphotype Company,
Goodyear Hard Rubber Heel Company,
Gordon Plenum Light Company,
Granite City and Venice Light and Power Company,
Grape Sugar Company,
Grass Manufacturing Company,
Grav-elec. Clock Company,
Gray-Lloyd Manufacturing Company,
Great American Tea Company,
Great Eastern Wine and Champagne Company, of America,
Great Western Light and Power Company,
Greater New York Home Oil Company,
Green Consolidated Oil and Gas Company,
Green Mountain State Marble Company,
Grote Bottle Machine Company,
Grove Company,
Groveland Improvement Company,
Groves Metallic Bedstead Company,
G. S. Cook Company,
Guarantee Investment Company,
Guarantee Mining Company,
Guarantor Corporation of America,
Guaranty and Security Company,
Guardian Securities Company,
Guianas Trading Company, Limited,
Guido Cigarette Machine Company,
Gulf Coast Sugar Refining Company,
G. W. Coles Candy Company,
G. W. Emery Basket Company,
H. A. Brownell Company,
Hackettstown Mining Company,
Haddonfield Gas Light and Fuel Company,

Haddon Real Estate Improvement Company,
Haenichen Ball Bearing Spindle Company,
Haitian Exploration Company,
Halcyon Cycle Company,
Haledon Land Company,
Hall Hammer Company,
Hallwood Cash Register Company,
Hamburg Shoe Company,
Hamilton Iron Works,
Hanawi Sugar Company,
Hancock Mining Company,
Handley Glass Manufacturing Company,
Harry Dalton Company,
H. A. Seymour and Company,
Harvey Burner and Furnace Company,
Havana Canal Company,
Hawkins Lumber and Coal Company,
Hawley Box Company,
H. C. Brown Company,
H. C. Cyphers Provision and Ice Company,
Health Appliance Company,
Helio Match Company,
Henry H. Teeple Clothing Company,
Henry L. Leibe Manufacturing Company,
Henry S. Mould Company,
Hepburn Pullen and Company, Incorporated,
Herba-Rheuma Company,
Heston Hydraulic Valve and Supply Company,
Hickman Manufacturing Company,
Highland Park Improvement Company,
High Point Inn Association,
High Top Copper Mining Company,
Hillsdale Manor Silk Company,
H. M. Hyams Company,
Hoboken Exhibition Company,
Hoffman Lubricating Oil Company,
Holbrook and Company,
Holden Window Screen Company,
Holly Springs Water Company,
Holmes and Taylor Company,
Home Acetylene Gas Light Company,
Household Novelty Company,

Household Supply Company,
Howard Dental Specialty Company,
Howarth Brothers' Company,
H. S. Wendell Company,
Hudson County Tunneling Company,
Hudson Granite Company,
Hudson's Coffee Company,
Hughes Drug Company,
Hugh Thomas Company,
Hunt Foundry and Machine Company,
Hunt Manufacturing Company,
Hurd Carrier Apparatus Company,
Huthmacher Leather Company,
Hydra Double Battery Company,
Hygeia Ice Company, of Plainfield, New Jersey,
Hypoluxo Beach,
Identity Guarantee Company,
Idora Steel and Iron Company,
Illuminating Oil Company of America,
Illustrated World Publishing and Engraving Company,
Imboden Placer Company,
Imperiale Ice Machine Company,
Imperial Expanded Metal Company,
Imperial Leather Company,
Imperial Power Company,
Imperial Registry Company,
Imperial Tobacco Company of America,
Improved Cold Blast Feather Cleaning Company,
Indian Lotion Chemical Company,
Indian River Manufacturing Company,
Industrial Federation of America,
Industrial Investment Company of Buffalo,
Ingersoll Manufacturing Company,
Inland and Marine Tank Line Company,
Institute of Mechano Neural Therapy,
Interlaken Land Company,
International Bleaching and Refining Company,
International Car Wheel Company,
International Construction and Securities Company,
International Electric Enameling Company,
International Electric Improvement Company,
International Finance Company,

International Fisheries Fertilizer and Packing Company,
International Foundry Company,
International Gas Engine Company,
International General Company,
International Golf and Polo Club,
International Hotel, Restaurant and Catering Company,
International Reduction Company,
International Rubber Company,
International Wheel Tire and Rubber Manufacturing Company,
Inter-Seal Company,
Interstate Audit Company,
Interstate Ball Bearing Company,
Interstate Lighting Company,
Inverted Incandescent Gas Light Company of America,
Iron Pipe and Supply Company,
Isthmus Company,
Jack Johnson Mining Company,
Jackson Decorating and Awning Company,
J. Albert Bach Cigar Manufacturing Company,
Japanese Hair Manufacturing Company,
Jas. E. Higgins Company,
Java & China Trading Company,
Jeanette Mining Company,
Jefferson Hotel Company,
Jendu Drink Cure Company of Pittsburg,
Jersey Cream and Butter Company,
J. J. Rardon and Company,
J. K. Tomlinson Manufacturing Company,
John A. Baker Notion Company,
John Bradley Company,
John D. Moll Bedding Company,
John E. Beggs Company,
John Lunn Company,
John Mundell and Company, Inc.
John R. Lee Contract Company,
John S. Alston Manufacturing Company,
John S. Jacobs and Son Company,
Johnson Elevator and Safety Company,
John V. Rice Junior Company,

New Jersey State Library

Joseph B. Reinhalter Company,
J. S. McCord and Company,
J. T. MacElroy Company,
Juniata Throwing Company,
Juniper Creek Distilling and Refining Company,
Kalium Springs Land and Improvement Company,
Kansas City, Beatrice and Western Railroad Company,
Kaolin Mining and Manufacturing Company,
Kaufherr Manufacturing Company,
Kearny Publishing Company,
Kenilworth Inn Company,
Kennedy-Powers Company,
Kern Incandescent Gas Light Company,
Kero-Arc Light Company,
Keyport Steamboat Company,
Keystone Box Manufacturing Company,
Keystone Railway Supply Company,
Keystone Realty Company,
Keystone Slate Company,
Keystone Suspender Company,
Key West Electric Company,
Key West Wharf and Coal Company,
Kimble Graphite Company,
Kleinsmith Groove Brick Company,
Knapp and West Company,
Knickerbocker Development Company,
Knickerbocker Filter Company,
Knight Beebe Company,
Kuenzel non-asphyxiating, non-explosive Crude Oil Gas Producing and Heating Company,
Kutz Incubator Company,
Larabee Veterinary Medicine Company,
Ladies' Home Magazine Company,
Lakewood School,
Lamb Manufacturing Company,
La Mexicana Land and Colonization Company,
La Mina Henrietta Company,
La Mutua Mining Company,
Lancaster Company,
Lange Curtain Fixture Manufacturing Company,
Lanser Filter Manufacturing Company,
Last Chance Gold Mining Company of Alaska,

Laurel Hill Coal Mining Company,
La Venezolana Algodonera Sociedad Anomina,
Lawyers Co-operative Company,
Lead Mining Corporation of America,
Leadville District Railway and Power Company,
Leather and Paper Reclaiming Company,
Leblance Lock Fastener Company,
Lehigh Mining Company,
Letcher Cannel Coal, Iron and Timber Company,
Lever Buckle Company,
Lewis Flexible Collar Button Company,
Libby Manufacturing Company,
Liberty Chuck and Wrench Company,
Lifschitz and Leitner Company,
Lighthouse Beach Improvement Company,
Lincoln Coal Company,
Lincoln Construction Company,
Little Rock Mining Company,
Livingston Glass Jar Company,
L. J. McGhie Company,
L. Kahner and Company,
Lodi Firemens Association,
Loew Filter and Manufacturing Company,
Longdon Broom and Brush Company,
Long Shot Mining Company,
Loop the Loop Company,
Lord and Watson Lumber Company,
Lorentowicz Company,
Louclare Iron Steel Company,
Lowell Diamond Drill Company,
Ludwig Manufacturing Company,
Luela Forepaugh-Fish (Incorporated) Wild West Shows,
Lungoleo Chemical Company,
Lyden and Company,
Lyman Patent Swing Company,
Machinery Rail and Metal Company,
Madison Oil Company,
Magowan Land and Improvement Company,
Manhattan Contracting Company,
Manhattan Glove Leather Company,
Manhattan Smelting and Refining Company,

Manhattan Trading Stamp Company,
Manitou Beach Association,
Manufacturing and Selling Company of America,
Marcellus Stone Company,
Marine Manufacturing Company,
Marine Propeller Company,
Marshall Dentrifice Company,
Marshall, Sutton and Patton, Incorporated,
Maryland Export Company,
Maryland Glass Company,
Mason Multi-Color Sign Company,
Masons Detachable Tooth Company,
Matchless Kid Manufacturing Company,
Matheson Live Stock Commission Company,
Mathewson Construction Company,
Matinum Manufacturing Company,
Maussner Manufacturing Company,
Maxwell M. Meyer Electric Company,
Mayagues Telephone Company,
Mayo Company,
Mayo Concessions Company,
McGowan Conduit and Tile Company,
McLean Construction Company,
Medicura Soap Company,
Melbourne China, Glass and Lamp Company,
Mercer Construction Company,
Mercer Copper Mining Company,
Merchants Parcel Express and Transfer Company,
Merchants Union Ice Company,
Mermentau River Oil Company,
Merrill and Company,
Metal Castings Manufacturing Company,
Metallurgical Company,
Meteor Lead and Zinc Mining Company,
Metropolitan Dredging Company,
Metropolitan Motor Express Company,
Mettowee Slate Company,
Mexican National Oil and Development Company,
Mexican Securities Company,
Mexico-Boston Mining Company,
Mexico and Magdalena Railroad Company,
M. H. Healy Company,

Mickens Grocery Company,
Midas Development Company,
Midland Hardware Company,
Milford Pink Granite Construction Company,
Milltown India Rubber Company,
Millville Oil and Gas Company,
Mina Grande Consolidated Mining and Milling Company,
Minett Varnish Company,
Missouri Lead and Coal Company,
Mix and Riddell Hardware Manufacturing Company,
Mobile Transit Company,
Mobile Transportation Company of New Jersey,
Modern Construction Company of America,
Modern Electric Light Company,
Mollie Bell Gold Mining Company,
Monarch Roofing and Covering Company,
Monitor Publishing Company,
Monmouth Construction Company,
Montana Consolidated Mining Company,
Montauk Fire Wire Installing Company, formerly Jenney Construction Company,
Monte Christy Fibre and Developing Company,
Mooke-Hale Company,
Moore Brick Manufacturing Company,
Moore Investment Company,
Morgan Rubber Company,
Morris County Chronicle Company,
Morris County Manufacturing Company,
Morris Sherman Manufacturing Company, formerly Sherman-Casey Manufacturing Company,
Morristown Spring Water Company,
Mount Holly and Moorestown Turnpike Company,
Mt. Vernon Realty Company,
M. P. Mining Company,
M. P. Roche Company,
Multi Color Printing Company of America,
Multiplex Lamp Company,
Munger Automobile Tire Company,
Municipal Debenture Company,
Municipal Electro Chemical Company,
Munson Safety Automobile Company,

M. W. Lee Automatic Jacquard Card Cutting Machine Company,
Myrtle Creek Mining Company,
National Automatic Company,
National Barrel and Packing Company,
National Bureau of Medicines and Foods,
National Carbon Peat Company,
National Cereal Company,
National Computing Scale Company,
National Cooperage Company,
National Creamery Company,
National Development Company,
National Disinfectant Company,
National Egg Carrier Company,
National Electric Clock Company,
National Food Company,
National Hide and Tallow Company,
National Home Building and Land Company of America,
National Land Company,
National Light Supply Company,
National Malleable Iron and Perfection Coupler Company,
National Maple Sugar Association,
National Mechanical Company,
National Milking Machine Company,
National Mill and Cattle Company,
National Newspaper Alliance,
National Package Machine Company,
National Paper and Printing Company,
National Park Navigation Company,
National Rolled Steel Car Company,
National Sanitarium Company,
National Securities Company,
National Securities Finance Company,
National Self-Winding Clock Company,
National Shares Company,
National Shoe Repairing Company,
National Stool Manufacturing Company,
National Supply Company,
National Wagon Jack Company,
National Waste Utilization Company,

National White Lily Laundry Company,
Needham and Walsh Company,
Neolith Paint Company,
Neuraliate Acetylene Gas Machine and Supply Company,
Nevada Midland Railroad Company,
Newark Aerator Company,
Newark Dash Company,
Newark Furniture Exchange,
Newark Gas Mantle Company,
Newark Handy Tool Company,
Newark Metallic Manufacturing Company,
Newark Plate Ice Machine Construction Company,
New Cenutry Manufacturing Company,
New Domestic Sewing Machine Company,
Newell Perforating Para-Pneumatic Pulley Company,
New England Consolidated Ice Companies,
New England Real Estate Company,
Newhouse Wheel Company,
New Jersey Asphalt Company,
New Jersey Autolectric Company,
New Jersey Blower Company,
New Jersey Club Association,
New Jersey Enamel Paint Company,
New Jersey Gold-Copper Reduction Company,
New Jersey Graphite Company,
New Jersey Investment Company,
New Jersey Large Tree Company,
New Jersey Mercantile Company,
New Jersey Metal Company,
New Jersey and Pennsylvania Power and Electric Company,
New Jersey Real Estate, Mortgage and Investment Company,
New Jersey Subway Company,
New Jersey Supply Company,
New Orange Decorative Leather Company,
Newport Manufacturing Company,
New Steel and Iron Company,
Newton Band,
New York Air Compressor Company,

New York and Boston R. W. Sanding Machine Company,
New York Coal and Transportation Company,
New York Construction Engineering Company,
New York Dry Plate Company,
New York Expansion Bolt Company,
New York Investment Company,
New York and New Jersey Amusement Company,
New York and New Jersey Bridge Company,
New York and New Jersey Construction Company,
New York and New Jersey Plate Ice Company,
New York and New Jersey Roller Coaster Company,
New York Novelty Exhibition Company,
New York and Philadelphia Telephone, Telegraph and Cable Company,
New York Steel and Wire Company,
Niagara Mining and Development Company,
Nicaraugua Company,
Nome Gold Nugget Placer Mining Company of Alaska,
Nome River and New York Hydraulic Gold Mining Company,
Norfolk and Southern Company,
Normandy Heights Water Company,
Norman Smoke Consumer and Fuel Saver Company,
North Adams Marble and Milling Company,
North American Carbide Company,
North American Fisheries,
North American Loan and Security Company,
North American Lumber and Pulp Company,
North American Ore and Metal Company,
North American Pharmacal Company,
North American Publishing Company,
North American Realty Company,
North American Transport Company,
Northampton Company,
North Atlantic Steamship Company,
Northern Security Oil and Transportation Company,
Northside Land Company,
Northwestern Iron Works,
Norwood Realty Company,
Oasis Nursery Company,
Obsto Company,

Occidental Telephone and Telegraph Company,
Ocean County Rapid Transit Company,
Ocean View Land Company,
Official Automobile Blue Book Company,
Ogden Heights Club Company,
Ohaca Coffee Company,
Ohio and Indiana Oil and Gas Company,
Ohio Realty Company,
Ohio Solid Steel Company,
Ohio State Glass Company,
Ohio Steel and Iron Specialty Company,
Okaw Company,
O'Keefe Company,
Oklahoma Gold and Ochre Mining Company,
Oklahoma Oil, Gas and Exploration Company,
Olentangy Mining Company,
Oliver-Reilly Company,
Opera Glass Supply Company,
Oral Advertising Corporation,
Orange Realty Company,
Oriental Exposition Company,
Ornamental Brick and Terra Cotta Company,
Osage Nation Illumination Oil Company,
Osceola Land and Cattle Company,
Oswald Publishing Company,
Ox Beef Company of America,
Oxford Tailoring Company,
Pacific Steel Company,
Page Company,
Palisades Park Company,
Pan American Biscuit Company,
Pan American Motor Company,
Parkside Land Company (No. 2),
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Pittsburgh Switch and Signal Company,
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Plastic Material Metal Covering Company,
Playola Manufacturing Company,
Plough and Allen Company,
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Pneumatic Tool Company, Limited,
Porter Brothers Company,
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Poto Placer Mining Company,
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Rochester Consolidated Fuel and Supply Company,
Rockaway Iron and Steel Company,
Rockcastle Mining and Manufacturing Company,
Rockland Cement Company,
Rockridge Mining Company,
Rocky Falls Power Company,
Rogers Electrical Works Company,
Rome Oil Company,
Roseberry Zinc Company,
Rosemary Rosaries, Inc.,
Rosemont Company,
Rossman Electric Company,
Rudolph Leather Company,
Rutherford Vehicle Company,
Safety Explosives Company, of America,
Safety Horse Shoe Company,
S. Alfred Baur Company,
Salta Light and Trading Company,

Samuel B. Minor Company,
Sanitary Manufacturing Company,
Sanitary Soap Dispensing Machine Company of the United States,
San Juan Bautista Water Company,
San Miguel Mining and Investment Company,
San Rafael Mining and Milling Company,
Santee Land Improvement Company,
Santo Domingo Cocoa and Fruit Company,
Saugatuck Bay Improvement Company,
Schomolze-Werther Lithographing Company,
Schroeder Ink Company,
Schwab Development and Investment Company,
Scottish Waterproofing Company,
Sea Coast Packing Company,
Seashore Auto Company,
Seashore and Delaware River Telephone, Telegraph and Cable Company,
Seashore Investment Company,
Seashore Realty Company,
Seaside Land and Improvement Company,
Security Bank Note Company,
Seely-Van Dyke Company,
Seemeshine Manufacturing Company,
Seminole Mining Company,
Semi-ready Tailoring Company,
Sentenne and Green Company,
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Shrewsbury Motor Works Company,
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Singer Automatic Ice Machine Company,
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Smoke Prevention Company of America,
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S. Ogden Edison Fibre Fuel Manufacturing Company,
Solar Motor Company,
Soule Art Company,
South Argentine Well Drilling and Land Improvement Company,
South Jersey Sanitary Company,
South River Clay Manufacturing Company,
Southern Car and Foundry Company,
Southern Coal and Iron Company,
Southern Construction Company,
Southern Inter-State Warehousing Company,
Southern Salt Company,
Southern Standard Oil Company,
Southern Sugar Company,
Sovereign Land Company,
Spencer and Menke Pottery Company,
Sphinx Mining Company,
Spicer-Leaming Land Company,
Sportsman Publishing Company,
Springfiled Cold Storage Company,
Springfield Construction Company,
Stack Jenison Company,
Staffordville Clay Company,
Stamford Engine and Machine Company,
Standard Anti-Friction Equipment Company,
Standard Construction Reporting Company,
Standard Electric Company,
Standard Electric Fire Alarm Company,
Standard Fire-Proofing Company,
Standard Gas Engine Company,
Standard General Supply Company,
Standard Gold Mining Company,
Standard Iron Mining and Furnace Company,
Standard Kerosene Burner and Heater Company,
Standard Machine Company,
Standard Manufacturing and Elevator Corporation,
Standard Motor Vehicle Company,
Standard Paving Company,
Standard Piano Hammer and Felt Company,

Standard Plaster Company,
Standard Plumbing and Contracting Company,
Standard Real Estate Company,
Standard Steel Car Wheel Company,
Standard Trading Company,
State Granite and Construction Company,
State Limestone and Land Company,
Staten Island Elevator Milling Company,
Stationery Manufacturing Company,
Stationery Patents Company,
Steele Acme Gas Company,
Steel Re-Utilization Company,
Steinbach Marble Company,
Stephens and Company,
Stevens Billiard Company,
Stevens Manufacturing Company,
Steve W. Floyd Special Agency,
St. Lawrence Realty Company,
St. Louis Worlds Fair Hotel Company,
Stone and Brick Waterproofing Company,
Stratmore Stables,
Structural Steel Supply Company,
Suburban Gas Company,
Suburban Lighting Company,
Success Company,
Sullivan Safety Nut Lock Company,
Sulphume Chemical Company,
Sun Match Company,
Superior Rubber and Manufacturing Company,
Surprise Five and Ten Cent Store Company,
Sussex Ice Company of New Jersey,
Sussex Real Estate Company,
Sweet Clover Laundry,
Syndicate Purchasers' Company,
Synthetic Products Company,
Syphon and Mineral Water Manufacturing Company,
Taco Milling Company,
Taylor Gas Producer Company,
T. C. Brown and Van Anglen Company,
Temple Company,
Terminal Cold Storage and Warehouse Company,

Territorial Construction Company,
Teutonia Lutheran Realty Company,
Texas Securities Company,
Thompson Supply Company,
Times Publishing Company of Elizabeth, N. J.,
Tipton Lead Company,
Tip Top Gold Mining Company,
Tit Bits Company,
Toggle Rail Brake Company,
Toms River and Sea Side Park Transportation Company,
Tonopah Fraction Mining Company,
Tontine Surety Company,
Totoket Realty Company,
Trades Review Publishing Company,
Travelers Identification Company,
Trenton Milling Company,
Tripler Liquid Air Company of New Jersey,
Triplex Couch Manufacturing Company,
Tucker File Company,
Tunella Company,
Tunkue Coal Company,
Turfmens Publication Company,
Turk Patent Bolt and Nut Manufacturing Company,
Twin City Transportation Company,
Twist-a-Wrist Exerciser Company, Incorporated,
Uncle Sam Shoemakers,
Underwood, Fankhauser and Company,
Underwriting Syndicate,
Uniform Battery and Container Company,
Union Copper Mining Company,
Union Land, Coal and Coke Company,
Union Land and Improvement Company (No. 1),
Union Mica Company,
Union Paper Company,
Union Saw Company,
Union Security Company,
Union Specialty Manufacturing Company,
United Barium Company,
United Building and Foundry Supply Company,
United Churning Company,
United Cigar Improvement Company,

United General Securities Company,
United Oil and Pipe Line Company,
United Pilots Corporation,
United States Artificial Marble Company,
United States Automatic Discharging Car Company,
United States Automotor Company,
United States Brewing Company,
United States Celestial Paradise Construction Company,
United States Cold Rolled Steel and Manufacturing Company,
United States Crane Company,
United States Electric Company,
United States Fireproofing Corporation,
United States Fireproof Wood Company,
United States Flax Fibre Company,
United States Gasoline Engine Company,
United States Guarantee and Credit Company,
United States Mechanical Appliance Company,
United States Novelty and Umbrella Accommodation Company,
U. S. Realty Company,
United States Oil Company,
U. S. Patent Leather and Japanning Company,
United States Reduction Company,
United States Sulphur Reduction Company,
United States Tool Company, name changed to National Concrete Steel Company, June 5, 1903,
United States Vending Machine Company,
United States Wireless Message Company,
United Telephone and Telegraph Company,
United Trustee and Audit Company,
United Water & Light Company,
Universal Beverage Cooler Company, Limited,
Universal Coin Counter Company,
Universal Preservative Paint and Oil Company,
Universal Sanitary Cuspidor Company,
Universal Shade Frame Company,
Urban Construction Company,
Utility Manufacturing Company,
Veltung Harness Cushion Company,
Ventnor Stone and Brick Company,

Verde Queen Copper Company of Arizona,
Vietor-Pearsail Company,
Village Improvement Society,
Vineland News Publishing Company,
Virginia Brick Company,
Virginia Mineral and Mining Company,
Visible Typewriters Company,
Vi-Ton Company,
Volunteer Union Packing Company,
Vulcan Coal Company,
Wachusett Mountain Spring Water and Realty Company,
Wade Company,
W. A. Freeman and Son, Incorporated,
Wagner Manufacturing Company,
Waites Perfection Bandage and Supply Company,
Waldwick Public Hall Association,
Wandling, Gill Company,
Washington Electric Light and Power Company,
Water Works Construction Company,
Watnong Brick Company,
Wayne County Development Company,
W. D. Althouse and Company,
Welch-Hackley Coal and Oil Company,
Weldon Ore Company,
Werder Manufacturing Company,
West Atlantic Land Company,
West India Distilling Company,
West Virginia Bridge and Construction Company,
Westfield Water Supply and Power Company,
Western Co-operative Association,
Western Irrigation and Lumber Company,
Western Tanning and Japanning Company,
Western Union Messenger Company,
Weston Cold Air Transportation Company,
Weygat Serpentine Quarrying Company,
White Brick and Terra Cotta Company,
Whitney Car Wheel Company,
Whitney Construction Company,
Whitney Hirsch Company,
Wilde Milling and Mining Company,
William B. Wallis Company,

William H. Gordon,
William H. Legg Drug Company,
William Hornich, Jr., Company,
Wm. J. F. Reynolds Company,
William W. Brauer Steamship Company,
Williams Bread Company,
Williams and Brewer Company,
Wills Warming and Ventilating Company,
Wilson Land Company,
Winn Door Holder Manufacturing Company,
Witchwash Company,
Wolff Milling Company, of New Jersey,
Woodland Oil and Mineral Company,
Wright Chair Company,
Wyalusing Gas and Oil Company,
Wyoming Valley Telephone Company,
Yantacaw Chemical Engine Manufacturing Company,
Yellow Pine Company,
Young Supply Company,
Yukon River and Behring Strait Railroad,
Yvette Company,
Zacatecas Development Company,
Zenas Remington Automatic Railroad Bridge Danger Signal Company,
Zinc Lead Separation 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 twenty-fifth day of January, one thousand nine hundred and six.

[SEAL.]

EDWARD C. STOKES.

By the Governor,
S. D. DICKINSON,
Secretary of State.

STATE OF NEW JERSEY,

EXECUTIVE DEPARTMENT.

ARBOR DAY PROCLAMATION.

WHEREAS, the Legislature of the State of New Jersey, by joint resolution of February twenty-first, one thousand eight hundred and eighty-four, did authorize the Governor to designate a day in each year for the planting of forest trees,

Now, therefore, I, Edward C. Stokes, Governor of the State of New Jersey, do hereby set apart Friday, the twentieth day of April, one thousand nine hundred and six, as

ARBOR DAY,

and do recommend that on this day the people of the State unite in observances to promote an interest in tree culture. I further recommend that in the public schools, suitable exercises shall be held for the purpose of instilling into the minds of the children a knowledge of the history and uses of trees and the value of the forest to the civilization of today.

The birds of New Jersey are many and beautiful and the importance of their preservation should also be considered. I therefore suggest that a study of the different species and their habits be included in the special work of the day.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State to be affixed, this ninth day of April, one thousand nine hundred and six.

[L. S.]

EDWARD C. STOKES.

By the Governor,
S. D. DICKINSON,
Secretary of State.

PROCLAMATION.

The history of our flag is the history of the growth of our Nation, and the celebration of the anniversary of its birth is not only a patriotic duty but an educational privilege. On the day of its inception it stood as an emblem of the unity of a few modest little colonies. Today it is the symbol of a mighty nation.

It has floated over many a battlefield, inspiring the sons of patriotism with courage and strength that made possible the triumph of the right and the preservation of the Union.

It has been carried to far distant lands and has aroused the enthusiasm of thousands to whom its advent meant emancipation from cruelty and oppression.

That the history of our flag may be more widely known and its birthday suitably honored,

I, Edward C. Stokes, Governor of the State of New Jersey, do hereby designate Thursday, the fourteenth day of June, as

FLAG DAY,

And do recommend that in the schools of this State the day be given to patriotic exercises, that the citizens of our cities and towns decorate their homes, places of business and public buildings with the stars and stripes, and that all unite in honoring the flag of our Nation and the principles which it symbolizes.

Given under my hand and the great seal of the State of New Jersey at Trenton this fifth day of June one thousand nine hundred and six.

[SEAL.]

E. C. STOKES,
Governor.

By the Governor:
(Signed) S. D. DICKINSON,
Secretary of State.

DECREES OF DISSOLUTION

(789)

Decrees of Dissolution.

IN CHANCERY OF NEW JERSEY.

In pursuance of Chapter 185 of the Laws of 1896, copies of decrees of dissolution of the charters of the following corporations have been filed in the office of the Secretary of State.

Name.	*Filed.*
The Cyclopean Iron Works,	July 17, 1905.
Van Houten Brothers Jewelry Company,	February 7, 1906.
The Standard Lamp and Glass Company,	April 21, 1906.
Chas. S. Caffrey Co.,	April 23, 1906.
The Lambert Schmidt Telephone Manufacturing Company.	May 1, 1906.

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ERRATA.

Page 187, section 22, line 7, strike out "and when overtaken by another," and insert "in both cases to permit such."

218, section 1, line 7, read "be" for "by."

270, section 2, line 2, read "county" for "country."

381, section 7, line 1, read "council" for "counsel."

568, section 1, line 8, read "bonds" for "bond."

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