

ACTS

33048

OF THE

REVENUE

CANALOGUE

One Hundred and Sixteenth Legislature

OF THE

STATE OF NEW JERSEY,

AND

Forty-Eighth Under the New Constitution,



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New Jersey State Library

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The General Public Laws are printed in the front part of the volume.

The Joint Resolutions and Proclamations by the Governor are placed next after the General Public Laws.

The Special Public and Private Acts follow in the order of their approval, and, with table of Contents and Index of all the laws, complete the same.

HENRY C. KELSEY,

Secretary of State.

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OF THE

One Hundred and Sixteenth Legislature

OF NEW JERSEY.

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General Public Laws.

GENERAL PUBLIC ACTS

PASSED BY THE

One Hundred and Sixteenth Legislature

CHAPTER I.

A Further Supplement to an act entitled "An act concerning corporations" (Revision), approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation existing under and by virtue of any general act for the formation of incorporated companies in this state, with the assent of a majority in interest of its stockholders, at a special meeting to be called for that purpose, and with the approval of the governor, at any time within three years from the date of its incorporation, to record with the clerk of the county in which its original certificate of incorporation was recorded, and file with the secretary of state an amended certificate, duly signed by its president and attested by its secretary under its corporate seal, and duly acknowledged or proved as required for deeds of real estate, modifying, changing or altering its original certificate of incorporation, in whole or in part, which said amended certificate shall take the place of the original certificate of incorporation, and shall be deemed to have been filed and recorded on the date of the filing and recording of the original certificate; *provided, however*, that nothing herein shall permit the insertion of any matter not in conformity with the law

Amended articles of incorporation by corporations may be filed.

Proviso.

under which such company was or shall have been organized; *and, provided, further,* that nothing herein shall affect any suit or proceeding, at the time of filing such amended certificate, pending by or against said corporation, or impairing any rights of action accrued by or against its stockholders, corporators or directors; *and, provided, further,* that the total authorized capital stock of any such corporation shall not be increased or decreased in the amended certificate herein provided for.

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

Approved January 26, 1892.

LEON ABBETT,

Governor.

JAMES J. BERGEN,

Speaker of the House of Assembly.

ROBERT ADRAIN,

President of the the Senate.

CHAPTER II.

A Further Supplement to an act entitled "An act concerning corporations "[Revision], approved April 7, 1875.

Corporations
may make cer-
tain changes in
one certificate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That any corporation of this state, incorporated under any general law of this state, may, in one certificate, change the name of said corporation, increase or decrease the amount of the capital stock of said corporation, increase or decrease the number of shares of the capital stock of said corporation, and increase or decrease the par value of each of said shares of the capital stock of said corporation, thus making any or all of said changes in said one certificate.

2. *And be it enacted*, That, in order to avail themselves of the powers conferred by section one of this act, it shall be necessary to obtain the assent, in writing, of the stockholders representing two-thirds in value of the existing capital stock of said corporation, and the assent of the board of directors, given at a general meeting, or a special meeting called for that purpose, and expressed by a majority vote of all the directors of said board.

Assent of stockholders and directors.

3. *And be it enacted*, That a certificate, reciting these assents, executed by such officers of the company as shall be determined by a resolution of said board of directors, and under the seal of the said company, with an affidavit of the secretary of said company that the seal of the company thereto attached is the seal of said company, and that the officers executing said certificate are the officers of said corporation, as expressed therein, shall be recorded in the office of the clerk of the county where the principal office of said company is located, and thereafter filed in the office of the secretary of state, which recording shall be done within thirty days after the execution of said certificate.

Certificate of assents to be recorded and filed.

4. *And be it enacted*, That upon the filing of said certificate in the office of the secretary of state, the name of the corporation shall be changed as therein stated, the amount of the capital stock, the number of shares of the capital stock and the par value of each of said shares of stock, shall thereafter be as stated therein, and a certified copy of said certificate by the secretary of state shall be taken and accepted as evidence of such changes in any court of this state.

Changes made upon filing certificate in office of secretary of state.

5. *And be it enacted*, That on filing said certificate with the secretary of state, the corporation filing the same shall pay to the secretary of state twenty dollars for each change made as aforesaid in said one certificate, the same as if a separate certificate had been filed for each of said changes set forth in said certificate.

Fees for filing.

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

Approved January 26, 1892.

CHAPTER III.

An Act respecting police departments in cities of the second class, and regulating the tenure and terms of office of certain officers employed in said departments.

Chiefs and captains of police in cities of the second class to hold office during good behavior.

Causes for removal.

Charges and manner of trial.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state, whether the police departments therein are under the control of the city council, board of aldermen, police commissioners or otherwise, the chief and captain of police employed or appointed by municipal authority in such cities shall severally hold their respective offices and continue in their respective employment as such municipal officers and employees during good behavior, efficiency and residence in such city; and no such chief or captain shall be removed from office or employment in the police department of any such city for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established, or which may be established by the proper municipal authority.

2. *And be it enacted*, That no chief or captain of police in any such city shall be removed from office except for just cause as provided in the first section of this act, and then only after written charge or charges of the cause or causes of complaint shall have been preferred against any such officer, signed by the person or persons making such charge or charges and filed with the municipal officer, officers or board having charge of the department of police, and after the said charge or charges have been publicly examined into by the appropriate municipal board, or the police committee thereof, if the same be duly referred to said committee, upon such reasonable notice to the person charged, and in such manner of examination as the rules and regulations governing the same may prescribe, it being the intent of this act to give every person against whom charges for any cause may be preferred under this act a fair trial upon said

charges, and every reasonable opportunity to make his defense, if any he has or chooses to make, and the municipal board or committee having power to try such charges shall have power to issue writs of subpoena to compel the attendance of witnesses and production of books and papers, which writs shall be served in the same manner as subpoenas issued out of the court for the trial of small causes, and every person who neglects or refuses to obey the command of any such writ shall be liable to a penalty of twenty-five dollars, to be sued for in the corporate name of the city in any court of competent jurisdiction, and the penalty when collected shall be paid into the poor fund of such city.

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

Approved January 26, 1892.

CHAPTER V.

An Act to repeal the act entitled "A further supplement to an act entitled 'An act respecting the compensation of the chancellor and the justices of the supreme court,' approved March fourteenth, one thousand eight hundred and seventy-nine," which said further supplement was approved April 17th, 1891.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act entitled "A further supplement to an act entitled 'An act respecting the compensation of the chancellor and the justices of the supreme court,' approved March fourteenth, one thousand eight hundred and seventy-nine," which said further supplement was approved April 17th, 1891, be and the same is hereby repealed.

Repeals act of 1891 increasing salaries of chancellor and justices of the supreme court.

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

Approved February 3, 1892.

CHAPTER VI.

An Act concerning licenses to keep inns and taverns and to sell ale, strong beer, lager beer, porter, wine, and other malt liquors in the boroughs of this state.

License to sell malt liquors in boroughs shall exist in the inferior court of common pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, that hereafter in addition to the power or authority to grant licenses to keep inns and taverns or to sell ale, strong beer, lager beer, porter, wine and other malt liquors, that is or may be vested in the governing body of the boroughs of this state, or any of them, the power to grant such licenses within and for such boroughs, shall also be vested in the inferior courts of common pleas of the county within which such borough or boroughs is or are situate, such power to be exercised by said courts in accordance with the act of the legislature of this state entitled "An act concerning inns and taverns," approved April seventeenth, 1846, and the act entitled "An act to regulate the sale of ale, strong beer, New Jersey," approved April fourth, A. D. 1872, and seventy-two, and the several supplements to said acts respectively.

Fees to be paid to clerks of said courts.

2. *And be it enacted*, That from and after the passage of this act all license fees paid for licenses granted within said boroughs by said courts (except court and clerk fees) shall be received by the clerks of said courts to and for the use of the borough within which the license granted is to be exercised and enjoyed, and all such fees received by any such clerk shall within thirty days after the re-

ceipt thereof be by such clerk transmitted to the proper ^{And transmitted to the borough.} borough to the person or body having the legal custody of the funds thereof, to be by the governing body of such borough used, employed and disbursed for the uses and purposes of such borough.

3. *And be it enacted*, That the act entitled "An act concerning licenses in boroughs of the second class," approved March ninth, 1891, be and the same is hereby repealed, provided, that any license now existing, granted by any of said courts, in any of the boroughs of this state, under and by virtue of said act approved March ninth, 1891, shall continue in force and be operative, for the period the same was granted notwithstanding the repeal of said last mentioned act. ^{Repeals act of March 9, 1891.}

4. *And be it enacted*, That all other acts, and parts of ^{Repealer} acts, inconsistent herewith, be and the same are hereby repealed and that this act shall take effect immediately.

Approved February 8, 1892.

CHAPTER VII

An Act in relation to the state house and adjacent public grounds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state house and adjacent public grounds be and are hereby put under the care and safe-keeping of some suitable person to be superintendent of the same, who shall be nominated and appointed by the governor, by and with the advice and consent of the senate, and commissioned by him, and shall continue in office for the term of five years from the date of his commission and until his successor is appointed and qualified. ^{Superintendent of state-house, how appointed and term.}

2. *And be it enacted*, That the doorkeepers of the two houses of the legislature, immediately after the legislature shall have adjourned, shall deliver to the said superin- ^{Superintendent to have general supervision of buildings and grounds.}

	tendent all the keys of their respective houses, which shall be safely kept in his office until the next meeting of the legislature; and when the courts held in the state house are not in session the keys of the respective court rooms shall be deposited with the said superintendent for safe keeping; that it shall be the duty of said superintendent to have the general supervision and care of the state house and said grounds, to preserve them from injury and to provide for their being kept in proper order; he shall also take care that the occupied parts of the state house be kept warm, ventilated, swept and cleaned, and he shall
May employ assistants.	employ so many necessary assistants for that purpose, at such prices and upon such terms as the governor, attorney-general and state treasurer, or a majority of them, shall
Render accounts	approve; and he shall render monthly accounts to the state treasurer and the state treasurer shall certify the same, and they shall thereupon be paid by the state treasurer on the warrant of the comptroller.
Distribution of laws, reports, &c.	3. <i>And be it enacted</i> , That hereafter the said superintendent shall have the distribution of the laws, law reports, equity reports, the minutes, journal and proceedings of each house of the legislature, and all other documents published under the authority or patronage of the state, and he shall transmit such copies to such person or persons as is now provided for by law; and he shall have the same supervision and control over such documents as the superintendent of the state house and adjacent public grounds now has.
Annual salary.	4. <i>And be it enacted</i> , That the said superintendent shall receive an annual salary of two thousand dollars, to be paid by the treasurer upon the warrant of the comptroller, out of the treasury of this state, in monthly installments, to be computed from the day of the appointment of said superintendent.
To take oath.	5. <i>And be it enacted</i> , That the said superintendent, before entering upon the execution of the duties of his said office, shall take and subscribe the following oath, to wit: I, A. B., being appointed superintendent of the
Form of oath.	state house and the adjacent public grounds, do solemnly promise and swear that I will justly and honestly keep the books, papers and writings to me committed, and to be committed by virtue of my said office, and that I will

faithtully and honestly perform all the duties of the said office according to the best of my ability and understanding, so help me God.

6. *And be it enacted*, That this oath required by the preceding section of this act shall be administered by a judge or justice of any court of record of this state. Oath, by whom administered

7. *And be it enacted*, That the said superintendent, before entering upon the performance of the duties of his said office, shall enter into a bond to the state of New Jersey, with at least two sufficient sureties, being freeholders of this state, in the sum of five thousand dollars, conditioned for the faithful and honest performance of the duties of said office, the said bond to be approved by a judge or justice of any court of record of this state, and when so executed and approved, together with the oath or affirmation of office duly taken and subscribed, shall be recorded in the office of the secretary of state, and filed in the same, to be by the secretary of state safely kept among the public papers of his office. To give bonds
Bond to be approved and filed

8. *And be it enacted*, That the act entitled "An act in relation to the state house and adjacent public grounds," approved April eighteenth, one thousand eight hundred and eighty-nine, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer

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

Approved February 8, 1892.

CHAPTER VIII.

An Act to authorize cities to issue temporary bonds in certain cases.

WHEREAS, It has been found that bonds, which the cities of this state are authorized to issue to refund other bonds falling due, can in some cases be negotiated and Preamble

sold at a more favorable rate, in case more time is given in which to make disposition of the same; therefore,

Authorizes the issuing of temporary bonds in order to increase the time of payment.

Provide.

Bonds to be taken up and retired by the issue of permanent bonds.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That where cities of this state are authorized to issue bonds to refund other bonds falling due it shall be lawful to issue any part of the bonds there authorized temporarily, such temporary bonds to run for a period not to exceed two years, and bear interest at a rate not greater than the permanent bonds so authorized, and such temporary bonds may be taken up and replaced by permanent bonds to be issued under the authority so given; *provided*, that in no case shall the total amount of bonds, permanent or temporary, exceed the amount authorized to be issued to refund bonds so falling due.

2. *And be it enacted*, That when in any case such temporary bonds are issued they shall be deemed and taken to be part of the loan first authorized, and shall be taken up and retired by the issue of permanent bonds to run for the balance of the term provided for in the act under which the permanent issue is authorized, and that while such temporary bonds are outstanding it shall be the duty of the city issuing the same to make annual provision for the payment of the interest due, or to become due thereon, and also for such sinking fund as is required by the act under which the permanent bonds are issued.

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

Approved February 8, 1892.

CHAPTER IX.

An Act concerning elections in municipalities in counties of the first class and fixing the time for holding the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all elections of all officers elected by the voters of any municipality in any county of the first class in this state shall hereafter be held on the second Tuesday in April; where any election for mayor, councilman or other municipal officer of any municipality in any such county is now by law directed to be held on any day other than the second Tuesday in April, such election shall be held on that second Tuesday in April next following the date now fixed by law for the holding of such election; the terms of office of all municipal officers elected in any county of the first class in this state shall commence on the first Monday in the May following the election of such officers.

Elections in municipalities in counties of the first class shall hereafter be held the second Tuesday in April

Officers elected to begin their terms the first Monday in May

2. *And be it enacted*, That each and every officer of every municipality in any county of the first class in this state shall hold his office until the election and qualification of his successor.

To hold office until election and qualification of successor

3. *And be it enacted*, That all acts or parts of acts which provide for the election of municipal officers in counties of the first class on any day other than the second Tuesday in April are, so far as they are inconsistent with this act, repealed and that this act shall take effect immediately.

Repealer

Passed February 10, 1892.

CHAPTER X.

A Further Supplement to an act entitled "An act constituting district courts of certain cities of this state," which said act was approved March ninth, one thousand eight hundred and seventy-seven.

Appointment of
sergeant-at-
arms.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judge of said courts may designate one of the constables of said county, or some other suitable person, to attend the sittings of said court and to preserve order therein: the said officer shall be designated as sergeant-at-arms of said court, and shall receive for his services the sum of one dollar for each day's actual attendance on the sitting of said court when such attendance shall be required by the judge, to be paid by the mayor and common council of the city where said court may be established, out of the treasury of said city; *provided*, however, that nothing herein contained shall be construed to increase any fees or compensation now fixed by law.

Salary one dollar
per day

Proviso.

Powers of ser-
geant-at-arms

2. *And be it enacted*, That any person not a constable, who may be hereafter appointed as sergeant-at-arms in any of the district courts of this state, when the provisions of this act have been complied with, shall be, during the term for which said appointment is made, invested with all of the rights, privileges, powers and duties now appertaining to the office of constable, and that all papers, warrants and process, either civil or criminal, issued out of any court of record in this state, shall be as binding and effectual and have the same legal effect when served or executed by said sergeant-at-arms as if served or executed by any constable.

Fees and com-
pensation.

3. *And be it enacted*, That for the services performed by them the said sergeant-at-arms shall be entitled to receive the same fees and compensation as is now or may hereafter be allowed to constables.

4. *And be it enacted*, That before any sergeant-at-arms shall perform any duty as constable he shall file in the office of the county clerk of the county in which the district court to which he is attached is located, a bond with two freeholders of the county in the penal sum and of the same condition as is now required to be filed by constables, which said bond shall be approved by the judge of the said district court as to form and sureties, before being filed with the said county clerk. Sergeant-at-arms to give bonds.

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

Approved February 16, 1892.

CHAPTER XI.

An Act to authorize the construction of a new gas plant for the lighting of the state prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inspectors of the new Jersey state prison, with the assent of the governor, be and they are hereby authorized to make a contract upon such terms as they deem proper for the purpose of lighting the state prison with gas. State prison inspectors authorized to make a contract for lighting the prison with gas.

2. *Be it enacted*, That the expense thereof shall not exceed sixteen hundred dollars. Cost not to exceed \$1600.

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

Approved February 16, 1892.

CHAPTER XIII.

An act to fix the term of city physicians of cities of this state, wherein the terms of office of such physicians are not fixed by authority of law, and relating to the compensation or salary of such city physicians.

Term of office of
city physician
not already fixed
by law to be
three years.

Compensation.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of the city physician of any city of this state not fixed by authority of law, shall be three years from the date of the approval of this act, and after the expiration of such term, the term of office of such city physician shall be for the fixed term of three years from the date of such appointment by the lawful municipal authority of such city; and the annual compensation or salary to be paid such city physician during such term of office shall not be less than the compensation or salary paid such city physician at the time of the approval of this act.

2. *And be it enacted*, That all acts and 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 February 17, 1892.

CHAPTER XIV.

A Further Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the state board of education shall cause to be taken during the month of May in each year an exact census of all children residing in the several school districts in this state, between the ages of five and eighteen, not including the children who may be inmates of poor-houses, asylums or alms-houses, and shall specify the names, ages and residences of such children and the names and residences of their parents or guardians (all children who may be absent from home attending colleges, boarding-schools and private seminaries of learning shall be included in the census list of the city, town or district in which their parents or guardians reside and not be taken in the city, town or district where they may be attending such institutions of learning); the said census may also contain such further information as the said state board may deem necessary or proper; and for the purpose of carrying out the object of this act the said state board is hereby authorized and empowered to designate a suitable person, to be known as the superintendent of the school census, who shall hold his office for the term of five years and shall receive such annual compensation and such clerical assistance as the said board shall designate, and whose duty it shall be to take charge of all the details connected with the taking of the annual school census; the said superintendent shall make a full report thereof to the state board of education, verified by him under oath that the same is correct and true to the best of his knowledge and belief, on or before the first day of September in each and every year.

State board of
education to
cause a census
of school child-
ren to be taken.

Superintendent
of the school
census.

Superintendent
to report.

- To appoint enumerators. 2. *And be it enacted*, That the said superintendent shall have power, with the approval of the president of the state board of education, to designate as many suitable persons as may be necessary, to act as enumerators for the several school districts of the state in taking the school census aforesaid; and he shall have the power, with the approval of the said state board of education, to establish such rules and regulations as may be necessary and proper, governing the taking of the said census and the said enumerators; and he shall provide and furnish the enumerators blank books, forms and such other stationery as may be necessary; the said enumerators shall perform their work within the time and in accordance with the rules and regulations of the said superintendent, and shall be entitled to receive for their services the sum of five cents for each and every child's name taken in accordance with this act, which said compensation shall be paid to the said enumerators in the same manner as is now provided by law, upon the certificate of the superintendent of the census.
- Rules and regulations. Books and forms. Compensation of enumerators.
- Repealer 3. *And be it enacted*, That all other modes of taking or paying for the school census are hereby abolished, and all general, public, special or other acts of any kind whatsoever, or any part thereof, inconsistent with the provisions of this act are hereby abrogated and repealed, and this act shall take effect immediately.
- Approved February 17, 1892.

CHAPTER XV.

An Act concerning the constitution of the common council, board of aldermen or other governing body of all cities of the second class in this state.

- Provides for two common councilmen or aldermen in each ward in cities of the second class. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state in which there now are by law three

members of the common council, board of aldermen or other governing body, in and for each of the wards of such cities, hereafter the common council, board of alderman or other governing body of all such cities shall consist of two members in and for each of the wards of such cities, and each of the wards of such cities shall, at the annual city elections of such cities, as hereinafter provided in this act, elect one person as a member of the common council, board of aldermen or other governing body of such cities, who shall hold such office for the term of two years; *provided, however*, that the members of the present common council, board of aldermen or other governing body of all such cities shall be and continue as members thereof for the term for which they were severally elected. Proviso.

2. *And be it enacted*, That in every city of the second class in this state where there now are by law three members of the common council, board of aldermen or other governing body in and for each of the wards of any such city, elected for the term of three years each, upon the expiration of the term of office of every member of the common council, board of aldermen or other governing body in every such city which occurs next after the passage of this act, the office as well as the term of office of every such retiring member shall cease, determine and end, and then and from thenceforth the common council, board of aldermen or other governing body of every such city of the second class in this state shall consist of two members from each of the wards of such cities. Office of retiring members shall cease at expiration of their terms.

3. *And be it enacted*, That in all cities of the second class in this state where the office, as well as the term of office, of certain members of the common council, board of aldermen or other governing body of such cities shall cease, determine and end during the year one thousand eight hundred and ninety-two, according to the provisions of the last preceding section of this act, there shall not be any election held in any of the wards of such cities for members of the common council, board of aldermen or other governing body of such cities until the city elections in such cities which shall occur in the year one thousand eight hundred and ninety-three, at which last mentioned, and all succeeding annual city elections When term of office expires in 1892 no election to be held.

in such cities, there shall be elected in each of the wards of such cities, one person as a member of the common council, board of aldermen or other governing body of such cities, who shall hold such office for the term of two years.

Repealer:

4. *And be it enacted*, That all acts and parts of acts, general, special, public or local, inconsistent with the provisions of this act be and the same are hereby repealed.

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

Approved February 18, 1892.

CHAPTER XVII.

An Act relative to the effect of jury trials in proceedings touching the probate of wills.

Reasons for
setting aside
verdict of a
jury touching
probate of a
will.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the verdict of a jury in any proceeding touching the probate of a will, heretofore or hereafter rendered, shall be conclusive and final upon any issue of fact found by such jury, subject to be set aside only for such reasons as would justify the setting aside of verdicts in ordinary proceedings at common law.

Repealer.

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

Approved February 24, 1892.

CHAPTER XVIII.

A Supplement to the act entitled "An act to establish an excise department in cities of this state," passed April eighth, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council or other governing body of any town or city of this state, except cities of the first class, incorporated under any special or other act of the legislature thereof, by ordinance passed by the affirmative vote of a majority of all members composing such common council or other governing body, to provide for the establishment within and for such town or city of a board of excise commissioners, which ordinance shall provide that from and after the passage thereof there shall be established within and for such town or city a board of excise commissioners, appointed pursuant to provisions of this supplemental act.

2. *And be it enacted*, That within ten days after the passage of any such ordinance as aforesaid, a copy thereof, certified by the clerk of such town or city, shall be by said clerk deposited and filed in the office of the clerk of the court of common pleas of the county wherein such town or city is situate; and the clerk of such court shall thereupon forthwith notify the president or presiding judge of such court of the filing of such ordinance; said judge, so notified, shall within thirty days after the receipt of such notice convene said court at the court house in his county, and said court shall then and there, in writing, under their hands, appoint a board of excise commissioners within and for such town or city, which appointment shall be by said court immediately thereafter filed in the office of the clerk of said court, and the filing thereof shall be notice to the appointees of their appointment as members of such board; said board of excise commissioners, so to be appointed, shall consist of three

Boards of excise commissioners may be established by ordinance in cities and towns, except cities of the first class.

Clerk to file copy of such ordinance in office of the clerk of the court of common pleas

Board to be appointed by the court.

To consist of three persons.

persons, all of whom shall be residents and legal voters within the town or city for which they may be appointed, and they shall (except as herein otherwise provided) continue in office for the term of three years, and until their successors are appointed, conformably to this supplemental act.

Term of office. 3. *And be it enacted*, That upon the original appointment of any such board of excise commissioners, as aforesaid, one of the members thereof, to be designated by said court, shall serve for the term of one year, one for the term of two years and one for the term of three years, and that upon the expiration of the term of any member of any such board his successor shall in manner aforesaid be appointed by said court, for the term of three years; any vacancy occurring in said board shall be filled in the same manner by said court, but for the unexpired time only.

Oath of office. 4. *And be it enacted*, That within ten days next succeeding the appointment of any such board of excise commissioners, as aforesaid, the members thereof shall meet and organize by electing one of their number to be chairman of said board, and severally taking and subscribing an oath or affirmation, before any person authorized to administer the same, faithfully and impartially to discharge the duties of said appointment, which said oath or affirmation shall be filed in the office of the town or city clerk; the clerk of any town or city within and for which any such board of excise commissioners shall be appointed, shall in addition to his or her duties be clerk of said board of excise commissioners; should any person or persons appointed to be a member or members of any such board fail to qualify, as herein provided, within said ten days, such failure shall cause a vacancy or vacancies to exist in said board, which shall be filled as hereinbefore provided.

Clerk of town or city to be clerk of the board. Vacancies. Powers of commissioners. 5. *And be it enacted*, That when any such board of excise commissioners shall be appointed and organized, as hereinbefore provided, such board shall have the sole power, within the town or city for which it is appointed, of granting licenses to inns and taverns, beer saloons, and for the sale of malt, vinous and spirituous liquors, in quantities from one quart to five gallons, and also the

sole power within and for such town or city to make and establish such ordinances, not repugnant to the laws of this state, as they may deem necessary for granting the licenses and regulating the sale of the liquors aforesaid, and such ordinances to alter, amend or repeal, at pleasure: said board of excise commissioners shall also have the power, under such regulations as they may by ordinance, conformable to the laws of this state, establish, of revoking or transferring any license by them granted; all ordinances passed by any such board of excise commissioners shall, after the passage thereof, and before the same shall become operative, be published for two insertions in at least two newspapers (if so many there be) published and circulating in the town or city within and for which said board was appointed.

When ordinances of the board to become operative

6. *And be it enacted*, That when any such board of excise commissioners shall have been appointed and organized within and for any town or city of this state, no license for any of the purposes aforesaid, to be exercised or enjoyed within such town or city, shall be granted by any other body than such board of excise commissioners during the existence of such board; *provided*, that any license in existence, in any such town or city, at the time of the organization, as aforesaid, of any such board of excise commissioners, shall continue and be operative for the period that the same was granted.

Licenses not to be granted by any other body

Proviso.

7. *And be it enacted*, That said boards of excise commissioners shall have power to prescribe and enforce penalties either by fine (not exceeding fifty dollars) or imprisonment (not exceeding four days in the common jail of the county), for the violation of any of its ordinances passed as aforesaid, which said penalties shall be enforced and collected by said board of excise commissioners in the same manner as other penalties are enforced and collected in the town or city within and for which said board of excise commissioners may be appointed.

Penalties

8. *And be it enacted*, That all fees for licenses granted by any such board of excise commissioners shall be received by such board, and immediately after the receipt thereof paid over to the treasurer of the town or city for which said board was appointed, for the use of such town or city.

Fees for licenses.

Salary of commissioners and clerks.

9. *And be it enacted*, That the chairman of any said board of excise commissioners shall receive an annual salary of one hundred and fifty dollars, and the other members thereof an annual salary of one hundred dollars each, and the clerks of such boards shall receive an annual salary of not more than one hundred dollars, to be fixed by said boards, all of which salaries shall be paid out of the license fees received by said boards.

Ordinance establishing board may be repealed.

Proviso.

10. *And be it enacted*, That any ordinance establishing any such board of excise commissioners, may be repealed by the common council or other governing body of the town or city within and for which said board of excise commissioners was established; *provided*, that no such repealing ordinance shall be passed until the lapse of at least three years after the passage of the ordinance providing for the establishment of such board of excise commissioners.

Repealer.

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

Approved February 24, 1892.

CHAPTER XIX.

An Act to enable cities of this state to create and maintain a paid fire department.

Paid fire department may be established by resolution of board of fire commissioners.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state which have established or which may hereafter establish a board of fire commissioners, created under and by virtue of the act approved May second, one thousand eight hundred and eighty-five, entitled "An act to remove the fire and police departments from political control," the creation and establishment of a paid fire department shall be had

and made by resolution of said board of fire commissioners as adopted by a three-fourths vote of said commission.

2. *And be it enacted*, That upon the adoption of such resolution, establishing a paid fire department, it shall be the duty of said board of fire commissioners to present to the common council, board of aldermen, or other governing body of said city, a detailed statement of the amount of money needed for the purchase of the engines, utensils and apparatus necessary for the effective establishment of the said fire department, and it shall be the duty of the said common council, board of aldermen, or other governing body, and it is hereby required to raise such money by the issue and sale of bonds to an amount not exceeding one thousand dollars to each one thousand inhabitants of such city, which bonds shall have not more than twenty nor less than ten years to run, and shall bear interest at a rate not to exceed five per centum per annum, and shall pledge the faith, credit and property of said city for the payment of the principal and interest thereon, and shall provide for the redemption of the same by taxation.

Board to make a statement of amount of money necessary for purchase of engines, apparatus, &c.

3. *And be it enacted*, That for the maintenance and support of the said fire department, the said board of fire commissioners shall have authority, and are required, to make to the common council, board of aldermen, or other governing body the same detailed estimate of expenses that they now have authority and are required to make for the maintenance of the departments now under their control, under and by virtue of the 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, and the several supplements thereto; *provided*, that in making such estimates, the said boards of fire commissioners shall be limited to the maximum per capita tax, as is provided in the said act.

Boards to make annual estimate of expenses.

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

Proviso.

Repealer.

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

Approved February 24, 1892.

CHAPTER XX.

An Act to require and provide for a sinking fund for the payment of bonds issued by any city to enable it to purchase engines, utensils and apparatus necessary for the effective establishment of a paid fire department therein.

Cities to create a sinking fund for the purpose of paying off bonds issued for fire purposes.

Money to pay bonds to be raised by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever under authority of law the common council, board of aldermen or other governing body of any city shall issue bonds of such city to raise money for the purchase of engines, utensils and apparatus necessary for the effective establishment of a paid fire department under authority of law then existing that the proper authorities of such city shall provide for a sinking fund for the payment of said bonds, and where sinking fund commissioners do not already exist in such city, they shall create a board of sinking fund commissioners; that the said city shall raise annually by taxation such sums of money as will be sufficient to pay said bonds as they fall due, and the money thus raised by taxation shall be invested by the sinking fund commissioners then existing or to be created by the governing body of said city, in such securities as the trustees for the support of public schools are now authorized to make investments, and invest and reinvest the same; the said money shall be used exclusively for the payment of the bonds as they fall due.

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

Approved February 24, 1892.

CHAPTER XXII.

A Further Supplement to an act entitled "An act concerning corporations" (Revision), approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the dissolution of any corporation organized under the act to which this is a further supplement, or any amendment or supplement thereto, the president and directors acting as trustees to settle the affairs of said corporation shall, in cases not already provided for by law, have power to meet and act under regulations to be fixed and determined upon by a majority of said trustees, and shall have power to determine when and how and where the property, real or personal, of said corporation shall be sold, whether in parcels or as a whole, and shall sell all or any part for cash, or partly on credit, or take mortgages, not exceeding fifty per centum of the purchase price, secured by bonds, for part of the purchase price for all or any of said property, and to fix the terms and conditions of the sale of all or any part of said property.

Authorizes president and directors of dissolved corporations, as trustees, to settle up the affairs of the corporations.

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

Approved February 24, 1892.

CHAPTER XXIII.

An Act providing for boards of appeal in cases of taxation in cities of the first class.

- In each city of the first class the mayor shall appoint a board of appeals in cases of taxation, such board to consist of three members, to hold office for three years.
1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That in each city of the first class in this state it may be lawful for the mayor thereof to appoint a board of appeals in cases of taxation; such board shall consist of three members, who shall hold office for a term of three years, and until their successors are appointed and shall have qualified; any vacancy by resignation, removal from the city or other cause shall be filled for the unexpired term only; they shall perform the duties and exercise the powers provided by law for the board, commissioners or other body now exercising the powers of commissioners or boards of appeals in cases of taxation in such city; the members shall each receive an annual salary of one thousand dollars; they shall organize annually by the election of one of their members as president of said board, and may appoint a clerk, who shall receive an annual salary not exceeding six hundred dollars, to be fixed by such board; the board having charge and control of the finance of such city shall provide for the payment of such salaries, and the other expenses of such board; the jurisdiction of the board first appointed in any city under the provisions of this act shall extend to all unpaid assessments for taxation made after the first day of January, one thousand eight hundred and ninety-one; *provided*, that the members of said board shall not hold any other municipal or county office whatever.
- Their duties.
- Salary of \$1,000 each, with power to appoint a clerk at a salary not exceeding \$600.
- Board first appointed to have jurisdiction over all unpaid assessments for taxation made after January 1, 1891.
- Proviso.
- Upon the appointment of such board all other offices or boards now performing such duties shall cease so to do.
2. And be it enacted, That upon the appointment of a board of appeals in cases of taxation, in any city as aforesaid, the board, commissioners or other officers now exercising the powers or performing the duties of a board of appeals in cases of taxation in such city, shall cease to perform such duties or exercise such powers; no commis-

sioner, assessor, assistant assessor, or other officer acting as an assessor, shall be appointed a member of any board created by this act.

3. *And be it enacted*, That the commissioners of appeal authorized and appointed under this act may be removed by the appointing power at any time, and others appointed in their places, or in the place of any one of them, but for the unexpired term only.

4. *And be it enacted*, That all appeals made to said commissioners shall be filed within three months after the confirmation of said taxes and shall be acted upon by said commissioners within four months after such confirmation; *provided*, that said commissioners shall have two months from and after their appointment to consider and act upon appeals from taxes confirmed before the passage of this act, and after the first day of January, one thousand eight hundred and ninety-one.

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

Approved February 25, 1892.

CHAPTER XXIV.

An Act to appoint a commissioner of mines, and defining the powers and duties of such commissioner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall immediately after the passage of this bill appoint, with the advice and consent of the senate, some suitable person who shall be a resident and citizen of this state, as a commissioner of mines, who shall receive such compensation as shall be recommended by the inspector of factories and workshops, and approved by the governor and comptroller, not to exceed one thousand dollars per annum, whose term of office shall be for three years.

Power and authority.

To report annually.

To ascertain if necessary safeguards are erected and maintained.

To notify owners in case of neglect so to do.

Liability for such neglect

Examination upon complaint.

May close mines.

Forfeit by owners for refusing to comply with notice.

2. *And be it enacted*, That the said commissioner of mines shall have full power and authority to visit and inspect, at all reasonable hours and as often as practicable, all mines in this state, and to report to the governor of this state, on or before the first day of November in each year, the result of such inspection, together with such recommendations as said commissioner shall deem proper and necessary.

3. *And be it enacted*, That the said commissioner of mines shall, by personal examination or otherwise, ascertain if proper and necessary safeguards are erected and maintained by the owner or owners, lessee or lessees, of each and every mine, for the protection of the lives of the men employed therein; and in case it shall appear to the said commissioner of mines that any such owner or lessee has neglected to make proper provision for the safety of the employees working in any such mine, he shall serve or cause to be served upon any such owner or lessee a notice in writing, stating briefly such neglect, and such owner or lessee shall immediately remedy the same, or in case of death or accident from such neglect be criminally liable therefor.

4. *And be it enacted*, That it shall be the duty of said commissioner of mines to whom a complaint in writing shall be made by any employee in any mine in this state that any such mine is dangerous to the lives of those employed therein, without delay to view and examine the mine complained of; and if he shall find such complaint to be just, he shall give notice in writing of the danger to the owner or lessee thereof, and in such notice may, in his discretion, order such mine closed until he shall issue his order that such danger has been removed.

5. *And be it enacted*, That any owner or lessee receiving such notice as is mentioned in the last preceding section and refusing to comply therewith, shall forfeit the sum of one thousand dollars, to be recovered in an action upon contract by the said commissioner of mines, in his individual name, in any court of competent jurisdiction; the said fine, when recovered, less the costs and expenses thereof, to be paid to the overseer of the poor of the township in which such mine is located for the use of the poor of said township.

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

Approved February 25, 1892.

CHAPTER XXV.

An Act to authorize any county, city, town or other municipality to convert coupon bonds into registered bonds, and re-convert the same at pleasure.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever under any existing authority of law, or any act that shall hereafter be passed, any county, city, town or municipality in this state shall have power to issue coupon bonds, the board, officer or authority of any county, city, town or municipality shall have power to convert any coupon bonds issued, or hereafter issued, into registered bonds, by cutting off and cancelling the coupons attached thereto, and shall write or print on the back of said bond or bonds a certificate of registration, signed by the proper executive officer of the county, city, town or other municipality, which certificate shall state that the within bond is hereby converted into a registered bond, with the interest payable thereon semi-annually, and from and thereafter the contract made by the bond shall be converted into one, making the principal of the bond payable at the time stated in the body of the bond, and the interest thereon payable semi-annually to the person in whose name the registry of said bond shall be made, or his assignee or legal representative; that by assignment of the person in whose name the said registry shall be made, the proper officers of said county, city, town or other municipality are authorized to register the same from time to time, in the names of the party authorized to have such

Authorizes municipalities to convert coupon bonds into registered bonds.

registry by the consent of the holder of said bond and said municipality.

Bonds may be re-converted.

2. *And be it enacted*, That said bonds thus registered may, with the consent of the said county, city, town or other municipality and that of the holder of said bonds, be re-converted into coupon bonds at the expense of the holders of said bonds and again re-converted into registered bonds from time to time as the said municipal authority and the holders of said bonds may determine.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, general, public, special or otherwise, inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved February 25, 1892.

CHAPTER XXVI.

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

Commissioners of sinking fund may invest moneys collected by them in municipal, state or U. S. bonds.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners of the sinking fund, or any similar body or committee appointed by the board of chosen freeholders of any county of this state, or a majority of such commissioners, body or committee, at their discretion, to invest the moneys collected by them, in all cases where such investment is authorized by law, in the bonds, stocks or securities of the United States of America or in the bonds of the State of New Jersey or in the bonds of the municipalities, or any of them, situate in or lying within

the limits of said county, for the use of said county, and keep the same invested as now required by law; *provided*, Proviso that such municipality has never made default in the payment of principal or interest of any bonds issued by it; *and provided, further*, that the total amount of the indebtedness of such municipality does not exceed ten per centum of its ratables liable to taxation as shown by the assessor's books for the time being. Proviso.

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

Approved February 25, 1892.

CHAPTER XXVII.

An Act to enable boards having the control of the water supply in the cities of this state to construct reservoirs for the storage of water.

WHEREAS, in some of the cities of this state it has been Preamble. or may be found that the storage reservoirs used to retain water for immediate use in case of accident to the works through which the supply is maintained, are not sufficient in capacity to provide against such contingency; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board or body having control of the water supply in the cities of this state to construct and provide a reservoir or reservoirs for the storage of water sufficient in capacity to retain and hold for immediate use, in case of accident to the works, by which the ordinary daily supply is maintained, a quantity of water equal to the average daily consumption therein, for at least ten days, and such board shall have authority for this purpose to make necessary contracts, to purchase or condemn lands, Boards having control of water supply in cities authorized to construct reservoirs in case of accident, and purchase or condemn lands for that purpose.

either within or without the limits of such city as may be deemed most advisable, and to build, construct and complete such reservoir or reservoirs and to connect the same with the mains or pipes through which the water supply of the said city is distributed.

Common council or other governing body to pay the cost.

2. *And be it enacted*, That it shall be the duty of the common council or other governing body or board having control of the finances of any such city, on requisition therefor made by the board or body having the control of the water supply therein, to furnish from time to time the money necessary to provide such reservoir or reservoirs, and all the cost connected with the purchase of the land, and the construction and completion thereof; all property purchased by any such board or body shall be purchased in the name and for the use of such city, and title shall be taken in the name of such city therefor.

Property to be purchased in the name of the city.

May issue temporary bonds to pay for the same.

3. *And be it enacted*, That to enable such city to obtain the money requisite for the purpose aforesaid, such city may issue its temporary loan bonds or certificates bearing interest at a rate not greater than five per centum per annum, and may renew the same from time to time until the works so authorized to be constructed shall be completed.

When reservoirs are constructed permanent bonds to be issued.

4. *And be it enacted*, That when such reservoir or reservoirs so constructed as aforesaid shall have been fully completed, it shall be the duty of the board or body having charge of the construction of the same, and the control of the water supply in such city, to make and file with the clerk of such city a statement of the entire cost and expense of construction, including the cost of the lands acquired, and all other expenses, and the said city shall thereupon issue permanent bonds, negotiable in form, to run for a period not less than twenty nor more than thirty years, sufficient in amount to pay the entire expense connected with the construction of the said reservoir or reservoirs, and to take up and redeem the temporary loan bonds or certificates from time to time issued for the purpose of raising the money necessary to carry on such work; such bonds shall bear interest at a rate not exceeding five per centum per annum, and shall be of such form as such common council or other governing body or board having control of the finances may

To bear interest at 5 per cent., to be paid semi-annually.

determine: the interest thereon shall be payable semi-annually, and they shall not be disposed of at less than par; the proceeds thereof shall be used exclusively for the purposes hereinbefore set forth.

5. *And be it enacted*, That for the purpose of providing a fund to pay the interest on the said bonds while outstanding, and the principal when due, there shall be set apart from the net revenue received from water rents and water rates in the said city not otherwise pledged, such sum as shall be sufficient to pay the interest as it falls due and the principal of the said bonds at maturity: *provided*, Interest to be paid from water rents. *however*, that if it shall be found that the receipts thus pledged are insufficient to furnish a fund from which to pay the annual interest on the said bonds, and to provide a sinking fund of not less than two per centum of the principal of the said bonds per annum, then it shall be the duty of the common council or other governing body or board having control of the finances of such city to raise a sum sufficient for this purpose in the annual tax levy of such city, and to apply the sum raised for interest to the payment of the annual interest on the said bonds, and to pay over the sum raised as a sinking fund to the sinking fund commissioners of such city, for the redemption of the said bonds when due. Proviso.

6. *And be it enacted*, That in case it shall be found necessary to condemn lands for sites for such reservoir or reservoirs, proceedings for such condemnation, and the method of procedure in such condemnation proceedings, shall be the same provided for in the act entitled "An act to empower cities to acquire lands for public use by condemnation," approved March seventeenth, one thousand eight hundred and ninety-one. Procedure in condemnation proceedings.

7. *And be it enacted*, That all work and materials required in the building and constructing of such reservoir or reservoirs shall be obtained by contract, and public notice shall be given by the board having control of such work, by proper public advertisement, so that ample time may be given for the reception of sealed proposals for the doing of the work and furnishing the materials: Advertisements for proposals. contracts shall in all cases be awarded to the bidder who, in the judgment of the board, offers the terms most advantageous to the city, and such board may reserve the right Contracts.

to reject all bids. The bidder or bidders to whom such contract shall be awarded shall give bond with ample security for the faithful performance of the contract; all such bonds shall be executed to such city in its corporate name, and after being duly recorded in the office of the county clerk of the county in which such city is situated, shall be deposited for safe keeping with the comptroller or like financial officer of such city, and in case any such bond shall be lost or destroyed, then the record or a certified copy thereof may be used in evidence and shall have like effect as the original bond; *provided*, that such board shall not make any contract or perform any work in any city under the authority of this act when the approval or concurrence of the board or body having control of the finances therein is now required until such approval or concurrence has first been obtained.

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

Approved February 25, 1892.

CHAPTER XXIX.

An Act to authorize and empower county public road boards to extend, grade, improve and macadamize or pave, according to the telford process, public roads and avenues, and maintain and keep the same in repair.

Empowers
county public
road boards to
macadamize
public roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any county public road board in any county of this state has or shall have laid out, constructed, reconstructed, appropriated, improved, macadamized or paved according to the telford process, or maintained for the purpose of free carriage

roads, the whole or any part of any public road or avenue in any county in this state by virtue of authority granted by any law for that purpose, it shall be lawful, and any such county public road board is hereby authorized and empowered to take, appropriate, maintain and keep in repair, the whole or any part of any public road or avenue within such county that has been macadamized by the authorities of any township, the macadamized part of which connects with any public road or avenue under the control of any county public road board; and any such county public road board is also hereby further authorized and empowered to appropriate, grade, improve and macadamize or pave, according to the telford process, any existing public road or avenue not under its control connecting with any such public road or avenue, or any part of the same, that has been macadamized or paved as aforesaid by any township in the county, beginning at or near the terminal point where any such public road or avenue has been macadamized as aforesaid by any such county public road board, or by any township within the county, for the purpose of making a continuous free carriage road within the county making any such extension or improving and macadamizing any such public road or avenue, with the object of connecting the same with any public road or avenue in any other county of this state adjoining the county or counties wherein such extension is or shall be made, and it is hereby made the duty of any such county public road board to maintain and keep in repair, at the expense of the county, the whole and every part of any such public road or avenue so taken, appropriated, graded, improved and macadamized or paved as aforesaid; *provided, however*, that no such public road or avenue shall be extended, taken, appropriated, graded, improved macadamized or paved as aforesaid, until a certified copy of the resolution of the county public road board authorizing and recommending the same shall be submitted to and approved by the board of chosen freeholders of the county wherein any such county public road board may or shall exist.

Such road to be kept in repair at the expense of the county.

Proviso.

2. *And be it enacted*, That the costs of any improvement or improvements in the extending, grading, im-

Costs to be assessed and paid as provided by law.

proving and macadamizing as aforesaid by any such county public road board any such existing public road or avenue not under its control, including all expenses connected therewith, shall be assessed and paid in the same manner as now provided by law in respect to the grading, improving and macadamizing, according to the telford process, of avenues under the laws constituting and regulating such county public road board.

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

Passed March 3, 1892.

CHAPTER XXX.

An Act to provide for the compensation of certain officers of the legislature.

Fixing compensation of assistant engrossing clerks at \$600.

Second assistant sergeant-at arms of senate at \$500.

Assistant bill clerk of senate at \$500.

Clerks of senate committees at \$300.

Assistant door-keepers of senate at \$350.

Assistant sergeant-at-arms of house of assembly at \$500.

Assistant bill clerks of the house of assembly at \$500.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second assistant engrossing clerk of the senate and the two assistant engrossing clerks of the house of assembly shall each receive as compensation for the legislative session, the sum of six hundred dollars; the second assistant sergeant-at-arms of the senate, the sum of five hundred dollars for the legislative session; the assistant bill clerk of the senate, the sum of five hundred dollars for the legislative session; the clerks of the committees on judiciary, municipal corporations and revision of laws of the senate, the sum of three hundred dollars each for the legislative session; and three assistant door-keepers of the senate the sum of three hundred and fifty dollars each, and to such one of the three assistant sergeants-at-arms of the house of assembly whose salary is not provided for by law, the sum of five hundred dollars; to each of the two assistant bill clerks of the house of assembly, the sum of five hundred dollars; to the

assistant private secretary of the speaker of the house of assembly, the sum of four hundred dollars; to the clerks of the following committees of the house of assembly, viz., judiciary, corporations, bill revision, banks and insurance, boroughs and borough commissions, revision of the laws, railroads and canals and municipal corporations, the sum of three hundred dollars each, and to the clerk of the committee on railroads and canals of the senate, three hundred dollars for the legislative session of eighteen hundred and ninety-two.

Assistant private secretary of the speaker at \$400.
Clerks of assembly committees at \$300.

Clerk of senate committee on railroads and canals at \$300.

2. *And be it enacted*, That this act shall take effect immediately and shall apply to the present session of the legislature only.

To apply to the present session only.

Approved March 3, 1892.

CHAPTER XXXI.

Supplement to an act entitled "An act to provide for drainage where the same is necessary to the public health," approved March twenty-fourth, one thousand eight hundred and eighty-one.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever the commissioners appointed under the act to which this is a supplement shall have made an assessment for benefits and also a general assessment against the township or townships, for the payment of the costs, damages and expenses of any drainage undertaken under the provisions of said act, and shall have expended the whole of the moneys so realized towards paying said costs, damages and expenses, without fully completing the work, the costs, damages and expenses of which were to be paid by the moneys realized from said assessment, it shall be lawful for the legal voters of said township or townships, at their annual

Authorizes the raising of money, by vote of the people, for the purposes of drainage.

How assessed
and collected.

town meetings to vote, grant and raise such moneys as they may deem necessary for the purpose of completing said drainage, which moneys shall be assessed and collected as other taxes are now assessed and collected in said township or townships.

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

Approved March 7, 1892.

CHAPTER XXXII.

A Supplement to an act entitled "A further supplement to an act entitled 'An act concerning roads,' " (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, which said further supplement was approved March twelfth, one thousand eight hundred and ninety-one.

Preamble.

WHEREAS, moneys which have been voted, assessed and collected in certain townships of this state for the making and repairing of the public roads therein for the year one thousand eight hundred and ninety-one, under and by virtue of the provisions of certain special acts operative in said townships, have been paid over to and expended, either in whole or in part, for such purposes by the commissioners elected under said special acts; and in some of said townships said commissioners have, in expectation of receiving said money so voted, assessed and collected, expended their own moneys for such purposes and rendered personal service; *and whereas*, questions have been raised as to the legality of such payments, expenditures and services because of the provisions of the act to which this is a supplement; *and whereas*, in certain townships of this state there has been a failure or neglect to comply

with the provisions of the fifth section of the act to which this is a supplement;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all of said townships of this state in which moneys have been voted, assessed and collected, for the making and repairing of the public roads therein for the year one thousand eight hundred and ninety-one under and by virtue of the provisions of certain special acts operative in said townships and such moneys have been paid over or expended in whole or in part for such purposes by the commissioners elected under said special act, or said commissioners in expectation of receiving said money so voted, assessed and collected, have expended their own moneys for such purposes and rendered personal services, such payments, expenditures and services are hereby confirmed and made as legal, valid and effectual as if the same had been made and rendered in accordance with the provisions of the act to which this is a supplement; and it shall be lawful for the township committees of said townships, upon the presentation of any bill or bills incurred by said commissioners for such expenditures or services made or rendered by them in expectation of receiving such money so voted, assessed and collected, to pay the said bill or bills out of said moneys.

Expenditures for making and repairing public roads and for services made legal.

Township committees to pay the bills incurred

2. *And be it enacted*, That in any township in this state where there has been a failure or neglect to comply with the provisions of the fifth section of the act to which this is a supplement for the year one thousand eight hundred and ninety-two, it shall be lawful at the meetings held in said townships for the year one thousand eight hundred and ninety-two, to vote moneys for the making and repairing of the public roads therein without making the estimate and publication required by the provisions of said fifth section; *provided*, that the amount so voted shall not exceed the rate now fixed by the act to which this is a supplement, or any supplement that may be made thereto.

When committees have failed or neglected to make estimate of amount to be expended it shall be lawful for townships to vote moneys for making and repairing roads.

Proviso.

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

Approved March 7, 1892.

CHAPTER XXXIII.

Act to amend an act entitled "A further supplement to an act entitled 'An act concerning roads'" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, and which further supplement was approved March twelfth, one thousand eight hundred and ninety-one.

Section to be amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the act entitled "A further supplement to an act entitled 'An act concerning roads'" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, which further supplement was approved March twelfth, one thousand eight hundred and ninety-one, be and the same is hereby amended so as to read as follows:

Duty of inhabitants and township committees.

7. *And be it enacted*, That whenever the inhabitants of any township owning lands along any section of road therein, or other persons shall contribute a certain amount of money for the improvement of said road, they shall make such proposition to the town committee in writing, who shall publish the same in their next annual statement, and the said committee shall submit such proposition to the legal voters of such township, and the said voters shall vote upon the same, and if a majority of the voters shall vote an equal or less amount, then such amount so voted shall be levied and assessed in addition to the annual road tax, in the same manner as other township taxes are assessed and collected; but if the property owners along any section in any township shall contribute the whole amount necessary in making or repairing said road, then they shall have the control of the expenditure of the same, with the approval of the township committee; *provided*, that the rate of taxation of the property assessed for the purposes of this act in any one year shall not exceed one per centum of the

Proviso.

assessed valuation of said property as shown by the assessment made for the preceding year.

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

Approved March 7, 1892.

CHAPTER XXXIV.

A Supplement to an act entitled "An act to establish a system of public instruction (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any public school in this state shall, (after the date of the establishment of a school library therein,) have neglected in any year or years to raise, by subscription or entertainment, the sum of ten dollars annually, for the establishment and maintenance in such school of a school library and to procure philosophical and chemical apparatus; and such school shall in consequence have failed to receive from the treasurer of the school fund, upon the order of the state superintendent of education, the sum of ten dollars, in any such year or years, for the purposes aforesaid; the treasurer of the school fund, upon the order of the state superintendent of education, is hereby authorized and directed to pay over to said school, out of the income of the school fund, the sum of ten dollars for each year during which such school shall have so neglected to raise, by subscription or entertainment, a like sum for the purposes aforesaid, provided that within one year from the passage of this act there shall have been raised for such public school, by subscription or entertainment, a like sum for each of such years for the purpose aforesaid, and

If a public school has neglected to raise \$10 annually for maintaining a school library, and has failed to receive from the treasurer of the school fund \$10, then said treasurer is authorized to pay that sum upon order of state superintendent.

Proviso.

Proviso. further provide that the amount to be paid any one school district under this act shall not exceed forty dollars, and provided further that the total amount expended under the provisions of this act shall not exceed the sum of one thousand dollars.

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

Approved March 7, 1892.

CHAPTER XXXVI.

A Supplement to an act entitled "An act to re-apportion the several assembly districts of the state of New Jersey," approved April fourteenth, anno domini one thousand eight hundred and ninety-one.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eleven of the above entitled act be and the same is hereby amended so as to read as follows:

Mercer.

First district.

11. *And be it enacted*, That the county of Mercer shall constitute three assembly districts, to be composed as follows: the first district to be composed of the townships of Hopewell, Princeton, Lawrence, West Windsor, East Windsor, Washington, Hamilton, Ewing, the first and tenth wards of the city of Trenton, and so much of the ninth ward of the city of Trenton as lies within the following boundaries to wit: beginning at the intersection of the centre line of the Assanpink creek and the Delaware and Raritan canal, and running thence southerly along the centre line of the said canal to a point where the centre line of Elmer street, if produced, would intersect the centre line of said canal; thence easterly in a straight line to and along the centre line of Elmer street to the centre line of Prospect street; thence northerly

along the centre line of Prospect street to the centre line of Hamilton avenue; thence westerly along the centre line of Hamilton avenue to the centre line of Hudson street; thence northerly along the centre line of Hudson street, and continuing the same course, to the middle of the Assanpink creek; thence westerly along the middle of said creek to the place of beginning; and the fourth precinct of the seventh ward of the said city of Trenton, as now constituted; the second district to be composed of the fifth and eighth wards of the city of Trenton, and all of the first, second, third and fifth precincts of the seventh ward of the city of Trenton, as now constituted; the third district to be composed of the second, third, fourth, sixth and eleventh wards of the city of Trenton and so much of the ninth ward of the city of Trenton as lies within the following boundaries, to wit: beginning at a point in the Delaware and Raritan canal, where the centre line of Elmer street, if produced, would intersect the centre line of the said canal, and running thence easterly in a straight line to and along the centre line of Elmer street to the centre line of Prospect street; thence southerly along the centre line of Prospect street to the centre line of Cummings avenue; thence westerly along the centre line of Cummings avenue to the centre line of Coleman street; thence southwesterly along the centre line of Coleman street to the centre line of Broad street; thence northwesterly along the centre line of Broad street to the centre line of Cass street; thence westerly along the centre line of Cass street to the centre line of the Delaware and Raritan canal; thence northerly along the centre line of the said canal to the place of beginning.

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

Approved March 7, 1892.

CHAPTER XXXVII.

An Act to provide for the purchase and otherwise acquiring of lands within the corporate limits of towns and boroughs of this state, for the purpose of public parks and places of resort for the public use, health and recreation, and to provide for the improvement and maintenance of the same.

Towns or boroughs may acquire lands for public parks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any town or borough in this state may lease, purchase or otherwise acquire lands for public parks and places of public resort for health and recreation, and may provide for the improvement and maintenance of the same.

Resolution designating land to be purchased to be submitted to voters.

2. *And be it enacted*, That no lands shall be leased or purchased for the purpose of public parks or places of public resort under this act until the governing body of said town or borough shall have first passed a resolution designating the lands intended to be leased or purchased, with metes and bounds, the price to be paid therefor, the terms of payment and the conditions and restrictions under which said lands are to be leased or purchased, if any, which said resolution shall, before it have any binding force or effect on said town or borough, first be submitted to the legal voters of such town or borough at a special election to be held for such purpose; that immediately on the passage of said resolution the governing body of said town or borough shall cause public notice to be given, by the clerk thereof, of a time and place when said election shall be held; that said notice shall be given, at least thirty days before said election shall be held, and shall be published in at least one of the newspapers published and circulating in said town or borough, and in addition thereto shall be posted in at least five public places in said municipality; that said notice shall also designate the lands to be leased or purchased (as the

Notice of election.

To be published and posted.

Notice shall designate the land.

case may be) and the price to be paid therefor; that the clerk of said town or borough shall provide ballots for each elector voting at said election, printed or written, or partly printed and partly written, on which shall be either the words, "For the resolution to purchase (as the case may be) lands for public parks and places of public resort," or "against the resolution to lease or purchase (as the case may be) lands for public parks and places of public resort;" that the polls shall open at seven o'clock in the morning and shall remain open until seven o'clock in the evening with the exception of from one o'clock to two o'clock in the afternoon, when the same may be closed; that said election shall be conducted by the town or borough election officers, who shall return a statement of the result of said election to the governing body of said town or borough as soon as the same can be made, which shall be entered in the regular book of minutes of said town or borough.

Clerk to provide
ballots

Opening and
closing of polls.

Officers of
election.

3. *And be it enacted*, That if a majority of the legal votes cast at said election shall be in favor of said resolution then the governing body of said town or borough shall have the power and authority to lease or purchase lands for the purposes designated in said resolution and shall have the power and authority to issue the bonds of said town or borough of the sum designated in said resolution, said bonds to bear a rate of interest not exceeding the legal rate, payable semi-annually, the principal thereof to be payable in fifty years, or sooner, at the option of said town or borough, and it shall be the duty of the governing body of such town or borough to make sale of the bonds so issued, at not less than their par value.

Governing body
to issue bonds if
election is in
favor of the
resolution.

4. *And be it enacted*, That for the purpose of paying the principal and interest of said bonds, as the same shall become due, and for the further purpose of erecting, constructing and maintaining building, pavilions, roadways, walks, and for the general improvement of said public parks and places of public resort, said towns and boroughs are hereby authorized to lease, rent or hire for any specified time, any part of said property so acquired not necessary for public use exclusively, as in their judgment they deem proper, for such sum or sums of money as they may deem to the best interests of said town or borough;

Towns and bor-
oughs may rent
any part of the
property

Money to be applied in payment of improvements and repairs and interest and principal of the bonds.

Tax to be assessed.

Sinking fund commissioners.

that the money received for such leases and privileges as are granted shall first be applied in payment of such necessary improvements and repairs as the governing body of said town or borough shall have made, from time to time, and the balance shall be applied to the payment of the interest and principal of said bonds as the same shall become due, said tax to be assessed at the same time and collected in the same manner in all respects as the municipal tax of said town or borough is assessed and collected.

5. *And be it enacted*, That at least one-twentieth of the principal sum of said bonds shall be raised each year by special tax on all the taxable property in said town or borough and shall be applied in payment of the principal and interest of said bonds as the same shall fall due and for no other purpose, that should no bonds or interest be due on which to apply said money as the same shall be raised, then in that case the said town or borough authorities shall appoint three responsible persons as sinking fund commissioners, who shall give bonds for the faithful performance of their duty; that said commissioners shall have power and authority to invest said money in such manner and for such time as they shall deem for the best interests of said town or borough, subject, however, to the approval of the town or borough authorities, and in such securities as the trustees for the support of public schools are authorized to invest the moneys of the state.

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

Approved March 7, 1892.

CHAPTER XXXVIII.

An Act regulating the renewal of excise licenses in cities
of the third class.

WHEREAS, It is deemed best that conformity should exist Preamble.
in the cities of the same class as to the manner of
granting renewals of licenses therein for the keeping of
inns and taverns, saloons or victualing-houses; there-
fore,

1. BE IT ENACTED *by the Senate and General Assembly of* Application may
be made for
renewal of liquor
licenses in third
class cities with-
out the custom-
ary signatures.
the State of New Jersey, That hereafter in all cities of the
third class in this state (whether such licenses are now
granted by a board of excise or by commissioners of ex-
cise or by the governing board of such city or its city
councils), that after a license has once been granted in
any such city to keep an inn and tavern, or a license to
sell ale, beer and wine, or a license to keep a victualing-
house, with privilege of retailing spirituous liquors,
within such city, to any person or persons at any place in
such license designated according to the terms of the
charter of such city or cities as they now exist, it shall
not be requisite in order to give such board of excise, or
commissioners of excise, or city council, or other govern-
ing body jurisdiction to grant renewals of such license
that a new application recommended by freeholders shall
be first signed and presented to such board; but that the
filing with the board or body authorized to grant and renew
licenses in any such city of a petition for a renewal,
signed by the applicant, accompanied by a new bond of
the same tenor as accompanied the first application, shall
confer full power upon such board to renew such licenses
for the term of one year; *provided, always,* that the Proviso.
freeholders who may have recommended the former
application shall not be eligible as signers for any new
application for the term of one year from the granting of
such renewal; *and, provided further,* that this act shall in Proviso.
no wise affect applications for new inns and taverns, or
saloons or victualing-houses, in such cities.

Repealer.

2. *And be it enacted*, That all acts or parts of acts, general, special, local or private, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.
Approved March 7, 1892.

CHAPTER XXXIX.

An Act concerning the levying of assessments for sewers.

Assessments on
sewers may be
levied.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board, commission, officer or officers, heretofore appointed or elected, or that may hereafter be appointed or elected in any city or other municipality in this state, for the purpose of making or levying any assessment for benefits conferred by the construction of any lateral sewer, or sewer connecting with any sewer heretofore constructed, or that may hereafter be constructed, in any such city or other municipality, prior to the construction of such lateral or connecting sewer, to assess on the lots or parcels of land specially benefited by such lateral or connecting sewer not only the cost or part of the cost thereof, but so much of the cost of the sewer with which the same may have been or may be connected, as in the judgment of such board, commission, officer or officers, is proper; *provided*, that no lot or parcel of land shall be assessed for any sum or amount in excess of the special benefit conferred thereon by any such lateral or connecting sewer and the sewer or sewers with which the same may have been or may be connected; and all lots or parcels of land so specially benefited shall be assessed in proportion to the benefit received by each.

Proviso.

Repealer.

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

Approved March 8, 1892.

CHAPTER XL.

An Act to authorize common councils, boards of aldermen and other governing bodies in cities of the second class to change the date of their charter elections, to define the beginnings of the terms of officials thereafter elected and extend the term of certain officials so that the same will begin and end with the fiscal year in said city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for common councils, boards of aldermen or other governing bodies of cities of the second class in this state, by ordinance duly passed as required by its charter, to change the date of the charter or municipal elections from the day now fixed by law to the second Tuesday in April of the year next after the passage of said ordinance, and yearly thereafter on the said second Tuesday in April.

Governing bodies of second class cities may change municipal elections to second Tuesday in April of the year next after the passage of an ordinance to that effect.

2. *And be it enacted*, That where, in any city, an ordinance has been duly passed changing the date of the charter or municipal election as provided in the first section hereof, it shall and may be lawful for the common council, board of aldermen, or other governing body, to ordain that the terms of all persons chosen at such charter or municipal elections, shall begin with the beginning of the first fiscal year of said city next after their said election; and to further ordain that the terms of all city officials holding office under said city, either by election or by appointment and confirmation, shall be extended to the first fiscal year next after the date at which their terms would have expired if said ordinance had not been passed.

Terms of office to begin with the fiscal year.

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

Terms extended.

Repealer.

Approved March 8, 1892.

CHAPTER XLI.

An Act to remove from any board of excise in this state any mayor of any city therein who is now a member thereof and to provide for the appointment of a suitable person to take the place of said mayor so removed.

Removes mayor
from board of
excise in any
city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act in any city in this state having a board of excise, of which said board the mayor of said city is a member, either by virtue of the charter of said city or by any act, either general or special, the said mayor's term of office as such member of said board of excise shall immediately cease and terminate.

Election of a
suitable person
to take his place.

2. *And be it enacted*, That the said council, board of aldermen, or other governing body of any city whose mayor by the terms of this act is disqualified as a member of the board of excise of said city, shall immediately proceed by ballot to select a suitable person to fill the vacancy in said board caused by the removal of said mayor therefrom; the term of office of said successor shall be for the same term as is now fixed by the law in said city for the other members of the board of excise therein.

Term of office.

Repealer.

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

Approved March 8, 1892.

CHAPTER XLII.

A Supplement to an act entitled "An act for the appointment of commissioners for the better protection of the fishing interests of the state of New Jersey," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, for the better protection of the fishing interests and of the game birds and game animals of this state, and for the better enforcement of the laws relating thereto, shall appoint by and with the advice and consent of the senate, three fish and game commissioners, and they shall (except as herein otherwise provided) continue in office for the term of five years, and until their successors are appointed, conformably to this act. Governor to appoint fish and game commissioners.

2. *And be it enacted*, That upon the original appointment of said commissioners, one of them, to be designated by the governor, shall serve for the term of three years, one for the term of four years and one for the term of five years, and that upon the expiration of the term of any such commissioner, his successor shall be appointed in manner aforesaid for the term of five years; any vacancy occurring among said commissioners shall be filled in the same manner by the governor, for the unexpired term only. Term of office

3. *And be it enacted*, That there shall be paid to said commissioners by the treasurer of the state, on the warrant of the comptroller of the state, on or before the first day of April in each and every year the sum of three thousand dollars for the purpose of stocking the waters of this state with food fishes, of defraying the cost of buying, leasing, maintaining a hatchery or hatcheries, for the introduction into this state of new species of food and game fishes and of game birds and game animals, Commissioners shall stock the waters of the state with fish and compile the game and fish laws.

	for the proper protection and propagation of existing species of fishes and of game birds and game animals, for the compiling and printing of the game and fish laws and for their more complete and proper enforcement;
Proviso.	<i>provided</i> , that upon the written request to the said commissioners or any one of them by the president of any fish and game protective association incorporated under the laws of this state, the said commissioners shall furnish such association each and every year with food and game fishes to the number of not less than one per cent. or more than ten per cent. of the fish hatch for that year, such request or application to be made to said commissioners in writing during the months of January or February of each and every year; and further, that for all moneys so expended by said commissioners a statement be filed with the comptroller on or before the fifteenth day of March in each and every year, and that all expenses and salaries entailed by this act shall in no year exceed twelve thousand dollars.
They shall appoint, with the approval of the Governor, a fish and game protector.	4. <i>And be it enacted</i> , That the said commissioners may and shall appoint, as a special officer, with the approval of the governor, a "fish and game protector," whose duty it shall be, on view or information, to enforce the fishing and game laws within the state by arresting and prosecuting the offender or offenders; who shall have supervision of the fish wardens and shall have power
He shall have supervision of the fish wardens.	to investigate any and all complaints made to the said commissioners when so directed by said commissioners; and said officer shall have a right at all times and is hereby authorized to visit any dam, weir, fish basket, net or other illegal apparatus for taking fish, for the purpose of removing the same; the said officer may, in the discharge of his duties, call on the aid of any constable or sheriff or other peace officer when deemed necessary, and any such officer neglecting or refusing to aid when thus required shall forfeit twenty-five dollars, to be recovered by action of debt; he shall have power of summary arrest in cases of flagrant violations of the fishing or game laws of this state; he shall hold office at the pleasure of the commissioners, and shall be duly sworn before any justice of the peace or judge of the court of common pleas to the performance of their
Further duties.	
Penalties.	
Term of office	

duties; he shall make such reports to the said commissioners as may be required by them; he shall be furnished with such appliances as in the judgment of said commissioners may be necessary for the proper performance of their duties; he shall receive an annual salary of nine hundred dollars, to be paid in monthly installments by the state treasurer on the warrant of the comptroller, and all expenses incurred by him in the discharge of his duties shall, upon an authenticated statement of the said commissioners, be paid to him by the treasurer of the state, as the same may be audited by the comptroller of the state.

Reports.

Appliances furnished him.

He shall receive a salary of \$900 and expenses.

5. *And be it enacted*, That the said commissioners may and shall appoint not more than two fish wardens for each and every county of this state, whose duties and powers in their respective counties shall be those conferred upon the fish and game protector by this act; they shall receive compensation at the rate of three dollars per diem when actually engaged in the discharge of their duties, and that sum per diem shall be paid by the treasurer of the state upon a verified statement of said fish warden, approved by the said commissioners.

Commissioners shall appoint two fish wardens for each county.

They shall receive \$3 per diem for each day's actual work.

6. *And be it enacted*, That the said commissioners may, upon the request, in writing, of any ten freeholders, residents of any one county, or of the owner of any fishery, appoint one or more "deputy fish and game protectors," who shall have the same powers and the same duties as the said fish and game protector, except that they shall receive no salary from the state, nor shall there be made to them any allowance whatsoever for expenses incurred; they shall hold office at the pleasure of the said commissioners, and they shall make annually, on or about the first day of November in each and every year, a report to said commissioners.

Deputy fish and game protectors.

Terms of office and report.

7. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act for the appointment of commissioners for the better protection of the fishing interests of the state of New Jersey,' approved March seventeenth, one thousand eight hundred and seventy," which supplement was approved March twenty-sixth, one thousand eight hundred and seventy-three, be and the same is hereby repealed.

Repeals supplement of 1873.

Repealer.

8. *And be it enacted*, That all acts or parts of acts, general, public, local, special, or otherwise, inconsistent herewith or repugnant hereto, be and the same are hereby repealed, and that this act shall take effect immediately.
Approved March 8, 1892.

CHAPTER XLIII.

A Supplement to an act entitled "An act constituting district courts in certain cities of this state," approved March ninth, one thousand eight hundred and seventy-seven.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act constituting district courts in certain cities of this state," approved March ninth, one thousand eight hundred and seventy-seven, be and the same is hereby amended so as to read as follows :

Cities in which court shall be established.

2. *And be it enacted*, That one district court shall be established in accordance with this act in every city of this state of over nineteen thousand inhabitants as fixed by the last national or state census, but cities of one hundred thousand inhabitants or over shall be entitled to two district courts; *provided, always*, that no more than two district courts shall at any time be established in any city of this state.

Proviso.

Salary of judge and clerk.

2. *And be it enacted*, That in cities of less than twenty thousand inhabitants the judges of each of said courts shall receive an annual salary of fifteen hundred dollars and the clerks thereof shall receive an annual salary of nine hundred dollars, which salaries shall be paid by cities wherein said courts may be established out of the treasuries of said cities respectively, in quarterly installments, which shall be computed from the day of the appointment of said judges.

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

Passed March 8, 1892.

CHAPTER XLIV.

An Act respecting the election and term of office of the assessor and collector of taxes in boroughs and towns.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of the assessor and collector of taxes in boroughs shall hereafter be three years, and that all persons hereafter elected to either of said offices shall hold such office for said term of three years from and after the date fixed by law for such term of office to commence; *provided, however*, that collectors shall renew their bonds annually, between the first day of April and May in each year, and in default thereof the office shall be deemed vacant and shall be filled by appointment by the mayor and council until the next annual election. Fixes terms of borough assessors and collectors at three years. Proviso.

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

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

Passed March 8, 1892.

CHAPTER XLV.

An Act concerning certain cities of the second class in this state and constituting a police court in such cities and providing for the appointment of police justices of such courts and defining the jurisdiction, powers and duties of such police justice and abolishing all other police courts, recorder courts and police justices in such cities.

Establishes a police court in cities of the second class having a population of 50,000 and over.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be constituted in each city of the second class in this state having a population of fifty thousand and over one court, to be designated a police court of the cities of the second class in this state.

To be courts of record.

2. *And be it enacted*, That said courts shall be courts of record and have official seals, and all persons shall be amenable to punishment for contempt of said court in same manner as in other courts of record of this state having power to punish for contempt of court; and licensed attorneys shall not be necessary in the prosecution or defense of any suit or proceeding in such courts; that the police justice of the police court of such cities shall make such rules as may be necessary for the orderly conduct and business and proceedings of such court; the said rules shall be approved by and subject to the revision of the president judge of the court of common pleas of the county in which said city is situated.

Police justices to make rules.

Police justice to be appointed by the governor for five years.

3. *And be it enacted*, That the police justice of said court shall be appointed by the governor by and with the advice and consent of the senate; and shall continue in office for the fixed term of five years from the date of said appointment and until their successors are appointed and qualified; that in case of a vacancy in any such office of police justice the governor of the state shall fill such

Vacancy.

vacancy until the regular appointment to fill the same is made, as hereinbefore provided, and the person so regularly appointed as herein provided shall hold his office for the full term of five years from the date of his said appointment.

4. *And be it enacted*, That the police court and police justice hereby constituted and provided to be appointed in such cities of the second class, shall be instead and shall take the place of and be in lieu of any and all other police courts or police justices, or recorders or special justices in any such city, and the terms of office of any and all other police justices, recorders or special police justices, except those appointed under or recognized by this act, shall be and are hereby terminated and ended upon the expiration of twenty days after this act shall take effect; that the police justices herein provided to be appointed shall each receive and be paid by such city an annual salary of two thousand dollars, to be paid monthly in the same manner as now provided for by law for other city officers.

To take the place of other police courts and justices.

Salary of police justice \$2,000.

5. *And be it enacted*, That the police justices herein provided to be appointed in such city shall have, possess and exercise all the powers and authority in criminal matters which are conferred upon justices of the peace in and for the several counties of this state; and for the purpose of recovering the penalty for violating any ordinance or regulation of such city or any board of such city they are respectively hereby empowered on oath or affirmation, made according to law, that any person or persons has or have been guilty of any violation of any of the ordinances or regulations of such city or of any board of such city, to issue process, at the suit of such city, either in the nature of a summons or warrant, as to such police justice may seem most advisable, against the person or persons, corporation or corporations so violating such ordinance or regulation, which process shall when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than five nor more than ten entire days; such process shall state what ordinance or regulation of such city or of any board of such city, by the defendant or defendants named therein, has been violated, and in what manner the same

Police justices to have powers of justices of the peace.

To issue process and warrants.

To state ordinance violated.

has been violated; and on the return of such process, or at the time to which said police justice shall have adjourned the same, the said police justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings, and such police justices shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; each of the said police justices is further empowered to inflict and impose fines, not exceeding the sum of fifty dollars, on such persons as shall be brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offence if found guilty, or in his discretion to order such persons committed to the county jail or workhouse for any period not exceeding ninety days; *provided*, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in the courts for trials of small causes, and also an appeal to the court of common pleas of the county in which such cities are situate in the manner now provided for an appeal from judgment in courts for the trial of small causes; in case the person arrested for any offence shall be a minor, such police justice shall have in his discretion to inflict or commute, or wholly remit the penalty prescribed for the offence committed by such minor; and each police justice is hereby empowered to cause any person or persons who shall be found guilty of a violation of the ordinances or regulations of any board of any such city, and who may refuse or neglect to pay any penalty imposed by reason of the same, and all or any person or persons found guilty of a breach of the peace, or of any other light offence, within the jurisdiction of such justice to be sent to the jail or workhouse of the county wherein such city is situate, for such time as in his discretion may seem meet, and there to perform work in such institution, and to conform to the rules and laws of the same; *provided*, *however*, that no such person shall be sent to such county jail or workhouse to be confined there for a longer time than ninety days for any offence as aforesaid.

To give judgment and issue execution.

To impose fines or commit to jail or work-house.

Proviso.

Proviso.

6. *And be it enacted*, That the officers empowered to serve any process issued by any such police justice shall be, besides the constables elected or appointed within such city, the officers or members of the police force of such city, and the said process shall be returned in the same manner, so far as circumstances may permit, as are similar processes issued by justices of the peace or out of the courts for the trial of small causes; and that the defendant or defendants shall, if such police justice see fit to adjourn the hearing of the charge and so order, enter into recognizance, as near as may be in the same manner directed before justices of the peace and in courts for the trial of small causes, in not less than double the amount of the penalty, with such surety as may be approved by such police justice, unto the mayor and common council, or mayor and aldermen, of such city for appearance on the day to which the said hearing may be adjourned, and in default of appearance the said recognizance may be then collected in the same manner as the same might have been had the said recognizance been taken in a proceeding before a justice of the peace.

Who to serve process.

Defendant may enter into recognizance.

7. *And be it enacted*, That in all cases where any person convicted before any such police justice shall have been committed to the county jail or workhouse in default of the payment of a fine or penalty, the said person may at any time previous to the expiration of the term of imprisonment be discharged upon the payment of the fine or penalty originally imposed, less an amount proportionate to the time already served in such public institution, at the rate of one dollar per day for the time of imprisonment.

Convicted persons, how discharged.

8. *And be it enacted*, That in any proceeding had before any police justice of any such city for the purpose of recovery the penalty for the violation of any ordinance or regulation of such city such ordinance may be proved by a copy thereof, certified under seal of the city clerk or by the introduction in evidence of any bound compilation of the ordinances of such public board of such city, and duly authorized and recognized as the ordinances of the same, and due publication of all ordinances and regulations of any public board of such city shall be presumed to have been made until the contrary is proven.

Proof of ordinances violated.

Rooms and
furniture to be
provided.

9. *And be it enacted*, That the board of aldermen of each such city where said police courts are established shall provide suitable rooms for the transaction of the business of such courts and procure suitable furniture therefor, and such books and stationery as may be necessary, and such board of aldermen shall designate the place in any city where such police justices shall sit for the transaction of business, and the time when their court shall be opened upon each day, to the end that the administration of justice by such police justice in such city may be facilitated and made convenient; and it is hereby made the official duty of such police justices to be in attendance at the time and place so designated, and he shall designate the police officers to attend the sittings of such police courts and to preserve order therein.

Police justices
to be in attend-
ance at time and
place designated
for opening
courts.

Oath of justices.

10. *And be it enacted*, That each police justice herein provided to be appointed, within ten days after their said appointment shall take and subscribe before an officer duly authorized by the laws of this state to administer oaths, the usual oath or affirmation taken by officials of such city, and shall file the same with the clerk of such city, and immediately thereupon such police justice shall enter into bond to such city with at least two good and sufficient sureties, being freeholders in the city for which he shall be appointed, in the sum of five thousand dollars, which bond shall be in the form and be approved as hereafter provided, and immediately thereupon the term of office of such police justice shall commence, and he shall be fully qualified to proceed at once to the discharge and performance of the duties of his office of police justice of such city; that immediately upon the expiration of twenty days after this act shall take effect, the office of all other police justices or recorder or special police justice, and all police courts and recorder's courts and any officer thereof, other than those provided for or recognized by this act, in such city shall cease, determine and end, and the offices of all such persons theretofore holding the office of pulice justice or recorder or special police justice of or in any such city, and all police courts and recorder's courts theretofore existing therein, are hereby abolished, and thereafter no other police justice or recorder or police court or recorder's court shall exist

Office of other
police justices in
these cities
vacated.

or be recognized in any such city, except such as is or are provided for or recognized by or in this act.

11. *And be it enacted*, That within twenty days after this act shall take effect, each police justice or special police justice of any such city, whose office is by the provision of this act abolished or terminated, shall file in the city clerk's office of such city, all books, papers and dockets relating to his said former office of police justice or recorder or special police justice of or in any such city; and such books, papers and dockets so filed shall there remain as public records, and the same may be used and certified as other records of such city by the clerk of the same.

Former justices
to file books,
papers and
dockets for
record.

12. *And be it enacted*, That the bond to be entered into by such police justices and their sureties as hereinbefore provided, with the condition thereof, shall be in the form following, that is to say: "Know all men by these presents, that we, A. B., C. D. and E. F., of the city of ———, in the county of ——— and the state of New Jersey, are held and firmly bound unto (the corporate title of such city) in the sum of five thousand dollars to be paid unto the (corporate title of such city), to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals, dated the ——— day of ———, in the year of our lord one thousand eight hundred and ———; the condition of this obligation is such that if the above bounden A. B. shall well and truly execute the office of police justice of the city of ———, in the county of ——— and state aforesaid, and in all things touching and concerning said office shall well and truly, faithfully and impartially execute and perform the same according to law, as well with respect to all persons concerned as the (corporate title of such city), and at the expiration of his said office shall deliver to his successor in office all the books, papers, records and writings remaining in the same or appertaining thereto, then this obligation to be void, otherwise to remain and be in full force or virtue;" such bond shall be approved of by two judges of the court of common pleas of the county wherein is situate the city for which such police justice shall be appointed, and when so executed and approved

Form of bond.

Approval of
bond.

of, shall be recorded in the clerk's office of such county and filed in the same, to be by such clerk safely kept among the public papers of his office; and in case any person appointed police justice for such city as aforesaid, before he shall enter into the security aforesaid, shall perform any of the duties required of him by law in such office, he shall for such offense forfeit and pay for the use of such city one hundred dollars, to be sued for and recovered by the mayor of such city in which the offence was committed, in an action of debt, with costs of suit, in the corporate name of such city.

Fees to be paid
over daily.

Police justices to
collect fees.

Monthly report
to common
council, board of
aldermen, &c.

Statements to be
audited and
money to be
paid over.

13. *And be it enacted*, That such police justices of such cities shall pay over daily to the treasurer of such city, for the use of the city, all fees collected by them respectively which they shall receive from any person or persons or from the county wherein such city is situate, or from the sheriff or county collector or other officer of such county, for any duties or services by them respectively performed or rendered as police justice in any way during all the time they shall continue in office; and such police justices respectively shall use all lawful means and make all lawful endeavors to collect with all practical dispatch all such fees; that all fines and penalties, together with the costs of suit, for the violation of ordinances whereof complaint is made before either of said police justices, shall be paid to the justice before whom said complaint is made, and his receipt therefor shall on the payment thereof be a sufficient discharge of the same.

14. *And be it enacted*, That said police justice of any such city shall at every regular monthly meeting of the common council, board of aldermen or other board having charge and control of the finances in such city, make return to such board or body by their respective written statements, what moneys have been received by them as such police justice of such city, during the month preceding, for fines, penalties, costs of suit, when, from whom and for the violation of what ordinance or ordinances received, and what judgments remain unpaid, and when such written statement shall have been audited by the auditor of accounts or corresponding officer of such city, said police justices shall each, without additional delay, pay over to the treasurer or corresponding financial

officer of such city, for the use of such city, all moneys thereby appearing to be due such city from such police justices respectively, taking the receipt of such treasurer or financial officer for the amount so paid.

15. *And be it enacted*, That said police justice of such city shall keep a docket (each having his own docket) in which they shall record all suits instituted before them for violation of all ordinances of such city passed or enacted by such city or any board thereof, against whom brought and when, for the violation of what ordinance, what proceedings were had, what judgment was rendered therein, and state particularly the items of the costs for which judgment shall be given, and if so, when, whether the amount of the judgment was paid, and when and how, whether upon execution or otherwise, and if said suit was not prosecuted to judgment, when and for what reason and by whose direction the same was discontinued, whether any money was received on account of the suit, and if so, what amount and when and from whom, and if less than the whole amount to which the city would have been entitled had the suit been successfully prosecuted to judgment, by whose authority or direction such less sum was accepted; and such police justices shall also keep a record in their said dockets, respectively, of all complaints of a criminal nature which shall be made before them with a true statement of the parties by whom the same were made, when the same were made, for what offense, what action was taken and services rendered touching said complaints by them respectively, what fees were received by them therein, together with the items making up the amount of said fees; each of such police justices shall keep his said docket at the police courtroom wherein his court is located and held, and said dockets shall be there at all times open to the inspection of the mayor, board of aldermen or the governing body or board of such city, but shall be under the control of the board of alderman of such city.

Justices to keep docket.

Record in docket

16. *And be it enacted*, That such police justices shall also carefully file and preserve, each in his own courtroom, all complaints and other papers of whatever description, in or relating to any suit instituted before them, during all the time they shall respectively continue

Complaints to be filed and preserved.

in office; and said complaints and other papers shall be and remain the sole property of such city, and each of such police justices shall, on demand, deliver up all said complaints and other papers of whatever description, together with his docket, to the person who shall at any time be appointed to succeed him as police justice; said police justices shall also respectively keep at the places of holding their said courts a true and complete daily account, in the form of a cash account, of all their receipts for fines, penalties, fees and costs, which accounts shall be at all times open to examination of the mayor and finance committee of the board of aldermen or auditor; and such cash accounts shall be kept in a suitable book or books, which said book or books shall be and remain the sole property of such city, and shall also be delivered by said police justices to the person appointed to succeed them in office respectively.

Daily account to be kept.

Clerk.

His duties.

He shall keep a record.

Salary.

To give bond.

17. *And be it enacted*, That the justices holding the police courts under this act in any second class city in this state shall have power and are hereby authorized to appoint in and for each of the police courts of said cities a clerk, whose duty it shall be to attend the sessions of the court and to the examinations, trials and proceedings had therein; such clerk shall, under the direction of the court, keep a brief record of all matters which shall come before the same; he shall, unless otherwise expressly directed by law, receive all fees and penalties imposed in the court to which he shall act and shall account for and pay the same over to the proper officers or authorities within forty-eight hours after his receipt thereof; he shall keep a record of all such fines and penalties and of the disposition thereof in books to be provided for that purpose by the board hereinafter named, and shall perform such other duties and services as the court or the justice or judge aforesaid may require; he shall receive a salary of nine hundred dollars per annum, to be paid in the same manner as now provided for by law for the payment of city officers; he shall be required to enter into a bond to the said city in the corporate name in the sum of three thousand dollars, with at least two sufficient sureties, to be approved of by the board or body of such city having control of the finances thereof, con-

ditioned for the faithful performance of his duties, which bond shall be renewed annually; every such clerk appointed as aforesaid shall hold office for the term of five years, unless sooner removed for cause by such police justices. Term of office

18. *And be it enacted*, That the police justices appointed under this act in case of inability to act from sickness or other cause shall have power at his own expense to designate a justice of the peace of said county in which such city is situate to act in his place and stead, and, while so acting, shall have the same powers of such police justices. In case of inability of a police justice to act, he shall designate a justice of the peace to perform his duties.

19. *And be it enacted*, That such police justice shall also have power to take recognizances of bail in all criminal cases where complaints are made before him, except in cases of manslaughter or murder. Justice to have power to take bail.

20. *And be it enacted*, That all acts and 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 be a public act and shall take effect immediately. Repealer.

Passed March 8, 1892.

CHAPTER XLVI.

A Further Supplement to an act entitled "An Act to authorize the acquisition of real estate and the erection of buildings thereon for the use of police departments in cities of this state," approved April eight, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That should the amount of one hundred thousand dollars provided for in the supplement approved March ninth, one thousand eight hundred and ninety-one, to the act to which this is a further supplement, as the limit of expenditure for the purpose of car- Authorizes the increase of appropriation to the amount of \$125,000 for the erection of police buildings.

rying out the provision of said acts, be insufficient to acquire the additional accommodations for the precinct station house or police station houses, for the use of the police department of any such city as contemplated by said acts, that then and in such case it shall be lawful for the board having charge and control of the finances in any such city to increase such appropriation from time to time, upon the request of the board having control of the police department in any such city, to an amount not exceeding in the aggregate the sum of one hundred and twenty thousand dollars, which sum shall be the limit of expenditure under said act.

Amount to be
raised for pay-
ment of bonds.

2. *And be it enacted*, That at least the sum of ten thousand dollars shall be raised in each and every year hereafter by the tax levy for such city and applied by the board having charge and control of the finances in such city to the payment of the bonds issued and to be issued under this act and the acts of which this is a supplement until said bonds shall have been paid and satisfied.

Repealer.

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

Approved March 9, 1892.

CHAPTER XLVII.

An Act to amend an act entitled "An act regulating proceedings in criminal cases" (Revision), approved March twenty-sevent^h, one thousand eight hundred and seventy-four.

Section to be
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twelve of an act entitled "An act regulating proceedings in criminal

cases" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended to read as follows:

12. *And be it enacted*, That the court of general quarter sessions of the peace, and the justices of the peace and each and every of them, in and for every county of this state, are hereby authorized at their discretion to let to bail or mainprise, unto the next court of general quarter sessions of the peace, or court of oyer and terminer and general jail delivery, to be held in said county, all persons who are or may be arrested or imprisoned in their respective counties for any offence or crime therein done or attempted, except such as, are or shall be charged with treason, murder, manslaughter, sodomy, rape, arson, burglary, robbery, forgery or suspicion thereof, and no person or persons charged with the offences or any of them so excepted as aforesaid shall be admitted to bail or mainprise by the said court of general quarter sessions of the peace, except where now by law otherwise provided, or by the said justices of the peace or any of them; if any person arrested for any crime or offence for which a justice of the peace may let to bail or mainprise as aforesaid shall request that he be taken before a justice of the peace residing in the city, town, township or village in which such arrest is made and elected in such city, town, township or village, it shall be the duty of the officer making such arrests to take the person so arrested before such justice of the peace, at his office, in order that the person so arrested may be admitted to bail as aforesaid; *provided*, that when an arrest is made within any building or enclosure wherein the party arrested is charged with keeping a disorderly house or otherwise violating the law, it shall not be lawful for any justice of the peace or other officer to take bail within such building or enclosure.

Bail may be taken, except in what cases.

Officers shall take prisoners to a justice of the peace in the city, town, township or village in which the arrest is made.

Proviso.

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

Approved March 9, 1892.

CHAPTER XLVIII.

An Act providing for the placing of electrical conductors under ground in cities of this state, and for the creation of a state board of commissioners of electrical subways.

Authorizes the governor, with the consent of the senate, to appoint three persons for terms of five years, to constitute a state board of commissioners of electrical subways, such commissioners to receive a salary of \$1500 each year.

They may appoint a secretary at a salary of \$1500 per year.

An electrical expert at such sum as the governor may approve.

Board shall examine the manner of construction of telegraphic, telephonic and electric light wires and cables in all cities.

They may remove or order all such wires under ground, and their decision shall be final.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state shall appoint, by and with the advice and consent of the senate, a state board of commissioners of electrical subways, which shall consist of three persons, who shall hold office for five years, and until the appointment of a successor; such board shall organize on the first Monday in May, one thousand eight hundred and ninety-two, by the election of a president and the appointment of a secretary, each commissioner shall receive an annual salary of fifteen hundred dollars; the secretary shall receive such salary as the commissioners shall determine, not exceeding fifteen hundred dollars per annum, and shall hold his office at the pleasure of the board; such board may appoint an electrical expert, who shall receive such compensation as shall be approved by the governor of the state; they may also appoint such other agents as shall be necessary to carry out the provisions of this act, at such compensation as shall be approved by the governor.

2. *And be it enacted*, That it shall be the duty of such board to examine the manner in which telegraphic, telephonic and electric light wires and cables, and all other wire and cables used for the transmission of electricity are constructed and used in the cities of this state; wherever, in the judgment of such commissioners, which shall be final, the public welfare will be advanced by the removal of any such wires or of the poles commonly known as telegraph poles, or other poles used for the support of electric wires from the surface of any street, avenue or other public highway in any city of this state, it shall be the duty of such commissioners to order such

poles and wires removed from the surface of such streets or highways and to further order that such wires shall be placed under the streets or highways of such city; the removal of such poles or wires shall be made within such time as shall be fixed by said commissioners, who shall serve a notice of their determination and order upon the owner of such poles or wires or upon an agent of such owner, at least thirty days before the expiration of the time within which it may be determined that such poles or wires shall be removed; if such an owner or agent cannot be found within this state, said notice shall be served in such a manner as a justice of the supreme court, upon application being made to him for that purpose, shall prescribe; if the owner of such poles or wires shall fail to remove them within the time specified in such notice, said commissioners shall move, without delay, all said poles and wires from said streets and highways; whenever such commissioners shall determine as aforesaid that such poles or wires should be removed from the surface of any street, avenue or other highway in any city, it shall be the duty of such commissioners to cause such electrical conductors or wires as shall be thereafter used in such city to be placed under ground whenever in their judgment it is practicable so to do.

Service of notice
for removal.

Wires to be
placed under
ground whenever
practicable.

3. *And be it enacted*, That whenever any company operating, or intending to operate, any telegraph, telephone or electric light wires or cable in any city of this state shall desire, or be required to place its wires or any of them under ground in any of the streets, avenues or other highways of such city, and for that purpose to remove the same from the surface thereof, it shall be obligatory upon such company to file with said commissioners a map or maps made to scale, showing the streets or avenues or other highways which it is desired to use for such purposes, and giving the general location, dimensions and course of the underground conduits desired to be constructed; no such subway or conduit shall be constructed until a majority of said board shall approve the plan of construction so proposed by said company; said board is empowered to require that the work of removal of poles and wires and of constructing every conduit and subway shall be done according to the said plans, subject

Maps of under-
ground conduits.

Subway or con-
duit not to be
constructed until
a majority of the
board approve
the plan.

to such modifications as may be approved by said board, and subject also to the rules and regulations, not inconsistent with the powers of said commissioners, as may be prescribed by the municipal authorities having charge of the streets in any city.

Board shall have control of all the streets, &c.

Local authorities made subordinate to the board

Surface of streets to be replaced.

When board may order a discontinuance of work.

No wire to be constructed across or above any street unless authorized by the board.

Proviso.

Conduits or subways to be used by police, fire and other departments.

Board to make plans.

4. *And be it enacted*, That for the purposes of this act the said board shall have control of all the streets, avenues or other highways of the cities of this state, and may authorize the construction of electrical subways and underground conduits beneath the surface of any such streets, avenues or highways; all powers of the local authorities having general charge of the streets or avenues in any such city are hereby made subordinate to the powers granted to the board created by this act; it shall be the duty of said board to require any company disturbing the surface of any street or avenue to replace such surface in a manner to be specified in the plan of construction hereinbefore mentioned; if any company shall fail to repair the surface of any street or avenue in accordance with such plans, it shall be the duty of such board to order a discontinuance of work on such subways or conduits until such specifications are complied with.

5. *And be it enacted*, That no telegraph, telephone, electric light or other electric wire or cable shall hereafter be constructed along, across or above the surface of any street or avenue in any city of this state until the board created by this act shall, by the votes of a majority of its members, authorize such wires to be carried along, across or above the surface of such streets or avenues; *provided*, that this section shall not be constructed to apply to the repair of wires now in use, or to wires owned by any of this state, or used for fire or police purposes therein.

6. *And be it enacted*, That all conduits or subways, provided for in this act, shall be so constructed that they may be used by the city in which they are located for the electric wires or conductors operated by its police, fire or other departments without expense to such city, except the expense of the placing of wires or conductors in such subways or conduits.

7. *And be it enacted*, That such board is authorized and empowered to devise and make ready for use such plans as will meet the requirements of this act, in any city in

which it shall be determined that the electrical conductors shall be placed underground; after the adoption of such plans it shall be lawful for the said board to enter into a contract with any person or corporation for the construction of subways or conduits in any city in accordance with such plans; such contract or contracts shall not involve the expenditure of any money by the state for the construction of any subway or conduit, but shall provide for the payment of the cost of such construction from the rentals to be received for the use of such subways or conduits, and shall be in such form as shall be approved by the governor or attorney general of the state; when any subway or conduit shall be constructed by contract as provided in this section, the terms upon which such subway or conduit shall be used by any company shall be fixed by a resolution adopted by said board and approved by the governor of the state.

Make contracts for construction.

Contracts not to involve the expenditure of money by the state.

Board to fix terms upon which conduits or subways shall be used.

8. *And be it enacted*, That in addition to such rental as shall be imposed upon companies for the use of the conduits and subways constructed by said board, there shall be annually assessed upon the telegraph, telephone, cable and electric light companies doing business in this state, an amount equal to the salaries and expenses of said board; such amount shall be assessed by the said board and collected from said companies by the state comptroller in the manner that state taxes are now collected from other corporations; such amount shall be apportioned against said company, ratably, with reference to the number of miles of wire used by each company within this state; it shall be the duty of such companies to furnish the board from time to time all data by them desired, to enable them to apportion the relative shares of such salaries and expenses; whenever any company shall neglect or refuse to furnish the information asked for by said board, it shall be the duty of the board to determine, from the best information they may obtain, the number of miles of wire operated by such company within this state.

Salaries and expenses of board to be assessed upon companies.

By the board and collected by the state comptroller.

Apportionment of amount assessed.

Companies to furnish data.

If companies refuse, board to determine miles of wire operated.

9. *And be it enacted*, That if any section of this act shall for any reason be held to be unconstitutional or invalid, such holding shall not affect the other provisions of this act, or any of them.

Unconstitutional section not to affect other provisions of this act.

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

Approved March 10, 1892.

CHAPTER XLIX.

An Act to provide for the establishment of a commission of public instruction in cities of the second class in this state, whose population now exceeds or may hereafter exceed fifty thousand.

Establishes a commission of public instruction in second class cities whose population exceeds 50,000.

Commission to consist of eight persons, and not more than one half of the number shall be of one political party.

To be appointed by the mayor for two years' term. Classification of term of first board.

Mayor is ex-officio a member of the board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be established in every city of the second class in this state, whose population now exceeds or may hereafter exceed fifty thousand, a board of education which shall be composed of and managed and controlled by eight commissioners to be known as commissioners of public instruction, and not more than one-half of the said commissioners shall be of the same political party; the said commissioners shall be appointed by the mayor of such cities for the term of two years; not more than one commissioner shall be appointed from the same ward, except in such cities where there are less than eight wards; the first appointment of commissioners shall be four for one year, and the remainder of the board for two years, so that they shall be divided into classes, one class going out each year; and thereafter there shall be appointed every year an equal number to fill the places of those whose terms expire in that year, and in case of a vacancy in any such office the appointment to fill the same shall be for the unexpired term only and shall be made by the mayor; and the mayor of such cities shall be a member ex-officio of said board and shall be entitled to vote therein in case of a tie; the said commissioners appointed under this act shall perform their duties without pay.

2. *And be enacted*, That the commissioners of public instruction appointed under this act shall be and they are hereby invested with and shall possess and exercise all the same powers which by law are now vested in and exercised by the department of public instruction, boards of education, school trustees, commissioners of public instruction, or other such body, by whatever name called, having the management and control of the public schools in any such cities of the second class in this state, and the said commissioners shall perform the same duties now required of or imposed by law upon any such departments, boards, trustees or commissioners in any such cities; they shall also adopt such rules and regulations as to the appointment, control, duties, dismissals and salaries of their officers, teachers or other employees as to them shall seem expedient, and may alter the same at pleasure, except where the term of office or salaries of such officers or employees is now fixed by law; no such officer or employee shall be a member of such commission; and the salaries of the officers, teachers and other employees of such board and all other moneys necessary for the use of said board shall be obtained and paid in the same manner as is now provided by law in any such cities; *provided*, that none of the powers and privileges conferred in this act shall be so exercised as to nullify or conflict with the rules and regulations of the state board of education.

Powers and duties.

Rules and regulations.

How salaries are to be obtained.

Provide.

3. *And be it enacted*, That the said commissioners of public instruction, appointed under this act, shall take or subscribe an oath or affirmation before the police justice of such cities or any other officer qualified to administer oaths, faithfully and impartially to perform the duties of such office, and on the third Monday in April next after this act takes effect, at ten o'clock in the forenoon, and annually thereafter, shall proceed to organize said board by the election of one of the said commissioners as president for the term of one year.

Oath of commissioners.

Time of organization of board.

4. *And be it enacted*, That the said commissioners of public instruction hereby established in such cities of the second class, shall be instead, and shall take the place of, and be in lieu of, any and all other boards of education, departments of public instruction, commissioners of public instruction, school trustees or by whatever name such

Former boards, &c., abolished.

offices, officers, departments or boards may be called in such cities, and the offices and terms of office of any and all other commissioners of public instruction, school trustees, or boards of education, or departments of public instruction, except those appointed and recognized by this act, shall be and they are hereby abolished, terminated and ended at ten o'clock in the forenoon on the third Monday in April next after this act takes effect.

Governing
bodies to provide
rooms and furni-
ture.

5. *And be it enacted*, That the board of aldermen, common council or other governing body by whatever name called in such cities, where the said commissioners of public instruction are appointed under this act, shall provide suitable rooms for the transaction of the business of the said board of education and shall procure suitable furniture therefor.

Corporate name.

6. *And be it enacted*, That the corporate name of such commission shall be known as "the commissioners of public instruction of the city of (here insert the name of the city)."

Repealer.

7. *And be it enacted*, That all acts or parts of acts, general, special or local, and all charters or parts of charters of any city inconsistent with this act be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately.

Passed March 10, 1892.

CHAPTER L.

An Act to re-organize the board of riparian commissioners of this state.

Board of ripar-
ian commis-
sioners shall here-
after consist of
the governor and
four others ap-
pointed by him
to hold office for
five years.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the board of riparian commissioners shall hereafter consist of the governor, and four other commissioners to be appointed by the governor, by and with the advice and consent of the senate, who shall

hold their office for a term of five years from the date of their appointment.

2. *And be it enacted*, That the term of office of the members of the present board of riparian commissioners shall expire upon the appointment by the governor of the four commissioners under this act. Term of office of present board to expire.

3. *And be it enacted*, That the compensation of the new commissioners shall remain as heretofore, and the powers and duties of the new board shall be the same as now existing by law. Compensation same as heretofore.

4. *And be it enacted*, That all acts or parts of acts by which any different number, term of office or mode of appointment of said commissioners is provided for, or which are in any way inconsistent with any or all of the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 10, 1892.

CHAPTER LI.

A Further Supplement to an act entitled "An act for suppressing vice and immorality," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of the act to which this is a supplement, be amended to read as follows: Section to be amended.

7. *And be it enacted*, That if any person shall become intoxicated or drunk by the excessive use of spirituous, vinous or other strong liquor, provided such person is not a tramp within the meaning of an act entitled "An act to define and suppress tramps," approved April nineteenth, one thousand eight hundred and seventy-six, and Drunkenness punished.

thereof shall be convicted before any justice of the peace for the county wherein such offence shall be committed, either upon the view of such justice or upon the confession of the party offending, or testimony of any one or more witness or witnesses, every person so offending shall forfeit and pay for every such offence, one dollar, to the use of the poor of the township wherein such offence shall be committed; and in case any person who shall be convicted of drunkenness as aforesaid, shall not immediately pay down the sum so forfeited, with the charges of such conviction, or give security to the satisfaction of the justice before whom such conviction is had, for the payment thereof, within three days, every such offender shall, by warrant under the hand and seal of such justice, be sent to the common jail of the county or to the jail of any city or town corporate within the same, there to be and stand committed for any space of time to be certainly expressed in the said warrant, not exceeding four days.

Approved March 10, 1892.

CHAPTER LII.

An Act for the better protection of moneys deposited with public officials.

Clerks of courts of common pleas and clerks of counties shall be personally liable for all moneys paid into their hands.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the clerks of the courts of common pleas and the clerks of the several counties in this state shall be held personally liable for all moneys paid into their hands as such officials, and for such care, custody and liability the officials before named may retain for their own use, out of the moneys so paid into their hands, the same fees as the clerk of the court in chancery is now or may hereafter be by law permitted to retain from fines paid to them.

2. *And be it enacted*, That the justices of the supreme court are hereby directed, upon the application in writing of any clerk of the courts of common pleas or any county clerk, to designate the bank or banks or trust company in which such official shall deposit all moneys paid to him officially, then, and in that case, such official shall be released from personal liability; providing, that such official shall not use such moneys so deposited with him for his own benefit or profit while in his care.

Supreme court
justices to design-
ate banks
wherein clerks
shall deposit.

Proviso.

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

Repealer.

Approved March 10, 1892.

CHAPTER LIII.

An Act authorizing the cities of this state to issue bonds to exchange for or pay matured water bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any water bonds heretofore issued by any board of water commissioners, or other competent board, in the corporate name of any city of this state, under the authority of law, shall have matured, the board of water commissioners of said city, or other competent board of said city, may issue bonds equal to the whole amount of said matured bonds, or any part thereof, in the corporate name of the said city, to be denominated on their face (name of city) city water bonds, bearing interest at a rate not exceeding five per centum per annum, and the said interest shall be paid semi-annually; and the principal of said debt shall be payable at periods not less than ten nor more than fifty years from date; and the water commissioners, or other competent board as aforesaid, may sell the said bonds for the best price that can be obtained; *provided*,

Bonds may be
issued in pay-
ment for matured
water bonds.

Bonds to be sold
at best price.

Proviso.

such price is sufficient to cancel the whole amount of such matured bonds, for which purpose it shall be applied; or the new bonds may be exchanged for the matured bonds upon the best terms that can be obtained, which bonds shall be of the denomination of fifty dollars and multiples thereof, and shall be executed under the corporate seal of said city and shall be signed by a majority of the members of the board of water commissioners, or other competent board, and shall be countersigned by the mayor of said city; and a record of all bonds issued or disposed of shall be kept by said commissioners, or the board issuing the same, and copies of such record shall be made and delivered to the treasurer, or other proper financial officer of said city; said bonds shall have coupons attached for every half-year's interest until due, or may be registered, or the principal of the coupon bonds may be registered, at the option of the holder.

Deficiency to be
raised by tax.

2. *And be it enacted*, That in case the revenue received from water supplied, shall not in any year be sufficient to pay the interest, and all the necessary expenses of the operation of the water works and supply, an amount equal to such deficiency shall be provided for, and paid by the said city, and the proper authorities thereof are hereby authorized and required to assess and raise for that purpose, by tax, such amount as may be necessary, in addition to the other taxes authorized by law.

Water rents.

3. *And be it enacted*, That the water commissioners of said city, or other board having charge of the water supply, shall fix the water rents, or prices for water, with reference to paying from the proceeds thereof the interest and principal of the bonds as they respectively fall due and such portions of the money received as may remain after paying all expenses for maintaining the works and raising and distributing the water, and salaries, wages, and incidental charges shall be applied first, to the payment of interest upon the bonds issued under authority of this act, and next, to the purchase of said bonds if the same can be obtained at reasonable rates, or if that can not be effected then to be safely invested and allowed to remain as a sinking fund to be applied to the payment of the bonds at maturity.

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

Approved March 10, 1892.

CHAPTER LIV.

A Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly* Stockholders may act as board of directors when directors fail to attend meetings. *of the State of New Jersey*, That whenever by the reason of the failure, neglect or refusal of a sufficient number of the board of directors of any corporation of this state to attend any three successive meetings of such board, regular or special, duly called, a quorum is thereby prevented, the stockholders of said company shall thereupon, and until a legal meeting of a quorum of such board of directors shall be held have power to act in place of such board of directors, and for such purpose special meetings of the stockholders of said company may be called by any officer of the company, or by any three stockholders of the company, upon three days' notice mailed to each of said stockholders at his address as the same appears upon the books of the company, at which meetings it shall be lawful for the said stockholders to take such action, by a majority vote, in reference to the business of the said company as they may deem advisable, and their action thus taken shall be legal and binding upon the company.

2. *And be it enacted*, That all acts and parts of acts in- Repealer consistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 10, 1892.

New Jersey State Library

CHAPTER LV.

An Act relative to the residence of directors of corporations in this state.

But one director
of any corpora-
tion need reside
in the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not hereafter be necessary for more than one director of any company, corporation or association incorporated under the laws of this state by special or general acts of incorporation to reside in New Jersey.

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

Approved March 10, 1892.

CHAPTER LVI.

An Act concerning corporations.

Corporations
may do business
outside the state
although not
provided for in
certificate of
incorporation.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporations of this state, incorporated under any general or special act, to carry on and conduct its business outside of the state of New Jersey, although not provided for in the act or certificate of incorporation of any such corporation; *provided, however*, such corporation shall have an office in the state of New Jersey.

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

Approved March 10, 1892.

CHAPTER LVII.

An Act to amend an act entitled "A supplement to an act entitled 'An act to reorganize the board of chosen freeholders in counties of the first class in this state,' " approved April third, one thousand eight hundred and eighty-nine, and which supplement was approved April sixteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said supplement be amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That members of the board of chosen freeholders in the counties of the first class in this state, excepting the director at large thereof, shall be elected by assembly districts, at the time or times of holding the charter, city, town, village or township elections, to be held in the year one thousand eight hundred and ninety-three, and every third year thereafter; and that such election of members said of boards shall be confined to those election or assembly districts in which such municipal elections are being held; that the director at large of said board shall be elected as heretofore.

2. *And be it enacted*, That section two of said supplement be amended so as to read as follows :

2. *And be it enacted*, That the term of office of such members, except such director, shall begin on the second Wednesday of May next after every such election, and shall continue for three years and until others shall be chosen and legally qualified in their stead, and the term of office of such director at large shall begin and continue as heretofore.

3. *And be it enacted*, That section three of said supplement be amended so as to read as follows :

Term of present
boards extended.

3. *And be it enacted*, That the term of office of the members of the present boards of chosen freeholders in said counties, except the director at large, be and is hereby extended until the second Wednesday of May, in the year one thousand eight hundred and ninety-three, and until their successors may be elected and qualified.

Repealer.

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

Passed March 10, 1892.

CHAPTER LVIII.

A Supplement to an act entitled "An act to re-organize the board of chosen freeholders in counties of the first class in this state," approved April third, one thousand eight hundred and eighty-nine.

Boards of free-
holders in first
class counties
may elect a resi-
dent of any dis-
trict unrepres-
ented to repre-
sent such district

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where the whole number of members of any board of chosen freeholders such as is mentioned and provided for in the act to which this is a supplement, now holding office, shall not be equal in number to the whole number of assembly districts in such county, such board or the existing members thereof may, by a majority vote of all such members, choose a reputable elector residing in any such assembly district as may be then unrepresented in said board by any person residing in the district to represent the same therein, and to serve for and during the term limited for the other members of such board or so much thereof as remains; *provided*, that this act shall not be construed as affecting in any wise the membership or the place of any person occupying a seat as a member of any such board at the

Proviso.

time this act shall take effect; *and provided further*, that Proviso the same shall not be taken as authorizing, in any way, any increase of the whole number of members of such board, as the same is now limited by the laws existing at the time of the passage of this act.

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

Approved March 10, 1892.

CHAPTER LVIX.

An Act to amend an act entitled "An act providing for the formation and government of towns," approved April twenty-fourth, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said above-recited act be and the same hereby is amended so that said section shall read as follows: Section to be amended.

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

Section to be amended.

2. *And be it enacted*, That section two of said act be and the same hereby is amended so that the same shall read as follows :

Governing body of town, etc., upon petition, may pass ordinance for holding election.

2. *And be it enacted*, That the council, township committee or other governing body of any such town, borough or township, upon the petition, in writing, of at least fifty resident freeholders, may by the votes of a majority of all the members thereof adopt an ordinance for the holding of a special election in such town, borough or township for the purpose of deciding whether such town, borough or township shall become incorporated as a town under the provisions of this act, which ordinance shall prescribe the time and place or places of holding such special election and such other regulations respecting the same as may be deemed necessary and proper; *provided, however*, that instead of providing for a special election such ordinance may provide for submitting the question of incorporating as a town under this act, to the voters of such town, borough or township at the town or charter meeting or election to be held next thereafter.

Proviso.

Section to be amended.

3. *And be it enacted*, That section three of said act be and the same hereby is amended so that the same shall read as follows :

Notice of election, how given.

3. *And be it enacted*, That if a special election be called, notice of the same shall be given by advertisement published in the official newspaper or newspapers (if any) of such town, borough or township, and if there be none, in at least two newspapers published in the county and circulating in such town, borough or township, at least once in each week for two weeks successively, and by printed notices posted in at least one hundred conspicuous places therein, at least fifteen days next preceding the time appointed for such special election, which advertisements and notices shall specify and set forth the time, place or places and the object and purpose of holding such special election; and in case said ordinance provides for submitting the question of incorporating as a town under this act at a town or charter meeting or election, notice thereof shall be given by advertisement published in the official newspaper or newspapers of such town, borough or township (if any), and if there be none, in two newspapers published in the county and circulating

in such town, borough or township, for two weeks successively, next preceding the day appointed by law for holding such election, at least once in each week, and by printed notices posted in at least one hundred conspicuous places therein, at least fifteen days prior to the day appointed by law for holding such election, which advertisement and notices shall set forth that the question of incorporating as a town under the provisions of this act will be submitted at the next ensuing town or charter meeting or election.

4. *And be it enacted*, That section four of said act be and the same hereby is amended so that the same shall read as follows: Section to be amended.

4. *And be it enacted*, That any special election held under the provisions of this act shall be by ballot and shall be held and conducted under the general acts respecting elections, and the votes shall be canvassed and counted in the manner provided by law for canvassing and counting votes at town or local elections held in such town, borough or township; the ballots shall contain the words "for incorporation as a town under the act entitled 'an act providing for the formation and government of towns,'" or "against incorporation as a town under the act entitled 'an act providing for the formation and government of towns,'" and in case the question of incorporation as a town under this act shall be submitted at a town or charter meeting or election, the words "for incorporation as a town under the act entitled 'an act providing for the formation and government of towns,'" shall be printed on each ballot beneath the list of candidates thereon; if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same, if not marked off or defaced the ballot shall be counted as a vote in favor thereof; if a majority of the votes so cast at any special, town or charter meeting or election shall be in favor of incorporation as a town under this act, then within three days after the result of the election shall have been declared, a certificate of the result of such election signed by the chairman of the council, committee or governing body of such town, borough or township, and attested by the clerk thereof, together with certified copies of the petition, ordinance, How election conducted.

If majority of votes in favor of incorporation, certificate of result, etc., to be filed with secretary of state

and statement of the board of canvassers or election officers who canvassed the vote, and proof by affidavits that due notice of such election was given, shall be filed with the secretary of state, and from and after filing the same such town, borough or township shall be and it is hereby declared to be a body politic and corporate in fact and in law by the name and title aforesaid, and by said name and title shall have perpetual succession, sue and be sued, prosecute and defend in all courts in this state; have a common seal and alter the same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of the town.

Section to be amended.

5. *And be it enacted*, That section six of said act be and the same hereby is amended so as to read as follows:

Officers of town, etc., to continue in office until certain time.

6. *And be it enacted*, That the officers of any town, borough or township which has voted as aforesaid for incorporation as a town under this act, who shall hold office at, or whose terms of office may commence after the time of filing the aforesaid certificate with the secretary of state, shall, except as hereinafter provided, continue to hold their respective offices until the first day of May next succeeding the first annual town election held under this act and until their successors in office shall be elected or appointed, and shall in all things be subject to the provisions of this act in the same way as if they had been elected hereunder; and no surety of any such officer shall be discharged from liability on account of any change made in the duties of such officer by this act, unless within five days after this act becomes operative in such town he shall in writing notify the council of his intention to withdraw from his suretyship, in which case he shall be discharged from liability from the time this act becomes operative in such town, and the council may require such officer to furnish new or additional sureties in place of those withdrawing as aforesaid, and if he fails or neglects so to do the council may declare his office vacant, and may fill such vacancy in the manner hereinafter prescribed for filling vacancies; *provided, however*, that in case any town, borough or township adopting this act shall have been previously divided into wards the members of the council, committee or governing body thereof shall respectively continue in office and serve out

Subject to provisions of act.

Sureties not discharged, &c.

Proviso.

the terms for which they were elected, representing therein the wards in which they shall respectively reside, and no member of the council shall be elected from any ward until its representation therein shall have been reduced to less than two members.

6. *And be it enacted*, That section sixteen of said act be and the same hereby is amended so that the same shall read as follows :

Section to be amended.

16. *And be it enacted*, That except as herein otherwise provided, at the first town election held under this act one member of the council from each ward shall be elected for one year, and one member for two years, and one member of the board of education shall be elected for one year, and one member for two years, and one member for three years; and the electors voting at such election shall designate on their ballots the terms for which the several candidates for said offices shall be elected; and thereafter annually a member of the council shall be chosen from each ward for two years, and a member of the board of education for three years.

Election of members of council and board of education.

7. *And be it enacted*, That section forty-two of said act be and the same hereby is amended so as to read as follows :

Section to be amended

42. *And be it enacted*, That the town council shall meet annually for organization on the first day of May unless that day shall happen to be Sunday, in which case they shall meet on the day preceding; the councilman-at large shall be the chairman and shall preside at all meetings of the council; in his absence the council may elect one of their number as chairman for the time being; they shall appoint the times of meeting, determine and establish the rules of their own proceedings, and pass ordinances, by-laws and resolutions pertaining to the purposes and objects of the corporation and necessary and proper for carrying out the provisions of this act.

Council to meet annually for organization.

8. *And be it enacted*, That section eighty-two of said act be and the same hereby is amended so that the same shall read as follows :

Section to be amended.

82. *And be it enacted*, That all the property, real and personal, of the several school districts existing within the limits of any town, borough or township, before its incorporation under the provisions of this act, shall, upon

Property of school districts vested in town.

Board of education, powers and duties.

Proviso.

such incorporation, become and be the property of such incorporated town, and shall be held in its corporate name, and the several obligations, contracts and debts of said previously existing school district shall be assumed by and shall become and be the obligations, contracts and debts of said incorporated town; and that the board of education shall possess and exercise all the powers and perform all the duties by law vested in or imposed upon the trustees of school districts; they shall organize annually by choosing a chairman and a clerk, and may establish schools and provide for their government, and shall keep all school property in good repair; they shall define and fix the duties and compensation of their clerk, who shall also perform all duties enjoined by law on district clerks; *provided*, that no property shall be bought or building erected by the said board unless a majority of the voters of the town voting at an annual town meeting shall have voted an appropriation for that purpose; in case any appropriation for the purchase of land and the erection of a school building shall be voted by the electors of the town at any town election, the council shall issue bonds in the corporate name of the town for the amount of such appropriation in such denominations as they shall deem proper; such bonds shall be designated "school bonds," shall bear interest at not exceeding the rate of six per centum per annum, and shall not be sold for less than their par value; they shall be made payable in such manner that at the expiration of three years three-fifteenths thereof shall become due and payable, and thereafter one-fifteenth thereof shall become due and payable annually; the council shall provide for raising by taxation annually, the interest thereon and one-fifteenth of the principal thereof; the proceeds of the sale of said bonds shall be held by the town treasurer, and shall be paid out by him on the warrants of the board of education; at any time after an appropriation is voted as aforesaid, the board of education may purchase the necessary land and enter into contract for the erection of a school building thereon, the title to which property shall be vested in the town by its corporate name.

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

Approved March 10, 1892.

CHAPTER LX.

An Act in relation to the laying out, opening, widening and extending streets and highways in certain towns and townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where power and authority to provide by ordinance or otherwise for laying out, opening, widening and extending streets and highways has been heretofore conferred by charter or other special act of the legislature upon the town committee or council of any town or township and cannot be exercised because no legal or sufficient method of procedure therefor has been provided, streets and highways may be laid out, opened, widened or extended in any such town or township in the manner hereinafter provided, and the proceedings for laying out, opening, widening or extending any street or highway therein shall be as follows: an application in writing signed by one or more owners of land which fronts on or is bounded by the line of the street or highway or section thereof proposed to be laid out, opened, widened or extended, shall be presented to the town committee or council at a stated meeting thereof, which application shall describe the location and courses of the street or highway or section thereof proposed to be laid out, opened, widened or extended; *provided, however*, that where in any such town or township there shall be an official map showing the location and boundaries of all streets and avenues opened and to be laid out and opened therein, a description according to such map shall be sufficient; on receiving any such application the town committee or council shall consider the same, and if they approve it, shall direct the town clerk to publish such application together with a notice specifying the time and place when and where the town committee or council will meet to receive and consider objections in writing to the same, in at least one news-

Streets in towns and townships may be laid out, opened, widened and extended.

Application in writing to be presented to town committee or council.

Proviso.

paper published in the county and circulating in such town or township for the period of two weeks successively at least once in each week next preceding the time designated for receiving objections, and to post printed copies of such application and notice in five public places in such town or township at least ten days before the time designated for receiving objections, and the said town clerk shall file in his office affidavits showing how such application and notice have been published and posted; the owner or owners of any lands fronting on the lines of the street or avenue or section thereof proposed to be laid out, opened, widened or extended shall have the right to present objections in writing thereto at the time and place specified in such notice; at the said time and place the town committee or council shall meet and shall hear all persons who may desire to be heard on such matter, and shall receive and consider all objections in writing thereto that may be presented; if it appear that the owners of a majority of the lands fronting on the lines of the street or highway proposed to be opened, laid out, widened or extended have objected thereto, then no further proceedings shall be had or taken under such application and the same shall be dismissed, but if it appear that the owners of a majority of such lands have not objected thereto then the town committee or council may by the votes of a majority of the members thereof adopt an ordinance to lay out, open, widen or extend the street or highway or section thereof designated in such application.

Commissioners
to make awards
and damages.

Commissioners
to make oath.

2. *And be it enacted*, That at any time after the adoption of such ordinance the town committee or council may appoint three disinterested freeholders, residents of such town or township, as commissioners to ascertain, determine and make the awards for lands and improvements required to be taken and for damages sustained, and the assessment for benefits hereinafter provided for; said commissioners before entering on the discharge of their duties shall make and file with the town clerk an oath or affidavit in which they shall swear that they are not interested in the matter committed to them, and that they will faithfully and impartially perform the duties of their offices; said commissioners shall publish

a notice in one or more newspapers, published in the county, for at least two weeks successively, at least once in each week, specifying the time and place when and where the first meeting of the commissioners will be held; the town committee or council shall appoint a competent surveyor to assist said commissioners.

3. *And be it enacted*, That the said commissioners shall ascertain as far as practicable the names and estates of all the owners of lands and improvements required to be taken; they shall view and examine the lands and improvements required to be taken and shall make a just and equitable appraisal of the compensation and damages each owner will sustain by reason of such taking, and where the estates in any land or real estate are not known they shall appraise the compensation to be made for and damage done to the fee simple; said commissioners shall ascertain and determine the whole cost of the laying out, opening, widening or extending of such street or highway, and shall determine what lands are specially benefited by the same, and shall assess such cost, as far as practicable, upon the lands so specially benefited; they shall assess each lot or parcel of land specially benefited thereby in proportion to the benefit received and no lot or parcel of land shall be assessed more than it is specially benefited, and in case the said cost shall exceed the aggregate amount of special benefits the excess shall be assessed upon and shall be borne by the town or township at large; the said commissioners shall make a map showing the lands and improvements required to be taken and each lot or parcel of land specially benefited; they shall under their hands make a report in writing of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them, and shall present their report and map to the town committee or council at a stated meeting thereof, who shall direct the town clerk to publish for five weeks successively, at least once in each week, in a newspaper published in the county, and to post for ten days in five public places in the town or township notices setting forth that such report and map have been filed with him and specifying where and when they can be seen and examined and designating the time and place when

Notice to be published.

Surveyor.

Commissioners to ascertain names and estates of owners

View and examine lands.

Ascertain costs and damages.

Assess land benefited.

Make maps.

And report.

and where the town committee or council will meet to consider and adjudicate upon all objections to such report, maps, awards, determinations and assessments that may be presented in writing, and all objections at such time and place presented in writing the town committee or council shall consider and adjudicate upon, and the awards or assessments made in said report may be corrected accordingly, a copy of which corrections, signed by the chairman of the town committee or council, shall be filed with said clerk within ten days thereafter; the town committee or council may thereupon confirm said report, map, awards and assessments as filed by said commissioners or as corrected by them, and from and after the time of such confirmation the assessment shall constitute a lien upon the lands upon which it is imposed, collectible and enforceable as other assessments are in such town or township.

Committee or council to confirm maps, reports, &c.

Resolution for payment of sums awarded.

Proviso.

When awards and damages are equal.

Excess of award to be paid.

4. *And be it enacted*, That the town committee or town council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken and damages sustained, and upon the passage of such resolution the fee simple of said real estate to be taken shall be vested in the township or town; *provided*, that when the commissioners shall have reported the name or estates of the owners of any parcel as unknown, the said resolution shall direct the sum of the award on account of such plot to be paid to the owner or owners thereof when and as their interest may appear, and any such owner or person interested in said land may by suit in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him, as law and justice may require.

5. *And be it enacted*, That whenever by the report and map of the commissioners, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received, then if the assessment equals or exceeds the award no payment shall be made on account of the award; if the award exceeds the assessment only so much of the award as is in excess thereof shall be paid, and the resolution of the town

committee or council ordering the awards to be paid shall be framed accordingly.

6. *And be it enacted*, That whenever any person who shall have presented objections aforesaid to an award, or shall be dissatisfied with the determination of the town committee or council thereupon, such person may commence an action upon contract against the town or township in the circuit court of the county or in the supreme court of this state (provided that the trial shall be had in the county in which such town or township is situated), which action shall proceed in all things as if said town or township had upon taking the real estate required agreed in writing to pay therefor the value thereof, and the damage done by taking the same; and if in such action the plaintiff recover more than the amount of the award, he shall recover his taxable costs, and if he shall not recover more than the amount awarded, the defendant town or township shall recover its taxable costs, and shall be entitled to have them deducted from the amount recovered by the plaintiff, the amount of assessment against the plaintiff (if any) being also deducted therefrom; *provided, however*, that no such action shall be brought by any person who shall have accepted payment of the amount awarded, nor unless notice that such action will be brought be filed with the town clerk within three months after confirmation of the award, nor unless such action be commenced within two years after such confirmation.

Proceedings in
case of dissatis-
faction.

Proviso.

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

Approved March 10, 1892.

CHAPTER LXI.

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

Boards of freeholders shall provide rules whereby sewer and gas connections shall be made in a public road.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a public road shall have been laid out or opened in any county in this state under the provisions of the act to which this is a supplement, and said public road shall in the course and location thereof, in whole or in part, extend into, along or through any city, town, township or other like or similar municipality or part thereof in such county, which municipality may have or shall hereafter acquire authority or power to construct sewers therein, the chief or other engineer or officer having charge in the opening laying out or construction of said public road shall, when it may be practicable, report to the board of chosen freeholders of said county, a plan whereby any premises or buildings fronting upon such new public road may be provided by such municipality with sewer connection or connections beneath the surface of any part of said public road with the sewerage system of such municipality; *provided*, that the said engineer or officer aforesaid, in preparing and perfecting said plan, shall adhere therein as near as may be to any plan of or for sewerage or sewer connections which may have been or may hereafter be adopted by such municipality, in the territory in which the said public road may be located; upon such plan being reported as aforesaid, to said board of chosen freeholders of the said county, it shall be lawful for such board to consider the same, and either approve or disapprove thereof, or such board may change or order such changes

to be made in the plans as may seem to the board to be proper and necessary, which changes shall be submitted to said engineer or officer for incorporation in the said plans; upon such plans or any of them being finally adopted by said board, the same shall be filed in the office of the clerk of the board of chosen freeholders of the said county, and a copy of said plan, duly attested by said clerk, shall be filed in the office of the body having control of the construction of sewers in such municipality; and all sewers and sewer connections intended for houses or house drainage or sewerage connection, which it may be necessary to build beneath the surface of said public road, shall be constructed in conformity with said plan and not otherwise.

2. *And be it enacted*, That whenever any owner or owners of any premises or property fronting on said public road shall deem it necessary and require that such sewer or sewer connection or branch sewer beneath the surface of said public road shall be constructed or made, in order that such premises may obtain and have house drainage or sewerage as aforesaid, such owner or owners shall, in writing, petition the proper municipal body for the construction of said sewer or sewer connection, which shall be done in the same manner, or as near thereto as practicable, as any property owner having property fronting on any other street in such municipality may lawfully petition for and obtain the construction of a sewer or sewers therein, and all the proceedings and steps as to petition, contract for the making or construction of such last mentioned sewer or sewer connection, and other things necessary, as well as the assessment for or cost of and collection of the same, shall be done and provided for in the same way, or as near thereto as may be, to that provided, by law, in and for said municipality, for the petition and other things requisite to be done or followed relative to and necessary for the making, construction and defraying of the expense of the sewers or sewer system or connections last referred to; and the body having control by law of the making or construction of sewers in such municipality shall notify the board of chosen freeholders of the said county in writing ten days previous to the time designated for the breaking or the

or Proceedings for
obtaining sewer
connections.

Sewers to be
constructed to
the satisfaction
of board of free-
holders.

opening of the surface of said new public road for the construction of such sewer or sewer connections, and said sewer or sewer connection shall be constructed to the satisfaction of the said board of chosen freeholders, and in accordance with the said plans for said sewers in or connected with said public road, and the work in and about the construction or making of such sewer or sewer connections shall not be deemed finally accepted by such municipality until the said engineer or officer in charge of the public road as aforesaid shall have examined the same and reported to said board that the work is satisfactorily executed, and said report shall have been approved by such board of freeholders and notice thereof shall be filed in the office of the clerk of such municipality or the governing body of such municipality; the word sewer as mentioned in this act shall be taken to include all necessary receiving basins, connections and man holes such as are usually made appurtenant to a properly constructed sewer and sewer outlet.

The word "sewer" construed.

Work to be approved by engineer.

3. *And be it enacted*, That whenever any municipality into which, or through which all or any part of public road is laid out and opened under the provisions of an act to which this is a supplement, having or which may hereafter have a public water supply or system by means of pipes laid in the streets and public places of said municipality, and it shall be necessary for the accommodation or use of the residents on lands fronting on said public road to extend such pipes or pipe system beneath the surface of the said public road, it shall be first indispensably necessary for the body or persons in any such municipality charged by law with the control of the water supply therefor, to notify the board of chosen freeholders in writing of its intention to extend such water pipe system beneath the surface of said public road ten days before breaking ground therefor, and all work made necessary in such extension shall be performed in accordance with regulations to be prescribed by and to the satisfaction of the board of chosen freeholders, and such work shall not be accepted or regarded in anywise completed for use and shall not be used as a part of such system until examined by the engineer or officer in charge of said road as aforesaid, and he shall certify

to the board of chosen freeholders of the satisfactory completion of the said work and the same shall be approved by said board.

4. *And be it enacted*, That whenever any person or corporation having or which may hereafter obtain any franchise to supply illuminating gas to the inhabitants of any municipality into which or through which all or any part of a public road is laid out or opened, under the provisions of an act to which this is a supplement, shall desire to extend the pipe or gas system thereof beneath the surface of the said public road for the purpose of furnishing gas to any premises fronting on said public road, said person or corporation shall, before breaking or opening the surface of said road, in order to make such extension, deposit with the clerk of the board of chosen freeholders of said county such good and sufficient bond as such board shall demand, in such sum or amount as it shall name, to be approved as to form by the counsel of said board, conditioned for and made to insure and guarantee that the surface of said public road shall, in such time as said board may allow therefor, be restored in good condition and to the satisfaction of said board of chosen freeholders, and the said pipes shall be laid in such places and to such depth and subject to such other regulations as the board of chosen freeholders shall determine.

Surface of road
to be restored in
good condition.

5. *And be it enacted*, That all openings of the surface of the public road for the purpose of making house connections, sewer connections and service connections for water and gas and all connections before referred to, shall in every instance be made only after permission obtained therefor from the board of chosen freeholders of said county, and shall be made subject to such regulations and conditions as such board shall prescribe, and not otherwise, and in making all such regulations and connections, provision is hereby authorized to be made for the making and keeping in proper and safe condition and repair for any time not exceeding one year after the same shall have been made and restored, all such openings as aforesaid of the surface of said public road, and said board is authorized hereby to require a deposit by certified check or in cash to be made with the county

Permission to be
obtained from
board of free-
holders before
work is com-
menced.

collector or treasurer of said county for or in such sum as the said board of chosen freeholders shall by resolution designate or order, to insure or guarantee that the surface of the said public road will be restored to and kept in good condition as aforesaid, and if said surface is not restored to such good condition, after ten days' notice in writing to that effect shall have been given by or on behalf of such board, or by the said engineer or officer in charge of said road to the person or party doing or permitted to do the work, the said board of chosen freeholders may do or cause the work necessary to be done to restore said surface to such good condition, and may devote or apply as much of the said deposit as may be necessary to pay for the same, to that object, and upon the completion of said work the whole or the remainder of said deposit, if any, shall be returned to the party who may have made the same as aforesaid.

When foregoing provisions to apply.

Board of freeholders may dispense with or modify requirements.

Penalty for violation of rules

6. *And be it enacted*, That the foregoing provisions shall apply whenever any municipality shall find it necessary in the development of their sewerage or water supply system to cross the public road, also when any person or corporation having or which may hereafter acquire any franchise to supply illuminating gas shall find it necessary in the exercise of said franchise to extend its supply pipes or system across said public road; it also shall apply in cases where it shall be necessary to open the surface of said public road to repair any sewer, water pipes, gas pipes, or connections to the same; nothing in this act contained, however, shall be construed as prohibiting such board of freeholders from dispensing with or modifying any of the requirements of or under the same in any case where the exigencies thereof shall appear to require such dispensation or modification but in all such instances the reasons therefor must be assigned in writing by the party asking therefor, and it shall be requisite to have the approval thereof by resolution of such board of freeholders.

7. *And be it enacted*, That any person violating any of the foregoing provisions or any rule or regulation prescribed thereunder, shall be subject to a penalty, for each violation, to be imposed upon conviction by the court or magistrate hearing the same, of not exceeding twenty

dollars, and in default of payment thereof the offender may be committed to the county jail for any term not exceeding ten days; the penalties herein provided may be enforced by or before any justice of the peace, police justice or judge, or recorder, of any municipality within such county; and process in the nature of a warrant may be issued, or complaint made on oath, for the apprehending of the offender, or such offender may be arrested on view without warrant by any police officer, sheriff or constable in such county.

8. *And be it enacted*, That any act, direction, order or thing whatever authorized or directed to be done, made or executed by any justice of the supreme court particularly mentioned, specified or referred to in the sixth section of the act to which this is a supplement, or in any other section of said act, or in any act supplementary thereto or amendatory thereof, may be and hereby is authorized and directed to be done, made or executed by any other justice of said supreme court.

9. *And be it enacted*, That all acts and parts of acts, general, special, local or otherwise, inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 11, 1892.

CHAPTER LXII.

A Further Supplement to an act entitled "An act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any township in this state, which are in counties having one

How enforced.

Acts of justices
of supreme court

Township committees in counties of 100,000 inhabitants or over to be elected for terms of three years.

hundred thousand inhabitants or over, by the last state census, in which the township committee consists of five members, may, at any town meeting, by a majority of votes cast, pass a resolution directing that the members of the township committee shall thereafter be elected for the term of three years, which said resolution shall be printed on the same ballot as the names of the candidates.

Classification of
terms of office.

Election of town-
ship committees
at succeeding
town meetings.

Repealer.

2. *And be it enacted*, That upon the passage of such resolution in any such township, the members elected therein for township committee shall, at their first meeting, determine by lot which two of said members shall hold office for the term of one year, which other two shall hold office for the term of two years, and which other one shall hold office for the term of three years; and the respective members shall thereupon hold office for the respective terms so determined, and at each succeeding town meeting thereafter in such township the number of new members of the township committee to be voted for and elected shall be such as to fill the places or place of the members or member whose term of office shall expire, and such new members or member shall be elected for the term of three years, except in the event of a vacancy of the office of a member during an unexpired term, in which event the vacancy shall be filled for the unexpired term only.

3. *And be it enacted*, That all acts and part of acts which are inconsistent with the provisions of this act be and they are hereby repealed.

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

Passed March 11, 1892.

CHAPTER LXIII.

A Supplement to the act entitled "An act to incorporate trustees of religious societies" (Revision), approved April ninth, one thousand eight hundred and seventy-five.

WHEREAS, The religious societies or congregations of this state, now or formerly known as True Reformed Dutch churches, or Christian Reformed churches, have heretofore undertaken to incorporate themselves and to exercise corporate powers under the provisions of the act to which this is a supplement and of former acts of the legislature of this state relating to the incorporations of trustees of religious societies, applying to Reformed or Reformed Dutch churches, and doubts have been expressed whether the said provisions extended or applied to the said True Reformed Dutch churches, or Christian Reformed churches;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth sections of the act to which this is a supplement, and the provisions of former acts of the legislature of this state relating to the incorporation of trustees of religious societies applying to Reformed or Reformed Dutch churches, be and they are hereby construed to extend and apply to the religious societies or congregations of this state now or formerly known as True Reformed Dutch churches or Christian Reformed churches, and all proceedings heretofore taken by the said True Reformed Dutch churches or Christian Reformed churches, to incorporate themselves and to exercise corporate powers, under and in accordance with the said provisions, are hereby fully and effectually validated and confirmed.

Preamble.

Validates certain sections of the act of 1875.

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

Passed March 11, 1892.

CHAPTER LXIV.

An Act providing for the creation of a police department in cities of the second class in this state whose population now exceeds or may hereafter exceed fifty thousand, and vesting in such police department certain powers of management and appointment now vested in other departments or offices in said cities.

Creates a police department in cities of the second class of over 50,000 inhabitants, to consist of four commissioners of police, two only to be of one political party, to be appointed by mayor and police justice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be in every city of the second class in this state whose population now exceeds or may hereafter exceed by the United States or state census fifty thousand, a police department, which department shall be governed and managed by a board of four commissioners, to be known as commissioners of police, not more than two of whom shall be of the same political party, and who shall be appointed by the mayor and police justice of such cities, for the term of two years, at an annual salary of five hundred dollars, to be paid monthly, in the same manner as now provided for by law for other city officers; the first appointment of commissioners shall be two for one year and two for two years, and thereafter two shall be appointed every year in place of the two whose term expires in that year, so that the terms of said commissioners after the first appointment shall be for two years; any appointment to fill a vacancy shall be made by the said mayor and police justice and shall be 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 shall appoint the said commissioners or commissioner, and if the said police justice should 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 mayor shall appoint the said commissioners or commissioner.

2. *And be it enacted*, That the commissioners of police appointed under this act shall be and they are hereby invested with and shall possess all the powers heretofore given to, and perform all the duties now required of or imposed upon any board of alderman or common council, or other governing body, by whatever name called, in any such city of the second class in this state, concerning and appertaining to the appointment, powers, government and other matters relating to the police of such cities; they shall also adopt such rules and regulations as to the appointment, 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 commissioners of police; the police force of such city shall not exceed one for each one thousand of population of such city, unless said commissioners by a unanimous vote shall determine that a greater number is required.

Powers of commissioners.

Rules and regulations.

Proviso.

3. *And be it enacted*, That the commissioners of police appointed under this act shall proceed forthwith to organize said commission, and shall elect by ballot, by a majority vote, one of the commissioners to act as president of said board of commissioners of police, 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 commission, and should the first ballot result in no election, then the police justice shall have power, and it shall be his duty to designate one of those voted for by such commissioners, who shall act as such president of such commissioners of police for the ensuing year, and the said commission shall meet at least once a week.

Organization of commissioners.

Police justice a member of the commission, and vote in case of a tie.

4. *And be it enacted*, That the police justice of any such city of the second class where commissioners of police 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 police justice.

His duties.

5. *And be it enacted*, That the clerk of the police justice shall act and perform the duties of secretary of the said commissioners of police, and shall receive no extra compensation therefor in addition to his salary as clerk of such police justice; he shall also keep a correct and accurate account of all the proceedings of the said commissioners of police in a book or books provided by said commissioners, and shall, at all times, have the minutes of said commissioners open for the inspection of the mayor or any member of the board of alderman or common council of such cities, and shall at all times give such information to the commissioners as they shall desire.

Commissioners to have control of the department of charities and correction.

Other powers.

6. *And be it enacted*, That the said commissioners of police appointed under this act be and they are hereby invested with full power and authority to control and manage the department of charities and correction in any such city of the second class, and they shall possess all the powers and perform all the duties now performed by a board of aldermen or common council or other governing body, by whatever name called, in any such city concerning and appertaining to the management and control of the said department of charities and correction; they shall also have power to buy, sell, construct or repair such things as in their judgment they shall deem expedient and necessary for the proper management of said department of charities and correction; they 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; they shall also have the exclusive power to relieve and pay for the relief of the poor not in any such workhouse or other building; they shall also have the exclusive power to appoint the poor-master, the overseer of the poor and all other officers

and employees in any way connected with the relief of the poor in any such city; they 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 bidder; *provided, however*, that they shall have the right at all times to reject any or all bids if deemed to be for the interest of such cities.

7. *And be it enacted*, That the commissioners of police appointed under this act shall, after their organization, elect a superintendent of indoor relief and a superintendent of outdoor relief, by whatever name they may be called, in such city, who, after their election by said commissioners of police, shall have and possess the same powers now vested in such superintendents of indoor and outdoor relief in such cities, but at all times the said superintendents of indoor and outdoor relief, appointed by the commissioners of police under this act, shall be subject to the rules and regulations prescribed by said commissioners of police for the more efficient government of the department of indoor and outdoor relief; the term of office of such superintendents shall be for three years, and they shall be removed for cause only and after trial thereon by said commissioners; and such superintendents shall receive the same compensation for their services as officers now existing for like purposes now receive in such cities, and all officers and employees of said commissioners shall be paid in the same manner as now provided by law for the payment of city officers and employees performing like or similar services.

8. *And be it enacted*, That the police commissioners appointed under this act shall, on or before the first day of April next after the passage of this act, elect a city physician and an assistant city physician, who shall hold their respective offices for the period of three years; they shall perform all the duties that are now required of city physicians in such cities, and at all times during their terms of office they shall be governed by said police commissioners, and be subject to the rules and regulations prescribed by said commissioners, and they shall re-

Superintendents
of indoor and
outdoor relief.

Term of office.

City physician
and assistant,
term of office
three years.

Duties and com-
pensation.

ceive the same compensation for their services as like officers are now receiving in such cities.

Oath of commissioners.

9. *And be it enacted*, That before entering upon the duties of such office each of said police commissioners shall take or subscribe an oath or affirmation before the police justice 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 the sum of five thousand dollars, with such sureties as may be approved of by the mayor and finance committee of the board of aldermen or common council or other governing body of such city, or by said police justice, conditioned for the faithful performance of his duties as such commissioner.

Bond.

Money received from liquor licenses to go to support the police department.

10. *And be it enacted*, That 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 of streets and sewers for the permanent improvement of streets only.

Annual report.

11. *And be it enacted*, That the said commissioners of police shall annually, in the month of May, submit a full report of the proceedings of said commission, to the board of aldermen or common council of such cities; they 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.

Rooms and furniture.

12. *And be it enacted*, That the board of aldermen or common council or other governing body, by whatever name called, of such cities where the said commissioners of police are appointed under this act, shall provide suitable rooms for the transaction of the business of the said commissioners and shall procure suitable furniture therefor.

13. *And be it enacted*, That all acts and parts of acts, ^{Repealer.} general, special or local, and all charters or parts of charters of any city, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be a public act and shall take effect immediately; *provided, however*, that until said commissioners of police ^{Proviso.} have qualified and have been organized, the present city authorities in any such city, to whom have been entrusted the powers and upon whom have heretofore been imposed the duties mentioned in this act, shall continue to exercise such powers and duties, so that there shall not be any interregnum when no authority exists for the government of such city in reference to the matters embraced in this act.

Approved March 11, 1892.

CHAPTER LXV.

An Act providing for and regulating the laying out and opening of certain streets and highways under certain circumstances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if it shall be alleged and ^{Regulating the opening of streets and highways by commissioners.} made to appear to the circuit court in and for any county, by petition filed on behalf of any railroad corporation operating a steam railroad therein, and upon proof taken thereafter under direction of said court, or upon reference thereby made, that any city or other municipality proposes to lay out and open, or has heretofore laid out any street or highway, in such manner as that the same shall cross the railroad of such corporation upon the same grade with said railroad and at a point where there is a curve in the route of said railroad having a radius of eight degrees or more, that such crossing has, from

Report. whatever cause, not yet been actually constructed, and that such crossing upon the same grade at such point will be prejudicial to the interests of said corporation and of the traveling public, it shall be the duty of said court to cause inquiry and report to be made by three commissioners to be appointed by said court, not residents of said city or municipality, or owning property therein, as to the manner and grade upon which such street or highway should cross said railway; and upon report by said commissioners and consideration of evidence before them taken, to determine and decree the grade and manner above or under the said railway at and in which said street or highway shall cross said railway, and no street or highway shall be built so as to cross said railway in any other manner or at any different grade.

Expense of making crossings. 2. *And be it enacted*, That the expense of making such crossing shall be borne and shall by the proper officers of said city or municipality be assessed upon property benefited thereby in proportion to the benefit received therefrom, as in ordinary cases of opening streets in said city or municipality, and as part of the expense of grading such street.

Oath of commissioners. 3. *And be it enacted*, That such commissioners, before entering upon their duties, shall make and file with said court their affidavit that they will well, faithfully and justly execute the duties devolved upon them by said appointment.

Repealer. 4. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Passed March 11, 1892.

CHAPTER LXVI.

An Act concerning the government of cities of the second class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each city of the second class in this state there shall be elected an officer to be the president of the board of alderman, common council or council of said city, who shall be the president of and act at the meetings of the said board of aldermen, common council or council of said city, and shall have all the powers of an alderman or councilman; but in case of death, disability or absence from any cause, such boards shall have the power to elect one of their number president pro tempore.

Provides for the election of a president of the board of aldermen, council or governing body of each second class city, who shall have full power as an alderman or councilman.

2. *And be it enacted*, That the provisions of this act shall be submitted to the lawful voters in any of the cities of the second class at the next municipal election after its approval; *provided*, that a resolution for that purpose shall first be adopted by the board of aldermen, common council or council of such city; *provided, however*, that the first president of the board of aldermen, common council or council shall be elected at the municipal election aforesaid, and in case this act shall be accepted in any city at any such election, then the president of the board of aldermen, common council or council so elected shall hold office therein for the term of two years, calculating said term from the time in that year when the term of the members of the board of aldermen, common council or council elected in that year for regular terms in such city shall begin; and in case the voters of such city shall decide at any such election to reject the provisions of this act, then the election of a president of the board of aldermen, common council or council held therein at such election shall be void.

Provisions of this act to be submitted to a vote of the people.

Proviso.

Proviso.

Salary. 3. *And be it enacted*, That the president of the board of aldermen, common council or council elected under the provisions of this act shall receive an annual salary, payable quarterly, equal to one-half of the salary of the mayor of the city in which the said president resides.

When act not to apply. 4. *And be it enacted*, That this act shall not apply to those cities in which the president of the board of aldermen, common council or council is now elected by a popular vote in said cities, or now has a councilman-at-large elected by a popular vote of the entire city.

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

Approved March 15, 1892.

CHAPTER LXVII.

An Act concerning the election of members of the board of chosen freeholders in certain counties of this state and fixing the time for holding the same.

Date of election of freeholders in counties having a population exceeding 75,000.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each of the counties of this state, having within its territorial limits a population exceeding seventy-five thousand inhabitants, the members of the board of chosen freeholders of such counties shall be elected on the second Tuesday in April.

Registration lists to be used.

2. *And be it enacted*, That at the election for members of the boards of chosen freeholders in the counties above mentioned, on the second Tuesday of April next ensuing, the registration list made and used at the last election held in said counties for members of the general assembly, with the correction and revision thereof, as made and used at the township and municipal elections held since the above-mentioned election for members of the general assembly, shall and the same is hereby declared to be the proper registry list to be used at said election.

3. *And be it enacted*, That the election of any member of the board of chosen freeholders in said counties above mentioned, in the year of our Lord eighteen hundred and ninety-two, on any day other than the second Tuesday of April, in said year eighteen hundred and ninety-two, shall be and such election is hereby declared null and void and of no effect whatever. Election of freeholders on any other day null and void.

4. *And be it enacted*, That all acts or parts of acts which provide for the election of members of the boards of chosen freeholders in counties of this state, subject to the provisions of this act, on any day other than the second Tuesday in April, are, so far as they are inconsistent with this act, repealed, and that this act shall take effect immediately. Repealer.

Approved March 15, 1892.

LXVIII.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplemental act was approved May twenty-eighth, one thousand eight hundred and ninety.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section thirty of said supplemental act be and the same is hereby amended so that henceforth said section thirty shall be and read as follows, to wit: Section to be amended.

30. *And be it enacted*, That all certificates of nomination and all petitions naming candidates for office to be filled by voters of the entire state, or any district or division thereof greater than a single county, shall be filed with the secretary of state at least twenty days previous to the Certificates of nomination and petition, when filed with secretary of state.

When filed with county clerk.	election at which the candidates nominated are to be voted for; all certificates and petitions naming candidates for general assembly, and candidates to be voted for by all the voters of a single county, or more than a single subdivision thereof, shall be filed with the clerk of the respective counties wherein the officers nominated are to be voted for, at least ten days prior to the election at which the candidates nominated are to be voted for; all other
With clerks of municipalities.	certificates and petitions shall be filed with the clerks of the respective municipalities wherein the candidates nominated are to be chosen, at least eight days before the election whereat they are to be voted for; all certificates
Certificates open for inspection, and to be preserved one year.	and petitions when filed shall be open, under proper regulation, for public inspection, and the same shall be preserved for one year; candidates nominated for any
How nomination must be accepted	office in any certificate or petition shall manifest their acceptance of such nomination by a written acceptance thereof, signed by their own hand, upon or annexed to and filed with such certificate or petition, or if the same person be named for the same office in more than one petition, then annexed to one of such petitions; the name
If otherwise accepted, name of candidate not to be printed on ballots.	of any candidate who shall fail in such manner to signify his acceptance of the nomination shall not be printed upon the ballots.
Section to be amended.	2. <i>And be it enacted</i> , That section thirty-one of said supplemental act be and the same is hereby amended, so that henceforth said section thirty-one shall be and read as follows, to wit:
Secretary of state to certify and forward statement of candidates nominated to county clerks.	31. <i>And be it enacted</i> , That it shall be the duty of the secretary of state, at least ten days before any election whereat any candidate nominated in any certificate or petition filed with him is to be voted for, to make and certify, under his hand and seal of office, and forward to the clerks of the several counties of the state, a statement of all the candidates nominated by certificate or petitions filed in his office for whom voters within any such county may be by law entitled to vote at such election; such statement, in addition to the names of the candidates for president and vice-president of the United States, if any such have been included in any certificate or petition filed with him, shall also contain the names and residences of all other candidates, the offices for
What statement to contain.	

which they are respectively nominated and the names of the parties by which or the political appellation under which they are respectively nominated; candidates nominated by petition, without distinctive political appellations, shall be certified as independent candidates.

When certified as independent candidates.

3. *And be it enacted*, That section thirty-two of said supplemental act be and the same is hereby amended, so that henceforth said section thirty-two shall be and read as follows, to wit:

Section to be amended.

32. *And be it enacted*, That except as in this act otherwise provided, separate printed ballots of the kind and description hereinafter directed, shall be provided at public expense for each party or group of petitioners having candidates to be voted for at any election for public officers within this state or any subdivision thereof; it shall be the duty of the county clerk of each county to provide said ballots in all cases where the names of any candidates to be voted for at any election to be held within his county are certified to him by the secretary of state or included in any certificate or petition of nomination originally filed with him as such county clerk; in cases of election within and for a single municipality of any county where the certificate or petition of nomination is, pursuant to this act, to be filed with the clerk of such municipality, it shall be the duty of such municipal clerk to provide said ballots; said county and municipal clerks in providing said ballots shall cause the same to be printed in manner and form following; the nominations of each party or group of petitioners shall be printed on separate tickets underneath the title or name of the party or petitioners making such nominations as designated by them in their certificate or petition, so that all the candidates of each party or group of petitioners shall be and appear on its own separate ticket or ballot, after the form and manner now prevailing, or if there be no designation of name or title, then under the title of "independent nominations;" such clerks shall not be required to print any name upon any ballots when such name was not included in any certificate or petition filed with him at least eight days before the election; all ballots prepared by any county or municipal clerk for any election to be held within his county or municipality, shall be printed

Separate printed ballots to be provided for each party at public expense.

When county clerk to provide ballots.

When ballots provided by clerk of municipality.

How ballots printed.

When clerk not required to print names.

Ballots to be printed on plain white paper, of uniform size, type, etc.

To contain but one name for each office.

Section to be amended.

County or municipal clerk to furnish ballots to voters in certain cases.

Proviso.

Repealer.

on plain white paper; all ballots to be of uniform size, quality and type, and of such thickness that the printing thereon cannot be distinguished from the back of the ballot and without any mark, word, device or figure thereon except as in this act provided; there shall be printed on each ticket the name of but one candidate for each office to be filled.

4. *And be it enacted*, That section thirty-seven of said supplemental act be and the same is hereby amended so that henceforth said section thirty-seven shall be and read as follows, to wit:

37. *And be it enacted*, That if any duly qualified voter residing in any county or municipality of this state shall, at least seven days before any election to be held in such county or other municipality thereof, notify the clerk of such county or municipality in writing that such voter requires a specified number of the official ballots, not less than fifty in number, of any party, organization or petitioners for a voting precinct or precincts, to be designated, and requesting the same to be furnished him, it shall be the duty of such county or municipal clerk to cause such official ballots of the kind herein before described to the number and for the voting precincts requested by such voter, to be printed and ready for delivery to such voter or his agent, at the office of such county or municipal clerk at least four days before the election at which said ballots are intended to be used; *provided*, that said county or municipal clerk shall not cause any ballots to be printed for any voter requesting the same to be furnished, unless at the time of the delivery to him of the written notification and request for such ballots the voter presenting the same shall pay to such county or municipal clerk a sum of money sufficient to pay for the printing of all ballots requested by such voter, which money paid shall be used by said county or municipal clerk in payment for the ballots printed at the request of such voter.

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

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

Approved March 15, 1892.

CHAPTER LXIX.

An Act to re-organize the board of chosen freeholders in certain counties in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, as provided in this act, the board of chosen freeholders in each of the counties of this state having within their territorial limits a population of not less than seventy-five thousand or more than two hundred thousand inhabitants, shall consist of three chosen freeholders from each assembly district of such county. Freeholders elected by assembly districts.

2. *And be it enacted*, That at the municipal and township elections held in the counties aforesaid in the year one thousand eight hundred and ninety-two, and every third year thereafter, there shall be chosen by the electors of each of the assembly districts in each of said counties, in the same manner and under the same laws and regulations as are or may be provided for such municipal and township elections, three chosen freeholders, as provided for in section one of this act, to be members of the said board, who shall hold their respective offices for three years, and until others shall be chosen and legally qualified in their stead, and the terms of the said board of freeholders so chosen shall commence on the second Wednesday of May next ensuing such election; *provided, however*, that the members of the present board of chosen freeholders of all such counties, shall be and continue as members thereof for the term for which they were severally elected. When to be elected, number and term of office.

3. *And be it enacted*, That the said members of the board of chosen freeholders elected under and by virtue of the provisions of this act, shall receive as a salary and compensation for their services as members of said board, after said board shall consist of three members only from each of the assembly districts in such counties, the sum of six hundred dollars each per annum; such Proviso.

salaries shall be paid out of the county treasury by the county collector, in equal monthly payments as the same become due, and no other compensation shall be allowed, given or paid to any of the said members for any services whatever.

Certificates of
nominations

4. *And be it enacted*, That in all voting precincts or election districts in any of the assembly districts in the counties subject to the provisions of this act, in which the names of candidates are required to be printed on official ballots in municipal elections, according to the provisions of an act entitled "A further supplement to an act to regulate elections," approved May twenty-eighth, one thousand eight hundred and ninety, and the supplements thereto, commonly called the ballot reform law, the nominations of candidates for members of the board of chosen freeholders in the assembly districts of such counties shall be certified to the clerks of the municipalities in which such voting precincts or election districts are, so that the names of such candidates shall be printed on the official ballots to be used in such voting precincts or election districts at the municipal election in such municipalities where nominations are required to be printed on official ballots in municipal elections, agreeably to the provisions of the above-mentioned ballot reform law.

Laws to apply to
freeholders
elected under
this act.

5. *And be it enacted*, That all the laws, either general, special or private, now in force, in relation to the board of chosen freeholders in the counties subject to the operation of and consistent with this act, shall apply to the board of chosen freeholders in such counties directed to be elected by this act.

Powers and
privileges.

6. *And be it enacted*, That the board of chosen freeholders in each of said counties as elected and organized under this act shall be vested with all the powers and authority, rights, privileges and duties as are now vested in and imposed upon the present boards of chosen freeholders in each of said counties, and all laws and parts of laws, statutes and parts of statutes now in force and in anywise applicable to the boards of chosen freeholders of each of said counties mentioned in this act, either public, private, general or special, be and the same hereby are in all respects and provisions continued in full

force, and are made applicable to the boards of chosen freeholders elected in accordance with the provisions of this act, except so far as the same may conflict with or be inconsistent with the provisions of this act.

7. *And be it enacted*, That the boards of registry and election in counting, canvassing, certifying and returning the votes cast at any election for chosen freeholders as provided for or mentioned in this act, shall proceed as now required by law. Boards of registry and election.

8. *And be it enacted*, That each of the said election boards who may hold such election shall appoint one of their number to attend the meeting of the board of canvassers for such election in the county wherein the election district may be situated as a member thereof; the clerk of the county shall be the clerk of such board, which shall be composed of the members appointed as aforesaid; such board shall meet on the Friday next after such election, at twelve o'clock noon, at the court house in such county, and shall in all things proceed, as nearly as practicable, in the manner in which the board of county canvassers is now or may hereafter be required to proceed, and shall be liable to all the penalties imposed upon the members of said last named board for any neglect or failure to perform the duties imposed upon them or any of them. Board of county canvassers. Clerk of board. Time of meeting.

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

Approved March 15, 1892.

CHAPTER LXX.

A Supplement to an act entitled "A supplement to the act entitled 'A further supplement to an act entitled 'An act to regulate elections,''" approved April eighteenth, one thousand eight hundred and seventy-six, which supplemental act was approved May twenty-eighth, one thousand eight hundred and ninety, and which last supplement was approved March twenty-third, one thousand eight hundred and ninety-one.

Boards of registry and election appointed by the county boards of registration shall hold all elections

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the boards of registry and election appointed by the county boards of registration, and the registry or poll clerks appointed by the said boards of registry and election, shall hold and conduct all the elections hereafter to be held throughout this state, during the term for which they were appointed; *provided*, that whenever within any township there exists or may hereafter exist a borough or village in which an election shall be held on the same day the election is held in such township for township officers, and for which election boards are under any law regulating the election in such borough or village necessary, such boards for conducting the borough or village election shall be appointed as heretofore.

2. *And be it enacted*, That all acts and parts, whether general, public, local or special, inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect April thirtieth, eighteen hundred and ninety-two.

Approved March 17, 1892.

CHAPTER LXXI.

An Act to repeal an act entitled "A supplement to an act entitled 'An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties,' " approved March thirty-first, one thousand eight hundred and eighty-seven, which supplement was approved June tenth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A supplement to an act entitled 'An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties,' " approved March thirty-first, one thousand eight hundred and eighty-seven, approved June tenth, one thousand eight hundred and ninety, be and is hereby repealed. Repeals act relative to local boards of health.

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

Approved March 17, 1892.

CHAPTER LXXII.

A Supplement to an act entitled "An act concerning cities of the first class in this state, and constituting municipal boards of street and water commissioners therein, and defining the powers and duties of such municipal boards, and relating to the municipal affairs and departments of such cities, placed under the control and management of such boards, and providing for the maintenance of the same," approved March twenty-eighth, one thousand eight hundred and ninety-one.

Authorizes committees of investigation, appointed by boards of street and water commissioners in cities of the first class, to issue subpoenas.

Committee authorized to administer oaths.

Who to serve subpoena.

In case any person shall refuse to obey subpoena, then justice of the supreme court to issue.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of street and water commissioners of any city of the first class in this state shall have appointed a committee of members of their body upon any subject or matter within the jurisdiction of such board of street and water commissioners, or to examine any officer of the city or member of said board in relation to the discharge of his official duties or conduct, or concerning the possession or disposition by him, in his official capacity, of any property belonging to the said city, or to inspect or examine any book account, voucher or document in the possession or under his control as such officer, relating to the affairs or interest of such city, such committee is hereby authorized to issue a subpoena ad testificandum, or subpoena duces tecum, to any person within this state to appear before them to give testimony or information required for the purpose above mentioned; and any member of such committee is hereby authorized to administer oaths to all such witnesses as may appear or be brought before them; the subpoenas herein provided for may be served by any police officer or constable of the said city; and in case any person summoned shall refuse to obey such subpoena, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required, any

justice of the supreme court of this state may, upon application made to him, and upon proof being made of such refusal, make an order awarding process of subpoena or subpoena duces tecum out of the said court, for such witness to appear and testify before such committee, and may make an order or orders that any party give testimony and answer questions as required, and to produce books, papers or documents as required, and upon filing such order in the clerk's office of the said supreme court, it shall be the duty of the said clerk, under the seal of said court, to issue process of subpoena to appear before said committee at a time and place named therein, and so from day to day until the examination of such person shall be completed; and said subpoena may contain a direction that such witness bring with him to such examination any books, papers or documents therein mentioned, and it shall also be the duty of said clerk to issue under the seal of said court, such other or further order in reference to the examination, appearance, production of books, papers or documents before said committee as said justice shall direct; and in case any person so summoned by subpoena issued by said clerk as aforesaid, shall refuse to obey such subpoena, or any direction therein, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required, or in case any person shall refuse to obey any order made by said justice as aforesaid, it shall be lawful for such committee upon affidavits proving the facts to apply to said justice of the supreme court for an attachment against such person as for a contempt; and it shall be the duty of such judge to hear such application, and if satisfactory proof be made of such refusal, to issue an attachment, directed to any constable or police officer of such city, for the arrest of such person, and, upon his being brought before him, to proceed to a hearing of the case; and the said judge shall have power to enforce, by imprisonment in the county jail, obedience to such subpoena, and the answering of any question that may be proper, or the production of any book, paper or document that the witness would be compelled to produce in a court of law, and also to compel such witness to pay the costs of the said proceeding,

Books and
papers to be
produced.

Penalty for
refusal to obey
subpoena.

Judge to issue a
attachment for
arrest.

to be taxed by the judge; and any person who shall willfully and corruptly testify falsely to any material matter upon oath or affirmation administered by any member of such committee, upon such investigation or inquiry, shall, upon conviction thereof, be subject to the penalties of perjury.

Board may make contracts for lighting.

2. *And be it enacted*, That the board of street and water commissioners in such cities may, if they deem it for the best interests of the city to so do, enter into a contract or contracts for the lighting of the streets, avenues, lanes, alleys and other public places and buildings in such cities for a time not exceeding ten years.

Repealer.

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

Approved March 17, 1892.

CHAPTER LXXIII.

A Further Supplement to the act entitled "An act respecting conveyances" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirty-ninth section of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Commissioners of deeds to hold office for five years.

39. *And be it enacted*, That the commissioners appointed as aforesaid shall be commissioned by the governor, and hold their offices for five years; but in case any commissioner shall remove out of the township in which he shall reside at the time of his appointment, his commission shall thereupon become void; *and further*, all commissioners appointed as aforesaid may be removed from office, by impeachment, for malconduct during the time they shall

May be removed

hold the said office; and the said commissioners, and each and every of them, are hereby authorized to demand and receive the same fees as are or shall be allowed by law for like services to other persons for taking the acknowledgment or proof of deeds; and that it shall not be lawful to appoint for any county in this state a greater number of commissioners as aforesaid than six for each township in said county that has been divided into election districts, or of townships having a population of twenty-five hundred, and three for each of the other townships, and a like number as last aforesaid for each of the wards of the different incorporated cities, boroughs and towns of this state, whenever any such city, borough or town is divided into wards; and fifteen for each aldermanic district or ward of any city, whenever any such city is divided into aldermanic districts or wards any of which contain a population equal to the population of the least of any of the assembly districts situated wholly within the limits of said city; *provided*, that the whole number of commissioners shall not, at any time, exceed three for each ward, or exceed fifteen for each aldermanic district.

May take fees.

Number of commissioners in townships and wards.

Proviso.

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

Approved March 17, 1892.

CHAPTER LXXIV.

A Further Supplement to an act to reorganize the board of chosen freeholders in counties of the first class in this state, approved April third, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the boards of chosen freeholders, mentioned and described

Boards of freeholders in first class counties shall cause an itemized and full statement of the monthly receipts and expenditures, and the minutes of all meetings to be published in a daily newspaper, to be designated each year by the board.

in the act to which this act is a further supplement, to cause an itemized and full statement of the monthly receipts and expenditures and also of the minutes of all the proceedings of such board of chosen freeholders at all of its regular and special meetings, to be published at least once, in one daily newspaper published in the principal city of such county, to be designated annually by such board during the month of April, and such board shall fix and determine the compensation to be paid for the services rendered by such newspaper or newspapers at not less than the rate now fixed by law for legal advertisements, and the same shall be appropriated and paid by such board of chosen freeholders in the same manner and out of the same funds or appropriations that other newspaper notices and publications are now paid by such board.

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

Approved March 17, 1892.

CHAPTER LXXV.

An Act relating to cities of the first class in this state and requiring the publication of the names of applicants for licenses to sell spirituous, vinous, malt or brewed liquors.

Municipal authority in first class cities to publish in a daily newspaper the names, residences and place of business contained in all applications or petitions for license.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall hereafter be the duty of the municipal authority in any city of the first class in this state having the power to grant licenses to sell spirituous, vinous, malt or brewed liquors, to cause to be published in one daily newspaper published in any such city, to be designated annually by such board during the month of April, the names, residence and

place of business contained in all applications or petitions made to such municipal authority for the granting of any such license as aforesaid; and such publication shall be made for at least five days in such daily paper as aforesaid prior to the granting or refusal to grant by such municipal authority of any such license as aforesaid, and no application or petition for such license shall be considered by any such municipal authority, until the publication required by this act shall have been made and due proof thereof produced and filed by the applicant for license with the municipal authority to whom the application or petition is made.

2. *And be it enacted*, That the cost of the publication and proof required by the first section of this act shall be paid by said municipality to said newspaper out of the license fees received for such licenses before the same shall be divided or paid over to any special fund as required by law; *provided*, that the cost of the insertion of the publication required as aforesaid, in any such daily newspaper, shall not exceed the sum of thirty cents per applicant for each of said insertions, and the sum of fifty cents for such proof of publication for each applicant.

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

Approved March 17, 1892.

Time of publication.

Expense of publication to be paid by municipality out of license fees.

Proviso.

Repealer.

CHAPTER LXXVI.

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.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of said act be amended so as to read as follows:

Certain corporations to pay annual tax to state as license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every telegraph, telephone, cable or electric light company, every express company, not owned by a railroad company and otherwise taxed, every gas company, palace or parlor or sleeping car company, every oil or pipe line company, every life insurance company incorporated under the laws of this state, and every fire, marine, live stock, casualty or accident insurance company, doing business in this state, except mutual fire insurance companies which do not issue policies on the stock plan, shall pay an annual tax, for the use of the state, by way of a license for its corporate franchise, as hereinafter mentioned; *provided, however*, that no company or society shall be construed to be a life insurance company doing business in this state within the purview of this act, which by its act or certificate of incorporation shall have for its object the assistance of sick, needy or disabled members, the defraying funeral expenses of deceased members and to provide for the wants of the widows and families of members after death.

Proviso.

Section to be amended.

2. *And be it enacted*, That the second section of said act be amended so as to read as follows:

Officers of corporations to make annual report to state board of assessors.

2. *And be it enacted*, That on or before the first Tuesday of May next, and annually thereafter, it shall be the duty of the president, treasurer or other proper officer of every corporation of the character specified in the preceding section, to make report to the state board of assess-

sors, appointed and to be appointed under the act entitled "An act for the taxation of railroad and canal property," stating specifically the following particulars, namely: each telegraph, telephone, cable and express company, not owned by a railroad company and otherwise taxed, shall state the gross amount of its receipts from business done in this state for the year preceding the first day of January prior to the making of such report; each gas company and electric light company shall state the amount of its receipts for light or power supplied within this state for the year preceding the first day of February prior to the making of such report, and the amount of dividends declared or paid during the same time; each parlor, palace or sleeping car company shall state the gross amount of its receipts for fare or tolls for transportation of passengers within this state during the same time; each oil or pipe line company engaged in the transportation of oil or crude petroleum shall state the gross amount of its receipts from the transportation of oil or petroleum through its pipes or in and by its tanks or cars in this state during the same time; each fire, marine, live stock, casualty or accident insurance company shall state the total amount of premiums received by it for insurance upon the lives of persons resident or property located within this state, during the same time.

What corporations are required to report.

3. *And be it enacted*, That the third section of said act be amended so as to read as follows:

Section to be amended.

3. *And be it enacted*, That if any officer of any company required by this act to make a return, shall in such return make a false statement, he shall be deemed guilty of perjury; if any such company shall neglect or refuse to make such return within the time limited as aforesaid, the state board of assessors shall ascertain and fix the amount of the annual license fee or franchise tax and the basis upon which the same is determined, in such manner as may be deemed by them most practicable, and the amount fixed by them shall stand as such basis of taxation under this act.

Penalty for making false statement.

Failing to make return, board of assessors to ascertain and fix amount.

4. *And be it enacted*, That the fourth section of said act be amended so as to read as follows:

Section to be amended.

4. *And be it enacted*, That each telegraph, telephone, cable and express company shall pay to the state an annual

Amount of tax to be paid by corporations.

license fee or franchise tax at the rate of two per centum upon the gross amount of its receipts so returned or ascertained; that each gas company and electric light company shall pay to the state an annual license fee or franchise tax at the rate of one-half of one per centum upon the gross amount of its receipts so returned or ascertained, and five per centum upon the dividends in excess of four per centum so paid or declared by said company; that each oil or pipe line company shall pay to the state an annual license fee or franchise tax at the rate of eight-tenths of one per centum upon the gross amount of its receipts so returned or ascertained; that each insurance company other than life shall pay to the state an annual license fee or franchise tax at the rate of one per centum upon the gross amount of its premiums so returned or ascertained; that each life insurance company incorporated under the laws of this state shall pay to the state an annual license fee or franchise tax of one per centum upon the amount of its surplus on the thirty-first day of December next preceding the time of such payment as fixed in section five, and in addition thereto a further annual license fee or franchise tax of thirty-five one-hundredths of one per centum upon the total gross insurance premiums collected by such companies of this state during the year ending December thirty-first next preceding; *provided*, that any taxes, or charges in lieu of taxes, that may hereafter be collected by this state from life insurance companies of other states shall be credited in rebate of the taxes hereby imposed on companies of this state, in proportion to the several amounts payable by the several companies of this state under this act; the commissioner of banking and insurance shall ascertain and report to the state board of assessors all facts necessary to enable the said board to ascertain and fix the amount of taxation to be paid by life insurance companies under this act, and shall ascertain and report to said board the amount of rebate to be allowed to said companies as herein provided, and shall also certify to each of said companies the amount of such taxation and the rebate allowed under this act; that each parlor, palace or sleeping car company shall pay to the state an annual license fee or franchise tax at the rate of two per centum

Proviso.

upon the gross amount of its receipts so returned or ascertained; if any oil or pipe line company has part of its transportation line in this state and part thereof in another state or states, such company shall return a statement of its gross receipts for transportation of oil or petroleum over its whole line, together with a statement of the whole length of its line and the length of its line in this state; such company shall pay an annual license fee or franchise tax to the state at the aforesaid rate upon such proportion of its said gross receipts as the length of its line in this state bears to the whole length of its line; that all other corporations incorporated under the laws of this state, and not hereinbefore provided for, shall make annual return to the state board of assessors of such 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; *provided*, Proviso. that this act shall not apply to railway, canal or banking corporations, or to savings banks, cemeteries or religious corporations, or to purely charitable or educational associations, 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; 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 outstanding, 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.

Section to be amended

5. *And be it enacted*, That the fifth section of said act be amended so as to read as follows:

Report to be made to comptroller of receipts and tax due.

5. *And be it enacted*, That the state board of assessors shall certify and report to the comptroller of the state, on or before the first Monday of June in each year, a statement of the basis of the annual license fee or franchise tax as returned by each company to, or ascertained by, the said board, and the amount of tax due thereon respectively, at the rates fixed by this act; such tax shall thereupon become due and payable, and it shall be the duty of the state treasurer to receive the same; if the tax of any company remains unpaid on the first day of July, after the same becomes due, the same shall thenceforth bear interest at the rate of one per centum for each month until paid; the state board of assessors shall have power to require of any corporation subject to tax under this act, such information or reports touching the affairs of such company as may be necessary to carry out the provisions of this act; and may require the production of the books of such company, and may swear and examine witnesses in relation thereto; the comptroller shall receive as compensation for his services under this act, and under the act entitled "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four, the sum of five hundred dollars annually.

To whom paid.

Taxes remaining unpaid to bear interest.

Compensation of comptroller.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, in so far as the same are inconsistent herewith.

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

Approved March 17, 1892.

CHAPTER LXXVII.

A Further Supplement to an act entitled an "An act to re-organize the board of chosen freeholders in counties of the first class in this state," approved April third, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in any case where a vacancy shall occur in the board of chosen freeholders provided for in the act to which this is a supplement, or in any act supplementary thereto, exclusive of the director or director-at-large, by the resignation of any member thereof or otherwise than by the expiration of the term of such member, and no provision has been made for the filling of such vacancy, such board is hereby authorized to fill the same by electing thereto, by a majority vote of all the existing members of such board, some person who shall be a reputable elector residing in any district which, by reason of such vacancy, shall be without a member in such board to represent the same; the member thus chosen to fill any such vacancy shall hold office until the next general election for members of such board; the resignation of any member of such board, including the director or director-at-large thereof, may be effected by putting the same in writing addressed to the board and filing it in the office of the clerk thereof, whose duty it shall be as soon as practicable thereafter to inform the board thereof and file the resignation in the office of the county clerk, where the same shall remain of record.

Board of freeholders in first class counties authorized to fill vacancies.

Member chosen to serve until next election for freeholders.

Resignation of any member effective upon being filed with the clerk.

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

Approved March 17, 1892.

CHAPTER LXXVIII.

An Act concerning cities of the first class in this state, and to facilitate the collection thereby of arrears of taxes assessed on personal property.

Duty of the receiver or collector of taxes in every first class city, within ten days after the expiration of the fiscal year, to make a list of all persons in arrears for taxes.

A list to be made before April 15, 1892, for previous year.

List to be published in a daily newspaper.

Rate and cost of publication.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the official duty of the receiver or collector of taxes in all cities of the first class in this state, within ten days after the expiration of each fiscal year of such city, to cause to be made out and delivered to the comptroller of such city, a full and complete list of the names and amounts due such city from all persons residing in the various wards or aldermanic districts of such city, for arrears of taxes assessed on the personal property of such persons, respectively, during such previous fiscal year; and such list of delinquent taxpayers for the fiscal year previous to the passage of this act, shall be made and delivered by such receiver or collector of taxes as aforesaid before the fifteenth day of April next after the passage of this act.

2. *And be it enacted*, That it shall be the duty of the comptroller of such city aforesaid, immediately after the delivery to him of the list of delinquent taxpayers mentioned in the first section of this act, to cause a true copy of such list to be made and published in a daily newspaper published in such city, once each week for two weeks, allowing two weeks to intervene between the first and second publication of such list, and erasing from such list between the first and second publication thereof as aforesaid, the names of all delinquent taxpayers thereon who shall pay their said arrears of taxes, with cost of publication, before the second publication of said list as aforesaid; that the daily newspaper publishing such list of delinquent taxpayers aforesaid, shall be entitled to charge, and shall be paid by such city, the sum of twenty cents per name of each delinquent taxpayer for each insertion aforesaid, to be paid for by such city in the same manner

as advertisements of sale of real estate for arrears of taxes are paid by such city, and the said cost of publication as aforesaid shall be added to the said arrears of taxes due from such delinquent taxpayer to such city and collected by such receiver or collector of taxes, together with the amount then due the city from such person for arrears of taxes assessed on the personal property of such delinquent.

3. *And be it enacted*, That all acts and parts of acts, ^{Repealer.} 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 17, 1892.

CHAPTER LXXIX.

A Further Supplement to an act entitled "An act concerning cities of the first class in this state, and constituting municipal boards of street and water commissioners therein, and defining the powers and duties of such municipal boards, and relating to the municipal affairs and departments of said cities placed under the control and management of such boards, and providing for the maintenance of the same," approved March twenty-eighth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so long as the bonded debt of any city mentioned and described in the act to which this act is a further supplement does not exceed fifteen per centum of the assessed value of the real and personal property therein, as shown by the records of said city, it shall be the duty of the common council or other govern-

Cities of the first class authorized to issue temporary loan certificates for a sum not exceeding \$100,000, the proceeds of which are to be used exclusively with other receipts for the opening of streets.

ing body thereof, upon the request of the board of street and water commissioners of such city, to issue temporary loan certificates or bonds for any sum not exceeding one hundred thousand dollars, and to negotiate the same at the best price allowable, and to place the proceeds of such certificates or bonds in the city treasury of such city, as part of a capital fund to be used exclusively, together with all benefit assessments made and collected for such improvements, for the opening of streets in such city, and that so much of such capital fund so to be raised as aforesaid as the board of street and water commissioners of such city shall from time to time determine to use for that purpose may be applied to the opening of streets in such city, and such board shall be fully empowered, by a unanimous vote of its members, to open any street or highway, or part thereof, in such city, without any petition or consent therefor; proceeding in all things as required by law for street openings in such city, except as hereinafter otherwise provided.

Proceedings for street openings.

Assessments, how made and collected.

Moneys to be expended solely for street openings

Period of bonds or certificates.

Payment of interest and principal.

Repealer.

2. *And be it enacted*, That all assessments for benefits from such street opening improvements shall be made, levied, collected and be a first lien upon the lands and real estate specially benefited thereby, in conformity with the provisions of existing law in force in such city with respect thereto; and the moneys collected therefrom shall be paid into said fund and expended solely for street openings, as such board of street and water commissioners of such city shall deem judicious.

3. *And be it enacted*, That bonds or certificates of indebtedness shall in no case be issued for a longer period than twenty years; and it shall be the duty of the common council of such city to provide, in the annual tax levy, for the interest to become due thereon, and also a sinking fund, of not less than three per centum annually, to pay the principal of such bonds or certificates when due.

4. *And be it enacted*, That all acts and parts of acts, general, local or specific, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 17, 1892.

CHAPTER LXXX.

A Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the expense of examining into the affairs of any insurance company under the provisions of the act to which this is a supplement and the supplements thereto, shall be paid to the commissioner of banking and insurance by the company so examined; and if, after such examination, any such company shall, on the application of said commissioner, have been or hereafter be, declared insolvent by the chancellor, the expense of such examination shall be taxed in the costs of the proceedings in the court of chancery and paid out of the assets of said company.

Expense of examination to be paid by company

If company is declared insolvent, expense to be taxed in costs

2. *And be it enacted*, That it shall be the duty of every life insurance company incorporated by the laws of this state, to make returns in January of each year to the commissioner of banking and insurance, showing all its policies and annuity bonds in force on the first day of said month, with such particulars of the same as are necessary for the valuation thereof, as is hereinafter directed; the commissioner of banking and insurance shall thereupon cause to be computed the value of such policies and bonds, or what is known as the re-insurance fund therefor, according to the American experience table of mortality and interest at the rate of four and a half per centum, or according to the actuaries' mortality and four per centum interest, or according to any other recognized standard of valuation as he may deem best for the security of the business and the safety of the persons insured; upon such valuation being made and a certificate thereof furnished by said commissioner, each company shall pay to such officer, to defray the expense

Life insurance companies to make return, and commissioner of banking and insurance to value policies.

thereof, the sum of one cent for every thousand dollars of the whole amount insured by its policies so valued, and of the gross amount of its annuity bonds so valued.

Repealer.

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

Approved March 17, 1892.

CHAPTER LXXXI.

An Act authorizing municipalities governed by commissioners to pave and improve streets and avenues, and provide for the payment thereof.

Governing body in municipality governed by commissioners may pass resolution providing for an election to decide whether street improvements shall be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the governing body of any municipality, by whatever name the same may be known, and however created, governed by commissioners, shall be desirous of causing any street or streets, avenue or avenues, or portions thereof, lying within the limits of such municipality to be paved, macadamized or otherwise improved, it shall be lawful for such body after the consent of a majority of the owners of real estate on the street or streets to be improved has been obtained in favor of such improvement, by a majority vote of all the members thereof, at any regular meeting thereof, to call an election of such voters of such municipality by a resolution of such body containing the following statements, viz.:

What statement is to be contained in such resolution.

I. The time of holding such election;

II. The object thereof being to obtain the consent of such voters to the paving, macadamizing or improving of a certain street or streets, avenue or avenues (naming them or it) or portion thereof (describing it), and the assessment and collection of one-half of the costs thereof,

upon all the property adjoining and abutting on such improvements;

III. The amount of money to be expended for such improvements;

IV. Or if it is proposed to issue the bonds mentioned in section eighteen hereof, said resolution in addition to containing the third statement as above set forth, shall also state that it is proposed to issue bonds of said municipality pledging the faith, credit and property thereof for the payment with interest by the said municipality of the remaining one-half of the cost of said improvement.

2. *And be it enacted*, That such resolution shall be published at least two weeks before the holding of such election, by setting up a copy thereof in at least ten public places in each ward of said municipality, and publishing said copy for two weeks, at least once a week in a newspaper published in said municipality, or if said municipality be not divided into wards, then by setting up a copy of such resolution in at least ten public places in said municipality, and publishing the same in manner aforesaid in a newspaper, if there be one published in said municipality. Publication of resolution, or posting.

3. *And be it enacted*, That the election shall be held at the time stated in said resolution, and that the election of officers elected at the last municipal election held in said municipality shall serve at said election; vacancies to be filled as they are in general municipal elections in said municipality; and the polling places shall be the polling places used at the said last election, unless said governing body shall in such resolution designate other polling places; the polls shall be open at the same hours as they do in all municipal elections held in said municipality, and said election shall be conducted in all respects in the same manner as all such municipal elections are conducted in such municipality. When election to be held. Vacancies in election officers, how filled. Polling places. Election hours and manner of conducting election.

4. *And be it enacted*, That all ballots cast at said election shall have the following words printed or written therein viz.: "For improving ——— street" (insert name of street), or "Against improving ——— street" (inserting name of street); each ballot may be in favor of, as well, as against, improving certain streets or avenues, named Form of ballot.

thereon, and that the same may be printed on and voted with the official ballots cast at the municipal election when held on the same day.

No action if
majority of bal-
lots are against
improving streets

5. *And be it enacted*, That if a majority of the ballots cast at such election are against improving the street or avenues named therein the said governing body shall proceed no further, and no other election concerning the streets or avenues named in such ballot shall be held within one year from the holding of said election.

Procedure if
ballots are in
favor

6. *And be it enacted*, That if a majority of said ballots cast at said election are in favor of improving certain streets or avenues named therein, it shall be lawful for said governing body to proceed at once to advertise for at least two weeks, once in each week, in a newspaper published in said municipality, for bids for making such improvement, and that such work shall be done by written contract, by the lowest responsible bidder.

Cost of improve-
ment to be filed.

7. *And be it enacted*, That an accurate account of the cost of such improvement shall be ascertained by said governing body as soon as possible after the completion thereof, and filed with the clerk of said municipality.

Commis sioners
to assess benefits

8. *And be it enacted*, That when the improvement aforesaid shall have been completed, and the statement of the cost thereof filed with the clerk of said municipality as prescribed by the seventh section of this act, said governing body shall give notice of the appointment of said commissioners to estimate and assess the peculiar benefits conferred by such improvements upon the land and real estate fronting or bordering on the street or streets, or section thereof improved, of the time and place of which appointment, notice shall be given by two weeks' publication in two weekly newspapers printed and circulating therein, at which time and place, or at such other time and place as the governing body shall designate, said governing body shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the municipality, to estimate and assess the benefits aforesaid; the said governing body shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause.

Removal of com-
missioner.

9. *And be it enacted*, That said commissioners, before entering upon the duties required of them by this act, shall take and subscribe before some person duly authorized to administer the same, an oath or affirmation that they will make all assessments and estimates required of them, fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

Oath of commissioners.

10. *And be it enacted*, That the said commissioners having thus qualified shall give notice, under direction of said governing body, of the time and place when and where they shall hear any persons in interest or who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend, and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have the power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view the lands and real estate fronting or bordering on the street or streets, or section thereof improved, and to adjourn from time to time in their discretion, or as directed by said governing body; they shall use diligent efforts to ascertain the names of the owners of the lands fronting or bordering on the street or streets or section thereof improved, and shall state the same in the report hereinafter mentioned; but the failure to ascertain the name of any owner, or to state the same correctly, or the omission of any such name from such report shall not invalidate said assessment, nor be a bar to the collection of the same.

Hearing before commissioners.

Commissioners to examine witnesses.

Ascertain the names of owners of lands.

Failure to ascertain owners not a bar to collection of assessment.

11. *And be it enacted*, That after having giving opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the lands fronting or bordering on the street or streets, or section thereof improved as aforesaid, the said commissioners shall make a report within forty-five days after their appointment, in writing, of their estimates and assessments to the said governing body, accompanied by a survey and maps prepared under their direction, showing the several tracts or parcels of land and real estate fronting or bor-

Commissioners to report with maps.

What report
shall state.

Limitation of
amount of
assessments.

Notice to be
given for hearing
objections to the
report.

dering on said street or streets or section thereof; the said report shall state the cost of the whole work, which may be furnished to the commissioners by the clerk of the municipality from the report filed with him under the requirements of the seventh section of this act, and shall give the names, so far as ascertained, of the owners of the tracts or parcels of land or real estate fronting or bordering on said street or streets or sections thereof and the amount of the assessments to the owner or owners of each of said tracts or parcels of land and real estate for the said benefits, which several assessments shall be in proportion, as near as may be, to the peculiar benefits deemed to have been conferred by said improvements upon the respective tracts of land and real estate aforesaid; in no case shall any tract or parcel of land and real estate or any owner thereof be assessed beyond the amount of benefit actually derived from said improvement, nor shall the aggregate amount of assessments imposed upon the tracts or parcels of land and real estate fronting or bordering on said road or section thereof, exceed fifty per centum of the total cost of the improvement, nor shall the amount of assessment imposed upon any tract or parcel of land and real estate, or any owner thereof exceed twenty-five per centum of the whole cost of such improvement in front of such tract or parcel of land and real estate, and shall in no case exceed the special benefit derived from said improvement.

12. *And be it enacted*, That upon the coming in of any such report, signed by the said commissioners, or any two of them, said governing body shall cause such notice to be given as it shall deem proper, of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter which may be alleged against the same, the governing body, by resolution, shall confirm the said report, or shall refer the same to the same commissioners for correction and revision, or to new commissioners to be appointed by the said governing body forthwith, to reconsider the subject matter thereof, and the said commissioners to whom such report shall be referred by the governing body shall return the same corrected and revised, or a new report to be made by them in the premises, and the said govern-

ing body without unnecessary delay, and the same being so returned shall be confirmed or again referred by the said governing body in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which said governing body shall confirm; such report, when so confirmed, shall be final and conclusive as well upon the said municipality as upon the owners of any land and real estate affected thereby; said governing body shall thereupon cause said report to be filed with the clerk, and a certified copy thereof, and of the accompanying map and of the resolution confirming the report to be delivered to the collector of taxes of said municipality, in which the assessed lands may lie.

Report to be final when confirmed.

And filed with the clerk.

13. *And be it enacted*, That no certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor to in any way affect any assessment made by such commissioners after a lapse of thirty days from the making of the resolution of the governing body confirming such assessment; the governing body shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of said commissioners.

Proceedings on review.

Notice to be given of confirmation of report.

14. *And be it enacted*, That the assessment made by the commissioners shall be and remain a lien upon the lands assessed from time to time, said report shall have been delivered to the collector of taxes of said municipality, in the same manner and to the same extent that taxes are liens upon the lots or tracts of land in said municipality.

Assessments a lien.

15. *And be it enacted*, That the collector of said municipality shall, as soon as said report is delivered to him, proceed to collect the assessment named in said report, and shall notice by advertisement in two newspapers printed and published in the municipality for two weeks at least, once in each week successively, stating in general terms the lands comprised in such assessment and requiring the owners of lots and tracts of lands assessed in such report to pay the amount to him within six months from the first publication or giving of such notice.

Collector to collect assessment.

16. *And be it enacted*, That if any assessment upon any lot or tract of land made under the provisions of this act shall not be paid within six months after the time ap-

Suit when assessment is not paid.

pointed in said notice, the governing body may, as they shall deem proper, either bring an action on the case in any court of competent jurisdiction, in the corporate name of such municipality, against the owner or owners of such lot or tract of land, for so much money laid out and expended by them for the use of such owner or owners, and declare generally and give special matter in evidence, and either party, from any judgment rendered therein may have the same remedy by appeal or otherwise as if said parties were private individuals, or may proceed to collect the said assessment by sale of lots or tracts of land whereon such assessment has been imposed, or may be a lien in the same manner and to the same extent as lands are now sold for unpaid taxes in said municipality, and the purchaser or purchasers at any such sale or sales, and his legal representative, shall hold and enjoy such lots or tracts of land, with the rents, issues and profits thereof, in the same manner and by the same title and tenure as purchasers at the sales of lots or tracts of land for unpaid taxes can now hold and enjoy the same in said municipality.

Money collected
to be applied to
payment of notes

17. *And be it enacted*, That the money so collected shall be applied to the payment of the notes hereinafter mentioned.

License fees to
be set apart as a
special fund for
payment of
remainder of
cost of improve-
ments.

18. *And be it enacted*, That the remaining part or portion of the cost of such improvement or improvements shall be paid from the moneys now or that may hereafter be received by or for the use of such municipality, from all license fees (except clerk and court fees), from any and all licenses to sell spirituous, vinous, malt and brewed liquors, granted by the court of common pleas of the different counties of this state, or other licensing board or body, and paid over to the body or person entitled to the legal custody of the funds of any such municipality, which sums of money so received or hereafter received from all such license fees shall be by said governing body set apart as a special fund for such purpose; or the said governing body of said municipality may, if so authorized according to the requirements of section one hereof, to issue the bonds of said municipality, pledging the faith, credit and property thereof, for the payment with interest, at the time to be specified by them in said bonds, of said

Bonds may be
issued.

remaining part or portion of such improvement; said bonds shall be of the denomination of one thousand dollars each, bearing interest at a rate not exceeding five per centum per annum, which shall be paid semi-annually, and shall not be disposed of or sold by said governing body for less than their par value; all license moneys received by said municipality shall be applied to the payment of the interest to accrue thereon, and if said fees shall be more than sufficient to pay said interest, then the surplus shall be set aside by said governing body as a sinking fund with which to pay the principal of said bonds.

Denomination
and interest of
bonds.

Interest to be
paid by license
moneys.

19. *And be it enacted*, That the governing body of any municipality may issue notes of said municipality in anticipation of the assessment and collection of the part of the costs of such improvement or improvements upon the property adjoining and abutting on such street or streets so to be paved, macadamized or otherwise improved, and in anticipation of the receipt of license fees as provided for by section eighteen of this act, sufficient to pay for such improvement.

Notes to be
issued.

20. *And be it enacted*, That no work on any such proposed improvement or improvements shall be commenced until the governing body of such municipality shall have deposited in such special fund as provided for by section eighteen of this act twenty-five per centum of the estimated cost thereof; *provided, however*, this section shall not be operative in any case where bonds are issued as mentioned in section eighteen.

Twenty-five per
cent. of esti-
mated cost to be
deposited in
special fund be-
fore work shall
be commenced.

Proviso.

21. *And be it enacted*, That the powers herein conferred shall be construed as being an addition to, and not in lieu of, any powers to pave, macadamize or otherwise improve streets or avenues, or to issue bonds contained in the provisions of any charter or act creating any municipality.

Powers conferred
to be in addition
to other powers.

22. *And be it enacted*, That all acts and parts of acts, general or special, public or private, inconsistent with or repugnant to the provisions of this act, be and the same are hereby repealed.

Repealer.

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

Approved March 11, 1892.

CHAPTER LXXXII.

An Act to regulate the pay of officers and employees of paid fire departments in cities of the first class in this state.

Specifying pay of paid fire department in cities of first class.

Chief, \$2500.
Assistant, \$1600.
Battalion chiefs, \$1500.
Clerk of the board, \$2000.
Superintendent of telegraph, \$1500.
Engineers, \$1100.
Stokers, drivers and tillermen, \$1,000.

Hosemen and truckmen, \$950.
Telegraph linemen, \$1,000.
Inspectors of horses, \$800.
Foremen, \$300.
Hosemen and truckmen at call, \$100.

Act to be submitted to a vote of legal voters of the city.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in any city of the first class in this state having a paid fire department, the pay or salaries per annum of the following named officers and employees shall be as hereinafter specified, namely: to the chief engineer, the sum of two thousand five hundred dollars; to the assistant engineer, the sum of one thousand six hundred dollars; to the battalion chiefs or district engineers, the sum of fifteen hundred dollars each; to the clerk of the board of fire commissioners, the sum of two thousand dollars; to the superintendent of telegraph, the sum of one thousand five hundred dollars; to engineers of steamers, the sum of eleven hundred dollars each; to stokers of steamers, drivers of steamers, drivers of tenders, drivers of trucks and tillermen of trucks, the sum of one thousand dollars each; to permanent hosemen and permanent truckmen, the sum of nine hundred and fifty dollars each; to telegraph linemen, the sum of one thousand dollars each; to inspectors of horses, the sum of eight hundred dollars each; to foremen of companies, the sum of three hundred dollars each; to hosemen at call, and truckmen at call, the sum of one hundred dollars each, in lieu of all other compensation whatsoever.

2. *And be it enacted*, That the provisions of this act shall remain inoperative in any such city until the same shall, by a resolution therefor of the board having control of the fire department of such city, be submitted to a vote of the legal voters of such city, and be assented to by a majority of all the legal votes cast for or against the acceptance or rejection of this act at any regular charter or general election to be hereafter held in such city or

municipality next after the passage of such resolution; such submission shall not be made until notice of the adoption of said resolution by said board shall have been published every day for at least ten days next preceding the time when the official ballots must be ready for distribution for such election in such city, in the official daily newspaper in such city, by the clerk of such city; persons voting at any election at which this act shall be submitted as aforesaid, shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts, districts or wards of any such city; and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "for increase of pay of fire department," written or printed thereon, and those who are opposed thereto shall each deposit a ballot with the words "against increase of pay of fire department," written or printed thereon; but this acceptance or rejection may not be expressed upon the ballot on which are the names of the candidates for ward, city, county, or state officers, but must be expressed upon a separate ballot, and the election officers in the several precincts, wards and districts of such city, and the board of canvassers of such city shall, in the canvassing, determining and returning the votes cast at such election, canvass, determine and return the votes and the result of the votes at such election, upon the question of the acceptance or rejection of this act, in the same manner as for officers voted for at such election; and if a majority of the ballots on which there shall be the words "for increase of pay of fire department," or the words "against increase of pay of fire department," are in favor of the acceptance of this act, then this act shall take effect immediately.

3. *And be it enacted*, That the increase of pay of officers, provided for by this act, shall go into effect on the first day of the next calendar month after this act shall take effect as aforesaid, notwithstanding that there may not be any existing appropriation or fund sufficient to meet such increase, and if there be not such appropriation or fund, the board or authority having control of the finances of such city shall borrow, by issuing bonds if necessary,

Publication of adoption of resolution submitting to an election.

Persons voting to express their assent or rejection.

Form of ballot.

Separate ballot to be used.

Acceptance of act.

When increase to take effect.

a sufficient sum to meet such increase for the remainder of the current fiscal year of such city, or may permit the same to be paid out of any money of said city, not otherwise appropriated, and shall put such sum in the next tax levy in said city.

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

Approved March 22, 1892.

CHAPTER LXXXIII.

An Act fixing the term of office of mayors in cities of the first class.

Fixes the terms
of mayors of
cities of the first
class hereafter
elected at five
years.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That every mayor hereafter elected in any city of the first class shall hold his office for a term of five years, and until the qualification of his successor.

Repealer.

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

Approved March 22, 1892.

CHAPTER LXXXIV.

A Supplement to an act entitled "An act to provide for a commission to revise and consolidate the general statutes of this state relating to villages, towns and townships," approved March ninth, one thousand eight hundred and ninety-one.

WHEREAS, the commissioners appointed under the provisions of the act to which this is a supplement, have been engaged in the prosecution of the work in said act directed since the second day of June last; *and whereas*, the duties required of them by said act have proved to be much more laborious than at first supposed, and have required much careful examination and research; *and whereas*, the said commissioners, by reason thereof, find that they are unable to complete the work required of them by said act in time to lay a complete report of the same before the present session of the legislature; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said commission be and is hereby continued, with the same duties and powers imposed and conferred upon the members thereof by the act to which this is a supplement, and that the said commissioners shall lay before the legislature at its next session a complete report of the work of said commission.

2. *And be it enacted*, That the commissioners heretofore appointed under the provisions of said act shall be paid such compensation, on account of the work already done by them, as the governor, comptroller and treasurer shall deem just and proper, together with such necessary expenses as they may have incurred in carrying out the provisions of said act, which shall be paid by the treasurer on the warrant of the comptroller.

3. *And be it enacted*, That on the completion of their labors they shall receive such further compensation as

Preamble.

Commissioners to revise the statutes relating to villages, towns and townships, continued, and lay before the legislature at its next session a complete report.

Compensation to be fixed by governor, comptroller and treasurer.

Further compensation.

the governor, comptroller and treasurer shall deem just and proper, together with such further necessary expenses as they may have incurred in carrying out the provisions of said act, which shall be paid by the treasurer on the warrant of the comptroller.

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

Approved March 22, 1892.

CHAPTER LXXXV.

A Further Supplement to the act entitled "An act concerning the custody of infants," approved March twentieth, one thousand eight hundred and sixty.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a further supplement be and the same is hereby amended so as to read as follows :

Proceedings in case of minor children of parents living separate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any husband and wife shall live in a state of separation without being divorced, and shall have any minor child or children of the marriage, the chancellor, upon the said child or children being brought before him upon habeas corpus, shall make an order for the access of the mother to her infant child or children at such times and under such circumstances as he may direct; and if the said child or children be within the age of seven years, shall make an order that the said child or children be delivered to and remain in the custody of the mother until said child or children shall attain such age, unless said mother shall be of such character and habits as to render her an improper guardian for said child or children; and if the said child or children be over the age of seven years,

then, upon presenting to the chancellor a petition of the mother, alleging sufficient grounds therefor (the allegations of which petition shall be satisfactorily proved), or upon presenting the consent of the father of such child or children, which consent shall be in writing, and signed and acknowledged by the father in the presence of two witnesses present at the same time, who shall subscribe their names thereto as witnesses, he may make an order in accordance with such petition or consent, and may direct that such child or children be delivered to and remain in the custody of the mother, or of such mother and some other person or persons, to be selected by him, for such length of time as he may deem best; and upon the entering of such order with the clerk of the court of chancery, such disposition of the custody of such child or children so made as aforesaid shall be good and effectual against all and every person or persons claiming the custody or tuition of such child or children as guardian by nature or otherwise for the time specified in said order.

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

Approved March 22, 1892.

CHAPTER LXXXVI.

A Supplement to an act entitled "An act providing for sewerage in and by adjoining cities, towns and townships," approved April twenty-first, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth section of an act entitled "An act providing for sewerage in and by adjoining cities, towns and townships," approved April twenty-first, one thousand eight hundred and eighty-seven, be amended so as to read as follows: Section to be amended

Commissioners
to take lands for
construction of
sewer and pay
owners for same
and damages
done.

8. *And be it enacted*, That the said commissioners shall have power to take any lands that in their judgment may be necessary for the building or construction of such sewer, upon paying to the owner or owners thereof the fair value of the lands taken, and of the improvements thereon, and the damage done to any lot, tract or parcel, tenement or building, by taking part of it for such purpose; and any person whose lands and property was or may be injuriously affected by the location of the outlet of said sewer shall be entitled to have and receive a just compensation for such injury, which damage and compensation shall be ascertained and determined by the said commissioners, and the money necessary to pay the same shall be advanced and paid by the said municipalities on the order of said commissioners in the proportion provided in and by the report of the commissioners.

Proceedings for
appointment of
commissioners in
condemnation.

2. *And be it enacted*, That in case the said commissioners shall be unable to agree with the owner or owners of any lands required in their judgment to be taken for such sewer, or when, by legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of such sewer, including therein the lands necessary for the maintenance and operation of the same, shall be given, in writing, under oath or affirmation, of some engineer or proper agent of the commissioners, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause such commissioners to give notice thereof to the persons interested, if known, and in this state, or if unknown, or out of this state, to make publication thereof as he shall direct for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners in condemnation herein named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which said sewer is to be constructed, commissioners in condemnation to examine and appraise the said lands so

required to be taken for the construction and maintenance of said sewer, and to assess the damages, upon such notice to be given to the parties interested as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners in condemnation (having first taken and subscribed an oath or affirmation before some person duly authorized to administer oaths, to faithfully and impartially examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said lands, and to make a just and equitable appraisement of the value of the same, and an assessment of damages to be paid by the said commissioners appointed for the construction of said sewer, for such lands and damages aforesaid, which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of lands so required and taken, and the appointment, and oaths or affirmations aforesaid in the clerk's office of the county in which the lands are situate, to remain on record therein, and thereupon, and on payment, or tender of payment, of the amount awarded, as hereinafter provided, the said commissioners appointed to construct said sewer are hereby empowered to enter upon and take possession of said lands for the purposes aforesaid, and the said report or copy thereof certified by the clerk of said county, and proof of payment or tender of the amount awarded shall at all times be considered as plenary evidence of the right of said commissioners appointed to construct said sewer, and of the various municipalities contributing to the expense thereof, to have, hold, use, occupy, possess and enjoy the said lands, or of the said owner or owners to recover the amount of said valuation with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the municipalities so to be drained, in case said commissioners shall neglect or refuse to pay the same for twenty days after demand made therefor upon them; and the said justice of the supreme court shall, upon

Commissioners
to appraise value
and assess
damages.

Supreme court
justice to allow
costs, fees and
expenses.

Proviso.

Appeal to circuit
court.

Jury trial.

When costs to
be paid by ap-
pellants.

application of either party, upon reasonable notice to the others, allow and tax such costs, fees and expenses to the commissioners in condemnation, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, and the same shall be paid by said commissioners of construction, and charged as an expense of the building of said sewer; *provided, always*, that should the said commissioners of construction or the owner or owners of any of the lands so taken feel aggrieved with the decision of the commissioners aforesaid, they may appeal to the next circuit court within the county in which the said lands may be situate.

3. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said circuit court, and filed with the clerk of said circuit court, wherein the lands appraised by the said commissioners in condemnation shall be, and notice in writing of said appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in said county upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said lands so taken and the damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered in favor of said owner or owners, and the amount so fixed and awarded by said jury shall be paid by said commissioners of construction as a part of the expense of the construction of said sewer; but if the said jury shall be applied for by the owner or owners and shall find a less sum than the said commissioners of construction shall have offered, or the said commissioners in condemnation shall have awarded, then costs shall be paid by the said applicant or applicants, and the same

shall be deducted out of the said sum found by the said jury, but such application shall not prevent the commissioners of construction from taking the said land upon filing the said report of the commissioners of condemnation aforesaid; *provided*, that Proviso. in no case whatever shall said commissioners of construction enter upon or take possession of any land of any person or persons whatsoever for the purpose of actually constructing said sewer, or otherwise appropriating said lands to the use of said commissioners, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners in condemnation as the value of such land or damages; in case the report of the commissioners is not appealed from, or if the same be appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, and in case of appeal the amount found by the jury, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein the lands lie shall be deemed a valid and legal payment.

4. *And be it enacted*, That all acts and parts of acts in- Repealer. consistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1892.

CHAPTER LXXXVII.

A Further Supplement to an act entitled "An act to regulate fees," approved April fifteenth, one thousand eight hundred and forty-six.

Master for hearing a cause.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for making every report in pursuance of an order made upon hearing a cause, every master in chancery shall be entitled to receive the sum of four dollars in lieu of the fees now allowed by law.

Fees of master, special master and supreme court commissioner.

2. *And be it enacted*, That every master in chancery, special master in chancery and supreme court commissioner directed to approve any bond by any court or judge thereof, shall be entitled to receive the following fees, in lieu of the fees now allowed by law, namely, the sum of three dollars when the penalty named in said bond does not exceed the sum of one thousand dollars, and five dollars when such penalty shall exceed the sum of one thousand dollars.

Additional fees for masters, examiners and special masters and supreme court commissioners.

3. *And be it enacted*, That in addition to the fees now allowed by law to masters in chancery, examiners in chancery, and special masters in chancery and to supreme court commissioners for taking testimony in any matter or cause pending in any of the courts of this state, or in any proceeding based upon or growing out of any decree or judgment of any of the courts of this state, or order of any judge thereof, there shall be allowed an attendance fee of four dollars for every appointment not exceeding two at which testimony shall be taken, to be paid by the moving party and included in the taxable costs.

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

Approved March 22, 1892.

CHAPTER LXXXVIII.

An Act to authorize the increasing of the number of managers or directors of corporations to provide for the support and maintenance of supernumerary or superannuated ministers of the gospel or the widows and orphans of deceased ministers of the gospel, or to provide for both or any of such objects.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the body in which the power of election or appointment of the managers or directors of any corporation of this state, the object of which is to provide for the support and maintenance of supernumerary or superannuated ministers of the gospel, or to provide for the support of the widows and orphans of deceased ministers of the gospel, or for both or any of those objects is vested by law, whether it be in the members of the corporation itself or in any annual conference or other ecclesiastical body, to add to the number of such managers or directors as specified in the law now governing the corporation, so that the whole number of managers or directors shall not exceed fifteen, and if such increase be made, to provide that some of such managers or directors, not to exceed two-fifths of the whole number as increased, shall be laymen, residents of this state and members of the church to which the appointing or electing body belongs or is attached; and it shall also be lawful for said appointing or electing body to fix the term of office of the managers or directors so added; no such term, however, to exceed three years.

Authorizes the increasing of directors of corporations for the support of superannuated ministers.

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

Approved March 22, 1892.

CHAPTER LXXXIX.

A Further Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

Manner in which
certificates of
stock may be
issued by cor-
porations to take
the place of
those that are
lost.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any company incorporated under the laws of this state, or of the United States, if located and existing in this state, shall have refused to issue a new certificate of stock in place of one theretofore issued by it, or by any corporation of which it is the lawful successor, but which is alleged to have been lost or destroyed, the owner of such lost or destroyed certificate, or his legal representatives, may apply to the circuit court of the county in which the principal office of said company is located for an order requiring such corporation to show cause why it should not be required to issue a new certificate of stock in place of the one so lost or destroyed; such application shall be by petition, duly verified by the owner, in which shall be stated the name of the corporation, the number and date of the certificate, if known, or can be ascertained by the petitioner, the number of shares of stock named therein and to whom issued, and as particular a statement of the circumstances attending such loss or destruction as such petitioner shall be able to give; upon the presentation of said petition, said court shall make an order requiring said corporation to show cause, at a time and place therein mentioned, why it should not be required to issue a new certificate of stock in place of the one described in said petition; a copy of said petition and of said order shall be served upon the president or other head of such corporation, or on the cashier, secretary or treasurer thereof, personally, at lest ten days before the time designated in said order for showing cause.

Court to order
such issue upon
inquiry.

2. *And be it enacted*, That at the time and place specified in said order, and on proof of due service thereof, the

said court shall proceed in a summary manner and in such mode as it may deem advisable to inquire into the truth of the facts stated in said petition, and shall hear such proofs and allegations as may be offered by or in behalf of the petitioner, or by or in behalf of said corporation or other party, relative to the subject-matter of said inquiry, and if, upon such inquiry, said court shall be satisfied that such petitioner is the lawful owner of the number of shares of the capital stock, or any part thereof, described in said petition, and that the certificate therefor has been lost or destroyed, and cannot after due diligence be found, and that no sufficient cause has been shown why a new certificate should not be issued in place thereof, it shall make an order requiring said corporation or other party, within such time as shall be therein designated, to issue and deliver to such petitioner a new certificate for the number of shares of the capital stock of said corporation which shall be specified in said order as owned by said petitioner, and the certificate for which shall have been lost or destroyed; in making such order the court shall direct that said petitioner deposit such security, or file such a bond in such form and with such sureties as to the court shall appear sufficient to indemnify any person other than the petitioner who shall thereafter appear to be the lawful owner of such certificate stated to be lost or stolen; and the court may also direct the publication of such notice, either preceding or succeeding the making of such final order, as it shall deem proper; any person or persons who shall thereafter claim any rights under said certificate so alleged to have been lost or destroyed, shall have recourse to said indemnity, and the said corporation shall be discharged of and from all liability to such person or persons by reason of compliance with the order aforesaid; and obedience to said order may be enforced by said court by attachments against the officer or officers of such corporation, on proof of his or their refusal to comply with the same.

Petitioner to
deposit security
or file a bond.

Corporation dis-
charged from
liability.

Attachments for
refusal to obey
order.

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

Approved March 22, 1892.

CHAPTER XC.

A Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in all its relations to the growth and development of state industries," approved March twenty-seventh, one thousand eight hundred and seventy-eight.

Appropriation
for expenses

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of four thousand dollars be and is hereby appropriated for the current expenses of said bureau.

Treasurer to pay
money.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money not otherwise appropriated, the sum provided for in the first section of this act.

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

Approved March 23, 1892.

CHAPTER XCI.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Medical department.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be established a separate department of the national guard, to be known

and designated as the medical department of the national guard of New Jersey; that all medical officers of the national guard now holding commissions, and all other persons who may hereafter be commissioned as medical officers of the said national guard, shall constitute a medical staff, and that the said medical staff shall be under the direction and control of the said medical department; that all hospital stewards now in the service of the national guard, and all persons who may hereafter be appointed hospital stewards, shall be under the direction and control of the said medical department; that there shall be regularly enlisted, for a term of five years, as privates in the national guard, twenty-four men, each to be over eighteen years of age, to serve as a part of a "hospital and ambulance corps," and that these men shall have all the rights and privileges of enlisted men in the national guard and be under the exclusive direction and control of the said medical department; that the commander-in-chief, on the recommendation of the surgeon-general of the national guard, shall appoint two medical inspectors, each with the rank and emoluments of lieutenant-colonel, and that the said medical inspectors shall be under the direction and control of the said medical department.

2. *And be it enacted*, That all medical officers of the national guard shall hold their commissions during good behavior and be subject to the regulations of the national guard service, the same as all other commissioned officers.

3. *And be it enacted*, That the surgeon-general of the national guard, under the direction of the commander-in-chief, shall be charged with the administrative duties of the medical department; he shall have general supervision and direction of all matters appertaining to his department; the selection and distribution of all medical and hospital supplies, and approve or disapprove of all requisitions for supplies from medical officers; he shall make, subject to the approval of the commander-in-chief, such regulations for the government of the medical department as he may consider necessary; that the quartermaster-general shall act as chief medical purveyor and storekeeper, and shall issue medical supplies only upon requisitions from medical officers duly approved by the

Medical staff

Hospital
stewards.Hospital and
ambulance corpsMedical inspec
tors.Medical offi ers
to hold commis-
sions during
good b. havior.

Surgeon-general

Duties.

Quartermaster-
general to act as
chief medical
purveyor and
storekeeper.

surgeon-general; he shall purchase only such medical supplies as the surgeon-general shall select and approve.

Candidates for officers to be examined before being commissioned.

4. *And be it enacted*, That all candidates for appointment as medical officers in the national guard shall be examined as to their ability to discharge in a satisfactory manner all the duties of a surgeon, and that the surgeon-general shall have the charge and regulation of such examination, and that no person shall be commissioned a medical officer of the national guard without undergoing such an examination; the morals, habits, physical and mental qualifications and general aptitude for military service shall be subjects for careful consideration before a candidate is commissioned; physical or mental infirmity that will interfere with the proper and efficient discharge of a surgeon's duty shall disqualify a candidate; the approval or disapproval of the surgeon-general must in all cases be noted on the certificate of a candidate for appointment or promotion; hospital stewards must pass a satisfactory examination as to the duties of their position before appointment, and be subject to the approval of the surgeon-general.

As to morals, habits, etc.

And physical or mental infirmity.

Approval of surgeon-general.

Hospital stewards to pass examination.

Report of surgeon-general.

5. *And be it enacted*, That the surgeon-general shall submit annually to the commander-in-chief a report of the medical department, and that such report shall be published with that of the adjutant-general.

Assignment to duty.

6. *And be it enacted*, That as soon after the passage of this act as practicable the surgeon-general shall assign to permanent duty in the various commands of the national guard the medical officers now connected with the said commands, each officer to retain the rank he now holds; no recommission shall be necessary, and that these officers so assigned shall continue to act as a part of the staff of the commanding officer of the command to which they are attached; that in case of vacancy the commanding officer of an organization shall have the power, as now provided for by law, to nominate candidates for the medical offices to which his command is entitled, and these candidates, if commissioned as medical officers, shall be assigned by the surgeon-general to permanent duty with the said organization, and shall act as a part of the staff of its commanding officer; medical officers of the national guard may be detached and assigned to

Recommission not necessary.

Vacancies, how filled.

Detachments and assignments.

temporary duty by the surgeon-general should the interests of the medical department so demand, but the detachment shall not continue over a reasonable time nor to the detriment of the commands to which the officers are permanently assigned.

7. *And be it enacted*, That all acts or parts of acts in- Repealer.
consistent with this act are hereby repealed.

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

Approved March 23, 1892.

CHAPTER XCII.

A Further Supplement to an act entitled "A general act relating to factories and workshops and the employment, safety, health and work hours of operatives," approved April seventh, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of* Fifty-five hours
a week's work.
the State of New Jersey, That on and after the sixth day of July, one thousand eight hundred and ninety-two, fifty-five hours shall constitute a week's work in any factory, workshop or establishment where the manufacture of any goods whatever is carried on; and that the periods Periods of em-
ployment. of employment shall be from seven o'clock in the forenoon until twelve o'clock noon, and from one o'clock in the afternoon until six o'clock in the evening of every working day except Saturday, upon which last named day the period of employment shall be from seven o'clock in the forenoon until twelve o'clock noon.

2. *And be it enacted*, That no person under the age of Persons not to
be employed ex-
cept during
above periods.
eighteen years, male or female, and that no woman above that age shall be employed in any factory, workshop or manufacturing establishment except during the periods

Proviso.

of employment hereinbefore mentioned; *provided*, that the provisions in this act in relation to the hours of employment shall not apply to or affect any person engaged in preserving perishable goods in fruit canning establishments or in any factory engaged in the manufacture of glass.

Inspector to investigate reported violations.

3. *And be it enacted*, That the inspector of factories shall investigate any reported violation of the provisions of this act and of the act to which this is a supplement, after it has been discovered by him or brought to his notice, and may proceed against the violator or violators in the manner prescribed by the act to which this is a supplement.

Penalty for violating provisions of act, how recovered, etc.

4. *And be it enacted*, That any manufacturer or other employer who shall violate any of the provisions of this act shall be liable to a penalty of one hundred dollars for each offence, to be recovered in the same way and for the same purpose as prescribed in the act to which this is a supplement.

Repealer.

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

Approved March 23, 1892.

CHAPTER XCIII.

A Further Supplement to an act entitled "An act to regulate the action of replevin" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Writs may be executed by constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where writs of replevin are or may be issued out of any district court in this state, and the value of the goods and chattels of which replevin is sought does not exceed the sum of two

hundred dollars, said writs may be issued to any constable of the county in which such district courts may be situated, who shall perform the same duties and have the same powers, and be subject to the same restrictions and penalties as sheriffs and coroners are, under said act; *provided*, this act shall not apply to district courts in counties of the first class. Proviso.

2. *And be it enacted*, That the pleadings in any such case shall be the same as in suits in district courts in cases where the amount involved is more than two hundred dollars. Pleading.

3. *And be it enacted*, That the same and no greater fees shall be allowed in such cases to the constable, court and clerks as are now allowed by law in suits commenced by summons in said district courts where the amount in question does not exceed two hundred dollars. Fees.

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

Approved March 23, 1892.

CHAPTER XCIV.

An Act concerning associations known as the Sons of Veterans.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any legalized organized association of the Sons of Veterans, from the late war, in this state shall apply to the governor for the temporary loan of the camp and garrison equipage, ordnance or other military stores for any purpose whatever, not in conflict or violation of the peace of the laws of this state or the laws of the United States, the governor shall examine into such application, and, upon finding it a just and proper demand, he shall have the power to order and authorize the issue of the stores asked for in Governor may loan camp and garrison equipage, etc., to the sons of veterans.

Proviso. the application; *provided, however,* the applicants be required to furnish good and sufficient bond for the value of the stores issued, which bond shall first be approved by the governor, and to remain on file in the office of the quartermaster general of the state.

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

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

Approved March 23, 1892.

CHAPTER XCV.

An Act to incorporate a state poultry association of New Jersey.

Incorporation of a state poultry association. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for ten or more inhabitants of this state above the age of twenty-one years to form a state association for the propagation and protection of poultry and game, and for that purpose they shall make and sign articles of association, which shall set forth the names of the persons forming said association, with their places of residence.

Articles to be filed in office of secretary of state. 2. *And be it enacted,* That the name adopted by such association as its corporate name, with articles of association, shall be filed in the office of the secretary of state, who shall endorse thereon the day they are filed and record the same in a book to be kept by him for that purpose, and upon filing said articles of association in the secretary of the state's office said persons who shall have signed said articles of association, all being citizens of this state above the age of twenty-one years, shall thereupon become members of said association and shall be a

corporation by the corporate name mentioned in said articles of association for the purpose aforesaid, and such corporation shall have the power to make and use a common seal, to sue and be sued and generally to have the privilege and immunities incident to bodies politic, and be subject to the liabilities and restrictions imposed thereon.

3. *And be it enacted*, That the object of said association shall be the better propagation, improvement in breeding and protection of poultry and game, and to aid in carrying out the laws of this state relative thereto. Object of association.

4. *And be it enacted*, That in order to carry out the objects aforesaid, it shall be lawful for such association to have the power to make and adopt a constitution and by-laws, with regulations for the admission and fees of members, for the safe keeping of its property and funds, and from time to time to alter and repeal such constitution, by-laws and regulations by a majority of its members present at any regular meeting, upon notice being given at any regular preceding meeting. Constitution, by-laws, etc.

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

Approved March 23, 1892.

CHAPTER XCVI.

A Supplement to an act entitled "An act to regulate the action of replevin," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where a sheriff or coroner shall take a bond, conditioned for the return of the goods and chattels mentioned in any writ of replevin, in case a return shall be awarded in such suit, and it shall appear When bond may be canceled.

to the court that the condition of the said bond has been fulfilled, it shall be lawful for a judge thereof, either in term time or vacation, to direct that said bond be delivered up to the plaintiff to be cancelled.

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

Approved March 23, 1892.

CHAPTER XCVII.

An Act to enable villages of this state to borrow money in anticipation of taxes.

Trustees or governing bodies of villages may borrow money in anticipation of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of trustees or other governing body of any village in this state to borrow money from time to time, for all purposes for which they are authorized to raise money by tax, in anticipation of the taxes for any current year, to an amount not exceeding fifty per centum of the tax levy for the current year.

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

Approved March 23, 1892.

CHAPTER XCVIII.

A Supplement to an act entitled "An act to provide for drainage and sewerage in densely populated villages in which there is a public water supply," approved March tenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a system of sewage or drainage or both shall be constructed by any village under and by virtue of the provisions of the act to which this is a supplement, it shall be lawful for the governing body of such village, by ordinance, to establish annual rate or rates for connections of private sewers or drains with the public sewers or drains constructed by such village, and to make such regulations as may from time to time be necessary to enforce payment of such annual rate or rates against the owners of lands with which such connections are made.

Governing
bodies of villages
may establish
rates for sewer
connections.

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

Approved March 23, 1892.

CHAPTER XCIX.

An Act to amend an act entitled "An act to authorize the appointment of assistants to city treasurers," approved April twenty-eighth, one thousand eight hundred and eighty-five.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of said act be and the same is hereby amended to read as follows:

Compensation of assistant city treasurer to be fixed by resolution, and not increased or diminished within one year.

2. *And be it enacted*, That the compensation of such assistant city treasurer when so appointed shall be fixed and determined by resolution of the council, board of aldermen or other legislative body of such city, and shall not be increased or diminished within one year after the same has been so fixed and determined.

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

Approved March 23, 1892.

CHAPTER C.

An Act for the protection of peach growers in the state of New Jersey, and to prevent deception in the size of peach baskets.

Standard peach basket, sixteen quarts Winchester half-bushel measure, height of basket, $12\frac{1}{4}$ inches, width at top, $13\frac{1}{2}$ inches, and shall be stamped "standard, N. J."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the standard size of peach baskets in the state of New Jersey shall be sixteen quarts Winchester half bushel measure, that the height of the basket shall be twelve and one-quarter inches, and that

the width across the top shall be thirteen and one-half inches, and that the inside measurement shall contain one thousand and seventy-five and ten one-hundredths cubic inches, and that such basket shall be marked "standard, N. J.," upon the staves just below the rim in roman letters, which shall be burned on or printed thereon with permanent red paint in a straight line, and each of them shall not be less than one inch in length, and not less than one-half inch in width, and that every person who shall manufacture for sale, or who shall offer or expose for sale any basket to be used for shipping or selling peaches not standard, shall distinctly and durably stamp, brand or mark upon such basket upon the stave just below the rim the number of quarts such basket contains.

2. *And be it enacted*, That every person who shall manufacture, sell, or offer or expose for sale, or have in his or her possession with intent to sell, or to use any peach basket or baskets not stamped, branded or marked as required by the first section of this act to be stamped, branded or marked, shall for every such offense, forfeit and pay a fine of not less than twenty-five dollars and not more than fifty dollars, to be recovered with costs, in any of the courts of this state having cognizance thereof, in any action to be prosecuted by any prosecuting attorney in the name of the state, and the one-half of such recovery shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

Fine of \$25 or \$50 for selling or using any other basket.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect the first day of September, one thousand eight hundred and ninety-two.

Repealer.

Approved March 23, 1892.

CHAPTER CI.

A Supplement to an act entitled "An act to re-apportion the several assembly districts of the state of New Jersey," approved April fourteenth, one thousand eight hundred and ninety-one.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of the act to which this is a supplement be and the same is hereby amended to read as follows :

Cumberland county.

First district.

Second district.

6. *And be it enacted*, That the county of Cumberland shall constitute two assembly districts, to be composed as follows : The first, district to be composed of Stow Creek, Hopewell, the first second and third wards of the city of Bridgeton, Deerfield, the third ward of the city of Millville and the township of Landis, including the borough of Vineland ; the second district to be composed of all that portion of the county of Cumberland not included, by this section, in the first district of such county.

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

Approved March 23, 1892.

CHAPTER CII.

A Supplement to an act entitled "An act to authorize the appointment of a board of commissioners to represent the state of New Jersey at the world's Columbian exposition, to be held in Chicago, in the year one thousand eight hundred and ninety-three," approved March eighteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to further the work of the board of commissioners appointed under the act to which this is a supplement, and to build a proper building for the use of the citizens of this state in attendance at such exposition, there be and is hereby appropriated the sum of fifty thousand dollars in excess of the sum heretofore appropriated, and that said sum, together with the unexpended balance of the previous appropriation of twenty thousand dollars, except such part thereof as may be needed by the governor to properly perform the duties devolved on him by said original act, shall be paid by the treasurer of the state, upon the warrant of the comptroller, to the treasurer of the commission, in such sums as may from time to time be required and requested by a resolution of the commissioners, duly certified by the president of said commission, with the approval of the governor, and said sums so paid by the treasurer of the state to the treasurer of the board of commissioners shall be expended only by resolution of said board upon the approval of the president of said board, and the treasurer of the commission shall report to the comptroller of the treasury once in each month the amount and direction of said expenditures.

Appropriation
for expenses.

To be paid by
treasurer upon
warrant of comptroller.

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

Approved March 23, 1892.

CHAPTER CIII.

An Act to amend an act entitled "An act constituting courts for the trial of small causes," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of an act entitled "An act constituting courts for the trial of small causes" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

Suit by and against corporations and attorneys.

7. *And be it enacted*, That any body politic or corporate of this state, or of any other state, may sue and be sued in any court for the trial of small causes, in any action or proceeding over which said court has jurisdiction; and all attorneys at law shall and may be sued in said court in like manner, or form of action, as other citizens of this state are liable to be sued in said court.

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

Approved March 23, 1892.

CHAPTER CIV.

A Supplement to an act entitled "An act providing for the sewerage in and from certain towns in this state," approved April twentieth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in any town, township, village, corporation or other municipality, bonds having been issued and outlet sewers have been constructed or are in course of construction, in accordance with the provisions of the act of which this is a supplement, it becomes necessary to construct additional main lateral sewers in order to enable the lands within the drainage area of the said outlet sewers so constructed or being constructed to be efficiently drained, it shall be lawful in any such case for the town council or governing body of such town, township, or village or corporation, to have prepared plans, maps and specifications showing the location of such necessary main lateral sewers, together with details of all necessary appurtenances required, in order to afford the necessary drainage for the drainage area as may be drained into said outlet sewers.

Authorities empowered to prepare plans, maps and specifications showing location of additional main lateral sewers.

2. *And be it enacted*, That after the filing of such plans, maps and specifications said town council or other governing body shall cause a notice of the filing of the same by publication in one or more daily or weekly newspapers circulating in the neighborhood of the drainage area for at least three weeks, once in each week, and that the owners can upon the date mentioned in said public notice file with the clerk of said town or other municipality their written dissent to said proposed lateral main sewers, and unless the owners of the majority of the lands within said drainage area shall so dissent thereto as aforesaid at the date appointed by the council or other governing body of said town, the council or governing body of said

Landowners may dissent to such sewers.

Authorities may enter into contract for performing the work.

Authorities empowered to issue bonds.

Costs and expenses of main lateral sewers to be assessed upon lands benefited.

Repealer.

town shall have the right, if deemed for the best interest of the town or any portion thereof, and all the necessary power and authority is hereby granted to proceed with the construction of said main sewers, by advertising according to the charter of said town for proposals for furnishing all the materials and doing all work required, and to enter into contract with responsible parties to perform the work, but said town shall be under no obligation to award the said contract to the lowest bidder, and may, if deemed for the best interest of the town, reject all bids.

3. *And be it enacted*, That in order to raise the necessary funds for the cost of the said improvement, it shall be lawful for the town council or other governing body of said town to issue bonds in the corporate name of such town or other municipality in such amount as may be necessary for that purpose, which bonds shall bear interest at a rate not exceeding six per centum per annum, and shall be payable in not more than twenty years, and shall not be sold or disposed of for less than their par value.

4. *And be it enacted*, That upon the completion of said main lateral sewers the cost shall be assessed upon all lands benefited in accordance with the benefit received according to the provisions of sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen of the acts of which this is a supplement.

5. *And be it enacted*, That all acts and parts, whether general public, local or special, inconsistent with this act, be and the same are hereby repealed.

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

Approved March 23, 1892.

CHAPTER CV.

An Act to enable certain municipal corporations of this state to pass, alter, amend and repeal ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council or other legislative or governing body of any town or other municipal corporation of this state, incorporated or existing under and by virtue of any special act of incorporation, shall have power to pass, alter, amend and repeal ordinances for the following purposes:

Municipal corporations empowered to pass certain ordinances.

- I. To manage, regulate and control pawnbrokers;
- II. To manage, regulate and control public carriers and expressmen;
- III. To manage, regulate and control public exhibitions of every kind;
- IV. To regulate, prevent and prohibit nuisances of every kind;
- V. To manage, regulate and control plumbers;
- VI. To regulate, control and prescribe the erection of frame houses;
- VII. To regulate, control and prohibit tramps and beggars;

VIII. To regulate the licensing to keep dogs.

2. *And be it enacted*, That this act shall not affect cities.

Not to affect cities.

3. *And be it enacted*, That all acts and parts of acts, general, special, local or private, inconsistent herewith, be and the same are hereby repealed.

Repealer.

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

Approved March 23, 1892.

CHAPTER CVI.

A Further Supplement to 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.

Boards of chosen freeholders may issue armory bonds, not exceeding \$25,000, for the erection of armories.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or other body having charge of the finances of any city wherein it is proposed to erect an armory under the provisions of the act to which this is a supplement, and of the acts supplementary thereto, and for the board of chosen freeholders of any county wherein such armory is to be erected as aforesaid, to issue bonds of the said city or county or both, as the case may be, for the erection and completion of such armory, not exceeding twenty-five thousand dollars for such city or such county, which bonds shall be known as "armory bonds," and shall be of such denominations, and bear such rate of interest, and be payable at such times, as may be deemed by the corporation issuing them most for the public interest.

Repealer.

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

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

Approved March 23, 1892.

CHAPTER CVII.

A Further Supplement to an act entitled "An act to protect trade-marks and labels."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any association or union of workingmen or artisans, or other persons of the state, have adopted or shall hereafter adopt, for their protection, or for the purposes of designating or advertising the manufactured goods or product of any member or members thereof, any label, trade-mark or form of advertisement to be attached to such goods or product, or to any box, boxes, case, cases, package or packages, containing or made to contain any such goods or product, it shall be unlawful for any person, firm or corporation to make or procure to be made any counterfeit or imitation of such label, trade-mark or form of advertisement, or any false and fraudulent label, trade-mark or form of advertisement which is intended or liable to deceive the public into the belief that it is the genuine label, trade-mark or form of advertisement of such association or union; or any false or fraudulent labels, trade-mark or form of advertisement purporting on its face to have been issued by or by authority of any association or union.

Unlawful to imitate trade-marks and labels.

2. *And be it enacted*, That no person, firm or corporation shall use any of the counterfeit, false or fraudulent labels mentioned in section one of this act, nor display the genuine label, trade-mark or form of advertisement of any such association or union in any manner not authorized by such association or union; nor sell, offer or expose for sale any manufactured article or articles on which, or on the box, case or package in which such manufactured article or articles are packed or enclosed, shall be attached any of the counterfeit, false or fraudulent labels, trade-mark or form of advertisement mentioned in section one of this act; nor in any way use

Counterfeit labels not to be used.

Nor articles sold on which such false labels or marks are attached.

Not to use name or seal of any association, or without license from the association.

Not necessary to prove that violation was knowingly or wilfully committed

Penalty of \$100, or 90 days' imprisonment, or both.

How action may be brought.

Proviso.

Copies of labels, marks, etc., to be filed in office of secretary of state

the name or seal of any such association or union, or its officers or any of them, in and about the sale of goods, or otherwise, without license from such association or union, officer or officers; nor use for boxing, encasing or packing any goods or product of manufacture not produced by such association or union or any member or members thereof, any box, case or package to which the genuine label, trade-mark or form of advertisement of any such association or union has previously been lawfully attached; in suit or proceedings for damage, or for equitable relief by or on behalf of any such association or union, on account of the violation of any provision of this act, it shall not be necessary to prove that such violation was knowingly or wilfully committed.

3. *And be it enacted*, That any person, whether a member of a firm or corporation, or otherwise, who shall violate any of the provisions of section one of this act, or who shall knowingly or wilfully violate any provision of section two of this act, shall be deemed to have committed a misdemeanor thereby, and on conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

4. *And be it enacted*, That in actions at law, proceedings in equity brought on behalf of any such association or union which is not incorporated, the same may be brought in the name of any member of such association or union who has been duly authorized so to do by such association or union, but for the use and benefit of all the members of such association or union; *provided*, that before commencing such action or proceeding the members so authorized shall file with the county clerk of such county a certificate of the president and secretary of such association or union, showing that such authority has been granted.

5. *And be it enacted*, That every such association or union shall cause to be filed in the office of the secretary of state, duplicate copies of such label, mark, name, brand or device, who shall, under his hand and seal, deliver to the party filing or registering the same a certified copy

and a certificate of the filing thereof, for which he shall receive a fee of one dollar; the application for the certificate shall be accompanied by an affidavit from the president or secretary of any sub-association or union, showing that the same is the genuine label, trade-mark or form of advertisement of such association or union.

And to be accompanied by an affidavit of its genuineness.

6. *And be it enacted*, That in no case shall the certificate from the secretary of state, obtained in conformity with the fifth section of this act, be assignable by the party to whom the same is issued.

Certificate of secretary of state not assignable.

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

Repealer.

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

Approved March 23, 1892.

CHAPTER CVIII.

An Act to enable cities of the second class in this state to sell fire-engine houses and lands, and to purchase other lands for fire-houses to be erected thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen or other governing body of any city of the second class in this state maintaining a paid fire department, and in which city there are fire-houses constructed for the purpose of a volunteer fire system, and which houses, in the opinion of the common council, board of aldermen or other governing body, are not adapted to the purposes of a paid fire department, to sell such fire-houses, and the land whereon the same are erected, at public auction to the highest bidder, and with the proceeds of such sales purchase, acquire or use other

Empowers cities of the second class to sell fire-houses and lands and purchase other lands for fire houses to be erected thereon.

lands in such city and build fire-houses thereon adapted to a paid fire department.

Cities may issue bonds.

2. *And be it enacted*, That for the purpose of paying the total cost of acquiring such land and erecting such fire-houses the common council, board of aldermen or other governing body of such city, is hereby authorized and empowered to borrow a sum of money not exceeding thirty thousand dollars, and to issue registered bonds for the same under the seal of such city, bearing interest at a rate not to exceed five per centum per annum, having not longer than fifteen years to run, and pledging the faith credit and property of such city for the payment of the same, and to provide for the payment thereof by taxation, and for the annually accruing interest by the same method; the proper authority shall also create a sinking fund for the payment of such bonds at maturity; *provided*, such bonds shall not be sold at less than par.

And create a sinking fund.

Repealer.

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

Approved March 23, 1892.

CHAPTER CIX.

An Act to amend an act entitled "An act to authorize the issue of bonds to provide moneys for the erection of county lunatic asylum buildings in counties of this state," approved June tenth, one thousand eight hundred and ninety.

Section to be amended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to authorize the issue of bonds to provide moneys for the erection of county lunatic asylum build-

ings in counties of this state," approved June tenth, one thousand eight hundred and ninety, be and the same is hereby amended to be and read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county of this state, by resolution adopted by a vote of not less than three-fourths of all the members of such board, to order, direct and authorize the issue, for the purpose of erecting or providing for the erection of a suitable county lunatic asylum building in such county, of bonds in the corporate name and under the corporate seal of the county, the total amount of which shall not exceed the sum of two hundred thousand dollars. Bonds, how and when issued.

2. *And be it enacted*, That section two of said act be and the same is hereby amended to be and read as follows: Section to be amended.

2. *And be it enacted*, That such bonds, so as aforesaid directed and authorized to be issued, shall be signed by the director or director-at-large of the board of chosen freeholders of such county, and the county collector thereof, and the corporate seal shall be attached thereto; they shall state upon their face for what purpose the same were issued; they shall be of the denomination of not less than one thousand dollars each; such bonds may be either registered or coupon bonds and shall bear interest at a rate not exceeding four and one-half per centum per annum, payable half yearly, which bonds may be sold at either public or private sale for the best price which can be obtained therefor; but the same shall not be sold for less than par value; and registered bonds may be exchanged for coupon bonds, and vice versa at the option of the holder, if the board of chosen freeholders shall by resolution consent thereto; all real and personal property within such county shall be liable for the payment of the principal and interest of such bonds. How signed. Shall state purpose. Denomination. Interest. Shall not be sold for less than par value. Bonds may be exchanged. All property liable for payment.

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

Approved March 23, 1892.

CHAPTER CX.

An Act in relation to the foreclosure of mortgages, where it is unknown whether any person who has or might have an interest or a lien upon the land covered by the mortgage or any part thereof, is dead or alive, and his heirs and devisees or legal representatives are unknown in whole or in part.

Proceedings for making unknown persons parties in foreclosure suits.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all proceedings hereafter commenced in the court of chancery of the state of New Jersey for the foreclosure of any mortgage upon lands situated in the state of New Jersey, mentioned and described in the bill of complaint, whenever it shall appear by the allegations in said bill that the complainant, after diligent inquiry therefor, has been unable to ascertain whether any person or persons having or having had, or claiming or having claimed, or believed by the complainant to claim or to have claimed any right, title, interest or estate in or to the said lands, or any part thereof, or any lien upon the same, is alive or dead, and that he has been unable to ascertain the names or residences of his heirs and devisees or personal representatives or such of them as are proper parties defendant as aforesaid, in case such person or persons are dead, such bill may be filed against and such action may proceed against such person or persons by name, and his heirs, devisees and personal representatives as in the case of absent defendants whose names are known; *provided, nevertheless*, that such notice as is now required by law to be published against absent defendants in default of personal service, addressed to such person by name, and to "his

Proviso.

heirs, devisees and personal representatives," and containing such further statements, and giving such further time as the chancellor may by his order direct, be first published and mailed in such manner as the chancellor may by his order in said action direct; and in case such person, or his heirs, devisees or personal representatives shall not appear, plead, answer or demur within the time limited in said notice, or further allowed by the chancellor, if he shall think proper, on proof to the satisfaction of the chancellor of mailing and publication of said notice as directed, such action may proceed in all respects as though such person or his heirs, devisees or personal representatives had been duly named and described and served with process of subpoena in said action, and had failed to appear, plead, answer or demur to the complainants' bill of complaint within the time thereto allowed by law.

2. *And be it enacted*, That all such defendants and all persons falling within the description of "heirs, devisees or personal representatives" of the defendant supposed to be dead, as aforesaid, shall thereupon be bound by all orders and decrees in said cause, as if they had been duly named and described and served with process within this state. Defendants bound by orders and decrees.

3. *And be it enacted*, That proofs may be made, costs allowed, security ordered, and proceedings for restitution or other relief from said decrees and orders had, in like manner as the same are now allowed by law in case of absent defendants. Proofs, costs and proceedings.

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

Approved March 23, 1892.

CHAPTER CXI.

An Act to amend an act entitled "An act relating to turnpike companies," approved February twenty-fourth, one thousand eight hundred and eighty-two.

Section to be amended.

1. BE IT ENACTED *By the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act relating to turnpike companies," approved February twenty-fourth, one thousand eight hundred and eighty-two, be and the same is hereby amended so as to read as follows :

Failure of company to keep road or bridges in repair, judge of court may, on complaint, appoint freeholders to examine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any turnpike company shall not keep its road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county in which said road or the part thereof complained of, or bridge, is situated, upon complaint being made to him, in writing, signed by ten freeholders, residents on the line of said road, within said county, stating the bridge or part of the road that is out of repair, and specifying the particular defect, and after five days notice in writing to said company, specifying the particular part of the road or bridge, and the particular defect complained of, and after hearing the parties, if the said company shall have continued to take toll on that part of the road so out of repair, after being notified as aforesaid, without having first amended or repaired the bridge or part of the road complained of, to appoint under his hand and seal, three judicious, disinterested freeholders of the county in which said road, or the part thereof complained of, or bridge, is situated, not residing in any township, borough, or ward through which said road passes, who, having been duly qualified according to law, to act impartially in the case, shall proceed to view and examine the said part of the turnpike road or bridge so complained of, and report to the said judge, in writing

under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to said road, the said judge shall immediately, in writing under his hand and seal, order the keeper or keepers of the gates or turnpikes to keep open the same until otherwise ordered; and if said keeper or keepers shall, notwithstanding the order of the said judge to open said gates or turnpikes, exact toll of travelers, the said company shall for each offence forfeit and pay ten dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the said judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the company; and upon satisfactory proof before the said judge, that said company shall have repaired or amended said road or bridge in the particular complained of, he shall, by license, under his hand and seal, directed to the toll gatherers, permit the gates or turnpikes to be shut, and the toll collected as before, and the said fee shall be allowed and paid as before directed, but it, on the view before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and be paid by the persons making the complaint.

Report of condition to be made, and judge may order gates open when report be unfavorable.

Penalty for exacting toll.

When road and bridges are repaired road may be opened.

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

Approved March 23, 1892.

CHAPTER CXII.

An Act to authorize boroughs in this state to purchase sewer works and systems within the borough limits from individuals or corporations and to provide for the payment, operation and maintenance of the same.

Boroughs may
purchase sewer
works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the governing body of any incorporated borough of this state shall deem it to the best interest of said borough to purchase any sewer works or systems of sewers located within the corporate limits of such borough from private individuals or corporations owning the same, they shall have the power and authority so to do, subject to the provisions herein-after contained.

Resolution for
purchase.

2. *And be it enacted*, That no systems of sewers shall be purchased under this act until the governing body of said borough shall first pass a resolution favoring the purchase of a sewer system located within the limits of said borough, which resolution shall state the name or names of the owners thereof, the streets and avenues through which its mains, pipes and conduits are laid and located, the price to be paid therefor, the terms of payment and the conditions and restrictions under which the same are to be purchased, if any; that said resolution, before it shall be legal or operative, shall first be submitted to the legal voters of said borough at a special election to be held for that purpose; that thirty days' notice shall be given of the time and place of holding said election, signed by the clerk of said borough, in one or more newspapers published and circulating therein, and, in addition thereto, said notice shall be posted in at least ten public places within the corporate limits; that said notice shall state the sewer system to be purchased, the price to be paid therefor and the conditions and restrictions under which the same is to be purchased, if any; that said clerk shall provide for each elector voting at

To be submitted
to legal voters.

Notice of elec-
tion.

What notice
shall state.

said election, ballots to be printed or written, or partly printed and partly written, on which shall be the words, "For the purchase of the sewer system described in the resolution," or "Against the purchase of the sewer system described in the resolution;" that the polls shall be open at seven o'clock in the morning and shall continue open until six o'clock in the evening, with the exception of from one o'clock to two o'clock in the afternoon, when the same may be closed; that said election shall be conducted by the borough election officers in the same manner as borough elections are conducted, except as herein stated, who shall return a statement of the result of said election to the governing body of said borough as soon as the same can be made, which said statement shall be entered in the regular book of minutes of said borough.

Form of ballots.

Opening and closing polls.

Manner of conducting election and returns.

3. *And be it enacted*, That should a majority of the legal votes, cast at said election, be in favor of the resolution for the purchase of the sewer system, described therein, it shall be the duty of the governing body of said borough to issue the bonds of said borough for the sum mentioned as the purchase price in said resolution; said bonds to bear a rate of interest not exceeding the legal rate, the principal to be payable in ten years or sooner, at the option of said borough; that it shall be the duty of said governing body to make sale of said bonds at not less than their par value, the proceeds thereof to be appropriated according to the provisions of this act.

Bonds issued.

Interest.

Not to be sold at less than par value.

4. *And be it enacted*, That the governing body of said borough, for the payment of said bonds and such interest as shall, from time to time, accrue thereon, shall have the authority to make three or more annual assessments upon the lands and real estate in front of, or on the side of which said sewers are laid and located, at a certain sum or amount per lineal foot, which said sum or amount shall be the same per foot in all parts of said borough; that should the sewer main run or be laid along the side and in front of houses or lots located on the corners of two or more streets or avenues, then the land shall be measured and the assessment made for the number of lineal feet on the street or avenue on which the connection to said sewer main is made, and not for lineal feet on other streets or avenues; that should sewer mains be

Assessments for payment of principal and interest.

How assessments shall be made.

laid in streets or avenues on which vacant corner lots are located, said vacant lots shall be assessed for the lineal feet front, if a sewer main is located in front of the same, if not, then said lot or lots shall be assessed for the lineal feet on the side thereof on which said sewer main is located; that should any property be connected to said sewer mains which is not located on any street or avenue through which a sewer main is laid, said property so connected shall be assessed the same per lineal foot front as properties located on streets and avenues having the sewer mains.

By whom made.

5. *And be it enacted*, That said assessments shall be made by the borough assessor or other officer having authority to assess taxes therein for borough purposes, at the same time and in the same manner as the taxes for said borough are levied and assessed, and said assessments shall be collected by the borough collector or other officer having authority to collect taxes therein for borough purposes, at the same time and in the same manner as the taxes of said borough are collected, and shall have the same remedies for the enforcement of the payment thereof.

May extend
sewer systems.

6. *And be it enacted*, That said boroughs shall have the authority, by resolution or ordinance, to extend said sewer systems, mains and pipes to such said streets and avenues within said boroughs as the governing bodies shall deem necessary for the protection of the public health, and the improvements of the sanitary conditions of said boroughs.

Assessments for
extending.

7. *And be it enacted*, That the governing bodies of said boroughs shall have the authority to assess the costs and expenses for extending said system of sewers, mains and pipes upon the lands and real estate in front or on the side of the streets or avenues through which said mains are laid or located at a certain equal sum per lineal foot, which said assessment shall be made and collected at the same time and by the same officers as tax assessments or levies are made and collected in said boroughs; and said boroughs shall have, in all respects, the same remedies for the enforcement of said assessments as are provided for the enforcement of taxes.

Special sewer
tax.

8. *And be it enacted*, That for the purpose of maintaining and operating said sewer system, and properly caring for the same, the said boroughs shall have the authority

to impose a special sewer tax on all the lands and real estates within the corporate limits of said boroughs, which said tax shall not, however, in any one year exceed the sum of one dollar per thousand dollars on the assessed valuation.

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

Approved March 23, 1892.

CHAPTER CXIII.

An Act relative to the extension of fire houses to the building line of cities of the second class in this state maintaining a paid fire department.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any fire house stands or is erected back from the building line of the street in any city of the second class in this state maintaining a paid fire department, and, in the opinion of the board of aldermen, common council, board of fire commissioners or other authority having charge and control of the fire department in said city, such fire house is detrimental and dangerous to the public using such street, it shall be lawful for the said board of aldermen, common council, board of fire commissioners or other authority as aforesaid to carry forward the said fire house or extend the same to the building line of such street, any provision in any contract to the contrary notwithstanding.

Boards of aldermen, common council or governing bodies to carry forward fire houses dangerously situated to the building line of streets.

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

Repealer.

Approved March 23, 1892.

CHAPTER CXIV.

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," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Sheriffs' sales,
since March 7,
1891, confirmed
by the court of
chancery valid,
although made
on Saturday be-
tween twelve
and five o'clock.

Deeds good in
law.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land by the sheriff of any of the counties of this state made since the seventh day of March, one thousand eight hundred and ninety-one, and confirmed by the court of chancery, shall be held to be invalid by reason of the fact that said sale was made between the hours of twelve o'clock at noon and five o'clock in the afternoon on Saturday; and that any deed made by such sheriff for any lands sold by him since said date between said hours on Saturday, where said sale has been confirmed as aforesaid, shall be deemed and taken to be as good and effectual in the law as if said sale had been sold upon the afternoon of any other day not recognized as a holiday by the laws of this state; *provided*, that all the other provisions of said act shall have been complied with, and that this act shall not be construed to regulate any sales of land to be made after this act goes into effect.

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

Approved March 23, 1892.

CHAPTER CXV.

An Act relative to dower.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear to the satisfaction of the chancellor that any person having a right of dower in any lands or premises is incapacitated by mental infirmity or disease from executing a valid release or relinquishment of the same, and that the interests of the owner of such lands and premises require and would be promoted by a sale of the same, it shall be lawful for the chancellor to direct such release or relinquishment to be made by any master of the court of chancery, whose deed or deeds executed in behalf of such person shall release and bar all the dower or estate in dower to which such person may be entitled in the lands and premises therein mentioned.

Empowers
chancellor to
direct a release
to right in lands
of any person
mentally in-
capacitated.

2. *And be it enacted*, That upon a petition filed for the purpose aforesaid, the chancellor may in a summary manner proceed to inquire into the merits of the application by reference to a master or otherwise, and in case a release is ordered by him in conformity with the prayer of said petition, a bond shall be given to the chancellor or to the guardian of such person, in such penalty and with such surety as he may direct, to secure to the guardian of such person so entitled to dower the enjoyment during her life of a fund equal to one-third of the whole proceeds of sale of the said land and premises, which bond, if forfeited, may be prosecuted in any court having cognizance of the same, or in lieu of said bond if it shall appear satisfactory to the chancellor, the said sum of one-third of the whole proceeds of sale shall be invested under the direction of the chancellor and the interest thereon shall go to the widow during her life, and the court of chancery shall have full power to make all orders and decrees relative to the final disposition of the bond or fund aforesaid and as may be necessary to

Bond or deposit
to be given or
made to secure
to such person
her dower.

give complete relief to the parties, their heirs, devisees and assigns.

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

Approved March 23, 1892.

CHAPTER CXVI.

An Act respecting the expenditure of money in cities of the second class in this state.

Mayor must approve resolution involving the expenditure of \$50 or over before it becomes operative.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state no resolution or motion involving the expenditure of money adopted or passed by the board of aldermen or common council thereof, when the amount thereof exceeds the sum of fifty dollars, shall be operative unless the same be approved by the mayor of such city; *provided, however*, that if the said mayor veto the same or refuse or neglect to veto or approve the same within five days after the adoption of the same, the board of aldermen or common council of such city, after the expiration of said time and by a vote of three-fourths of all the members thereof, may order the payment of the money in such resolution or motion provided, notwithstanding such veto or refusal or neglect to veto or approve any such resolution or motion.

2. *And be it enacted*, That all acts or parts of acts, so far as they conflict herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 23, 1892.

CHAPTER CXVII.

A Further 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," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so that henceforth the same shall be and read as follows, to wit:

9. *And be it enacted*, That no surrogate or any person employed by him, in connection with the duties of his office, shall be allowed to act as an attorney, proctor or counsel, or to sit as a judge in the orphans' court of the county of which he is surrogate, or in which he is to employed.

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

Approved March 23, 1892.

Section to be amended.

Surrogate or person employed by him not to act as proctor or sit as judge.

CHAPTER CXVIII.

A Further Supplement to an act entitled "An act to complete the geological survey of the state," approved March thirtieth, one thousand eight hundred and sixty-four.

Preamble.

WHEREAS, The board of managers of the geological survey of the state now consists of fifteen members, including the governor, and provision is only made for seven congressional districts, and changes in the districts and deaths have created vacancies.

Board of managers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the governor, by and with the advice and consent of the senate, shall make such appointments to the board of managers as will at all times secure as members of said board two members from each congressional district as now constituted, or as may hereafter be constituted, who shall hold office for three years from the date of their appointment.

Terms of office.

2. *And be it enacted*, That the terms of office of the present members of the board in any of the congressional districts, where there are not more than two present members living in such district, shall expire three years from the date of this act, unless they shall sooner die, resign or remove from the congressional district in which they now live, in either of which cases their office shall become vacant, and where there are more than two members of the present board, who are living in any one congressional district, that the governor shall designate two of said members who shall hold their office for a period of three years from the date of said designation.

Vacancies, how filled.

3. *And be it enacted*, That all vacancies in said board shall be filled by the governor by and with the advice and consent of the senate, if the senate is in session, and

if not in session the governor shall fill said vacancy by his appointment without confirmation, and their term of office shall be three years from the date of their appointment.

4. *And be it enacted*, That all other modes of appointment and designation of said members of said board, and all other acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 23, 1892.

CHAPTER CXIX.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee of any township in counties of the third and fourth class in this state, to employ any person or persons, as may be necessary, to fight and extinguish forest fires, and to fix and pay to such person a just and reasonable compensation for such services, to be paid out of the funds of such township not otherwise appropriated. Township committees may employ a person or persons to fight and extinguish forest fires.

2. *And be it enacted*, That it shall and may be lawful for any such township at the annual town meeting to designate and vote for a certain sum to be raised for the purpose aforesaid, which shall be included in the tax rate and raised as other moneys for township purposes are now raised. Sum to be raised by taxation.

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

Approved March 23, 1892.

CHAPTER CXX.

An Act to provide for the payment of the expenses incurred by the state charities aid association of New Jersey.

Preamble.

WHEREAS, the state charities aid association of New Jersey is rendering important and valuable services to the state and is incurring expenses for the payment of which no provision hath hertofore been made,

Appropriates a sum not exceeding \$600 for the state charities aid association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a sum of money not exceeding six hundred dollars be and the same is hereby appropriated, annually, to be paid by the treasurer of the state, upon the warrant of the comptroller, and with the approval of the governor, to the treasurer of the state charities aid association of New Jersey, to be expended by said association in the payment of expenses incurred.

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

Approved March 23, 1892.

CHAPTER CXXII.

An Act to tax intestates' estates, gifts, legacies and collateral inheritance in certain cases.

Gifts, legacies and collateral inheritance subject to a tax of \$5 on every \$100.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act all property which shall pass by will or by the intestate laws of this state from any person who may die seized or possessed of the same while being a resident of the state,

and all property which shall be within this state, and any part of such property, and any interest therein or income therefrom, which shall be transferred by inheritance, distribution, bequest, devise, deed, grant, sale or gift as aforesaid, made or intended to take effect in possession or enjoyment after the death of the intestate, testator, grantor or bargainor, to any person or persons, or to a body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to such property, or to the income thereof, other than to or for the use of father, mother, husband, wife, children, brother or sister, or lineal descendants born in lawful wedlock, or the wife or widow of a son, or the husband of a daughter, shall be subject to a tax of five dollars on every hundred dollars of 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; *provided*, that an estate Proviso. which may be valued at a less sum than five hundred dollars shall not be subject to said duty or tax.

2. *And be it enacted*, That when any person shall bequeath or devise, convey, grant, sell or give as aforesaid any property, or interest therein, or income therefrom, to a father, mother, husband, wife, children, brother or sister, the widow of a son, or a lineal descendant, during life or for a term of years, and the remainder to a collateral heir of the decedent, or to a stranger in blood, or to a body politic or corporate, the property so passing shall be appraised immediately after the death of said testator or grantor, as the case may be, at what shall then be the fair market value thereof, in the manner hereinafter provided, and after deducting therefrom the value of said life estate, or term of years, the tax prescribed by this act on the remainder shall be immediately due and payable to the treasurer of the state of New Jersey, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; *provided*, that the person or persons, or body politic Proviso or corporate beneficially interested in the property Property to be appraised and tax due immediately.

chargeable with tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, or, and in that case, such person or persons, or body politic or corporate, shall give a bond to the state of New Jersey in a penalty three times the amount of the tax arising upon personal estate, with such sureties as the chancellor or a justice of the supreme court may approve, conditioned for the payment of said tax and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the clerk in chancery; *provided further*, that such person shall make a full verified return of such property to the chancellor of the state and file the same in the office of the clerk in chancery within one year from the death of the decedent, and within that period enter into such security and renew the same every five years.

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Bequests to executors exceeding reasonable compensation excess to be taxed.

3. *And be it enacted*, That whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of their commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devises or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to said tax, and the chancellor or the orphans' court having jurisdiction in the case shall fix such compensation.

Interest on tax.

4. *And be it enacted*, That all taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the testator, grantor or intestate, as the case may be, and if the same are paid within one year, interest at the rate of six per centum per annum shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; *provided*, that if said tax is paid within six months from the accruing thereof, interest shall not be charged or collected thereon, but a discount of five per centum shall be allowed and deducted from said tax; and in all cases where the executors, administrators or trustees do not pay such tax within one year from the death of the decedent,

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they shall be required to give a bond, in the form and to the effect prescribed in section two of this act, for the payment of said tax, together with interest.

5. *And be it enacted*, That the penalty of ten per centum per annum imposed by section four hereof for the non-payment of said tax shall not be charged, where in cases by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, the estate of any decedent, or a part thereof, cannot be settled at the end of a year from the death of the decedent, and in such cases only six per centum per annum shall be charged upon the said tax from the expiration of such year until the cause of such delay is removed.

Part of penalty
remitted where
necessary litigation
occurs.

6. *And be it enacted*, That any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money, he shall collect the tax thereon upon the appraised value thereof from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the heir or devisee, before paying the same, shall deduct said tax therefrom, and pay the same to the executor, administrator or trustee, and the same shall remain a charge on such real estate until paid, and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that the payment of such legacy might be enforced; if, however, such legacy be given in money to any person for a limited period, he shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of his accounts, to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

Executors, &c.,
not to deliver
legacies until tax
is paid or de-
ducted.

7. *And be it enacted*, That all executors, administrators and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law

Executors have
power to sell
property.

to do for the payment of debts of their testators and intestates, and the amount of said tax shall be paid as hereinafter directed.

Executors to
pay tax to the
state treasurer,
taking his receipt

8. *And be it enacted*, That any sum of money retained by any executor, administrator or trustee, or paid into his hands for any tax or any property, shall be paid by him, within thirty days thereafter, to the treasurer of the state of New Jersey; and the said treasurer shall give, and every executor, administrator or trustee shall take duplicate receipts from him of such payment, one of which receipts he shall immediately send to the comptroller of the state, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and countersign the same and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts, but an executor, administrator or trustee shall not be entitled to credit in his accounts, nor be discharged from liability for such tax unless he shall produce a receipt so countersigned by the comptroller, or a copy thereof certified by him.

Executors to
give information
to state treasurer

9. *And be it enacted*, That whenever any of the real estate of which any decedent may die seized shall pass to any body, politic or corporate, or to any person or persons other than the father, mother, husband, wife, lawful issue, wife or widow of a son, or husband of a daughter, or in trust for them, or some of them, it shall be the duty of the executors, administrators or trustees of such decedent to give information thereof in writing to the treasurer of the state within six months after they undertake the execution of their respective duties or, if the fact be not known to them within that period, then within one month after the same shall have come to their knowledge.

When propor-
tion of tax may
be refunded.

10. *And be it enacted*, That whenever any debts shall be proven against the estate of a decedent, after the payment of legacies or distribution of property from which the said tax has been deducted, or upon which it has been paid, and a refund is made by the legatee, devisee, heir or next of kin, a proportion of the tax so paid shall be repaid to him by the executor, administrator or trustee, if the said

tax has not been paid to the state treasurer, or by them if it has been so paid.

11. *And be it enacted*, That whenever any foreign executor or administrator shall assign or transfer any stocks or loans in this state, standing in the name of a decedent, or in trust for a decedent which shall be liable to the said tax, such tax shall be paid to the state treasurer on the transfer thereof, otherwise the corporation permitting such transfer shall become liable to pay such tax; *provided*, that such corporation has knowledge before such transfer that said stocks or loans are liable to said tax. Assignments and transfers of stock

12. *And be it enacted*, That when any amount of said tax shall have been paid erroneously to the state treasurer, it shall be lawful for him, on satisfactory proof rendered to him of such erroneous payment, to refund and pay to the executor, administrator, person or persons who have paid any such tax in error, the amount of such tax so paid; *provided*, that all such applications for the repayment of such tax shall be made within two years from the date of such payment. Proviso.

13. *And be it enacted*, That in order to fix the value of property of persons whose estates shall be subject to the payment of said tax, the surrogate or ordinary, on the application of any interested party, or upon his own motion, shall appoint some competent person as appraiser as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice by mail, and to such persons as the surrogate or ordinary may by order direct, of the time and place he will appraise such property, and at such time and place to appraise the same at its fair market value, and make a report thereof in writing to said surrogate or ordinary, together with such other facts in relation thereto as said surrogate or ordinary may by order require to be filed in the office of said surrogate or ordinary, and from this report the said surrogate or ordinary shall forthwith assess and fix the then cash value of all estates, annuities and life estates, or term of years growing out of said estates, and the tax to which the same is liable, and shall immediately give notice thereof by mail to the state treasurer and to all parties known to be interested therein; any person or persons dissatisfied with said appraisement or assessment may appeal there- Treasurer may refund.
Surrogates or ordinary to appoint appraisers.
Appeal from appraisement.

from to the ordinary or surrogate of the proper county, within sixty days after the making and filing of such assessment, or paying or giving security, approved by the ordinary or surrogate, to pay all costs, together with whatever tax shall be fixed by said court; the said appraiser shall be paid by the state treasurer out of any funds he may have in his hands on account of said tax, on the certificate of the ordinary or surrogate, at the rate of three dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses.

Pay of appraiser

Penalty for taking fee or reward.

14. *And be it enacted*, That any appraiser appointed by virtue of this act who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any other person liable to pay said tax or any portion thereof, shall be guilty of a misdemeanor, and upon conviction in any court having jurisdiction of misdemeanors he shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, and imprisonment not exceeding ninety days, and in addition thereto the ordinary or surrogate shall have his civil action.

Jurisdiction of ordinary and surrogate.

15. *And be it enacted*, That the ordinary or the surrogate in the county in which the real property is situate of a decedent who was not a resident of the state, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act.

Proceedings when tax is not paid.

16. *And be it enacted*, That if it shall appear to the ordinary or surrogate that any tax accruing under this act has not been paid according to law, such officer shall issue a citation citing the persons interested in the property liable to the tax to appear before the ordinary or surrogate on a day certain, not more than three months after the date of such citation, and show cause why said tax should not be paid; the service of such citation and the time, manner and proof thereof and fees therefor, and the hearing and determination thereon, and the enforcement of the determination or decree shall conform to the provisions of the law for the service of citations now issued by the ordinary or surrogate, or issuing out of

orphans' courts, and the hearing and determination thereon and its enforcement; and the ordinary or surrogate shall, upon the request of any prosecutor of the pleas or the state treasurer, furnish, without fee, one or more transcripts of such decree, and the same may be by them docketed and filed by the county clerk of any county in the state without fee, and the same shall have the same effect as a lien by judgment.

17. *And be it enacted*, That whenever the state treasurer shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the prosecutor of the pleas of the proper county, in writing, of such failure to pay such tax, and the prosecutor of the pleas so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding before the ordinary or the surrogate in the proper county, as provided in section sixteen of this act, for the enforcement and collection of such tax; all costs awarded by such decree, that may be collected after the collection and payment of the tax to the state treasurer, may be retained by the prosecutor of the pleas for his own use.

State treasurer to notify prosecutors of pleas when tax is not paid.

18. *And be it enacted*, That the ordinary and the surrogate and county clerk of each county shall every three months make a statement, in writing, to the state treasurer of the property from which or the party from whom he has reason to believe a tax under this act is due and unpaid.

Reports of ordinary, surrogate and county clerk

19. *And be it enacted*, That whenever the surrogate of any county, or the ordinary, shall certify that there was probable cause for issuing a citation and taking the proceedings specified in section sixteen of this act, the state treasurer shall pay or allow to the proper officials all expenses incurred for services of citation and all other lawful disbursements that have not otherwise been paid.

Expenses paid by state treasurer.

20. *And be it enacted*, That the comptroller of the state shall furnish to the ordinary and to each surrogate a book in which he shall enter, or cause to be entered, the returns made by appraisers, the cash value of annuities, life estates and term of years, and other property fixed by him, and the tax assessed thereon, and the

Books to be furnished by comptroller.

amounts of any receipts for payments thereon filed with him, which books shall be kept in the office of the ordinary or the surrogate as a public record.

Treasurer to
report to comp-
troller.

21. *And be it enacted*, That the state treasurer shall collect all taxes that may be due and payable under this act, of which collection and payment he shall make a report, under oath, to the comptroller, on the first Monday in March and September of each year, stating for what estate paid and in such form, and containing such particulars as the comptroller may prescribe.

Persons entitled
to a receipt.

22. *And be it enacted*, That any person or body politic or corporate shall, upon the payment of the sum of fifty cents at any time, be entitled to a receipt from the state treasurer for the payment of any tax paid under this act, which receipt shall designate on what real property, if any, of which any decedent may have died seized, said tax has been paid and by whom paid, and whether or not it is in full of said tax, and said receipt may be recorded in the clerk's office of the county in which said property is situate, in a book to be kept by said clerk for such purpose, which shall be labeled "collateral tax."

Collateral tax-
book.

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

Approved March 23, 1892.

CHAPTER CXXIII.

An Act concerning the government of certain cities in this state and constituting a municipal board of public works and other officers therein, and defining the powers and duties of such boards and relating to the municipal affairs and departments of such cities placed under the control and management of such board and providing for the maintenance of said board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state now or hereafter having within their territorial limits a population of not less than fifty thousand nor more than one hundred thousand inhabitants, the mayor thereof shall within one month after this act shall take effect, appoint five suitable persons, residents of such city, to be known as the board of public works of such city, not more than three of whom shall be members of the same political party, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years, all from the date of their appointment hereunder; and that at the expiration of the term of service of each member of said board, others shall be appointed in the place of those whose terms expire, in the same manner for the term of five years each; any vacancy arising in the office of member of such board shall be filled by appointment in the same manner, for the unexpired term only; that 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 public works or municipal departments, and the affairs under the government, control and management of such board may require; that the members of such board, so appointed as aforesaid, shall constitute and be called "the board of public works of the city of———" (name of the city in and for which

Appointment of board.

Term of office.

Appointment at expiration of term.

Vacancy.

Board to devote sufficient time to duties.

To be called "the board of public works."

they are appointed); that 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 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; that each of the members of said board shall be paid an annual salary of five hundred dollars, payable monthly; that the said board of public works of such city shall have full power, in addition to all other powers granted by law, in their discretion, in the corporate name and on behalf of such city, to make contracts and engagements, all of which shall be binding on such city, in reference to any purpose whatever connected with the exercise, authority, power and duties by this act conferred or contemplated to be conferred on such board, and of condemning, taking, purchasing, holding and conveying, in the corporate name of such city, any real estate which in their judgment may become necessary or convenient for the public use or purposes, or for the public works or municipal affairs, matters and things whatsoever, which by the provisions of this act are placed under the government, control, management or direction of such board of public works; and all the acts and doings of such board, within the scope of their authority or duty, shall be obligatory upon, and be in law considered as done by such city and under and by the authority of the same; that 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 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 board shall fill the office for the rest of the year; that a majority of

Oath.

Bond.

Salary.

Powers.

First meeting and president.

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; that the president shall have the power to call special meetings of such board whenever he shall deem it expedient; that 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 authority and control, as such board may deem proper and advisable.

2. *And be it enacted*, That the board of public works herein provided for in any city, shall be substituted for and shall be vested with and shall perform all the duties and powers of any street commissioner or commissioners, common council, board of aldermen or other governing body, or any board or authority now having power to lay out, open, grade, alter, vacate or change the lines of streets, or to pave, repair or clean streets, sidewalks or sewers, and to make street and sewer improvements and constructions, and having the charge, control, management, maintenance or construction of water works and the water supply, and the distribution, sale and use of the water in any such city; and any notice required to be given by any city clerk in the course of any proceeding or work that shall or may be undertaken or done by said board of public works as provided for in this act, and which is now given by any city clerk or other officer, shall hereafter be given by the clerk of said board of public works, and any advertisements required to be made in the prosecution of the public works in such city shall be made by said board of public works, and any application or petition for the doing of any public works in any such city shall be made and addressed to the board of public works of such city, it being the intention of this act to entirely supersede the common council, board of aldermen or other governing body of such cities, or other power or authority therein, in the several departments of streets, sewers and water works, and place the same under the power, authority and control of the board of public works as herein provided for,

Quorum

Special meetings

By-laws, rules
and resolutions.Board substituted for and
have authority
of other boards,
officers, common
council, etc.Notices, advertisements, &c.,
to be given by
clerk of the
board.Streets, sewers
and water works
placed under
control of board.

in the same manner and with like power and authority as the same are now vested in or under the authority or control of any such common council, board of aldermen or other governing body of any such city or other power or authority therein, and this act shall be so construed.

Board to open,
grade, pave and
improve streets.

3. *And be it enacted*, That the board of public works in any city herein authorized, shall have power by ordinance to lay out, open, grave, pave, repave, improve and vacate the streets and alleys within the corporate limits of any such city, in like manner as the same now are laid out, opened, graded, paved, repaved, improved and vacated in any such city by existing laws, and to make all sewer constructions, connections, alterations, repairs and improvements in like manner as the same now are constructed, connected, altered, repaired and improved in any such city by existing laws, and to construct, repair, maintain, control and operate all public works and to control the public water supply and the distribution, sale and use of the water, and of the collection of water rents and charges of such city in like manner as the same now are constructed, repaired, maintained, controlled and operated.

Control water
supply.

Officers and em-
ployees to be ap-
pointed by board

4. *And be it enacted*, That the board of public works in any city of this state as herein provided for shall have full power and authority to elect, appoint and employ, from time to time, a clerk of said board, a street commissioner, an engineer of sewers, who shall be a civil engineer and surveyor, and shall act as the city surveyor of every such city, and a superintendent of the water works of such city, and all necessary inspectors, supervisors, officers, clerks and other person and employees to aid said board in the discharge and execution of its duties under this act and for the carrying out and performance of the work and labor of the public works or municipal departments or the affairs of such city, which by the provisions of this act, are placed, or intended to be placed under the government, control and management of such board; and such board shall fix such reasonable compensation or salary to be paid to such officers and employees, and the manner of the payment thereof, within such limitations as to amount as may be approved by the mayors of such cities respectively, and may, in their

Compensation of
officers and em-
ployees.

discretion, require satisfactory bonds for the faithful performance of their official duties, to be made and executed by such officers and employees or any of them, and they shall in that case take and subscribe an oath or affirmation faithfully to discharge the duties of their office, and that such clerk, street commissioner and engineer, elected and appointed as aforesaid, shall be in lieu of and be substituted for, and shall act and be recognized in the place of, and shall in each case respectively be fully invested with all the rights, powers, duties, privileges and advantages of any clerk, street commissioner, engineer, inspector, superintendent, supervisor and other persons and employees whatsoever now within such cities respectively existing, elected or appointed, employed or holding office or appointment in any such city, or authorized by law to act in any such official capacity, office or employment aforesaid.

5. *And be it enacted*, That upon the organization of the said board of public works herein provided for in any such city all the unexpended appropriations or moneys heretofore made or received by any municipal or corporate authority of such city, or by any board, department or official thereof, and at that time under the control or in the custody of the same, for or on account, or to the credit of such board, department or official on the books of such city, or any department or official thereof, for the purposes of constructions, erections, improvements, repairs, or the support, maintenance, or expenses of the public works or municipal departments, or affairs of such city, by the provisions of this act, transferred, committed or placed under the management, control or government of such board of public works of such city herein authorized, shall thereupon immediately become subject to the sole and absolute control and power and disbursement of such board of public works, and shall thereafter be expended only by authority of such board for the purposes for which such unexpended balances of appropriations or receipts were assessed, collected or received by such city, or the municipal authorities thereof, and the same shall be paid out by such city or its municipal authorities upon the warrants of such board of public works, in the

Unexpended
moneys hereto-
fore appropri-
ated or received
by other boards
to be vested in
board of public
works, and to be
expended by it.

manner and form as the same are now disbursed and expended by the municipal authorities of such cities.

Comptroller or other financial officer to credit board with amounts of estimates appropriated.

6. *And be it enacted*, That it shall be the duty of the comptroller, auditor, treasurer or other financial officer or officers, as the case may be, of such city having charge or control of the accounts of such city, to credit the board of public works of such city with the amounts of the estimates so appropriated to such board in any tax levy, budget or ordinance, and thereafter the same shall be disbursed and paid by the financial officers of such city in the same manner as the expenses of other subordinate boards are paid in such city.

Council to raise money by taxation and make appropriation to board

7. *And be it enacted*, That it shall be the duty of the common council, board of aldermen or other governing body or board having charge of the finances of the cities subject to the provisions of this act, each and every year hereafter, as now provided by law therein, to cause such sum or sums as in their judgment may be necessary for the current and necessary expenses of the board of public works in the various municipal departments, matters and things under the government, control, management and maintenance of such board for the year, to be assessed and raised by making provision therefor in the tax ordinance or budget of the year; *provided, however*, that the total amount to be appropriated, assessed and raised for such board of public works shall in no year be less than the amount devoted to all such purposes in such city for the fiscal year ending next before the passage and approval of this act.

Proviso.

Amount appropriated not to be less than in 1891.

Officers to be appointed by mayor.

8. *And be it enacted*, That in all cities in this state subject to the provisions of this act, the mayor thereof shall within one month after this act shall take effect therein, appoint a city clerk, city comptroller, city treasurer, city counsel, who shall be a counsellor-at-law, receiver of taxes, inspector of buildings, lamps, wells and pumps, in lieu of, and to be substituted for, and to act in the place of, and who shall, in each case respectively be invested with and shall perform all the powers and duties of any such officers, by whatsoever title they may be designated, now authorized by law to act therein, and the city comptroller in every such city shall perform all the duties and have all the powers therein as are enjoined upon and

given to such officers by virtue of the provisions of an act entitled "An act to enable cities to create the office of comptroller," approved March tenth, anno domini one thousand eight hundred and eighty, and the common council, board of aldermen or other governing body of every city wherein the office of comptroller does not now exist, subject to the provisions of this act, shall, as soon as conveniently may be after this act shall take effect, by ordinance the better define the duties and fix the salary of such comptroller agreeably to the provisions of said act enabling cities to create the office of comptroller; and which said officers shall be appointed for the term of ^{Terms of office.} three years, or until their successors are appointed and qualified, and shall perform the same duties and receive the same emoluments as are now provided by existing laws, and the terms of the first officers appointed hereunder shall date from the time of their appointment under this act, and that such officers shall give bonds for the faithful discharge of their duties in such amounts as may now be required of such officers in such cities, and which said bonds shall be approved as to form by the city counsel of such city, and as to the sufficiency thereof by the mayors thereof; any vacan- ^{Vacancies.} cy in either of the offices herein provided for shall be filled in the same manner, but for the unexpired term only; and all of such officers shall be sworn in as such ^{Oath of officers.} officers are now sworn in each of said cities; and that the term of service of every such officer hereinbefore ^{Term of former officers to end.} named holding office in any such city, shall end on the appointment and qualification of their successors as herein provided for; every such officer whose term of office ^{To give up offices and papers.} shall so end shall immediately deliver up his office and all property, books and papers, matters and things whatsoever connected therewith to his said successor.

9. *And be it enacted,* That the city counsel, to be ap- ^{Duties of city counsel.} pointed under the provisions of this act in every such city, shall perform all the duties now required by law or the ordinances of any such city to be performed by the city solicitor, city attorney or city counsel thereof, by whatsoever name he shall be called, who shall also be the legal adviser and law officer of the board of public works in and for every such city as created under and

by virtue of the provisions of this act, and also all other boards, commissions, municipal departments and officers in and for every such city, as now constituted and created, or as may be hereafter constituted and created by any law of this state or ordinance or rule or regulation of any such city. .

Mayor may veto acts of board.

Copy of ordinance, &c., to be furnished him

May veto items appropriating moneys.

Board may pass ordinances, &c., over veto.

Officer acting as mayor cannot make appointments.

Board to carry out contracts heretofore made.

10. *And be it enacted*, That the mayor of any such city subject to the provisions of this act shall have the right to veto the acts of the said board of public works; and copies of all ordinances, resolutions and other matters of said board of public works, duly certified, shall be furnished to the mayor of every such city, and he shall have the same time in which to consider them in each case before signing and returning them to the said board, with his objection, as he now has for the consideration of the ordinances and resolutions passed by the common council, board of aldermen or other governing body of any such city in which this act shall take effect and become operative by the charter of any such city or its supplements, and all of the resolutions and other matters of the said board of public works in any such city shall become operative and have full force and effect therein by publication or otherwise, as the ordinances, resolutions and matters of the common council, board of aldermen or other governing body therein do now by law become operative and have force and effect therein; 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 the residue of the ordinance or resolution; the board may pass any ordinance, resolution or other matter, notwithstanding the objections of the mayor thereto, by a majority of the votes of all the members of such board.

11. *And be it enacted*, That no appointment authorized by law to be made by the mayor of any such city subject to the provisions of this act shall be made by any officer acting in the absence, disability or place of the mayor thereof for the time being.

12. *And be it enacted*, That such board of public works shall have full power and authority in addition to all other powers granted by law to fulfill, perform, and carry out according to law any and all contracts, agreements

and obligations theretofore lawfully made and entered into by any governing body or board, department or municipal authority of any such city, in the name of such city or of any municipal authority therein or thereof, regarding the subject matters contained in this act, and hereby transferred or transmitted to the government, control and management and directions of such board of public works.

13. *And be it enacted*, That no suit or proceeding by or against any city subject to the provisions of this act, and no proceeding or application for any public improvement shall abate or be discontinued by reason of any provisions in this act contained, but shall proceed and continue according to law, and not inconsistent with the provisions of this act, proper amendments thereto being made, if necessary.

No suit or proceedings to be abated by reason of this act.

14. *And be it enacted*, That 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.

One unconstitutional section or provision not to affect others.

15. *And be it enacted*, That all acts and parts of acts, general and special, public or local, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

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

Approved March 23, 1892.

CHAPTER CXXIV.

An Act to authorize the transfer of suits from the several county circuit courts to the several inferior courts of common pleas.

Authorizes the transfer of suits from circuit courts of counties of the first and second classes to the inferior courts of common pleas.

Proviso.

Compensation of law judge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any suit is or shall be pending in any circuit court of any of the counties of the first and second classes of this state it shall be lawful for any justice of the supreme court presiding in that district, at his discretion, to order the process, pleadings and other papers pertaining thereto to be delivered to the clerk of the inferior court of common pleas of such county, who is hereby directed to file the same in his office, and to make an entry thereof in the minutes of said last-named court; and that thereupon said inferior court of common pleas shall have authority to hear and decide said suit and to proceed therein, in like manner as if the same had been originally brought in said court; *provided, nevertheless*, that said justice of the supreme court may at any time by his order remand said suit into the circuit court from which it shall have been removed; and thereupon said process, pleadings, minute entries and other proceedings shall be returned to and filed in said circuit court, and said suit shall therein be proceeded with according to law.

2. *And be it enacted*, That every law judge of the inferior court of common pleas who shall preside at the trial of any of said suits so removed shall be entitled to receive from the county, for each day so employed, the sum of twenty dollars.

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

Approved March 23, 1892.

CHAPTER CXXV.

An Act to amend an act, entitled "A Further Supplement to an act entitled 'An act for the punishment of crimes,' approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved June thirteenth, one thousand eight hundred and ninety."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of said supplement, approved June thirteenth, one thousand eight hundred and ninety, be and the same is hereby amended to read as follows : Section to be amended.

2. *And be it enacted*, That any person or persons who shall in this state, without due authority, exercise or attempt to exercise the functions of, or hold himself or themselves out to any one as a deputy sheriff, marshal, policeman, constable or other peace officer, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable, at the discretion of the court, to imprisonment at hard labor not to exceed one year, or a fine not to exceed five hundred dollars, or both. Penalty for exercising functions of officers without authority.

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

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

Approved March 23, 1892.

CHAPTER CXXVI.

An Act to amend an act entitled "An act to authorize cities in this state to fix the salaries of city physicians of such cities," approved April twenty-second, one thousand eight hundred and eighty-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the "Act to authorize cities in this state to fix the salaries of city physicians of such cities," approved April twenty-second, one thousand eight hundred and eighty-four, be and the same is hereby amended so as to read as follows:

Annual salary of city physicians may be fixed by ordinance.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any city in this state to fix by ordinance the annual salary of the city physician and the time and payment thereof; *provided*, that said salary shall not be altered during the term for which he has been or may be appointed; *provided, also*, that the term of office shall not exceed three years, the same to be fixed at the time of the election of said city physician; *and provided, also*, that this act shall apply only to cities in which the office of city physician is now or hereafter may be created by law.

Proviso.

Proviso.

Proviso.

Repealer.

2. *And be it enacted*, That all acts, general, special, local or otherwise, and all charters and parts of charters inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 23, 1892.

CHAPTER CXXVII.

A Further Supplement to "An act respecting the office of treasurer," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful for the state treasurer to appoint one of the assistants in his office, who shall be commissioned by the governor, to be deputy state treasurer, and said deputy state treasurer shall hold his office during the pleasure of the state treasurer making the appointment, but in no case to extend beyond the term for which the said state treasurer is commissioned; and the said deputy state treasurer shall be required to take and subscribe an oath of like form and character as that required to be made by the state treasurer, and he shall enter into bond with two or more sureties, to be approved by the governor, in the sum of fifty thousand dollars, payable to the state of New Jersey, conditioned for the faithful performance of his official duties, which bond shall be filed in the office of the secretary of state; and the deputy state treasurer shall have the same power and perform all the duties which are now imposed by law upon the state treasurer, during such period or periods as shall be designated in writing by the state treasurer, or during the absence or inability through sickness or other cause of the state treasurer, by the governor, which designation in writing shall be filed with the secretary of state.

Deputy state treasurer.

Oath of office and bond.

Condition of bond.

Duties of deputy state treasurer.
2. *And be it enacted*, That nothing in this act contained shall be so construed as to increase the expenses of the department of the state treasurer, as now provided by law.

Expenses of department not increased.
3. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1892.

CHAPTER CXXVIII.

A Further Supplement to "An act creating the office of comptroller of the treasury and defining the duties thereof," approved March seventeenth, one thousand eight hundred and sixty-five.

Deputy comptroller of the treasury.

Oath of office and bond.

Condition of bond.

Duties of deputy comptroller.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful for the comptroller of the treasury to appoint one of the assistants in his office, who shall be commissioned by the governor, to be deputy comptroller of the treasury, and said deputy comptroller of the treasury shall hold his office during the pleasure of the comptroller of the treasury making the appointment, but in no case to extend beyond the term for which the said comptroller of the treasury is commissioned; and the said deputy comptroller of the treasury shall be required to take and subscribe an oath of like form and character as that required to be made by the comptroller of the treasury, and he shall enter into bond with two or more sureties, to be approved by the governor, in the sum of fifty thousand dollars, payable to the state of New Jersey, conditioned for the faithful performance of his official duties, which bond shall be filed in the office of the secretary of state; and the deputy comptroller of the treasury shall have the same power and perform all the duties which are now imposed by law upon the comptroller of the treasury, during such period or periods as shall be designated in writing by the comptroller of the treasury, or during the absence or inability through sickness or other cause of the comptroller of the treasury, by the governor, which designation in writing shall be filed with the secretary of state.

2. *And be it enacted*, That nothing in this act contained shall be so construed as to increase the expenses of the department of the comptroller of the treasury as now provided by law.

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

Approved March 23, 1892.

CHAPTER CXXIX.

An Act to provide for and regulate the election of assessors in incorporated towns, townships and boroughs divided into wards.

WHEREAS, In municipalities that have been or may hereafter be divided into wards pursuant to chapter fourteen of the laws of one thousand eight hundred and eighty-six, the labor of assessing the annual taxes is too extensive to be done by a single assessor; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every incorporated town, township and borough which now is or hereafter shall be divided into wards under the provisions of chapter fourteen of the laws of one thousand eight hundred and eighty-six, the legal voters of each ward at the annual municipal election shall elect an assessor for such ward, who shall hold office for the term of one year; who, as to such ward, shall have all the powers, perform all the duties and be liable to all the penalties now prescribed by law with respect to the assessor of incorporated town, township or borough; and who shall receive a salary to be fixed by the town council, township committee or other governing body of such municipality; *provided*, that such salary shall not exceed the sum of five hundred dollars.

2. *And be it enacted*, That the said assessors shall meet in some convenient place to be appointed by the town council, township committee or other governing body of such municipality, on the third Tuesday in June of each year, with the power to adjourn from day to day as they

Preamble.

Ward assessors to be elected.

Powers and duties.

Salary.

Proviso.

Meeting of assessors to form board.

may see fit; and that when so met they shall constitute a board of assessors for the said municipality; and that it shall be their duty as such board to review the several assessments made in their respective wards, and to diminish, increase, alter or confirm the same in such manner as to render the assessments through the whole municipality as just and as nearly equal as possible; and that such assessments when so reviewed and approved by the said board shall be the assessments of the said several wards, subject to review as heretofore, by said town council, township committee, commissioners of appeal in cases of taxation or other revisory body provided by law.

3. *And be it enacted*, That all acts and parts of acts, general, special, local or public, inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 24, 1892.

CHAPTER CXXX.

An Act for the incorporation of societies not for pecuniary profit, defining their powers and providing for the election of officers, the dissolution of such corporations, distribution of their property and the changing of their articles of association.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That trade unions and labor organizations not for pecuniary profit may be incorporated as hereinafter provided; any seven or more persons, citizens of the United States, who shall desire to associate themselves for any lawful purpose other than for pecuniary profit, may make, sign and acknowledge, before any officer having a seal and authorized to take acknowledg-

ments of deeds in this state, and file in the office of the secretary of state and in the office of the clerk of the county in which such society, association or club shall be located, a certificate in writing in which shall be stated the name or title by which such corporation shall be known in law, the particular objects for which it is formed, and the number of its officers and the names of the officers selected for the management of its business; upon complying with the foregoing conditions the corporation shall be deemed fully organized, and may proceed to carry out the objects of its organization; *provided*, the secretary of state shall not file a certificate of organization of any corporation having the name of any then existing, but shall notify the subscribers, or any two of them of the reason of his refusal to do so.

Mode of incorporation.

When fully organized.

Proviso.

2. *And be it enacted*, That any corporation formed under the provisions of this act shall have and possess all the rights, powers and privileges given to corporations by common law, to sue and be sued, to borrow money and secure the payment of the same by notes, bonds and mortgages upon their real and personal property, and to rent, lease, purchase, hold, sell and convey such personal and real property as may be necessary and proper for the purpose of erecting buildings and for other proper objects of any such corporation; such corporation may borrow money only upon the consent of a majority of the members thereof expressed by a vote, to be used solely for the purpose of its organization.

Rights and powers.

3. *And be it enacted*, That such corporation shall elect officers from the members thereof, at such times and places and for such periods as may be provided for by the by-laws, and they shall have the management and control of the affairs and funds of the corporation; whenever officers shall be elected a certificate, under the seal of the corporation, signed by its secretary, giving their names and the terms of their office, shall be recorded in the office of the county clerk where the certificate of organization is recorded; vacancies in the board of officers shall be filled in the manner provided by the by-laws.

Officers.

Certificate of election of officers to be recorded by county clerk.

4. *And be it enacted*, That no dividend or distribution of the property of such corporation shall be made until

Dividends or distribution of property not to be made until debts are paid.

all debts are fully paid, and then only upon its final dissolution and surrender of its organization and name, nor shall any distribution be made except by a vote of a majority of the members; when any distribution of its property is contemplated, the officers shall file a statement under oath, in the office of the county clerk where the certificate is filed and the corporation located that all debts of the corporation are paid; and in case a dissolution shall be made before filing such statement under oath, or if such statement shall be willfully false, said officers shall be jointly and severally liable for the debts of such corporation; when a final dissolution of any such corporation has been agreed upon, the officers shall file in the office of the secretary of state a certificate thereof, under the seal of the corporation, and upon the filing of said certificate such organization shall cease to exist.

5. *And be it enacted*, That any such corporation may change its articles of incorporation in the manner prescribed by its own rules, but no such change shall be of legal effect until a certificate thereof, under the seal of such corporation, shall be filed in the office of the secretary of state and recorded in the office of the county clerk in which the original certificate was recorded.

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

Approved March 24, 1892.

Statement to
that effect under
oath to be filed.

Officers liable if
dissolution is
made before
filing such state-
ment.

When dissolu-
tion is made cer-
tificate to be
filed in the office
of the secretary
of state.

Articles of incor-
poration may be
changed.

Repealer.

CHAPTER CXXXI.

An Act concerning public roads, streets and highways adjoining and forming the boundary lines between two municipalities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it appears that any public road, street or highway adjoins or forms the boundary line between two municipalities, the said public road, street or highway shall be made, improved and graded by the two municipalities bordering on said road, street or highway, and the expenses for making, improving and grading the same shall be borne equally by said municipalities.

When a street or highway forms a boundary line between two municipalities the expenses of improvements shall be borne equally by each municipality.

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

Approved March 24, 1892.

CHAPTER CXXXII.

An Act amending an act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five, be and the same is hereby amended to be and read as follows :

Section to be amended.

How board per-
petuated.

Proviso.

Proviso.

4. *And be it enacted*, That for perpetuating a line of succession in the trustees of every religious society or congregation which has been duly incorporated, it shall and may be lawful for the persons composing such congregation to assemble at any time they may think proper, giving notice thereof as is by law directed for the first election of trustees, in order to elect any other trustee or trustees, in the place or stead of those or any of those before elected, in case they see cause for the removal of the said trustees; *provided*, such removal shall not be in less than one year after his or their election into office; and also to fill up the vacancy which may be occasioned by the expiration of the term of office of any such trustee or trustees, or by the death or resignation of any trustee, or by his moving out of the limits of the said society or congregation; at any meeting called for the purpose aforesaid, it shall be lawful for any person to vote, being twenty-one years of age, male or female, who is a regular attendant on the services of such society or congregation, and not elsewhere, and who contributes regularly to the support of such society or congregation, according to his or her engagements, whether as a pewholder or by subscription; *provided*, that no person shall vote at any election of trustees as aforesaid who is not qualified to vote in accordance with any limitation, condition, restriction or trust contained in the deed for the church site or other real estate owned, held or occupied by such society or congregation.

Approved March 24, 1892.

CHAPTER CXXXIII.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to an act entitled 'An act for the formation of borough governments,' approved April fifth, one thousand eight hundred and seventy-eight," approved March the eighth, one thousand eight hundred and eighty-eight, be and the same is hereby repealed. Act repealed.

2. *And be it enacted*, That any borough incorporated under the act to which this is a supplement which shall contain within its corporate limits more area than is allowed by said act, shall not in consequence of this act become invalid; *provided*, that the mayor and council of any such borough shall, within thirty days from the passage of this act, file or cause to be filed in the clerk's office of the proper county an amended description of the boundary lines of such borough, limiting the area embraced within such description to one township and to four square miles, as required by the act to which this is a supplement. Borough not invalidated when found to contain more area than allowed by act. Proviso.

3. *And be it enacted*, That neither the person nor the property of the inhabitants heretofore included within any such borough limits, but not included within the amended description, shall be liable for any charges or assessment of taxes for borough purposes. Who not liable to assessments or taxes for borough purposes.

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

Approved March 24, 1892.

CHAPTER CXXXV.

An Act to amend an act entitled "An act concerning cities of the first class in this state, and constituting municipal boards of street and water commissioners therein, and defining the powers and duties of such municipal boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such boards, and providing for the maintenance of the same," approved March twenty-eighth, one thousand eight hundred and ninety-one.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act to which this is amendatory be and the same is hereby amended to read as follows:

Board to repave and improve streets.

3 *And be it enacted*, That the board of street and water commissioners herein authorized shall have full power, in their discretion, to repave and improve, according to specifications adopted by said board for material for any such repaving, and for the work in each case, any street, avenue, lane, alley, highway or public place already paved in any such city, or any part thereof, a portion of the expense to be assessed in the same manner as now provided by law, on the property benefited in proportion to the benefit received, but in no case for more than one-third of the cost thereof, and in no case beyond the benefit received, unless the said board shall, in the ordinance directing such improvement to be made, provide that property benefited thereby shall be assessed to the full extent of the special or peculiar benefit conferred upon the same by such improvement, in which case the property benefited shall be assessed in the manner so directed; *provided*, the owners or their legal representatives, owning or representing a majority of the lineal feet frontage of any such street, avenue, lane, alley, highway or public place or part thereof, shall petition such board to have

Proviso.

the same so repaved and improved; and the said board shall have power to proceed and do such repaving and improving without such petition by unanimous vote of the commissioners of such board, proceeding in all things as now required by law for like street improvements in any such city except as herein otherwise provided.

2. *And be it enacted*, That all acts and parts of acts in- ^{Repealer.}
consistent herewith be and the same are hereby repealed,
and that this act shall take effect immediately.

Approved March 24, 1892.

CHAPTER CXXXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Appointment of}
the State of New Jersey, That the principal keeper of said ^{resident}
prison shall have power to appoint, subject to the ap- ^{physician.}
proval of the board of inspectors, a competent and suit-
able person to be a resident physician of the state prison of
this state, who shall hold office for three years, and until
his successor is chosen and appointed as aforesaid and
qualified; such assistant physician shall have such com-
pensation and allowances as the said board of inspectors ^{Compensation.}
shall deem just and proper, which shall be paid by the ^{How paid.}
treasurer monthly upon the warrant of the comptroller,
and upon orders drawn by any two of said inspectors;
and before said assistant physician shall exercise any ^{Assistant}
part of his office, he shall give a bond to the principal ^{physician to}
keeper, with two sufficient sureties, to be approved by ^{give bond.}
the board of inspectors, in the sum of two thousand
dollars, with the condition that he will well and faith- ^{Condition of}
fully perform his duties as such assistant physician. ^{bond.}

fully perform all duties imposed upon him by law, and all rules established for the government and regulation of the state prison.

Where the resident physician shall reside.

Duties.

Repealer.

2. *And be it enacted*, That the resident physician shall reside in the prison, and 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.

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

Approved March 24, 1892.

CHAPTER CXXXVII.

An Act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration.

Board of arbitrators to determine labor difficulties.

To consist of five persons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any grievance or dispute of any nature growing out of the relation of employer and employee shall arise or exist between employer and employees, it shall be lawful to submit all matters respecting such grievance or dispute, in writing, to a board of arbitrators, to hear, adjudicate and determine the same; said board shall consist of five persons; when the employees concerned in any such grievance or dispute as aforesaid are members in good standing of any

labor organization, which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators; and the employer shall have the power to designate two others of said arbitrators, and the said four arbitrators shall designate a fifth person, as arbitrator, who shall be chairman of the board; in case the employees concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall have the power to select and designate two arbitrators for said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and the said board shall be organized as hereinbefore provided.

Who shall designate the board.

2. *And be it enacted*, That any board as aforesaid selected may present a petition to the county judge of the county where such grievances or disputes to be arbitrated may arise, signed by at least a majority of said board, setting forth in brief terms the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving said board of arbitration; upon the presentation of said petition it shall be the duty of the said judge to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination; the said petition and order or a copy thereof shall be filed in the office of the clerk of the county in which the said judge resides.

County judge to approve and establish the board upon petition.

Petition and order to be filed.

3. *And be it enacted*, That the arbitrators so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths, to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the county wherein such arbitrators are to act; when the said board is ready for the transaction of business it shall select one

Oath of arbitrators.

Secretary of
board.

Chairman to
have power to
issue subpoenas.

Board to make
rules and ex-
amine witnesses.

Board to render
a decision in ten
days.

Subject to appeal

Where deter-
mination and
duplicate to be
filed.

Board may de-
termine other
similar griev-
ances.

Governor to ap-
point a state
board of arbitra-
tion, to consist
of three persons,
for a term of
five years.

of its members to act as secretary, and the parties to the dispute shall receive notice of a time and place of hearing; the chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers, and for the attendance of witnesses, to the same extent that such power is possessed by the courts of record or the judges thereof in this state; the board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournments, and shall hear and examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matters in dispute.

4. *And be it enacted*, That after the matter has been fully heard, the said board or a majority of its members shall within ten days render a decision thereon, in writing, signed by them, giving such details as will clearly show the nature of the decision and the matters adjudicated and determined; such adjudication and determination shall be a settlement of the matter referred to said arbitrators, unless an appeal is taken therefrom as hereinafter provided; the adjudication and determination shall be in duplicate, one copy of which shall be filed in the office of the clerk of the county, and the other transmitted to the secretary of the state board of arbitration hereinafter mentioned, together with the testimony taken before said board.

5. *And be it enacted*, That when the said board shall have rendered its adjudication and determination its power shall cease, unless there may be in existence at the time other similar grievances or disputes between the same classes of persons mentioned in section one, and in such case such persons may submit their differences to the said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such other difference or differences.

6. *And be it enacted*, That within thirty days after the passage of this act the governor shall appoint a state board of arbitration, to consist of three competent persons, each of whom shall hold his office for the term of five years; one of said persons shall be selected from a

bona fide labor organization of this state; if any vacancy happens by resignation or otherwise the governor shall, in the same manner, appoint an arbitrator for the residue of the term; said board shall have a secretary, who shall be appointed by and hold office during the pleasure of the board and whose duty it shall be to keep a full and faithful record of the proceedings of the board and also possession of all documents and testimony forwarded by the local boards of arbitration, and perform such other duties as the said board may prescribe; he shall have power, under the direction of the board, to issue subpoenas, to administer oaths in all cases before said board, to call for and examine books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of records, or the judges thereof, in this state; said arbitrators of said state board and the clerk thereof shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same; an office shall be set apart in the capitol by the person having charge thereof, for the proper and convenient transaction of the business of said board.

7. *And be it enacted*, That an appeal may be taken from the decision of any local board of arbitration within ten days after the filing of its adjudication and determination of any case; it shall be the duty of the said state board of arbitration to hear and consider appeals from the decisions of local boards and promptly to proceed to the investigation of such cases, and the adjudication and determination of said board thereon shall be final and conclusive in the premises upon all parties to the arbitration; such adjudications and determinations shall be in writing, and a copy thereof shall be furnished to each party; any two of the state board of arbitrators shall constitute a quorum for the transaction of business and may hold meetings at any time or place within the state; examinations or investigations ordered by the state board may be held and taken by and before any one of their number if so directed; but the proceedings and decision of any single arbitrator shall not be deemed

Vacancies.

Secretary.

Duties of secretary.

Arbitrators and clerk to take oath.

Office in the capitol.

Proceedings on appeal to state board.

Quorum.

Examination may be held before any one member.

Each arbitrator may administer oath.

Grievances may be submitted directly to state board.

Which shall proceed to the locality of the grievance and investigate.

Board to decide in ten days.

Copy to be filed with county clerk and delivered to parties to the controversy.

To effect amicable settlements in cases of lock-outs, &c.

conclusive until approved by the board or a majority thereof; each arbitrator shall have power to administer oaths.

8. *And be it enacted*, That whenever any grievance or dispute of any nature shall arise between any employer and his employees, it shall be lawful for the parties to submit the same directly to said state board in the first instance, in case such parties elect to do so, and shall jointly notify said board or its clerk, in writing, of such election; whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute; the parties to the grievances or dispute shall thereupon submit to said board, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree, in writing, to submit to the decision of said board as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lockout or strike until the decision of said board, provided it shall be rendered within ten days after the completion of the investigation; the board shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same extent as such power is possessed by courts of record or the judges thereof, in this state.

9. *And be it enacted*, That after the matter has been fully heard, the said board, or a majority of its members, shall within ten days render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them; the decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

10. *And be it enacted*, That whenever a strike or lockout shall occur, or is seriously threatened in any part of

the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lock-out and put themselves in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and if in their judgment it is deemed best, to inquire into the cause or causes of the controversy, and to that end the board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section eight of this act.

11. *And be it enacted*, That the fees of witnesses of ^{Witnesses' fees} aforesaid state board shall be fifty cents for each day's attendance and four cents per mile traveled by the nearest route in getting to or returning from the place where attendance is required by the board; all sub- ^{Subpoenas to be signed by secretary of the board} poenas shall be signed by the secretary of the board and may be served by any person of full age authorized by the board to serve the same.

12. *And be it enacted*, That said board shall annually ^{To report annually to the legislature.} report to the legislature, and shall include in their report such statements, facts and explanations as will disclose the actual working of the board, and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of, and disputes between employers and employees and the improvement of the present system of production by labor.

13. *And be it enacted*, That each arbitrator of the state ^{Arbitrators and secretary to receive \$10 per day for actual service.} board and the secretary thereof shall receive ten dollars for each and every day actually employed in the performance of their duties herein and actual expenses incurred, including such rates of mileage as are now provided by law, payable by the state treasurer on duly approved vouchers.

14. *And be it enacted*, That whenever the term "em- ^{Meaning of term "employer."} ployer" or "employers" is used in this act it shall be held to include "firm," "joint stock association," "company," "corporation," or "individual and individuals" as fully as if each of said terms was expressed in each place.

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

Approved March 24, 1892.

CHAPTER CXXXVIII.

An Act to authorize any private, incorporated school society or association holding real estate for school purposes, to donate, lease or sell and convey the same free and discharged of and from any and every trust upon which it may be held.

Private incorporated school society may convey real estate for charitable purposes free and discharged of trust.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any private, incorporated school society or association, owning real estate for school purposes and desiring to discontinue its use for such purposes, to donate the said real estate or any part thereof for charitable, educational or public uses, or to lease or sell and convey the same, the proceeds of such lease, sale or conveyance to be used for such charitable, educational or public purposes as it may be deemed expedient, free and discharged of and from any and every trust upon which it may have been donated, conveyed to or vested in the said society or association, and without any liability or obligation on the part of its donees or grantees to maintain such school or to execute such trust as aforesaid.

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

Approved March 24, 1892.

CHAPTER CXXXIX.

A Further Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, by legislative enactment, a portion of an election district heretofore existing shall be set over into another township, and the part of such election district remaining contains not exceeding two hundred voters, and there shall be another election district in the township from which a part of the first election district shall be set off, that the district from which such part shall be so set off shall be annexed to and become part of the election district remaining in the said township, and the officers of the said undisturbed and remaining district shall be the officers for conducting subsequent elections, and shall in all respects conduct the same according to law. Combines two election districts.

2. *And be it enacted*, That the voters of the said election district from which a part shall be so set off shall be in all respects qualified and entitled to vote in the remaining district, provided they were qualified and entitled to vote in the district theretofore existing. Voters entitled to vote in remaining district.

3. *And be it enacted*, That whenever, under such circumstances, the district so combined shall be ascertained, in the manner prescribed by law, to contain more than six hundred voters, the said district shall be divided in the manner heretofore provided by law. District to be divided if it contains more than 500 voters.

4. *And be it enacted*, That all acts and parts of acts, in so far as they are inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer

Approved March 24, 1892.

CHAPTER CXL.

An Act to amend and supplement an act entitled "An act concerning cities of the first class in this state, and constituting police courts in such cities, and providing for the appointment of police justices of said courts, and defining the jurisdiction, powers and duties of such police justices, and abolishing all other police courts and police justices in such cities," approved March sixteenth, one thousand eight hundred and ninety-one.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act which this act supplements and amends be amended so as to read as follows:

To be courts of record.

2. *And be it enacted*, That said courts shall be courts of record, and have official seals, and all persons shall be amenable to punishment for contempt of said courts in the same manner as in other courts of record of this state having power to punish for contempt of court, and the three police justices of said courts in each city shall make such rules as shall be necessary for the orderly conduct of the business and proceedings of the said courts, which rules shall be approved by and subject to the revision of the president judge of the court of common pleas of the county in which such city is situated.

Police justices to make rules.

Section to be amended.

2. *And be it enacted*, That section nine of the said act be amended so as to read as follows:

Rooms and furniture to be provided.

9. *And be it enacted*, That the board of police commissioners of each such city where said police courts are established shall provide suitable rooms for the transaction of the business of such courts and procure suitable furniture therefor, and such books and stationery as may be necessary, and shall designate the police officers to attend the sittings of such courts and preserve order therein.

Police officers to attend sittings.

3. *And be it enacted*, That the names of said courts shall Names of courts. hereafter be the first, second and third criminal court, respectively, of the city in which they are established, and the police justices of each of said police courts shall hereafter be, and be designated, the judges of said criminal courts of said city.

4. *And be it enacted*, That said courts shall have, possess and exercise, in addition to the powers, authority and jurisdiction which the said police courts and the said police justices thereof may now have, all the powers, authority and jurisdiction of the court of two justices of the peace, and of the justices of the peace in and for the several counties of this state, except such as are conferred upon the said justices of the peace by the following acts: an act entitled "An act constituting courts for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six; and all other civil matters. To have powers of two justices of the peace.

5. *And be it enacted*, That no person tried in the said Trial by jury. courts shall be entitled to a trial by jury, except in all suits for violations of city ordinances, and in cases arising under section five of an act entitled "An act concerning disorderly persons," and under an act entitled "An act for the maintenance of bastard children."

6. *And be it enacted*, That it shall be lawful for all commitments, writs and other process of said courts either to be signed by the judge thereof or to be tested in the name of the said judge and signed by the clerk of said court, and the said clerks shall have authority to take any complaints or affidavits to be used in said courts respectively, and to administer any oath or affirmation proper to be administered in said courts, and, in the Judge to sign commitments, writs, &c. Authority of clerks.

absence of the judge, to adjourn the court to the following day, and by the instruction of the judge to receive in the judge's absence the verdict of any jury; and that the dockets of said courts shall be kept by the respective clerks thereof, and the papers and records of said courts shall be filed by them and be and remain in their custody, to be delivered to their respective successors; and that the said clerks shall have all the power and authority appertaining by law to clerks of courts of record, and may take bail in any cause that said courts have power to hear and determine.

7. *And be it enacted*, That in all cases when a complaint shall be made in said courts a summons or warrant may issue thereon in the discretion of the judge thereof; if a summons is issued it shall, as near as may be, be served and returned in the same manner as in courts for the trial of small causes; if any trial or examination before any of said courts shall be adjourned, the judge or clerk thereof may take bail to the state of New Jersey that the defendant shall appear in said court at the time to which the said trial or examination is adjourned, and not depart the said court without leave; and that if a defendant who has been duly summoned shall not appear on the return day or on the day when such cause shall be tried, the said cause may be heard and determined in his absence; and if a commitment shall be issued, it shall be lawful for the defendant to be taken into custody under the said commitment in the same manner as under a warrant, and to be delivered to the keeper of the county jail as directed in the said commitment.

8. *And be it enacted*, That if any person shall be convicted in any of said courts it shall be sufficient for the conviction to set out the name of the defendant, the number of the section and the title of the statute or ordinance under which the conviction is had, the names of the witnesses sworn, and a list of the exhibits produced at the trial, and a statement that the defendant was convicted, with the date of such conviction, which conviction may be signed by the judge of such court or tested in the name of the judge and signed by the clerk thereof under the seal of such court.

9. *And be it enacted*, That the judge of any of said courts may, at the request of the clerk thereof, designate in writing a deputy clerk, who shall have authority to act for the said clerk and to sign his name to all papers, the said clerk being responsible for all the acts of his said deputy. Deputy clerk.

10. *And be it enacted*, That it shall be lawful for a judge of any of said courts to sit as judge of any other of said courts at the request of the judge of said court, and the judge so sitting shall have the same powers and authority as the judge of said court. Judge may sit in other court if requested.

11. *And be it enacted*, That any person found violating any ordinance of any of said cities, or of any board of such city, may be arrested by any police officer of such city or by any employee of said city or said board, whose duty it shall be to enforce said ordinance, and taken before any of said courts in said city, when the case shall be summarily heard and disposed of without the filing of any pleadings, and if the defendant shall be found guilty the judge of said court may impose upon him a fine not exceeding the penalty prescribed for the violation of such ordinance, and in default of the payment of the said fine the defendant shall be committed to the county jail for any number of days the said judge may determine, not exceeding in number the number of dollars of the fine so imposed. Penalty for violation of ordinances.

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

Approved March 24, 1892.

CHAPTER CXLI.

A Supplement to an act entitled "An act concerning elections in municipalities in counties of the first class, and fixing the time for holding the same," passed February 10, 1892.

Preamble

WHEREAS, the members of the boards of chosen freeholders in the counties of the first class will hereafter be elected at the elections at which other municipal officers are elected, but are chosen from districts in which there are, in several instances, more than one municipal division, and it being desirable that the other municipal or local officers should be elected on the same day that members of the boards of chosen freeholders are elected in such counties, and that such chosen freeholders should be voted for, in all parts of their respective districts on the same day; therefore,

Construes the word "municipality."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "municipality," wherever the same occurs in the act to which this is a supplement shall be taken and held to mean and include every political division of said counties of the first class.

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

Approved March 24, 1892.

CHAPTER CXLII.

A Further Supplement to an act entitled "An act to reapportion the several assembly districts of the state of New Jersey," approved April fourteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the above entitled act be and the same is hereby amended so as to read as follows: Section to be amended.

3. *And be it enacted*, That the county of Burlington shall constitute two assembly districts, to be composed as follows: the first district to be composed of the townships of Delran, Beverly, Willingborough, Burlington, Florence, Mansfield, Springfield, Eastampton and the city of Burlington and Beverly city, and also the second district of the township of Cinnaminson; the second district shall be composed of all that part of the county of Burlington not included within the limits of the first assembly district thereof as above described. Burlington county. First district. Second district.

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

Approved March 24, 1892.

CHAPTER CXLIII.

An Act giving stockholders of any bank or banking institution in this state one vote for each share of stock held.

Stockholders of any bank or banking institution to have one vote for each share of stock owned

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person holding or owning stock in any bank or banking institution incorporated under any general law of this state, or by a special charter, shall be entitled to one vote for each share of stock of said corporation owned by said stockholder at any election held under the law incorporating said corporation, standing in the name of said stockholder on the books of said corporation during the thirty days next preceding said election, and that all acts, general or special, inconsistent herewith be, and the same are hereby repealed.

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

Approved March 24, 1892.

CHAPTER CXLIV.

A Further Supplement to "An act for the suppressing of vice and immorality" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Fees for arresting intoxicated persons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fees of the justice of the peace, magistrate or alderman and constable and police

officer, for arresting and committing in cases arising under section seven of the vice and immorality act, to which this is a supplement, shall be twenty-five cents to the justice of the peace, magistrate or alderman, and fifty cents to the constable or police officer making the arrest, and the sums herein stated shall be in full of all other fees and charges whatsoever.

2. *And be it enacted*, That all acts or parts of acts in- Repealer.
consistent with this act be and the same are hereby repealed.

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

Approved March 24, 1892.

CHAPTER CXLV.

A Supplement to an act entitled "An act regulating proceedings in criminal proceedings."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every police justice, recorder, justice of the peace and other committing magistrate in this state to keep a book to be known as "a complaint docket," in which he shall enter the name of every person against whom he may issue any warrant, the name of the complainant in each case, with his or her address, the names of the witnesses in each case, with their respective addresses, the nature of the charge against the accused, and, whenever bail is taken in any case, the name of the bondsman and his address; and each of said police justices, recorders, justices of the peace and other committing magistrates shall at least within ten days before the opening of each term of the court of oyer and terminer present the docket so kept by him together with all papers in his possession relating to criminal business, to the prosecutor of the pleas of his

Every police justice, recorder and justice of the peace to keep a complaint docket, in which shall be entered every warrant issued.

Docket to be presented to prosecutors of the pleas.

Proviso.

county, for the purpose of enabling said prosecutor of the pleas to inspect the said docket and compare the entries therein with the papers transmitted to him by the magistrate keeping said docket; *provided, however*, that this act shall not apply to any police justice or police court in any city of the first class in this state.

Penalty for failure.

2. *And be it enacted*, That any police justice, recorder, justice of the peace or other committing magistrate who shall fail or neglect to comply in every respect with the provisions of the first section of this act shall be guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding two hundred dollars, or both.

Repealer.

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

Approved March 24, 1892.

CHAPTER CXLVI.

A Further Supplement to an act entitled "An act to provide for the reconstruction of main outlet sewer heretofore constructed at the joint expense of two cities," approved March eighteenth, one thousand eight hundred and ninety.

Commissioners
authorized to
continue and
construct con-
necting sewer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in case the said commissioners shall, after an inspection of the present outlet for the sewer of said city so drained by such joint sewer, find the same to be insufficient in strength or capacity to carry away the surface waters and other drainage of the district intended to be drained thereby, then it shall be lawful for said commissioners to continue and construct

said connecting sewer, so authorized to be built by them under the provisions of the act to which this is a supplement, from the point where it diverges in the city using and drained by it to enter the adjoining city not drained by it, to tide water or other waters into which the sewerage of such city so drained is or may be emptied, instead of connecting the same with the present outlet sewer for such system.

2. *And be it enacted*, That such outlet sewer shall be constructed in the manner provided in the acts to which this is a further supplement, and the cost thereof provided for and assessed upon the lands benefited thereby in the manner provided in such acts. How constructed

3. *And be it enacted*, That such outlet sewer may be constructed in such manner as not to afford drainage to the property fronting on the streets or other property through which the same may be laid. Not to afford drainage to property fronting on streets through which it is laid.

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

Approved March 24, 1892.

CHAPTER CXLVII.

An Act concerning assessments for local improvements in the cities of the first class, providing for the appointment of boards of commissioners to make all such assessments, defining the duties of such commissioners and fixing their compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the cities of the first class in this state all assessments of damages and benefits for local improvements made and to be made therein shall be computed, estimated and fixed by commissioners to be appointed as hereinafter provided; such commissioners Commissioners to assess damages and benefits in first class cities.

Oath of commissioners.

shall be freeholders and resident in the city in and for which they are appointed, and shall, before they enter upon the duties of their office, take and subscribe an oath to faithfully and impartially discharge the duties imposed upon them according to the best of their skill and ability, which shall be filed in the office of the clerk of such city.

Commissioners appointed by the mayor for three years and receive \$1,000 salary annually.

2. *And be it enacted*, That such commissioners shall in every such city be appointed by the mayor thereof and shall hold office for the term of three years from the date of their appointment and until others are in like manner appointed to succeed them, and shall be paid an annual salary of one thousand dollars each, payable monthly out of the collections from assessments for local improvements, and said salaries shall be charged from time to time by said commissioners to and included in the costs and expenses of the various assessments made by them, having regard, so far as possible, to the amount of labor involved in making up each assessment.

Duties of commissioners.

3. *And be it enacted*, That it shall be the duty of such boards to estimate, compute, fix, determine and make all assessments for damages and benefits caused by any local improvement made or to be made therein, and all such commissioners shall in all respects be governed in making such assessments by the laws now or hereafter in force relating to and regulating the making of assessments for local improvements in such city.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect on the fifteenth day of May, eighteen hundred and ninety-two.

Approved March 24, 1892.

CHAPTER CXLVIII.

An Act concerning appeals from district courts in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from any judgment obtained in any district court established by law in any city of this state, whether by general or special statute, where the debt, demand or matter in dispute, exclusive of costs, be for a sum not less than twenty-five dollars, except judgment given by confession, either party may appeal, both as to matter of law and fact, to the court of common pleas of the county to be holden next after the rendering of such judgment; which appeal the judge of said district court is hereby directed to grant in the same manner as appeals are now had and taken in the court for the trial of small causes; *provided always*, that no appeal shall be granted to remove any judgment entered against the party demanding the appeal, for any amount beyond the costs of suit, where such judgment shall have been rendered on the verdict of a jury, or on the report of referees, unless the party shall, at the time of taking the same, file an affidavit made by the party, or in his absence by his agent, stating that the said appeal is not intended for the purpose of delay, and that the affiant verily believes that the appellant hath a just and legal ground of appeal upon the merits of the case; which affidavit shall be sent up to the court to which the appeal is taken, with the other papers in the cause.

Judgment may be appealed to court of common pleas.

Judge of district court to grant appeal.

Proviso.

2. *And be it enacted*, That the causes thus appealed to the said courts of common pleas shall be tried de novo in said courts, and that the taxed costs in said courts of common pleas upon said appeals shall be the same as those now allowed by law in the trial of appeals from the courts for the trial of small causes in said courts, except that there shall be allowed as the attorney's fee, to the prevailing party, to be taxed therein, the sum of five

Proceedings and costs.

dollars, in all causes where the judgment appealed from does not exceed one hundred dollars, and ten dollars in causes where the judgment appealed from exceeds the sum of one hundred dollars.

Time for taking
appeal.

3. *And be it enacted*, That all appeals under this act shall be taken within five days from the rendering of the judgment, and that they shall be put on the list for trial at the first term of the court of common pleas to which the same shall be appealed; *provided, however*, that if said appeal is taken within the five days prior to the beginning of such term, in that case the said appeal shall be put on the list for trial at the next term thereafter.

Proviso.

Repealer.

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

Approved March 24, 1892.

CHAPTER CXLIX.

An Act to amend an act entitled "An act respecting the election and terms of office of the clerk and collector or receiver of taxes in certain towns, boroughs and townships," approved April fourth, one thousand eight hundred and ninety-one.

Section to be
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the above recited act be and the same is hereby amended so that the said section shall read as follows, viz.:

Terms of office
of clerks and
collectors or
receivers of
taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all towns and boroughs and in all townships governed by or under a special charter, the terms of office of the clerk and of the collector and receiver of taxes hereafter elected or appointed therein shall be the period of two years, and all persons

who shall be hereafter elected or appointed to said offices or any of them shall hold office for two years and until their successors in office shall have been duly elected or appointed, and shall have duly qualified; and any legal voter of any such town, borough or township shall be eligible to the said offices of clerk or collector or receiver of taxes.

Any legal voter
eligible to offices.

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

Approved March 24, 1892.

CHAPTER CL.

A Supplement to an act entitled "An act for the protection and to limit the time and manner of killing European pheasants and other game birds of foreign origin," approved March twenty-second, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be amended so as to read as follows :

Section to be
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person to take, kill or capture any European partridge, grouse or hen pheasant within three years next after the passage of this act, under a penalty of twenty-five dollars.

Penalty for
killing pheasants

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

Repealer.

Approved March 24, 1892.

New Jersey State Library

CHAPTER CLI.

An Act authorizing towns and townships which are adjacent to a city in the same county to lay out, open and construct a road or street connecting with a road or street in such adjoining city.

Towns or townships adjacent to cities in the same county allowed to lay out, open and construct roads or streets connecting with such city.

Proviso.

Council or town committee to adopt resolution by a two third vote.

Commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any town or township of this state is or may be situated adjacent to a city in the same county, it shall be lawful for, and full power and authority is hereby vested in, the council or town committee of any such town or township in the manner hereinafter provided to lay out, open and construct a road or street and such branches thereof as may be deemed advisable, in and through such town or township, or some portion thereof, to and into the territory of such adjoining city, so as to make a safe and convenient connection of such road or street with a road or street in such adjoining city; *provided, however*, that it shall not be lawful to change or disturb the grade or alter the lines of any road or street in any such adjoining city without the consent of the proper municipal authorities thereof.

2. *And be it enacted*, That it shall be lawful for the council or town committee of any such town or township at any time, by the votes of two-thirds of the members thereof, to pass or adopt a resolution setting forth that in their judgment the interests of such town or township require additional or better facilities for reaching such adjoining city and that it is advisable to lay out, open and construct a road or street to connect with a road or street in such adjoining city, and at any time after the passage or adoption of such resolution the said council or town committee may by resolution, passed or adopted in the usual manner, appoint three commissioners who shall be residents and freeholders of such town or township and who shall perform and discharge the duties set forth and mentioned in the next succeeding section of this act;

said council or town committee shall also appoint a competent surveyor to assist said commissioners; in case of the death, resignation, neglect or refusal to serve or removal from the town or township of or by any of the commissioners so appointed, the vacancy or vacancies so created may be filled by appointment in like manner by the council or town committee; each of said commissioners, before entering upon the discharge of the duties imposed upon him by this act, shall make and file with the clerk of such town or township an oath or affirmation that he will faithfully and impartially and to the best of his ability and understanding perform the duties imposed upon him by this act.

3. *And be it enacted*, That it shall be the duty of said commissioners to cause surveys to be made, and to determine, locate and lay out a practicable route for such road or street, and such branches thereof as they may deem advisable to lay out, and the lines, termini, width and grades thereof, and shall show the same upon a map to be made by them for that purpose; they shall consider and determine what lands and improvements will be required to be taken therefor, and shall exhibit the same on said map or on a separate map; they shall estimate, ascertain and determine the probable total cost of constructing such road or street and branches thereof, and to that end shall estimate the probable costs and damages which the taking of lands and improvements therefor will require to be paid; the probable cost of grading, flagging, curbing, paving, macadamizing and draining the same, and the probable cost of bridges, trestles and other details of the improvement, and they shall also estimate all other costs and expenses which in their judgment will be necessarily incurred in the construction of such road or street and branches thereof; after estimating and determining as aforesaid the probable total cost of construction, said commissioners shall ascertain and determine what lands in such town or township will be specially benefited by the construction of such road or street and branches thereof, and shall make a map showing such lands, and each separate lot or parcel of land which will be so specially benefited, on which map each lot or parcel shall be designated by a letter or number; they shall then

Surveyor.

Vacancies.

Oath of commissioners.

Survey and map.

Estimate of costs and damages.

Cost of grading, flagging, &c.

Other costs and expenses.

Map of lands benefited.

Assessment of
total costs.
Manner of
assessment.

make an assessment of the total cost of construction, estimated as aforesaid, as follows: they shall assess upon the town or township at large an amount equal to thirty per centum of such estimated total cost, and the residue of such estimated total cost they shall assess, as far as practicable, upon the lots and parcels of land in such town or township which will be specially benefited in proportion to the benefit which each lot or parcel will receive, and no lot or parcel shall be assessed more than it will be so specially benefited, and if the aggregate amount of such probable assessable special benefits shall be less than the said residue of the estimated total cost of construction, the excess of such cost shall be assessed upon the town or township at large; they shall make a schedule which shall accompany their said map, in which they shall set forth the letter or number of each lot or parcel of land assessed, the names of the owners thereof so far as the same can be ascertained by them, and the amount of probable assessment for special benefits thereon; the said commissioners shall make report in writing to the council or township committee of the facts and matters ascertained by them, and of the determinations, estimates, appraisements and assessments made by them, which report shall be accompanied by the surveys, maps, plans and schedules by them made.

Schedule of lots.

Report of commissioners.

To be filed with clerk.

Meeting to consider objections.

Notice of meeting.

4. *And be it enacted*, That upon receiving such report the town council or committee shall file the same with the clerk of the town or township, and shall, by resolution, appoint the time and place when and where they will meet to consider the same and all objections in writing that may be presented thereto, which time shall not be less than six weeks from the time of the adoption of such resolution; and it shall be the duty of the town clerk to publish in at least two newspapers published in the county in which such town or township is situated, for at least three weeks successively next preceding the time designated in said resolution, at least once in each week, notices setting forth that the report, maps, schedules, assessments, determinations and estimates of the commissioners have been filed with him, and specifying the time when and the place where the town council or committee will meet to consider the same, and all objec-

tions thereto that may be presented in writing; such notices shall also designate the limits in such town or township within which the lots or parcels of land assessed are included; said town clerk shall also post printed copies of such notices in at least fifty conspicuous places in such town or township, at least fifteen days prior to the time designated in the resolution aforesaid; the owner of any lands shown on the assessment map and schedule of the said commissioners shall have the right to file with the town clerk objections in writing to the construction of such road or street, and branches thereof, at or before the time appointed in and by the resolution aforesaid; at the time and place appointed by such resolution, the council or town committee shall meet, and the town clerk shall lay before them all objections in writing which shall have been filed with him, and thereupon the council or township committee shall proceed to consider the report of the said commissioners and the objections thereto; and at any time thereafter the council or town committee may, by the votes of a majority of the members thereof, pass or adopt a resolution confirming the report of said commissioners; *provided, however*, that no resolution confirming such report shall be passed or adopted and no road or street shall be built or constructed if it appear that the owners of lands assessed for more than one-half of the aggregate assessable special benefits (excluding amounts assessed upon the town or township) have objected thereto.

5. *And be it enacted*, That at any time after the adoption of the resolution confirming the report of said commissioners as aforesaid, the said council or town committee may acquire by purchase and may accept donations and dedications of lands, improvements, right of way and other easements required in the construction of such road or street and branches thereof, whether the same be within such town or township or in such adjoining city, and in case said council or town committee shall not be able to acquire by agreement with or purchase from the owner or owners thereof, the lands, improvements, right of way and other easements necessary for such road or street and branches thereof, or when by reason of absence or legal incapacity of such owner or

To designate limits.

Notices to be posted.

Owner may file objections.

Objections to be laid before council or town meeting.

Council may confirm report.

Proviso.

Proceedings for acquiring lands.

owners, or any of them such agreement or purchase cannot be made, a particular description of the lands, improvements, right of way and other easements required shall be given in writing by said council or town committee, and also the name or names of the occupants if any, and of the owners if known, and their residences if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause said council or town committee to give notice thereof to the persons interested if known and in this state, or if unknown and out of this state to make publication thereof, as he shall direct for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three judicious disinterested and impartial freeholders, residents in the county in which such town or township is situated, commissioners to examine and appraise the said lands, improvements, right of way and easements and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days, and it shall be the duty of said commissioners (having first taken and subscribed an oath faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed and examine the lands, improvements, right of way and easements required to be taken and to make a just and equitable assessment or appraisal of the value of the same and an assessment of the damages to be paid by the said town or township; they shall make report in writing under their hands and seals, or under the hands and seals of any two of them, and shall file the same together with the aforesaid description of the lands, improvements, right of way and easements and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which town or township is situated, to remain of record therein, and thereupon and on payment or tender of payment of the amount awarded as hereinafter provided, the said town

Appointment of
commissioners to
appraise lands.

Report of com-
missioners of ap-
praisement.

or township is hereby empowered to enter upon and take possession of the said lands, improvements, right of way and easements for the purposes aforesaid, and the said report or a copy thereof certified by the clerk of the said county and proof of payment and tender of the amount awarded, shall at all times be considered as plenary evidence of the right of such town or township to have, hold, use, occupy, possess and enjoy the said lands, improvements, right of way and easements, whether the same be situated in such town or township or in such adjoining city, and the said justice of the supreme court shall, on application of either party and on reasonable notice to the other, tax and allow such costs, fees and expenses to the justices of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as he may think equitable and right, which shall be paid by such town or township; *provided* that should any such town or township, or the owner or owners of any of the lands, improvements, right of way or easements, feel aggrieved by the decision of the commissioners aforesaid, it, he or they may appeal to the next circuit court in the county where such town or township is situate.

Proviso.

6. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the last preceding section shall be made in writing and in the form of a petition to said court and filed with the clerk of the said circuit court of the county wherein such town or township is situate, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof; which proceeding shall vest in the circuit court full right and power to hear and adjudge the same and to direct a proper issue for the trial of said controversy to be found between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said lands, improvements, right of way and easements taken and the damages sustained, and if they shall find a greater sum than the said

Appeal to circuit court.

Trial by jury.

Jury to assess value.

When costs to
be paid by town
or township.

Or by applicants

Proviso.

Proviso.

commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against said town or township and execution awarded therefor; but if the said jury shall be applied for by the owner or owners and shall find a less sum than the said town or township shall have offered or the said commissioners shall have awarded, then said costs shall be paid by the said applicant or applicants and either deducted out of said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the said town or township from taking the said lands, improvements, right of way and easements upon filing the aforesaid report; *provided*, that in no case shall said town or township enter upon or take possession of any lands, improvements, right of way or easements until they have paid or tendered to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands, improvements, right of way and easements or damages, in case the report of said commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there be no appeal, and in case of appeal the amount found by the jury, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the said county shall be deemed a valid and legal payment; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may upon tender thereof being made receive the same without being barred thereby from his or their appeal from the report of the commissioners, and on such tender or payment of the money into court, in case it shall be refused as aforesaid, the said town or township shall be empowered to enter upon and take possession of said lands, improvements, right of way and easements, whether the same be within the limits of such town or township or within the limits of such adjoining city.

7. *And be it enacted*, That in order to raise the moneys ^{Town may borrow money.} necessary to pay for lands, improvements, right of way or easements acquired by purchase or condemnation as aforesaid, and the costs and expenses attending the same, it shall be lawful for the council or township committee of such town or township to borrow money by the issue of bonds in the corporate name of such town or township, to an amount not exceeding the cost of acquiring such lands, improvements, right of way and easements, costs and expenses, which bonds shall bear interest at not exceeding the rate of six per centum per annum, and shall run not exceeding the period of ten years, and shall be sold for not less than their par value.

8. *And be it enacted*, That after acquiring the necessary ^{Contracts.} lands, improvements, right of way and easements as aforesaid, the council or town committee of such town or township shall have full power and authority to enter into contracts with responsible persons as hereinafter provided for doing the work and furnishing the materials necessary in the construction of such road or street, and the branches thereof, which contracts may be for doing the whole or part of said work; they shall advertise for pro- ^{Proposals.} posals for at least two weeks successively, once in each week, in at least two of the newspapers published in the county in which such town or township is situated, and then contracts shall be made with the lowest responsible bidder or bidders who will comply with the requirements of such council or town committee, and give ample security for the performance of the contracts; *provided*, ^{Proviso.} *however*, that such council or town committee may reject all bids, if they deem it for the interest of the town or township so to do, in which case they shall re-advertise in like manner for proposals; the contracts so entered into may include all grading, filling in, excavating, flagging, curbing, paving or macadamizing, retaining walls, piling, trestles, bridges, and all other work necessary to construct such road or street and branches thereof, in the manner set forth in the report, plans and maps of the commissioners appointed under the second section of this act; the council or town committee of such town or township shall also appoint a competent civil engineer to supervise the construction of such work.

Payments on
account by im-
provement cer-
tificates.

9. *And be it enacted*, That when and as often as the engineer in charge of such work shall certify that a certain quantity of work and materials have been done and furnished thereon, the council or town committee shall issue or deliver to the contractor an improvement certificate for eighty per centum of the value thereof according to the contract prices therefor which certificate shall bear interest at the rate of six per centum per annum and shall be payable at any time within five years, on ninety days' notice when all interest thereon shall cease, and when the contract is fully completed and the work accepted by the council or town committee of such town or township, a like certificate for three-fourths of the amount withheld shall be delivered to the contractor, and at the expiration of three months thereafter a like certificate for the balance due shall be delivered to the contractor, unless errors or defects in the work shall have appeared, in which case it shall be withheld until such errors or defects are rectified to the satisfaction of the council or town committee.

Inspector.

10. *And be it enacted*, That the council or town committee may appoint an inspector over the work and materials and may fix his compensation.

Commissioners
to deter nine
what lands are
benefited.

11. *And be it enacted*, That after the completion of such work the council or town committee of such town or township shall, by resolution, appoint three disinterested commissioners, who shall be freeholders and residents of such town or township, and who, after making and filing with the town clerk an oath or affirmation that they will faithfully and impartially, and to the best of their ability and understanding, perform the duties required of them by this act, shall proceed to consider and determine what lands lying within the assessment area established by the commissioners appointed under the second section of this act are specially benefitted by the laying out, opening and construction of such road or street and branches thereof; they shall make a map showing all the lands and each separate lot or parcel of land so specially benefitted, and shall designate each lot or parcel thereon by a letter or number; they shall ascertain and determine the total actual cost of the laying out, opening and construction of such road or street and branches thereof, and shall

Map.

Actual cost.

assess upon the town or township at large an amount equal to thirty per centum of such total cost; the residue of such total cost they shall assess, as far as practicable, upon the lands within such assessment area found by them to be specially benefited; they shall assess each lot and parcel of land in proportion to the benefit received, and shall not assess any lot or parcel of land more than it is specially benefited; in case the aggregate amount of assessable special benefits shall be less than the residue of such total cost, they shall assess the excess upon the town or township at large in addition to the thirty per centum of such total cost above provided for; the said commissioners shall make a schedule, which shall accompany their said map, setting forth the letter or number of each lot or parcel of land assessed, the names of the owners thereof so far as the same can be ascertained, and the amount assessed thereon for special benefits; they shall present a report in writing with their map and schedule to the council or town committee of such town or township, who shall file the same with the clerk of the town or township, and shall, by resolution, appoint a time and place when and where they will meet to consider objections in writing made thereto, which time shall not be less than twenty days thereafter; it shall be the duty of the town clerk, upon the adoption of such resolution, to publish for at least two weeks successively, at least once in each week, in at least two newspapers published in the county in which such town or township may be situated, a notice setting forth that such report, map and schedule have been filed in his office, and describing the limits within which the lands assessed lie, and specifying the time and place appointed by the council or town committee for considering objections in writing thereto, and said town clerk shall also post printed copies of such notice in at least five public places of such town or township at least ten days prior to the time appointed as aforesaid for considering objections; any owner of or person interested in lands assessed shall have the right to file objections in writing to the assessment thereon with the clerk of said town or township at or before the said time appointed for considering objections; at the time and place so appointed the coun-

Assessment.

Schedule.

Report.

Meeting to consider objections.

Notice of meeting to be published and posted.

Owners may file objections.

Correction of
assessments.

Upon confirma-
tion assessments
shall be liens

Lands to be sold
if assessments
remain unpaid
for one year.

Time for issuing
writ of certiorari.

Redemption of
bonds and im-
provement cer-
tificates.

Power to issue
bonds.

cil or township committee shall meet, and shall consider and adjudicate upon all objections in writing to said assessment that may be presented; in case they shall sustain any of the objections thereto, they shall have power to make such corrections of the assessment as to them shall seem just and equitable; after considering and adjudicating upon all objections presented, the said council or town committee may confirm such assessment as originally presented, or as corrected by them, and from and after the time of such confirmation the assessment shall be a first and paramount lien on all the lands assessed, and if not paid within sixty days thereafter shall bear interest at such rate not exceeding ten per centum nor less than seven per centum per annum, as the said council or town committee may prescribe; and in case any assessment shall remain unpaid and in arrears for the period of one year after the time of such confirmation, the said council or town committee may cause the lands upon which such assessment remains in arrear and unpaid to be sold, in the same way and manner and with the same effect and under the same rules and for the same term as are or may be prescribed by law for the sale of lands for unpaid taxes therein.

12. *And be it enacted*, That no writ of certiorari or other writ or process shall be allowed or issued out of or by any court of this state to review the proceedings for laying out and constructing said road or street after the contract therefor shall have been awarded, and no such writ or process shall be allowed to review any assessment of the cost of laying out, opening and constructing such road or street, after thirty days shall have elapsed from the time of confirmation of such assessment.

13. *And be it enacted*, That all moneys received for assessments made under this act shall be held and appropriated for the payment and redemption of bonds and improvement certificates issued under this act, and of such bonds issued to redeem maturing bonds as may be issued under this act, and shall be used for no other purpose whatsoever.

14. *And be it enacted*, That the council or town committee of said town or township shall have the power to issue bonds of such town or township to raise moneys to

pay and redeem any improvement certificate issued under this act, which bonds shall bear interest at not exceeding the rate of six per centum per annum and shall not run exceeding ten years, and shall not be sold for less than their par value.

15. *And be it enacted*, That it shall not be necessary for the council or town committee of such town or township to obtain the consent of the municipal authorities of any adjoining city to extend the road or street herein authorized to be constructed over the territory of such city and to connect with a road or street therein, except as provided in the first section of this act.

When necessary to obtain consent of adjacent city to extend road or street.

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

Approved March 24, 1892.

CHAPTER CLII.

A Supplement to an act entitled "An act providing for the formation and government of towns," approved April twenty-fourth, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-six of the act entitled "An act providing for the formation and government of towns," approved April twenty-fourth, one thousand eight hundred and eighty-eight, be and the same is hereby amended so as read as follows:

Section to be amended.

76. *And be it enacted*, That there shall be annually raised by taxation a sum sufficient to pay all interest accruing on the bonded debt during the fiscal year, and also at least three and one-third per centum of the principal of such bonded debt, excluding therefrom bonds issued for street improvements, which shall be paid into the sinking fund.

Annual sum raised by taxation for payment of bonded debt.

Unfinished work
to be proceeded
with.

2. *And be it enacted*, That all proceedings for opening, widening, extending, grading, regulating and otherwise improving streets and avenues which may be pending and remain unfinished and incomplete at the time of incorporation under or adoption of this act by any town or township, shall be proceeded with and completed under the laws in force at the time such proceedings were commenced, and as if such town or township had not become incorporated under this act.

Salaries.

3. *And be it enacted*, That in any town which may become incorporated under this act the yearly salaries to be paid to certain officers thereof, to whom, by the provisions of said act, salaries are authorized to be paid, shall not exceed the following sums, viz.: town clerk one thousand dollars, members of the town council five hundred dollars each, town collector one thousand dollars, town treasurer one thousand dollars, recorder six hundred dollars, assessor one thousand dollars.

Town clerk,
members of
town council,
collector, treasurer,
recorder
and assessor.

Repealer.

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

Approved March 24, 1892.

CHAPTER CLIII.

An Act concerning elections in municipalities in certain counties of this state and fixing the time for holding the same.

Certain municipal
elections to
be held on the
second Tuesday
in April.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all elections of all officers elected by the voters of any municipality in any county in this state, wherein the members of the board of chosen freeholders are now or hereafter may be, by law, elected

by assembly districts in such counties, shall hereafter be held on the second Tuesday in April; where any election for mayor, councilman or other municipal officers of any municipality in any such county is now by law directed to be held on any day other than the second Tuesday in April such election shall be held on that second Tuesday in April next following the date now fixed by law for the holding of such election; the terms of office of all municipal officers elected in any county in this state subject to the provisions of this act shall commence on the first Monday in the May following the election of such officers.

Election for mayor and councilmen on same day.

Terms of office.

2. *And be it enacted*, That each and every officer of every municipality in any county in this state subject to the provisions of this act shall hold his office until the election and qualification of his successor.

Officers to serve until election and qualification of successor.

3. *And be it enacted*, That the word "municipality," wherever the same occurs in this act, be taken and held to mean and include every political division of the counties subject to the provisions of this act.

Construes the word "municipality."

4. *And be it enacted*, That all acts or parts of acts which provide for the election of municipal officers in counties in this state subject to the provisions of this act on any day other than the second Tuesday in April, are, so far as they are inconsistent with this act, repealed, and that this act shall take effect immediately.

Repealer.

Approved March 24, 1892.

CHAPTER CLIV.

A Supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

Insurance companies organized under any special law may declare dividends.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any insurance company organized under a special law to declare dividends out of its surplus earnings at such times and at such per centum of the capital stock as a majority of the directors shall determine; *provided*, that no dividend shall be made when the capital stock is impaired or when the making of such dividend would have the effect of impairing the capital stock, anything in the special act creating said company or the supplements thereto to the contrary notwithstanding.

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

Approved March 25, 1892.

CHAPTER CLV.

A Supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

Directors of insurance companies acting as officers thereof may receive compensation for attendance at meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors of insurance companies, whether incorporated

under the act to which this is a supplement or created by or existing under or by virtue of any special charter or act of the legislature of this state, acting as officers of the company to receive such compensation as in the opinion of the majority of the board of directors shall be just and reasonable, and also for the directors to receive such compensation as in the opinion of the majority of such board may be reasonable for each occasion of their attendance at meetings of the board of directors, anything in such special charter or acts to the contrary notwithstanding.

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

Approved March 25, 1892.

CHAPTER CLVI.

An Act to further amend an act entitled "A supplement to an act entitled 'An act to provide for the incorporation and regulation of insurance companies,' " approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved March eighth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of the act to which this is amendatory be and the same is hereby amended to read as follows: Section to be amended.

7. *And be it enacted*, That the penalty for each and every violation of this act, and of the act to which this is a supplement, and the supplements thereto, shall be five hundred dollars, and all costs of suit, to be sued for and collected on complaint and in the name of the state, by the commissioner of insurance and banking; the first process against any person complained of may be a capias Penalty for violation.

Penalty, when
recovered, how
disposed of

ad respondendum, and the person or persons against whom any judgment shall be obtained shall be committed to the county jail until such penalty and costs are paid; one-half of such penalty, when recovered, shall be paid by the commissioner of insurance and banking to the local firemen's relief association in the city, town or township wherein the violation was committed, if there be such an association therein, and if not, then to be paid in equal shares to the several firemen's relief associations in the county wherein the violation occurred, and if none exist in the county, then to be paid to the said commissioner, to be distributed by him pro rata to each of the firemen's relief associations in the state, as other funds are now distributed by him, and the other half to the said commissioner for the use of the state; and the necessary expenses for enforcing the provisions of this act, and the act to which this is a supplement, and the supplements thereto, when not otherwise provided for, shall be paid by the commissioner of insurance and banking out of the fines so collected and the fees and taxes paid by insurance companies of other states and nations authorized to transact business in this state.

Repealer.

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

Approved March 25, 1892.

CHAPTER CLVII.

An Act to amend an act entitled "A further supplement to an act entitled an act to provide for the regulation and incorporation of insurance companies" (Revision), approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved May ninth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act to which this is amendatory be and the same is hereby amended to read as follows: Section to be amended.

4. *And be it enacted*, That it shall not be lawful for any person or persons to seek, take or effect, or cause or procure to be made or effected, or receive applications for any character of insurance named in the first or second sections of this act, by or in behalf of any insurance company, as is described in the provisions of this act, which shall have violated any of the provisions of this act; and every violation of the provisions of this section shall subject the party violating the same to a penalty of five hundred dollars, to be sued for and recovered in the name of the state by the prosecutor of the pleas of the county in which such violation shall occur; one-half of the said penalty, when recovered, shall be paid by said prosecutor of the pleas to the treasurer of the local firemen's relief association in the city, town or township wherein the violation was committed, if there be such an association therein, and if not, then to be paid in equal shares to the treasurers of the several firemen's relief associations in the county wherein the violation occurred, and if none exist in the county, then to be paid to the commissioner of insurance and banking, to be distributed by him pro rata to each of the relief associations in this state, as other Unlawful to effect insurance in company violating act. Penalty.

funds are now distributed by him, and the other half to the informer of the violation.

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

Approved March 25, 1892.

CHAPTER CLVIII.

A Further Supplement to the act entitled "An act regulating proceedings in criminal cases," approved February sixth, one thousand eight hundred and seventy-nine.

Representatives
of the associated
press, united
press and local
press, not to ex-
ceed three in
number, allowed
to be present at
hangings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cases where the death penalty is inflicted, the sheriff shall admit to the execution, in addition to the persons now admitted by law, the accredited representative of the New York Associated Press, the accredited representative of the United Press, and the accredited representative of the local press of the county, not to exceed three in number.

Repealer.

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

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

Approved March 25, 1892.

CHAPTER CLIX.

A Supplement to an act entitled "An act concerning firemen's relief associations," approved March twenty-fifth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful from and after the passage of this act for any of the firemen's relief associations, whether chartered or incorporated under a general or special act of the legislature of this state, any provision contained in the charter, amendments or supplements thereto of such firemen's relief association to the contrary notwithstanding, to invest the moneys of said association in any manner, except as follows, to wit:

I. In the 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;

II. In the interest bearing bonds of this state;

III. In the bonds of any state of the United States of America, that has not, within ten years previous to making such investment by any such relief association, defaulted in the payment of any part of either principal or interest of any debt authorized by any legislature of such state to be contracted;

IV. In the stocks or bonds of any city, town, township, county, borough or village of this state, or of any other state of the United States of America, which have been or may be issued pursuant to the authority of any law of such state, and in any interest bearing obligations issued by the city, town, township, borough, county or village in which such relief association shall be situated; *provided*, that any such city, town, township, borough, county or village of any such state aforesaid, has not, within ten years previous to making such investment by any such relief

Investments to
be made in

United States
bonds.

New Jersey
bonds.
Bonds of other
states.

City and town
bonds.

Proviso.

association, defaulted in the payment of any part of either principal or interest of any debt authorized by the law of any such state to be by it contracted; *and provided, further*, that the total indebtedness of any such city, town, township, borough, county or village is limited by law to ten per centum of its assessed valuation.

Proviso.
First bonds and mortgages.

V. 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 moneys of said association shall be so loaned or invested, and 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 firemen's relief association, except upon a favorable report of a committee of at least three of the members of the board of representatives of such firemen's relief association, a majority of which committee shall certify 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 association;

Real estate.

VI. In such real estate only as has been or may be hereafter purchased by such association at sales upon the foreclosure of mortgages owned by such association, or upon judgments or decrees obtained or rendered for debts due to it, or in settlements effected to secure such debts; and all such real estate shall be sold by such corporation within five years after the passage of this act, where it is now held, and within the same period after such real estate shall be hereafter so purchased, unless upon application to the executive committee of the New Jersey state firemen's association further time shall be given by said committee in which to sell said lands or any of them.

Unlawful to continue investments in personal notes.

2. *And be it enacted*, That where any of the funds of any such relief association, are now loaned upon personal notes or securities other than those specified in the first section of this act, it shall be unlawful to continue the same invested therein, except until the maturity of the obligation now so held by the association.

3. *And be it enacted* That a violation of any of the provisions of this act, by any or either of the members of the boards of officers or representatives, or other officers of any such firemen's relief association, shall be a misdemeanor, and upon conviction thereof, any person or persons so offending shall each 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. Penalty for violation.

4. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and they are hereby repealed, and that this act shall be a public act and shall take effect immediately. Repealer.

Approved March 26, 1892.

CHAPTER CLX.

An Act for the relief of Louisa R. Faller.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to Louisa R. Faller during her natural life, or during such part thereof as she shall remain a widow, the sum of one hundred and forty-four dollars per year, in equal quarterly payments, as a compensation or pension for the loss of the life of Frederick Herman Faller, who was killed by the explosion of a cannon at the state camp at Sea Girt during the regular encampment of Company F, of the Third Regiment, in the month of August, in the year one thousand eight hundred and eighty-eight; together with arrears of said pension to be computed at said rate from September first, one thousand eight hundred and eighty-eight. Pension to be paid in quarterly payments.

2. *And be it enacted*, That the same shall be paid as aforesaid by the treasurer upon the warrant of the comptroller, and that this act shall take effect immediately. By treasurer upon warrant of comptroller.

Approved March 26, 1892.

CHAPTER CLXI.

An Act concerning the appointment of officers in cities of the second class in this state.

Common council of second class cities may empower mayors to appoint an overseer of the poor and three commissioners of appeal.

Terms of commissioners to be fixed by mayor.

Duties of such officers.

Vacancies in commissioners of appeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state it shall and may be lawful for the common council or other governing board of such cities to pass, enforce, alter and repeal ordinances to take effect within said cities for the following purposes, to wit, to provide for the appointment of one overseer of the poor and three commissioners of appeal in cases of taxation, which said officers shall be appointed by the mayor by and with the consent of the board of aldermen, common council or other legislative body of said city, and such appointment of said commissioners of appeal in cases of taxation shall be made for not less than one year or more than three years; the term for each of said commissioners of appeal in cases of taxation shall be determined and fixed by the mayor at the time of making such appointment, and when more than one commissioner is appointed at one time, the several appointees may be appointed and confirmed and hold their respective offices for different periods of time within the limit aforesaid, and not more than a bare majority of such board of commissioners or officers shall at any time be members of one political party, and such officers shall hold their respective offices until their successors shall be appointed and qualify; and such officers on being appointed under this act shall perform and discharge the same duties pertaining to their respective offices as is now required by law in the city in which they are appointed.

2. *And be it enacted*, That the provisions of this act shall apply to the appointment of such officers to fill any and all vacancies arising from death, resignation, removal or other cause that may hereafter arise in any of said cities, and that upon the happening of any such

vacancy or vacancies the said commissioners of appeal in cases of taxation, may be appointed for the unexpired term in the manner in the first section of this act set forth.

3. *And be it enacted*, That the said commissioners so appointed under this act shall receive such salary and compensation as the city council or other governing board of such city shall by ordinance prescribe, and shall be paid in the manner now provided by law in such cities. Salary and compensation of commissioners.

4. *And be it enacted*, That the offices of such commissioners of appeal in cases of taxation, now existing in such cities shall be abolished upon the appointment of the said officers under this act; *provided*, that in cities having more than two wards there shall be no more than one of the said commissioners of appeal in cases of taxation appointed from the same ward. abolishes office of previous commissioners. Proviso.

5. *And be it enacted*, That all acts, general and special, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 26, 1892.

CHAPTER CLXII.

An Act to authorize cities of this state to issue bonds to provide for the payment of indebtedness heretofore incurred for street and sewer improvements, in anticipation of the collection of assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state not having power in its charter or otherwise to issue bonds for the purposes hereinafter mentioned, by and through its common council or other governing board having control of the finances thereof, from time to time to borrow money for the use of said city in such Cities authorized to issue bonds to pay for street and sewer improvements in anticipation of the collection of assessments.

sums as they may think best, in anticipation of the collection of assessments, heretofore or hereafter to be imposed, for work heretofore done and completed for street and sewer improvements in such city, and the money so borrowed shall not at any time exceed the costs of such improvement, or where an assessment for benefits has been or shall hereafter be laid, the amount of such assessment and the same shall be secured by the issue of bonds, payable in not exceeding ten years, and drawn in such form and payable in such manner as the said common council or other governing board may fix and determine, and shall be either registered or coupon bonds and shall bear interest at not exceeding six per centum per annum, and shall not be sold at less than par.

Sinking fund
and commission-
ers.

2. *And be it enacted*, That all moneys received as principal and interest on account of the said assessments for street and sewer improvements, in anticipation of which bonds shall be issued by virtue of the provisions of this act, are hereby pledged and appropriated to the commissioners of the sinking fund of said cities for the payment of the principal and interest of the bonds hereby authorized to be issued, and in any city where there are no commissioners of the sinking fund, such board shall be created by said city before issuing any such bonds.

Duty of com-
missioners of
sinking fund.

3. *And be it enacted*, That it shall be the duty of the said commissioners of the sinking fund, or such board or department of any such city, to pay the interest on the above mentioned bonds as the same may fall due, and all surplus money that may come into their hands above the amount needed to pay the interest as aforesaid shall be safely invested by them as now or may hereafter be required by law in such city and applied to the payment of the said bonds as they shall fall due.

Amount of
bonds.

4. *And be it enacted*, That the amount for which bonds shall be issued by any city under the provisions of this act, may be in excess of any limitation in its charter or supplements thereto, as to the amount of its bonded indebtedness.

If assessment
cannot be legally
imposed, ex-
penses to be
raised by tax.

5. *And be it enacted*, That in any case where the courts shall determine that no assessment can be legally imposed for such improvement, and the expense thereof

would have to be paid by general tax, that in such case one-tenth of all such expenses that cannot be assessed shall be levied each year by a tax upon the ratables of said city, and the money thus collected shall go into said sinking fund to pay the bonds issued under this act.

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

Approved March 26, 1892.

CHAPTER CLXIII.

An Act in relation to the election of collectors of taxes in cities of the second class having a population of less than fifteen thousand inhabitants at the last census.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all collectors of taxes in cities of the second class of this state having a population of less than fifteen thousand inhabitants at the last census, elected after the passage of this act, shall hold their office for the term of three years. Term of office of collectors in cities of second class containing less than 1500 inhabitants fixed at three years.

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

Approved March 26, 1892.

CHAPTER CLXIV.

An Act to require the recording of awards of commissioners in all cases where lands are taken by eminent domain by railroad corporations.

Award of commissioners for taking lands by eminent domain by railroad corporations to be recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter every award of commissioners made for the taking of lands by eminent domain by a railroad corporation, whether such corporation be created by a special charter or formed under the provisions of "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, shall be duly recorded by the clerk or register of the county wherein the lands so taken are situate in the books of records of deeds of such county, and said clerk or register shall receive for recording every such award the same fee as is now allowed by law for the recording of a deed, which fee shall be paid by the railroad corporation against whom such award shall be made.

Record received in evidence.

2. *And be it enacted*, That the record of such award and the transcript of such record, certified to be a true transcript by the clerk or register in whose office the record is kept, shall be received in evidence in any court of this state, and shall be as good, effectual and available in law as if the original award was then and there produced and proved.

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

Approved March 26, 1892.

CHAPTER CLXV.

An Act to amend an act entitled "A further supplement to an act entitled 'An act concerning corporations' (Revision), approved April seventh, one thousand eight hundred and seventy-five," which further supplement was approved January twenty-sixth, one thousand eight hundred and ninety-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A further supplement to an act entitled 'An act concerning corporations' (Revision), approved April seventh, one thousand eight hundred and seventy-five," which further supplement was approved January twenty-sixth, one thousand eight hundred and ninety-two, be amended so that the same shall read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation existing under and by virtue of any general act for the formation of incorporated companies in this state, with the assent of a majority in interest of its stockholders, at a special meeting to be called for that purpose, and with the approval of the governor, at any time within five years from the date of its incorporation, to record with the clerk of the county in which its original certificate of incorporation was recorded, and file with the secretary of state an amended certificate, duly signed by its president, and attested by its secretary under its corporate seal, and duly acknowledged or proved as required for deeds of real estate, modifying, changing or altering its original certificate of incorporation, in whole or in part, which said amended certificate shall take the place of the original certificate of incorporation, and shall be deemed to have been filed and recorded on the date of the filing and recording of the original certificate; *provided, however*, that nothing herein shall permit the

Section to be amended.

Amended articles of incorporation by corporations may be filed.

Proviso.

insertion of any matter not in conformity with the law under which such company was or shall have been organized; *and provided, further*, that nothing herein shall affect any suit or proceeding, at the time of filing such amended certificate, pending by or against said corporation, or impairing any rights of action accrued by or against its stockholders, corporators or directors; *and provided, further*, that the total authorized capital stock of any such corporation shall not be increased or decreased in the amended certificate herein provided for.

Proviso.

Proviso.

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

Approved March 26, 1892.

CHAPTER CLXVI.

An Act concerning the constitution of the common council, board of aldermen or other governing body of certain cities in this state.

Common
councils of cities
of the second
class of less than
15,000 popula-
tion to consist of
three members
from each ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class of this state now having a population of less than fifteen thousand, according to the last state or United States census, the common council, board of aldermen or other governing body of such cities shall consist of three members from each of the wards of such cities, and they shall be elected at the time and in the manner and for the time as now provided by law for the election of such officers in such cities.

Repealer.

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

Approved March 26, 1892.

CHAPTER CLXVII.

A Supplement to an act entitled "A supplement to 'An act in relation to the improvement and maintenance of certain roads,' approved March third, one thousand eight hundred and eighty-two," which supplement was approved April sixteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where any contract has been heretofore or shall be hereafter made under the provisions of the act to which this is a supplement, Annual appropriation for lighting public streets, roads or other public highways. for the lighting of public streets, roads or other public highways, it shall be lawful for the body corporate and politic in law entering into the same, to appropriate annually a sum sufficient to meet the payments called for by such contract from time to time as the same shall or may become due and payable.

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

Approved March 26, 1892.

CHAPTER CLXVIII.

A Further 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.

Sales may be made at public or private sale.

Proviso.

Applies to sales heretofore authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any sale of lands, tenements, hereditaments or real estate shall be ordered by the orphans' court of any county of this state, the officer or officers, person or persons authorized or directed by said court to make such sale, may, unless otherwise provided in the order of sale, make sale of such lands, tenements, hereditaments or real estate, at public or private sale, in his, her or their discretion, and on such terms as such officer or officers, person or persons may deem to be most advantageous to the parties concerned therein; *provided, however*, that no sale of lands, tenements, hereditaments or real estate so made at private sale shall be valid until such sale shall have been confirmed by the court upon a report of the terms thereof, and proof before the court by affidavit or otherwise that the price obtained at such private sale was a fair price, and the said sale not injurious to the interests of the parties concerned therein.

2. *And be it enacted*, That the provisions of this act shall apply to all sales heretofore authorized by the orphans' court of any county of this state.

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

Approved March 28, 1892.

CHAPTER CLXIX.

A Supplement to an act entitled "An act respecting the court of chancery" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each of the several vice-chancellors of this state, when sitting as judges of the court of chancery for the transaction of the business of said court, shall have power to adjudicate upon and punish any and all contempts committed by any person or persons in the presence of the court so held by such vice-chancellor, in same manner as the chancellor may now do, and the several sheriffs and keepers of the common jails of the several counties of this state shall respect and execute all orders and commitments made and signed by either of the said several vice-chancellors in any matters of contempt in all respects the same as if made and signed by the chancellor, provided that any person adjudicated guilty of contempt under this act shall have right of immediate appeal to the chancellor, which appeal shall operate as a stay of proceedings and the chancellor shall provide by rule for the manner and method of such appeals, and shall hear them on the merits.

Vice-chancellors
have power to
commit for con-
tempt.

Proviso.

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

Approved March 28, 1892.

CHAPTER CLXX.

A Supplement to the act entitled "An act to amend the law relating to the property of married women" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Married women
may execute a
conveyance and
convey lands.

Proviso.

Proviso.

Applies to deeds
given in execu-
tion of contract
heretofore made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter any married woman above the age of twenty-one years may execute and deliver any conveyance of her real estate without her husband joining therein, and such conveyance when duly acknowledged, and such acknowledgment certified according to law, shall be good and effectual to convey the lands, tenements or hereditaments thereby intended to be conveyed; *provided*, that such deed is given in execution of a written contract made by such married woman, to which her husband was or shall be a party, or to which he has given or shall give his assent in writing, or to the terms, conditions and stipulations of which he in writing has bound or made subject or shall bind and make subject his right, title or interest in said real estate; *and provided further*, that such contract shall have been or shall be acknowledged, as in case of a conveyance of land by a married woman, and such assent or other writing signed by such husband shall have been or shall be acknowledged or proved, as in case of a conveyance of land, and such contract and assent, or other writing, shall have been or shall be recorded before or at the time of the recording of any such conveyance.)

2. *And be it enacted*, That the provisions of this act shall apply to deeds given or hereafter to be given in execution of any contract heretofore made as well as to contracts hereafter to be made.

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

Approved March 28, 1892.

CHAPTER CLXXI.

An Act respecting licenses in incorporated boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen, board of commissioners or other governing board of any incorporated borough in this state, to make and establish ordinances for the following purposes, viz.: to license and regulate expressmen, trucks, hacks, cars, omnibuses, stages and all other carriages and vehicles used for transportation of passengers, baggage, merchandise and goods and chattels of any kind, and to the owners and drivers of all such vehicles and means of transportation, also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk wagons, bath houses, news stands, sweeps, scavengers, traveling and other street shows, street exhibitions, organ grinders, circuses, merry-go-rounds, toboggan slides, theatrical performances, plays, exhibitions, concerts, skating rinks, itinerant venders of merchandise, medicines and remedies, and also the place or premises in which or at which the different kinds of business or occupation mentioned herein are to be carried on or conducted, and to fix the rate of compensation to be paid therefor, and to prohibit all persons and places, and all vehicles unlicensed from acting, using or being used in said capacities, and for such uses and purposes, and to designate and locate stands and places which hackmen, cartmen and all other persons engaged in the carrying of passengers and merchandise shall be privileged to occupy when soliciting business, and to prohibit the occupying of other places for such purposes, and to fix and prescribe penalties for the violation of any such ordinance or ordinances or any section thereof, and that fees for such licenses may be imposed for the purposes of revenue; *provided, however*, that no person or persons shall be required to take out a license to sell any of the produce of his farm.

Common council, board of aldermen, board of commissioners or other governing board to have power to establish ordinances for municipal purposes.

Proviso.

Proceedings for
violation of ordi-
nances.

2. *And be it enacted*, That every justice of the peace in any county is hereby empowered, on oath or affirmation made according to law, that any person or persons has or may have violated any section of said ordinance, or any of the ordinances of said board in relation thereto, to issue process at the suit of such municipality aforesaid in the nature of a summons for said penalty, which shall be returnable in not less than one nor more than ten entire days; such process shall state what section or sections of the ordinance has been violated by the defendant or defendants, and on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace or recorder shall proceed to hear the testimony, and to determine and give judgment in the matter without the filings of any pleadings, and a copy of the ordinance or section of the ordinance alleged to have been violated, certified under the hand of the clerk of the board, shall be taken as full and legal proof of the existence of such ordinance, and that all the requirements of law in relation to the ordaining, publishing and making the same so as to make the same legal and binding have been complied with, unless the contrary be shown; and the said court, justice of the peace, police justice or recorder shall give judgment for the penalty sued for and costs, if the defendant be proven guilty, and he may, at the request of the plaintiff, forthwith issue execution against the goods and chattels, and also against the body of the defendant or defendants without any special order being made to that effect for the amount of said penalty and costs, and if the same be not paid, and the officer is unable to find sufficient goods and chattels over and above such as are reserved by law to satisfy said execution in full, then he shall take the body of the defendant under said execution and deliver him to the sheriff of the county, who shall keep him in custody, in the jail of the county until he is entitled to release by operation of law, and no defendant against whom an execution shall be or remain unsatisfied, after being taken into custody, shall be entitled to any of the benefits or privileges of any the insolvent laws or acts of this state.

Penalty for vio-
lation, and how
recovered.

3. *And be it enacted*, That all acts and parts of acts in- Repealer.
consistent with this act be and the same are hereby re-
pealed.

4. *And be it enacted*, That this act shall take effect im-
mediately.

Approved March 28, 1892.

CHAPTER CLXXII.

Supplement to the act entitled "A supplement to the act
entitled 'An act respecting the orphans' court, and re-
lating to the powers and duties of the ordinary and the
orphans' court and surrogates,'" approved March
twenty-seventh, eighteen hundred and seventy-four,
and which said supplement was approved March eighth,
one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of* Bond to be taken
the State of New Jersey, That whenever any order is when will is
made by the orphans' court of the county in which the proved or lette:s
will of any testator was proved or letters of administra of administration
tion were granted for the sale of lands in any other granted.
county of this state, the said court making such order
shall take a bond in accordance with the provisions of the
law in such case made and provided, which bond shall be
filed in the office of the surrogate of the county in which
said order is obtained, and no further bond shall be re-
quired by the orphans' court of the county in which said
lands are situated.

2. *And be it enacted*, That this act shall take effect im-
mediately.

Approved March 28, 1892.

CHAPTER CLXXIII.

An Act relative to fire escapes in cities.

Aldermen or common council shall have authority by ordinance to provide in what manner and of what material, size and height, and under whose supervision fire escapes shall be erected upon buildings.

To provide for enforcement of ordinance and penalty.

Notice to be published calling attention to ordinance and penalty.

Not to apply to churches or one-story buildings.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all incorporated cities of this state the board of aldermen or common council of every such city shall have authority by ordinance to provide in what manner and of what material, size and height and under whose supervision fire escapes shall be erected upon buildings within the corporate limits of such city.

2. *And be it enacted*, That it shall be the duty of the board of aldermen or common council as aforesaid to provide for the enforcement of the provisions of any ordinance passed as aforesaid and to prescribe penalties of not exceeding fifty dollars for each offence, and a further penalty of not exceeding twenty dollars for each day the provisions of such an ordinance are not complied with.

3. *And be it enacted*, That before any penalty is forfeited or enforced the board of aldermen or common council as aforesaid shall cause a notice to be published in the official newspaper or newspapers of such city calling attention to the provisions of said ordinance and penalties thereunder, and such notice to be valid shall be published at least ten days in a daily newspaper or two weeks in a weekly newspaper, and shall allow not exceeding sixty days for a compliance with the provisions of the ordinance.

4. *And be it enacted*, That the ordinance aforesaid shall not in any manner apply to churches, or buildings not exceeding one story in height, nor to dwellings occupied by not more than one family, nor to bank buildings.

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

Approved March 28, 1892.

CHAPTER CLXXIV.

A Supplement to an act entitled "An act to authorize police service in townships," approved March thirty-first, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the township committee of any township in this state to appoint one or more suitable persons resident therein to be a police officer or police officers in pursuance of the act to which this is a supplement, upon receiving a petition requesting such appointment or appointments to be made signed by a majority of the persons who voted at the general or township election held therein next previous to the signing of such petition.

Township committees may appoint police officers upon a petition of a majority of the persons who voted at the next preceding general or township election.

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

Approved March 28, 1892.

CHAPTER CLXXV.

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

WHEREAS, under and by virtue of certain acts of the legislature of this state, commissioners have from time to time been appointed to lay out streets and avenues through lands lying in certain townships of this state, which commissioners have proceeded in pursuance of

Preamble.

the said acts to lay out said streets and avenues, and to delineate them on maps which have been filed in accordance with the directions of the said acts so as to become public records; *and whereas*, many of the said streets and avenues so laid out as aforesaid have never been opened or used, but are merely streets on paper which have been disregarded by the public and by the township authorities of the townships through which the said streets and avenues have been laid, and are not now, and are not likely to be, required for the use of the public; *and whereas*, said streets and avenues, so laid out as aforesaid and delineated on said maps, constitute a cloud upon the title of the owners of the lands through which the said streets and avenues are laid out which should be removed, now; therefore,

Vacates road
that has not
been worked for
fifteen years.

Proviso.

Assent of owners
of land fronting
on road to be
filed and re-
corded in the
office of the
county clerk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any street or avenue which has been laid out through lands in any township or townships of this state by commissioners appointed by virtue of the provisions of any act or acts of the legislature of this state, and which street or avenue has not been opened, used or worked for a period of fifteen years next before the date of the passage of this act, shall be, and hereby is declared to be, vacated, and all the proceedings of the said commissioners had and taken by them in laying out such street or avenue shall be, and hereby are declared to be, null and void; *provided*, that all owners of the lands fronting on or bounded by such street or avenue, and over which the same has been laid, shall file, in the office of the clerk of the county in which the said street or avenue has been laid as aforesaid, their assent, in writing, to the said vacation, proven or acknowledged before some officer authorized to take the proof and acknowledgment of deeds in this state, and endorsed by said officer with his certificate thereof.

2. *And be it enacted*, That it shall be the duty of said clerk upon receiving said assent in writing to endorse upon it the date of its receipt in his said office, and to file it therein, and also to record the same, with the certificate of the proof or acknowledgment thereon endorsed, in the book in which are recorded the returns made by the surveyors of the highways of roads laid out or vacated

by them, and at the foot of such record to make a note of the time when such assent in writing was received for record in his said office, and the said clerk, for said services by him to be rendered, shall be entitled to receive the same fees that he may at the time be by law entitled to receive for filing and recording such returns as aforesaid.

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

Approved March 28, 1892.

CHAPTER CLXXVI.

An Act for the encouragement of the building of stone roads and fixing the rates of tolls on turnpike roads that have or shall be faced with stone.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any turnpike company incorporated under the laws of the state which has or shall improve its turnpike road by coating or facing the same or any part thereof with stone, is hereby authorized to charge and collect tolls not to exceed the following rates : for every vehicle drawn by one beast, two cents per mile ; for every additional beast drawing a vehicle, two cents per mile ; for every led horse or horse and rider, one cent per mile ; for every bicycle or tricycle, one cent per mile ; fractional parts of a mile to be charged for at proportionate rates ; *provided*, that the above rates shall be charged only for so much of the said road as is so coated with stone ; *and provided*, that for beasts drawing vehicles having a tire of four inches or more in width the charge shall not be more than one and one-half cents per mile for each beast ; *and provided, further*, that the said rates of toll shall not be collected until the turnpike company de-

Fixes rates of toll on turnpike roads that have or shall be faced with stone.

Proviso

Proviso.

Proviso.

Proviso.

siring to collect the same shall have filed in the office of the secretary of state, at Trenton, a certificate, under the seal of the company, signed by the president and attested by the secretary of the said company, certifying the name of the company, the length of the road and the number of miles so faced with stone; *provided*, that before any company shall pay more than six per centum per annum in dividends to stockholders the tolls shall be reduced to the following rates: for every vehicle drawn by one beast, one and a half cents per mile, and for every additional beast drawing a vehicle, one and a half cents per mile.

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

Approved March 28, 1892.

CHAPTER CLXXVII.

A Supplement to an act entitled "An act relative to the publication of the laws of this state in the newspapers," approved May sixth, one thousand eight hundred and eighty-seven.

Authorizes the payment to a newspaper having heretofore published the laws the same rate allowed for the year in which they were published, notwithstanding the paper had not been published for eighteen months previous to its selection.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the treasurer of the state of New Jersey, upon the warrant of the comptroller, to pay to any newspaper which shall have heretofore published the laws for any year under designation of the governor, comptroller and secretary of state, or a majority of them, notwithstanding said newspaper had not been regularly and continuously published previous to such selection for the space of eighteen months, which payment shall be made at and after the rate heretofore fixed for such year.

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

Approved March 28, 1892.

CHAPTER CLXXVIII.

An Act to authorize townships in this state to acquire and improve lands for public parks and to maintain and regulate the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any township in this state, be and they are hereby authorized and empowered, at the annual township elections, or at any other election duly held for the purpose, by a majority of all the votes cast at such election, to vote, grant and raise such sum or sums of money as they may determine, for the purpose of purchasing, maintaining and improving suitable tracts or plots of land for public parks; said lands to be purchased by, and to be under the control and regulation of the township committee of such township, and to become the property of the inhabitants of such township; which moneys so voted and granted shall be assessed, levied and collected as other moneys raised in said township are assessed, levied and collected.

Townships authorized to raise money by vote for purchasing land and maintaining public parks.

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

Approved March 28, 1892.

CHAPTER CLXXIX.

An Act regulating the transfer of licenses for the sale of spirituous and malt liquors in cities of the second class.

Authorizes the transfer of licenses in second class cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board now charged with the duty of granting licenses for the sale of spirituous and malt liquors within such cities, to permit a transfer of such license from the person holding such license to another person or from one locality to another locality in said cities, upon the payment of a transfer fee to be fixed by such board at not less than ten dollars in each case.

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

Approved March 28, 1892.

CHAPTER CLXXX.

A Supplement to an act entitled "An act for the formation and government of boroughs," approved April second, one thousand eight hundred and ninety-one.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-first section of the act to which this is a supplement, be and the same is hereby amended so as to read as follows:

Consent of property holders to increase of moneys to be raised.

21. *And be it enacted*, That whenever hereafter a greater sum of money than the said sum of twenty mills on the dollar shall, in the opinion of said council, be necessary

to be raised in any one year for the use of such borough, then and in such case the said council are hereby authorized to give notice to the property holders of the borough, by advertisement published in one newspaper, if any there be printed in the county in which such borough is situate, for at least two weeks, once in each week, before acting thereon, and by printed hand bills put up in five of the most public places in such borough for a like period, stating the sum of money necessary to be raised and the purposes and uses for which such money is needed; and upon obtaining the written consent of persons representing one-half or more of the taxable property in said borough, as represented by the duplicates of the borough assessor for the previous year, said members of council may proceed to vote thereon; and every sum of money so voted by any resolution of said council to be raised by a tax in said borough, shall be assessed and collected the same as other taxes are assessed and collected; *provided, always*, that whenever council shall, by a unanimous vote, declare any sum not exceeding three thousand dollars in any one year, to be necessary for the repairing or maintaining of the beach front, such sum so voted upon shall be assessed and collected in the same manner that the other taxes are assessed and collected, and said council may, if by a unanimous vote they declare it necessary, borrow such sum in anticipation of its assessments and collection, giving therefor such bond or bonds as they are hereinbefore authorized to issue.

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

Approved March 28, 1892.

CHAPTER CLXXXI.

An Act in relation to assessments in certain townships.

Commissioners
of public roads
authorized to
make assess-
ments for costs,
damages and
expenses for
road improve-
ments in town-
ships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in this state, the legal voters of which are now, or hereafter may be, authorized and empowered to elect commissioners of public roads at their annual township elections, it shall be lawful for such commissioners of public roads to make the proper assessments for the costs, damages and expenses which have been heretofore incurred or which may be hereafter incurred, by virtue of any law of this state applicable to such township, for the surveying, laying out, altering, vacating or altering the grade, of any public road, upon the lands peculiarly benefited by such improvement; *provided, however*, that such assessments shall bear a just proportion to such benefits, and be confirmed by the township committee of such township, after due notice to all persons interested therein, and shall, in all other respects, not inconsistent with the provisions of this act, conform to the law authorizing the election of such commissioners of public roads.

Proviso.

Period for certio-
rari.

2. *And be it enacted*, That no certiorari shall be granted or allowed to remove into any court of this state, for the purpose of review, any assessment, made or to be made under or by virtue of this act, after the expiration of sixty days from the time of the confirmation of said assessment by the said township committee.

Repealer.

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

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

Approved March 28, 1892.

CHAPTER CLXXXII.

An Act for the management of public parks in cities of the second class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state owning a public park, the mayors thereof shall appoint, by and with the advice and consent of the common council, board of aldermen or other governing body of such cities, five persons, residents of such state, who shall constitute a park commission, and who shall serve without compensation; their terms of office shall be as follows: one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, all from the date of their appointment hereunder; and at the expiration of the term of service of each member of such commission, others shall be appointed in the place of those whose terms expire, in the same manner, for the term of five years each and until their successors have qualified; so that the term of service of all the members of such commission under this act hereinafter appointed shall be for the term of five years; that no more than three members of said commission shall belong to the same political party; any vacancy occurring in such commission shall be filled by appointment as aforesaid, for the unexpired term only; that each of such commissioners shall, within ten days after his appointment, qualify before the city clerk of such city, by taking and subscribing an oath or affirmation, faithfully to discharge the duties of his office, to the best of his skill and ability; that the mayor of such city shall issue a commission to each of said commissioners.

Mayors of second class cities authorized to appoint five park commissioners to serve without compensation for one, two, three, four and five years respectively, and thereafter the terms shall be five years.

Not all to belong to the same political party.

Vacancy.

To qualify within ten days after appointment.

Mayor to issue a commission to each.

2. *And be it enacted*, That such commissioners shall select one of their number as president of such commis-

President of commission.

sion for the ensuing year, and thereafter shall select one of their number as president each year.

To have entire control of parks.

3. *And be it enacted*, That the said park commissioners herein provided for shall have entire control and management of all public parks in said cities and shall be substituted for, and become vested with, and shall perform all the power, right, duty and authority as are or may be by law vested or imposed upon or exercised by the common council, board of aldermen, committee, commission or other governing body, having power to lay out, embellish, grade, improve, manage and control all public parks in said cities; that such park commissioners may make, alter and establish rules and regulations for the government and management of said parks, and the clerks, officers, employees and servants under the employ of said commission in such cities.

To make rules.

To employ a clerk, superintendent, officers, etc.

4. *And be it enacted*, That the said park commissioners shall be fully authorized and empowered to select, appoint and employ, from time to time, a clerk of the commission, a superintendent, officers, clerks and other persons or employees to aid the said commission in the discharge of the duties imposed upon them, which by the provisions of this act, are placed, or intended to be placed under the government, control and management of such commission, or as may be required by law therein or thereabouts as such commission may deem necessary and proper; such commission shall fix the compensation or salary to be paid to such officers or employees, and the manner of payment thereof, and may, in their discretion, require satisfactory bonds for the faithful performance of their official duties, to be made and executed by such officers, employees or any of them.

And fix their compensation or salary.

Commissioners already appointed vested with all the powers as if appointed under this act.

5. *And be it enacted*, That no park commission already appointed in any city of the second class under any law or ordinance shall become vacated, or the members thereof debarred from exercising the power and duties of such commission by reason of this act, but all such commissioners already appointed as aforesaid shall exercise all the duties and be vested with all the powers as if appointed under this act, and all subsequent appointments of members of such commission shall be made

in the manner provided in the first section hereof and for the term of five years.

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

Approved March 28, 1892.

CHAPTER CLXXXIV.

An Act relating to assessments in townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of township committee of any incorporated township of this state, having power by any general or special law to open, grade, pave, curb, gutter, fill up, refill, macadamize and lay sidewalks in any street, road or avenue in said townships, and to levy assessments for the cost thereof, to order, by ordinance passed at one of the regular meetings of said committee, that the owners of lands upon which assessments for improvements, as aforesaid, have been or may hereafter be levied, may pay such assessments in such equal yearly installments, not exceeding ten, and with interest thereon at a rate not less than six per centum per annum, as the said township committee shall determine; *provided*, that any party assessed shall have the privilege of paying the whole of any assessment or any balance of installments, with accrued interest thereon, at one time.

Authorizes township committees to arrange terms for payment of assessments for improvements.

Proviso.

2. *And be it enacted*, That in case any installment of any assessment mentioned in the previous section shall remain unpaid for thirty days from and after the time when the same shall become due and payable, the whole assessment shall become and be immediately due and payable, shall draw interest at the rate of one per centum per month, and the said township committee or other governing body of such township shall have the same remedies and

Whole assessment to become due if one installment is unpaid.

rights to enforce the payment of said assessments as they have to enforce the collection of taxes in such township, and by like proceedings.

Assessment a
first lien.

3. *And be it enacted*, That every such assessment shall be and remain a first and paramount lien upon the lot or lots of land described in such assessment until the same, with all installments of the same, with the accrued interest thereon, shall have been paid and satisfied.

Collections to be
applied in pay-
ment of cost of
improvements.

4. *And be it enacted*, That all collections on account of said assessments or the interest thereon shall be applied to the payment of the township obligations issued by the said township committee, in payment of the cost of the improvements for which said assessments were made, and for no other purpose whatever.

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

Approved March 28, 1892.

CHAPTER CLXXXV.

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.

Boards of chosen
freeholders
authorized to re-
construct or con-
struct new
bridges over
rivers or streams

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in any county of this state, 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, and such board shall deem the reconstruction of the same or the construction of a new bridge to take the place of such

bridge in such state of dilapidation or decay 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 construction and reconstruction of such bridge, with the draw or draws and all the necessary apparatus, appliances and things required therefor; *provided*, the entire cost and expense thereof shall not exceed the sum of one hundred thousand dollars. Proviso.

2. *And be it enacted*, That to defray and meet such cost and expense such board of chosen freeholders are hereby authorized to issue bonds of such county, in the proper corporate name and under the corporate seal thereof, for such sum or sums of money as may be needed; *provided*, the total sum, exclusive of interest to be paid on such bonds, shall not exceed said sum of one hundred thousand dollars; said bonds so authorized to be issued shall be signed by the director or director at large of such board of chosen freeholders, and the county collector of the county, and shall state upon the face thereof for what purpose the same are made and issued; they shall be issued in sums of not exceeding one thousand dollars each, and bear interest not exceeding four and one-half per centum per annum; they shall run for and be made due and payable at such time or times, not exceeding thirty years from the date of issue, as the said board shall by resolution determine at the time of ordering the issue thereof, and a provision for meeting or redeeming the same as they become due and payable shall be made at such times; every year so long as said bonds are outstanding provision shall be made by appropriation of money to meet and pay a portion thereof; they shall be payable, principal as well as interest, at the office of such county collector; such bonds shall be sold at not less than par value, upon bids duly advertised for or otherwise; same may be either registered or coupon bonds, or both, and coupon bonds may be exchanged for registered bonds and vice versa, at the request of the holder; *provided*, such board shall first consent to such exchange. To issue bonds. Proviso. Proviso.

- Contracts. 3. *And be it enacted*, That the work of the construction or reconstruction of such bridge, so as aforesaid provided for, shall be done by contract or contracts to be awarded therefor to the lowest bidder, upon bids or proposals to be invited by advertisements published in not less than two newspapers circulating in such county, for not less than two weeks previous to the time fixed for the receipt of such bids; the plans and specifications for such bridge shall be on exhibition at the office of such board for a like period of time; any bid or part of a bid may be rejected if deemed for the best interest of the county to do so; security by bond or like obligation shall be required for the faithful performance of such contracts in a sum of not less than fifty per centum of the same, and in no instance shall less than two sufficient sureties be required, who shall be freeholders owning lands and real estate in such county, and affidavit thereof shall be attached to such bonds; said board may impose such other requirements by exaction from the bidders for the work of a deposit of money or a certified check, or otherwise, to secure faithful performance of such contracts and proper protection of the interests of the county in matters relating thereto as may be deemed prudent.
- Plans and specifications. Security on contract. Board may impose other requirements. Rules and regulations. Proviso. Repealer.
4. *And be it enacted*, That such board may adopt such rules and regulations for the operation or working of such bridge and the persons employed thereat, as shall be reasonable and proper; *provided*, the same shall not abridge the right to navigate such rivers or streams as the same now exists, but it is hereby expressly provided that in the reconstruction and construction aforesaid, whenever it shall be necessary to close the bridge and stop travel over the same, that may be done, and the county shall not be liable for any damages, injury, loss or expense which may be claimed therefor or by reason thereof.
5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 28, 1892.

CHAPTER CLXXXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-nine of said act entitled "An act concerning roads" (Revision), approved March twenty-seventh, one thousand eight hundred seventy-four, be amended so as to read as follows:

79. *And be it enacted*, That nothing in this act contained shall be construed to extend to narrowing, widening or altering any street in any of the cities, towns or villages in this state, or to pulling down or removing any dwelling house, market house or other public building heretofore erected, and which may encroach on any highway; *provided*, that nothing in this section shall apply to the laying out or opening of any new road.

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

Approved March 28, 1892.

Section to be amended.

Effect of act with respect to cities.

Proviso.

Repealer.

CHAPTER CLXXXVII.

A Supplement to an act entitled "An act in relation to days of recreation and holidays, and fixing the days and parts of days so to be set apart and observed, and regulating the maturity of commercial paper with respect thereto," approved March ninth, one thousand eight hundred and ninety-one.

The service of all kinds of legal processes on Saturday afternoons made legal.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That nothing in said act to which this is a supplement shall be held or construed to make invalid the service of any writ of summons, or attachment, warrant, execution, venire, subpœna or other process issued out of any court of law or equity in this state, by any officer lawfully authorized and empowered to serve the same, on any Saturday between twelve o'clock noon and twelve o'clock midnight; and all writs of summons or attachment, warrant, execution, venire, subpœna or other process issued as aforesaid, heretofore served, or which may be hereafter served, by any officer as aforesaid, on any Saturday after twelve o'clock noon as aforesaid, shall be held to be legally served, provided the same shall be served, in all other respects, in the way and manner prescribed by law.

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

Approved March 28, 1892.

CHAPTER CLXXXVIII.

A Supplement to an act entitled "An act to regulate the practice of law " (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any cause pending in the supreme court of this state shall have been heretofore or shall be hereafter tried before one of the justices of the said supreme court at a circuit court and said justice shall have died, or shall die after such trial but before signing the postea, it shall and may be lawful for the supreme court to order judgment to be entered in accordance with the proceedings in said circuit court, on the production to them of the circuit record with the postea annexed, signed by the clerk of the said circuit court and under the seal of the said circuit court; which certification it shall be the duty of the clerk of said circuit court to make, and in such case any and all questions as to the form of the postea shall be determined by the said supreme court and such postea may be amended as to matter of form by said court.

Authorizes
clerks of circuit
courts to sign
postea where
the judge trying
the case has died

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

Approved March 28, 1892.

CHAPTER CLXXXIX.

An Act to validate certain ordinances heretofore passed
by governing bodies of cities in this state.

Preamble.

WHEREAS, In certain cities of this state, the provisions of whose charters require publication of notice of the time of consideration of certain ordinances, and also of the text of the ordinances themselves to be made in a German newspaper; *and whereas*, through misapprehension or misconstruction of the law, such notices and ordinances have heretofore been published in such newspapers, in a manner not in accordance with the true intent and meaning of the law; now therefore

Validates ordinances in cities where notice was not properly published.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such notices and ordinances be and the same are hereby validated and rendered effectual to all intents and purposes as if the same had been legally published.

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

Approved March 28, 1892.

CHAPTER CXC.

A Supplement to an act entitled "An act to enable incorporated towns to construct water works for the extinguishment of fires, and supplying the inhabitants thereof with pure and wholesome water," approved March fifth, one thousand eight hundred and eighty-four, and the various amendments thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement be amended so as to read as follows: Section to be amended.

2. *And be it enacted*, That the said water commissioners, Commissioners to take oath. and every of them, appointed under the provisions of this act, before entering on the discharge of their duties prescribed by this act, shall severally take and subscribe before the clerk of said town, who is hereby authorized to administer the same, an oath or affirmation, faithfully and impartially to discharge all the duties imposed on them by this act, which said oath or affirmation shall be filed in the office of the clerk of said town; and further, And give bond. before entering upon the discharge of the duties prescribed by this act, each of said water commissioners shall repair to the board of commissioners or other governing body of said town, and enter into bond to the said town by its corporate name, with two freehold securities to be approved of by the commissioner or other governing power of said town, in such sum not less than three thousand dollars, as the said board of commissioners or other governing power may direct, conditioned for the true and faithful performance of all duties of the said office of water commissioner; no water commissioner shall be interested or concerned, directly or indirectly in any contract or agreement for furnishing labor or materials in the erection or repair of the works authorized by this act, which said water commissioners may

Compensation. make or cause to be made; but each of said water commissioners shall be entitled to receive, out of the revenues arising from said works and created by this act, the sum of one hundred dollars each year for his services as such water commissioner.

Approved March 28, 1892.

CHAPTER CXCI.

An Act to regulate the practice of midwifery.

Requiring all persons practicing midwifery to possess a certificate from the state board of medical examiners.

Manner of procuring certificate for person now practicing.

Persons beginning practice to submit to examination.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person practicing midwifery in any of its branches, shall possess a certificate from the state board of medical examiners, as hereinafter provided.

2. *And be it enacted*, That every person now practicing midwifery in cities of the first and second classes in this state shall, within thirty days after the passing of this act, personally present to the state board of medical examiners an affidavit setting forth the name, nationality, age, authority, location and length of practice, together with a certificate of good moral character from some registered physician, resident of the same district; whereupon the board, on receipt of a fee of one dollar, shall issue a certificate, signed by its president and secretary and bearing the seal of said board, entitling the person named therein to practice midwifery in this state.

3. *And be it enacted*, That every person hereafter beginning the practice of midwifery in this state, shall appear before the state board of medical examiners and submit to such examinations in midwifery as the board shall require, and if such examination is satisfactory to the examiners, the said board shall, upon the receipt of a fee of five dollars, issue a certificate the same as provided in section two of this act.

4. *And be it enacted*, That the person so receiving said certificate shall file the same or a true copy thereof with the clerk of the county in which she resides, and said clerk shall file said certificate or a copy thereof, and enter a memorandum thereof, giving the date of said certificate and the name of the person to whom the same is issued, and the date of said filing, in a book to be provided and kept for that purpose; and for which registry the said county clerk shall be entitled to demand and receive from each person registering the sum of twenty-five cents.

Certificate to be
filed with county
clerk.

5. *And be it enacted*, That the state board of medical examiners are hereby authorized and empowered to execute the provisions of this act, and shall hold examinations of candidates for certificates in midwifery, at such times and places as may be deemed expedient.

Fee of county
clerk.

State board to
hold examina-
tions.

6. *And be it enacted*, That the state board of medical examiners may refuse licenses to persons guilty of unprofessional or dishonorable conduct, and may revoke licenses for like cause, or for neglect to make proper returns to the various health officers, of births, and the cases of puerperal and other contagious diseases occurring in their practice.

May refuse and
revoke licenses.

7. *And be it enacted*, That any person shall be regarded as practicing midwifery within the meaning of this act who shall publicly profess by advertisement, sign, card or otherwise to be a midwife, or who shall, for a fee, attend to women in child birth, but nothing in this act shall be construed to prohibit gratuitous service in case of emergency, nor to the legally qualified physicians or surgeons of this state.

Who regarded as
practicing.

8. *And be it enacted*, That any person practicing midwifery in this state without first complying with the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than ten nor more than thirty days, or both, in the discretion of the court.

Penalty for non-
complying fine
of \$50, or im-
prisonment 30
days, or both.

9. *And be it enacted*, That 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 28, 1892.

CHAPTER CXCI.

An Act providing for changing, altering and re-locating the lines, boundaries and location of unopened streets and avenues, and authorizing the acceptance of dedications of streets and avenues in certain cases, in towns, boroughs and townships having an official map or map or plan establishing the boundaries of streets and avenues.

Authorizes the changing of the lines and boundaries of unopened streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any town, borough or township of this state power and authority is vested in the council or township committee to lay out and open streets or avenues in conformity to any official map thereof, or map or plan establishing the boundaries of streets and avenues therein, it shall be lawful for the council or township committee of any such town, borough or township, and they are hereby authorized and empowered, by ordinance adopted by the votes of two-thirds of all the members thereof, to amend any such map or plan by changing, altering and re-locating the lines, boundaries and location of any unopened street or avenue, or section of street or avenue shown or designated thereon.

Petition must be presented for such change.

2. *And be it enacted*, That no ordinance shall be passed or adopted unless a petition for the same signed by the owners of at least one-half the land fronting on the street or avenue or section thereof proposed to be changed or altered, setting forth particularly the changes and alterations of lines, boundaries and location desired to be made be presented to the council or township committee; upon receiving such petition the council or township committee may upon consideration thereof dismiss the same or may order the same to be published for two weeks successively, at least once in each week, in two newspapers published in the county and circulating in the town, borough or township, together with a notice design-

Notice for meeting to hear objections to be published.

nating the time and place (to be fixed by the council or township committee), when and where the council or township committee will meet to further consider and hear all objections that may be made to such petition, and at the time and place mentioned in such notice the council or township committee shall meet and shall hear all persons who shall desire to be heard in favor of or against such petition; and at any time thereafter the said council or township committee may either dismiss said petition or pass the ordinance prayed for therein; upon the passage of any such ordinance the changes and alterations in the lines, boundaries and location of any street or avenue or section of street or avenue therein made or authorized shall be delineated on said official map, map or plan, and when such street or avenue or section thereof shall be thereafter laid out and opened, it shall conform to the changes and alterations made in and by such ordinance.

Council may dismiss petition or pass ordinance prayed for.

Changes to be delineated on m.p. and streets opened if ordinance be passed.

3. *And be it enacted*, That where in any such town, borough or township as aforesaid the owner or owners of any tract or tracts of land shall have laid out the same into blocks, streets and avenues which do not conform to or correspond with the blocks, streets and avenues laid down on any such official map, map or plan, and have dedicated or shall hereafter dedicate such streets and avenues to public use, it shall be lawful for the council or township committee thereof by resolution adopted by the votes of a majority of all the members, to accept such dedication, and thereafter the streets and avenues so laid out, dedicated and accepted, shall be legal streets and avenues, and may be graded, flagged, paved, sewered and otherwise improved or repaired in manner prescribed by law for the improving and repairing of streets and avenues in such town or townships.

May accept new streets dedicated

4. *And be it enacted*, That all acts and parts of acts, general, special, local, public or private, inconsistent with the provisions of this act, be and the same are hereby repealed

Repealer.

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

Approved March 28, 1892.

CHAPTER CXCIIL.

A Further Supplement to an act entitled "An act constituting district courts in certain cities in this state," approved March ninth, one thousand eight hundred and seventy-seven.

Permits judge of one district court to hold court for another.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, notwithstanding any provisions to the contrary which may be contained in the act to which this is a supplement, or in any act supplementary thereto or amendatory thereof, the judge of any district court in any city in this state may preside in and conduct the business of any other district court when requested to do so by the judge thereof.

Salaries to be paid in monthly installments.

2. *And be it enacted*, That the salaries of all the judges and clerks of district courts, as provided for in the act to which this is a supplement, shall hereafter be paid in monthly installments.

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

Approved March 28, 1892.

CHAPTER CXCIV.

A Further 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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated on account of or by reason of the execution being directed to and the sale being made by a sheriff of a different county than the one in which the lands so sold by said sheriff are situate, or by reason of the advertisements having been set up in a different county and township than the one in which said lands so sold are located, but that any purchaser of lands at such sale who shall have paid the price therefor or complied with the conditions of such sale and received a deed for the lands thus sold, and all those claiming title by, from, through or under said purchaser, shall have as good and complete a title thereto as if the execution had been directed to and the sale made by the sheriff of the county in which said lands are situate, and the advertisements set up in the manner required by law at the time said sale was made; *provided*, that in all other respects such sale shall have been made according to law; *and further provided*, that a justice of the supreme court, shall after hearing the parties in interest, upon such notice as he shall determine to be just, determine that no one interested has been injured by the above failures to comply with the statute, and shall confirm said sale by an order, which shall be entered of record with the clerk of the county or counties in which such land is situate.

Sales of land not invalidated by reason of execution being directed to sheriff of another county and sale made by him.

Proviso.

Proviso.

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

Approved March 28, 1892.

CHAPTER CXCV.

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

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventy-sixth section of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

Width of public roads.

76. *And be it enacted*, That every public road or highway which shall hereafter be laid out or altered shall not be laid more than one hundred feet wide, unless a greater width shall be specified in the notices and application for the same ; nor shall any such road be less than two rods wide, unless the same be laid out in a city, town, village or borough, and where, by reason of buildings or other permanent erections, such road cannot be conveniently laid out of such width.

Approved March 28, 1892.

CHAPTER CXCVI.

An Act concerning boroughs.

Boroughs may issue improvement bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the council or other governing body of any borough in this state to issue bonds of the said borough under the signature of the mayor and borough clerk, with the corporate seal affixed, to be styled "improvement bonds," the aggregate of which said bonds shall not at any time exceed

ten per centum of the amount of the assessed valuation of the property in the said borough as shown by the assessor's duplicate for the preceding year; the said bonds to be issued in such sums, payable at such time or times, not longer than twenty years, and bear interest payable semi-annually at a rate not exceeding six per centum per annum, as the council shall by ordinance direct.

2. *And be it enacted*, That the proceeds of said bonds shall be appropriated, by council only, to the payment and cancellation of such indebtedness as shall have been previously incurred or may be incurred by such borough, by ordinance duly passed, for street or other improvements, for protection of property from encroachment of the sea, for lighting, for water, for drainage, for protection of property from fire or for laying out, opening, widening, vacating, altering, grading or extending of streets, avenues, roads, sidewalks and crossings for the regulating, paving, graveling, curbing, cleaning and keeping in repair of the same, and for such other and necessary public improvements as shall be within the powers of the council of said borough by virtue of the acts under which the same are incorporated, or such other and further acts applicable thereto as may be now or hereafter enacted.

Proceeds to be appropriated to payment of indebtedness for improvements.

3. *And be it enacted*, That no such issue of bonds shall be made until the people of such borough shall vote upon the issue of such bonds, and if a majority of such legal voters voting at such election shall vote against such issue then no such issue of bonds shall be made.

People to vote upon issue of bonds.

4. *And be it enacted*, That whenever in the judgment of council it shall be necessary to issue bonds as aforesaid, they may by resolution fix the amount thereof necessary to be issued, and upon receiving and filing in the office of the borough clerk a petition or consent, in writing, signed by the owners of more than one-half in value of the taxable property in said borough, as shown by the assessor's duplicate for the preceding year, which petition or consent shall, as to each property owner, specify the location an assessed value of his or her said property as shown by said duplicate, may direct a special election held to determine the question of such issue, of which special election at least thirty days' notice shall be given by advertisements signed by the borough clerk and

Special election.

posted in at least three public places in such borough, and printed once each week for at least three weeks in a newspaper printed and published in said borough, if any such exists, or if not, then in the county wherein said borough is situate.

Questions to be
submitted at
special election.

5. *And be it enacted*, That at such special election the only question submitted shall be "in favor of issue of improvement bonds," or "against issue of improvement bonds," which election shall be by ballot, shall be held by the election officers of such borough upon the day appointed by ordinance, and the polls shall be kept open the time provided by law.

Principal and
interest to be
raised by tax.

6. *And be it enacted*, That when the council of any borough shall issue bonds as herein provided, it shall and may be lawful for the said council to order and cause to be assessed and raised by tax every year such sums of money in addition to other moneys to be raised by said borough, as may be requisite to pay the interest on said bonds and so much of the principal thereof as they may deem necessary and expedient, and to provide for the payment of said bonds when due.

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

Approved March 28, 1892.

CHAPTER CXCVII.

An Act to defray certain expenses incidental to the elections held in this state under the act entitled "An act to provide for submitting proposed amendments to the constitution of this state to the people thereof," approved June nineteenth, one thousand eight hundred and ninety.

WHEREAS, In and by said act approved June nineteenth, Preamble.
one thousand eight hundred and ninety, it was among other things enacted, that the judges holding the elections thereunder should "certify and subscribe a statement of the result of the same, and cause the same, certified, to be delivered by a messenger appointed by them, to the secretary of state of this state within one week after said election;" and *whereas*, many of the messengers who were appointed for said purpose and performed the duties of such appointment, have received no compensation therefor or repayment of expenses and disbursements by them incurred and paid in discharging the duties of such appointment;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each and every of the messengers aforesaid who performed the duties of messenger as aforesaid and have not been compensated therefor, shall be entitled to receive the sum of three dollars for such service, and in addition thereto all actual expenditures by them necessarily incurred in performing said service; the same to be paid out of county funds by the county collectors of the respective counties, on the presentation of itemized bills therefor, verified by the oath of the person performing the service of messenger as aforesaid, setting forth that the said services were performed and moneys expended according to such itemized bills and have not been paid or satisfied.

Providing for the payment of messengers who delivered returns of constitutional election.

To be paid by county collectors out of county funds.

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

Approved March 28, 1892.

CHAPTER CXCVIII.

A Supplement to the act entitled "An act to empower cities to acquire land for public use by condemnation," approved March seventeenth, one thousand eight hundred and ninety-one.

Commissioners
to report total
value of land
taken and total
damages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any proceeding for the condemnation of lands or real estate now pending or hereafter to be taken by or in behalf of any city of this state, or of any board, department or special commission of or for such city, the lands or real estate to be taken and condemned, or any part thereof or interest therein, shall be limited over after one or more estates for life, or any estate therein, it shall be lawful for the commissioners or other persons whose duty it is to examine and appraise the said land and real estate and to assess the damages for the taking thereof, instead of making an award and appraisement of the value of the interest or share of each owner or person interested in said lands or real estate, to ascertain and report the total value in a gross sum of all the interests, estates or shares in said lands or real estate, whether in possession, remainder, reversion or expectancy, and the total damages for the taking of the same; and such award and appraisement, otherwise lawfully made, shall bind all persons interested in said lands, whether in possession, remainder, reversion or expectancy or by any other estate; and upon the payment of such gross sum by the city to the clerk of the circuit court of such county, the city

Award to bind
all persons.

Upon payment
city to take
possession.

may enter upon and take possession of such lands free and discharged from all trusts, estates and interests of every kind and of every person whatsoever; and in such cases it shall be lawful for the circuit court of the county in which said lands are situate, to appoint a trustee or trustees, and successors thereto if necessary, whose duty it shall be to receive, hold and invest the money awarded and paid for said lands or real estate, and to pay the income of the same and finally to dispose of and distribute the principal thereof in accordance with the several rights, interests and shares of the respective owners of or persons in interest in said lands; *provided*, that in case the lands so taken or any part thereof shall be in the possession of a tenant or tenants under a verbal or written lease the commissioners shall ascertain and report the damages of such tenant or tenants for the taking of said lands and the court may order the sum or sums allowed, be paid out of the funds and the balance held as hereinabove provided.

Circuit court
may appoint
trustees.

Proviso.

2. *And be it enacted*, That such trustee or trustees shall give such bonds or security as the said court may require, and shall account annually, or oftener if required, to the said court, and shall be allowed their lawful and proper disbursements out of the said fund or its income, and for their services as trustees such compensation as the said court shall deem adequate and just.

Trustees to give
bond.

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

Approved March 28, 1892.

CHAPTER CXCIX.

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

Preamble.

WHEREAS, There are what are commonly termed dead end roads, which have been dedicated for the public use by the owners of the lands over which they are laid, and in order to provide outlets for the same, therefore,

Course of public roads can be changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any road or any portion of any road lying in the same county, which has been legally dedicated for the public use by the owner or owners of the lands over or upon which the said road or portion thereof has been laid and having no outlet to the same, it shall and may be lawful for the dedicicator or dedicators, their heirs and assigns, of the lands over or upon which the end or portion of the said road has been laid, to alter or change the course of the end portion of the said road in order that an outlet to the said road or portion thereof may be obtained; *provided*, that a map describing the lands to be given for such purpose, and giving the courses and distances of the original road, together with the courses and distances of the alteration or extension to be made (not to exceed in length five hundred feet), be filed in the clerk's office and to be recorded by him in the road book of the county in which the said road or portion thereof lies.

Proviso

Other portion of road vacated.

2. *And be it enacted*, That the portion of the said road other than that which shall be used by reason of any alteration or change which shall be made respecting the original course of the said road or portion thereof shall, irrespective of use, be declared finally vacated, without the notice and application and any other proceedings specified in the act to which this is a supplement, or any act supple-

mentary thereto, and not subject to an appeal or certiorari.

3. *And be it enacted*, That this act shall apply only to such roads or portions of such roads which are under the control or jurisdiction of the township committees of this state and known as township roads. Only to apply to township roads.

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

Approved March 28, 1892.

CHAPTER CC.

An Act to authorize the payment of the claim of the Jordan Stationery Company for stationery furnished the house of assembly, session one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be and is hereby authorized to pay to the Jordan Stationery Company, upon the warrant of the comptroller, which warrant the comptroller is hereby authorized to draw for such sum as may be found due the Jordan Stationery Company for stationery furnished the house of assembly, session one thousand eight hundred and eighty-seven. Authorizes the payment to the Jordan Stationery Company of the sum found due for stationery furnished the house of assembly in 1887.

2. *And be it enacted*, That the said comptroller is hereby authorized to audit and examine into said claim and, with the approval of the governor, determine the amount due upon said claim. Comptroller to examine claim and governor to approve.

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

Approved March 28, 1892.

CHAPTER CCL.

A Further Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

Cadet corps in
military schools.

To be attached
to national guard

Receive no pay.

Governor to
commission a
commandant of
cadets, with
rank of captain,
when number
attending school
exceeds fifty,
and major when
it exceeds eighty

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state military board may in their discretion organize, in any brigade of this state, any body of young men attached to any military school or academy, as a cadet corps for the purpose of instruction in military science and tactics; that these cadet organizations in military schools or academies be attached to the national guard of this state and be subject to such duties and requirements as may by the officers of said guard be thought proper; but shall in no case receive any of the moneys and emoluments now allowed by law for companies of the national guard; that to further aid this object the governor of the state be and he is hereby empowered to commission at his discretion under the recommendation of the state military board a commandant of cadets acting as military instructor in such military academy or corps with the rank of captain when the number attending the school shall exceed fifty and with the rank of major when the number attending the school shall exceed eighty.

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

Approved March 28, 1892.

CHAPTER CCIII.

An Act to amend an act entitled "A supplement to an act entitled 'A bill providing for the founding of a state institution for the instruction and maintenance of indigent deaf-mutes, to be known as the "state institution for the deaf and dumb,"'" approved March thirty-first, one thousand eight hundred and eighty-two, which said act hereby intended to be amended was approved April fourteenth, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the said act mentioned in the title hereof and approved April fourteenth, one thousand eight hundred and eighty-four, be and the same is hereby amended so that henceforth said section one shall be and read as follows, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of the act to which this is a supplement, be and is hereby amended so as to read as follows:

8. *And be it enacted*, That any indigent deaf-mute of suitable capacity, who shall be a legal resident of this state, and who shall be not less than eight years nor more than twenty-one years of age, may be admitted to and be entitled to the benefits of the institution, subject to such rules and regulations as have been or may be established by the state board of education; the term of instruction shall be three years, but in any case in which it may be proper in the judgment of the said board, the term may be thereupon extended by said board for a period not exceeding eight years, which said term may be further extended by said board in meritorious cases for a period not exceeding three additional years; *and provided further*, that when it shall be found, in the judgment of said board,

Section to be amended.

Deaf-mute within certain age may be admitted to institution.

Proviso.

that any pupil now in the institution, or hereafter admitted, shall be, from want of capacity or other cause, not capable of receiving the benefits designed to be conferred, or that the retention of any pupil is or may be detrimental to the interests of the school, the said board shall have power to shorten the term of, or to dismiss from the school such pupil upon reasonable notice given to his or her parents or guardians.

Repealer.

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

Approved March 28, 1892.

CHAPTER CCIV.

A Further Supplement to the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Securities for
payment of
money belonging
to an estate or
fund may be de-
posited in sav-
ings bank, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cases where a bond or bonds shall or may be required by the ordinary, orphans' court or by a surrogate from an executor, administrator, guardian or trustee, if the value of the estate or fund is so great that the ordinary, orphans' court or surrogate deems it inexpedient to require security in the full amount prescribed by law, the said ordinary, orphans' court or surrogate, as the case may be, may direct that any securities for the payment of money belonging to the estate or fund be deposited with such savings bank, savings institution or trust company duly incorporated under the laws of this state, as may be designated by the order of the ordinary, orphans' court or surrogate.

2. *And be it enacted*, That after such a deposit has been made, the ordinary, orphans' court or surrogate may fix the amount of the bond, with respect to the value of the remainder only of the estate or fund. Amount of bond.

3. *And be it enacted*, That such deposit shall be made in the name of the executor, administrator, guardian or trustees, and the security or securities thus deposited shall not be withdrawn from the custody of such savings bank, savings institution or trust company, except upon the special order of the ordinary, orphans' court or surrogate, and no executor, administrator, guardian or trustee shall receive or collect the whole or any part of the principal of such securities so deposited without the special order of the ordinary, orphans' court or surrogate, entered in the appropriate book. How deposit made and withdrawn. Special order of ordinary.

4. *And be it enacted*, That such an order can be made in favor of the executor, administrator, guardian or trustee only where an additional bond has been given by him, or upon proof that the estate or fund has been so reduced, by payments or otherwise, that the penalty of the bond originally given will be sufficient, in amount, to satisfy the provisions of law relating to the penalty thereof, if the security so withdrawn is also reckoned in the estate or fund. When order to be made.

5. *And be it enacted*, That the savings bank, saving institution or trust company receiving such deposit shall issue a certificate in duplicate setting forth the amount and nature of securities deposited, and deliver one certificate to the ordinary, orphans' court or surrogate, and the other to the executor, administrator, guardian or trustee in each case. Certificate of deposit.

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

Approved March 28, 1892.

CHAPTER CCV.

A Further Supplement to the 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.

Validates sales
of lands.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisements of such sale in a paper published in the German language in the manner required by the acts to which this is a further supplement, but that any purchaser or purchasers of land at such sale shall be entitled to have a deed for the lands so purchased, notwithstanding the sale was advertised in but one newspaper of the county in which the land was situate; *provided*, that where the sale has been made by direction of any court of competent jurisdiction, an order confirming such sale shall first be made by said court or a judge thereof, upon it appearing to the satisfaction of said court or judge that the land has been sold for a fair price, and that it is proper in such case to make the order, and a deed or deeds so given shall operate to transfer the title to the purchaser or purchasers as fully as if the sale had been advertised in two newspapers of the county where the lands are situated, one of said newspapers being published in the German language, in the manner and as required by the acts to which this is a supplement.

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

Approved March 29, 1892.

CHAPTER CCVI.

A Further Supplement to an act entitled "An act to prescribe the notice to be given of applications to the legislature for laws when notice is required by the constitution," approved January twenty-sixth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the passage of any bill providing for the repeal of any private, local or special act incorporating any turnpike or road company in this state, the notice required by the first section of the act to which this is a supplement shall be published in a daily newspaper published in the city of Trenton for at least three consecutive days prior to the introduction of such bill.

Before the repeal of any act incorporating turnpike companies can be passed notice must be published in a Trenton newspaper three consecutive days.

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

Approved March 29, 1892.

New Jersey State Library

CHAPTER CCVII.

A Further Supplement to an act entitled "An act to provide for the incorporation of associations for the promotion of art and for the erection of monuments," approved March twenty-third, one thousand eight hundred and eighty-three.

County boards of freeholders may appropriate sums for county monuments when the sum of \$5,000 has been raised by contributions.

Proviso.

Money may be expended for purchase of land.

Supervising committee of erection.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any monument association incorporated under and by virtue of the act to which this is a supplement shall have raised the sum of five thousand dollars, by voluntary contributions or otherwise, towards the erection of a county monument to commemorate the victories of the armies of the United States or of New Jersey soldiers and sailors (from said county particularly) during our late war, the board of chosen freeholders of the county in which said monument is to be erected, or the common council of the city or town in which the same is to be located, or both, may appropriate a sum not exceeding together twice said amount so raised for the erection of such monument; *provided*, that no part of such appropriation or appropriations shall be paid over or expended until said association shall have cash in the hands of its treasurer equal to at least fifty per centum of such appropriation or appropriations, and he shall have given bond in at least double the amount of both said contributions and appropriations.
2. *And be it enacted*, That any part of the money so raised or appropriated may be expended in the purchase of land for a site for such county monument, but the title of such land shall be vested in said county.
3. *And be it enacted*, That any monument erected by moneys raised and appropriated as aforesaid shall be located and erected under the supervision of a joint committee of ten members, of whom five shall be members of such board of chosen freeholders and five members of such monument association, and approved by said board.

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

Approved March 29, 1892.

CHAPTER CCVIII.

An Act to legalize sales in certain cases.

WHEREAS, Custom and usage serves to draw the people Preamble.
of the agricultural districts to the chief towns in their
respective counties on Saturday afternoons; *and whereas*,
the rule established by custom in agricultural localities
of holding public sales of real and personal property on
Saturday has benefited both buyers and sellers, and
conserved the public interest; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* Legalizes sales of
lands made on
Saturday.
the State of New Jersey, That hereafter each and every
sale of real and personal property made by any public
officer, or by any citizen of this state on any Saturday,
shall in all respects be as valid and legal as though such
sale was made on any day on which it is now lawful to sell
and transfer real estate, and that no such sale shall be
void or illegal on account of it having been made on a
Saturday.

2. *And be it enacted*, That all acts or parts of acts, in- Repealer.
consistent or repugnant to the provision of this act, be
and they are hereby repealed and abrogated in so far as
they disagree or conflict with the provisions of this act.

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

Approved March 29, 1892.

CHAPTER CCIX.

A Supplement to an act entitled "An Act to amend an act entitled 'An act to provide for the purchase of turnpike and macadamized toll roads,'" approved June nineteenth, one thousand eight hundred and eighty-six, approved March twenty-eighth, one thousand eight hundred and ninety.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act to provide for the purchase of turnpike and macadamized toll roads," approved June nineteenth, one thousand eight hundred and eighty-six, be and the same is hereby amended so that the same shall read as follows :

Justice of supreme court upon application may appoint commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever an application in writing as hereinafter specified, shall be presented to the justice of the supreme court holding the circuit court of any county in this state wherein any turnpike or macadamized toll road is wholly or partially located, asking for the condemnation and purchase of said road or part thereof, and the acquirement thereof for free public use, such justice may, if he deem it a proper case, upon such notice to the board of chosen freeholders of said county and to the corporation owning, leasing or operating such road, as he may direct, appoint three commissioners from the counties composing such circuit, not more than two being from the same county; the said application shall be made by at least ten freeholders owning lands along or through which said road, or part thereof, runs; the said commissioners, when appointed, shall take an oath or affirmation faithfully and fairly to perform their duties, and shall thereupon proceed to estimate and determine the fair and just value of the said road or part thereof to be taken, and of the franchise of the corporation owning, leasing or operating the same, having first given ten days'

Commissioners to take oath, estimate and determine value of road, &c.

notice of the time and place when and where they will meet to hear any representations in behalf of said corporation, of the board of chosen freeholders of such county, or of said ten applying freeholders, in relation to the matter; such notice shall be served upon the president or other chief officer of such corporation, and also upon the director or clerk of the board of chosen freeholders, and shall be published in one newspaper published in such county at least one week prior to the time of such meeting; such meeting may be adjourned from time to time, at the discretion of the commissioners; *provided*, Proviso. that the provisions of this section shall not apply to turnpikes or macadamized toll roads over three miles in length; but *further provided*, that any part thereof may Proviso. be so condemned and purchased and acquired for free public use extending not exceeding three miles from any county seat or incorporated city.

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

Approved March 29, 1892.

CHAPTER CCX.

An Act in relation to interest upon assessments collectible in or by any town or township of this state or by any officer thereof, whether laid under general or special act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township or the governing body of any town in this state, to authorize and direct the collector of any assessment collectible by such township or town or any officers thereof, to receive and collect upon all such assessments remaining due and unpaid in whole

Allows assessments in township to be collected with less interest than that prescribed by law.

or in part on the passage of this act, such interest less than that prescribed by any general or special act relating to such assessment, as such township committee or governing body of any town shall fix and direct, and as shall be deemed for the best interest of such township or town; *provided*, that this act shall not be operative unless the owner or owners of property in arrears as aforesaid shall apply for a reduction of interest on their assessment or assessments within two years from the passage of this act; *and provided, further*, that in case any reduction shall be made as aforesaid, a default in the payment for sixty days of the full amount which the township committee or governing body of any town shall have authorized the collector to accept, shall render inoperative and void all the proceedings had under such application.

Where act applies.

2. *And be it enacted*, That this act shall only apply to assessments where the land on which the assessment is levied has been sold for the payment of the same and bought in by the township, and where no sale has been made under the assessment.

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

Approved March 29, 1892.

CHAPTER CCXI.

A Supplement to an act entitled "An act to incorporate benevolent and charitable associations," approved April ninth, one thousand eight hundred and seventy-five.

How organizations may be incorporated.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That organizations or associations composed of citizens of this state, whether male or

female, whose objects are patriotic in their character, and who purpose to carry out such objects by the observance of the anniversaries of events in the history of the republic, and by the collection of manuscripts, rolls and records relating to the war of the American revolution or other wars of the country, may become incorporated under the provisions of the act to which this is a supplement, and by virtue of such incorporation shall become and be vested with all the powers, rights, privileges and franchises conferred by said act and its several supplements; *provided*, such organizations or associations shall comply ^{Proviso.} with all the requirements of said act and its supplements so far forth as may be thereby required for such incorporation and as shall be applicable.

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

Approved March 29, 1892.

CHAPTER CCXII.

A Supplement to an act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof," approved May twelfth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventh of the act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof," approved May twelfth, one thousand eight hundred and ninety, be amended so as to read as follows : ^{Section to be amended.}

Act, to whom
not to apply.

7. *And be it enacted*, That this act shall not apply to the commissioned surgeons of the United States army, navy or marine hospital service, or to regularly licensed physicians or surgeons in actual consultation from other states or territories, or to regularly licensed physicians or surgeons actually called from other states or territories to attend cases in this state, or to any one while actually serving as a member of the resident medical staff of any legally incorporated hospital or asylum in this state, or to any person claiming the right to practice medicine in this state, who has been practicing therein since before the fourth day of July, one thousand eight hundred and ninety; *provided*, said right or title was obtained upon a diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution in good standing.

Proviso.

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

Approved March 29, 1892.

CHAPTER CCXIII.

A Further Supplement to an act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

Section to be
amended.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twelve of the act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven, be amended so as to read as follows :

12. *And be it enacted*, That the said local boards of health shall have power to pass, alter or amend ordinances, and make rules and regulations in regard to the public health within their several jurisdictions, for the following purposes, but such ordinance shall have three readings before its final passage, and at least one week shall intervene between the second and third readings of said ordinance and a notice stating the title of said ordinance and the date when it passed its second reading, shall be published at least one week prior to its final passage in at least one newspaper published in the township, city, town, borough or other local municipal government, if any newspaper is published therein, and if there be no newspaper published therein, then in some newspaper of the county circulating in such township, city, town, borough or other local municipal government;

Power of local boards to pass ordinances, make rules, regulations, &c.

I. To aid in the enforcement of the law as to the adulteration of all kinds of food and drink, and to prevent the sale or exposure for sale of any kind of meat or vegetable that is unwholesome or unfit for food;

II. To define and declare what shall constitute nuisances in lots, streets, docks, wharves, vessels and piers and all public or private places;

III. To prevent the spreading of dangerous epidemics or contagious diseases, and to declare that the same has become epidemic, and to maintain and enforce proper and sufficient quarantine whenever deemed necessary;

IV. To regulate, control and prohibit the keeping or slaughtering of all kinds of animals;

V. To regulate, control and prohibit the accumulation of offal and all decaying or vegetable substances;

VI. To prohibit and remove any offensive matter or abate any nuisance in any public highway, road, street, avenue, alley or other place, public or private, and to cause the removal at the expense of the owner;

VII. To compel the return of all births, deaths and marriages by physicians, midwives, nurses, clergymen, magistrates and other persons professionally officiating at such death, birth or marriage;

VIII. To secure the sanitary condition of tenement houses, jails, prisons and all public buildings;

IX. To regulate, control or prohibit the cleaning of sewers, the dumping of garbage, the filling of sunken lots or marsh lands, and to provide for the filling up of such lots or lands;

X. To regulate and control the method of construction, the location, the method or manner of emptying or cleaning, and the frequency of cleaning of cesspools and privies;

XI. To regulate and control the mode of connection of house drainage and plumbing with outside sewers, cesspools or other receptacles;

XII. To protect the public water supply and prevent the pollution of any stream of water or well, the water of which is used for domestic purposes, and to order not to be used or closed any well, the water of which is polluted or detrimental to the public health;

XIII. To remove persons infected to a suitable place, in case of contagious or infectious disease, where, in the judgment of the board, such removal is necessary and can be accomplished without any undue risk to the person or persons diseased, and to disinfect the premises when deemed necessary;

XIV. To regulate the burial and disinterment of human bodies.

Boards authorized to appoint regular meetings for the hearing of complaints.

Proviso.

Proviso.

Repealer.

2. *And be it enacted*, That it shall be the duty of township boards of health to appoint, on the day of their organization, a place, day and hour for a regular meeting for the hearing of complaints, reports and general business, and to cause to be published in the township newspaper, or a paper circulating in the township, notice of the same; *provided*, that at least one regular meeting shall be held in each year; *and provided, further*, that special meetings may be called at any time by the president of said township board, or by the state board of health, and for attendance on meetings of said boards of health the members shall receive the sum of two dollars, for each meeting, to be paid in the same manner as members of township committees are paid for their services.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

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

Approved March 29, 1892.

CHAPTER CCXIV.

A Further Supplement to the act entitled "An act relative to juries and verdicts," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter every person summoned to serve as a petit juror in the supreme court, the circuit courts, the courts of oyer and terminer and general jail delivery, the courts of common pleas and the courts of quarter sessions of the peace, who shall reside more than six miles from the court house, shall be entitled once in each week, while engaged in attending court, in addition to the per diem allowance, to mileage at the rate of four cents per mile each way from the juror's residence and return thereto.

Fixes mileage at four cents per mile each way to be paid petit jurors in addition to per diem.

2. *And be it enacted*, That the distance from the residence of the juror to the county court house shall be counted by the most direct and usual route of travel between the two points, and that it shall be the duty of the presiding judge, aided by the lay judges and sheriff of the county, to estimate and determine such distances and enter the same opposite each juror's name on a suitable list to be prepared for the purpose by the sheriff, and to certify the same by his signature, to the county clerk, who shall file the same in his office.

Manner of estimating distances

3. *And be it enacted*, That in a book suitably ruled, the county clerk shall record the names of jurors summoned, and the distance from his residence to the court house, as certified by the presiding judge, and opposite his

Book of record and receipt kept by county clerk.

name the amount due him, and have such juror write his name opposite said amount as evidence of the receipt thereof, and that the county clerk shall be entitled to receive eight cents per name for recording the same; *provided*, that this act shall not apply to counties of the first class.

Proviso.

Repealer.

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

Approved March 29, 1892.

CHAPTER CCXV.

A Supplement to an act entitled "An act to provide for the more permanent improvement of the public roads of this state," approved April fourteenth, one thousand eight hundred and ninety-one.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement be and the same is hereby amended to read as follows.

Freeholders may make macadamized roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of chosen freeholders of any county in this state shall, by resolution, have declared their intention to cause any particular road or section thereof within such county to be improved under the provisions of this act such board shall cause all necessary surveys to be made and specifications to be prepared; the specifications shall require the construction of a macadamized road, or a telford or other stone road, that will, at all seasons of the year, be firm, smooth and convenient for travel; shall be so prepared as to call for bids from which an approximate

estimate of the cost can be ascertained, and shall state the amount of security that will be required of the bidder; after said specifications shall have been prepared they shall be submitted to the board of chosen freeholders, and if such board shall approve them they shall then be submitted to the president of the state board of agriculture, and if he shall approve them it shall then be the duty of the director of the board of chosen freeholders to advertise in at least two daily newspapers, printed and circulated in the county for the period of two weeks, or if there be not two daily newspapers printed and circulating in such county, then in at least two weekly newspapers printed and circulating therein, for at least four weeks, for bids to do the work according to the specifications prepared; such advertisements shall state where bidders may find the specifications and shall name a time and place where the board of chosen freeholders, or a committee of five members thereof, of whom the director shall be one, will meet to receive bids; every such bid shall be accompanied with the bidders' bond in a sum of one thousand dollars, with security satisfactory to the board, conditioned that if the contract shall be awarded to him he will, when required by the board, execute an agreement in writing to perform the work according to the specifications; no bids shall be received by the board or any member thereof, or by said committee or any member thereof, except at such meeting, and all bids then received shall be immediately publicly read; if the bids shall be received by a committee of the board, they shall be reported to the board at the next meeting thereof with the recommendation of the committee; the board may reject all bids if in their opinion good cause exist therefor, but otherwise they shall award the contract to the lowest bidder, who shall give satisfactory evidence of his ability to perform the contract; *provided*, Bids to do the work. *however*, that the estimated amount of contracts awarded in any one year by any board of chosen freeholders shall not exceed one-half of one per centum of the ratables of the county as reported to the state comptroller for the last preceding year; the bidder to whom the contract may be awarded shall, in addition to executing the agreement to perform the work according to the specifications, also Proviso.

execute to the board of chosen freeholders a bond, conditioned for the faithful performance of the contract, in the sum specified in the advertisement for bids, and with such sureties as the board may approve; the contract shall, on behalf of the board of chosen freeholders, be executed by the director thereof, and when executed by the bidder and said director, a copy of the contract, with the estimated cost of the work, shall be forthwith filed with the president of the state board of agriculture.

Section to be amended.

2. *And be it enacted*, That the second section of said act be and the same is hereby amended to read as follows:

Governor to appoint supervisor of the construction of the work.

2. *And be it enacted*, That after a copy of the contract shall be filed with the president of the state board of agriculture as aforesaid, the governor shall, as soon as practicable, appoint a supervisor of the construction of the work under such contract, who shall receive for his services under this act five dollars per day, to be paid out of the county treasury; he shall supervise all work done under the contract, shall give his whole time thereto, shall require the provisions of the contract to be strictly adhered to by the contractor, and when the contract provides for partial payments during the progress of the work shall, as each payment becomes due and before payment shall be made, present to the board his certificate, and also the certificate of the surveyor or engineer, if any there be, stating as near as may be the total amount of work done, and that such work has been done in all respects as required by the contract; the board shall thereupon direct payment to be made by the county collector; *provided*, that, no partial payment made during the progress of the work shall exceed eighty per centum of the estimated value of the work done; the board shall have power to borrow on temporary loans on the credit of the county such sums of money for the purpose of carrying on such work as may from time to time become necessary; and when the work shall be fully completed and such fact certified to the board, and to their satisfaction, by the supervisor and surveyor or engineer, if any there be, payment in full shall be made.

Compensation.
Duties.

Payments on Contract.

Proviso.

Section to be amended.

3. *And be it enacted*, That the third section of said act be and the same is hereby amended to read as follows:

3. *And be it enacted*, That when the work under any contract shall be fully completed it shall be the duty of the supervisor to prepare a detailed and itemized statement, in duplicate, of the cost of the improvement, one copy whereof shall be filed with the board of chosen freeholders and one with the president of the state board of agriculture.

Itemized statement of cost.

4. *And be it enacted*, That the fourth section of said act be and the same is hereby amended to read as follows:

Section to be amended.

4. *And be it enacted*, That one-third of the cost of all roads constructed in this state under this act shall be paid for out of the state treasury; *provided*, that the amount so paid shall not in any one year exceed the sum of seventy-five thousand dollars; if one-third of said cost shall exceed said sum, the said seventy-five thousand dollars shall be apportioned by the governor and the president of the state board of agriculture amongst the counties of the state in proportion to the cost of roads constructed therein for such year, as shown by the statements of costs filed in the office of the president of the state board of agriculture; the governor and said president of the state board of agriculture shall, between December fifteenth and thirty-first in each year, certify to the state comptroller the amount to be paid to each county for such year, and the state comptroller shall thereupon draw his warrants in favor of the respective county collectors for the sums certified as aforesaid, upon the state treasurer, who shall pay the same out of any moneys in the state treasury not otherwise appropriated.

One-third of the cost to be paid by the state, provided that not more than \$75,000 per year is paid by the state.

Apportion amount to each county.

5. *And be it enacted*, That the seventh section of said act be and the same is hereby amended to read as follows:

Section to be amended.

7. *And be it enacted*, That whenever there shall be presented to the board of chosen freeholders of any county a petition signed by the owners of at least two-thirds of the lands and real estate fronting or bordering on any public road or section of road in such county, not being less than one mile in length, praying the board to cause such road or section to be improved under this act, and setting forth that they are willing that the peculiar benefits conferred on the lands fronting or bordering on said road or section shall be assessed thereon, in propor-

Duty of board when petition is presented for improving road.

Proviso.

tion to the benefits conferred, to an amount not exceeding ten per centum of the entire cost of the improvement, it shall be the duty of the board to cause such improvement to be made; *provided*, that the estimated cost of all improvements made under this act in any county in any one year shall not exceed one-half of one per centum of the ratables of such county for the last preceding year; it shall not be necessary for the board in such case to declare by resolution their intention to cause such improvement to be made, but they shall first cause all necessary surveys of such road or section to be made, and specifications for a macadam, telford or other equally good stone road to be prepared, and shall then proceed in the same manner as is hereinbefore required in cases where such intention has been declared; if the specifications shall not be approved by the board, or by the president of the state board of agriculture, or if all the bids for the work shall be rejected, it shall be the duty of the board to cause other specifications to be prepared, or re-advertisements for bids to be made, as often as may be necessary, and until a contract shall be awarded, to the end that the improvement prayed for may be completed with reasonable speed; *provided, however*, that no re-advertisement need be made where the lowest bid submitted shows that the improvement prayed for cannot be made within the limit of expenditure hereinafter mentioned; in every case where a contract shall be awarded after the presentation of such petition as aforesaid the board of chosen freeholders, instead of certifying to the county board of assessors two-thirds of the estimated cost of the work, as prescribed by the fifth section of this act, shall certify two-thirds of said estimated cost, less one-tenth of said estimated cost, which sum the county board of assessors shall include in their assessment of county taxes.

Proviso.

Duties of commissioner of agriculture if appointed.

6. *And be it enacted*, That if at any time hereafter the office of commissioner of agriculture shall be established in this state, then the duties imposed upon and powers vested in the president of the state board of agriculture by this supplement shall thereafter be imposed upon and vested in the commissioner of agriculture instead of the president of the state board of agriculture.

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

Approved March 29, 1892.

CHAPTER CCXVI.

An Act to amend an act entitled "An act to secure in this state the certification of marriages, births and deaths, and of the vital facts relating thereto, and to provide for the record thereof," approved February fifteenth, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twelve of an act entitled "An act to secure in this state the certification of marriages, births and deaths, and of the vital facts relating thereto, and to provide for the record thereof," approved February fifteenth, one thousand eight hundred and eighty-eight, be and the same is hereby amended so that the same shall read as follows:

Section to be amended.

12. *And be it enacted*, That it shall be the duty of the assessor and clerk of every township, and of the registrar of vital statistics and the clerk of every city, borough, town, and of the clerk of every county board of health and vital statistics, or other local municipal government in this state, on or before the fifteenth day of each calendar month, to transmit by mail to the state bureau of vital statistics at Trenton, in an envelope marked "vital statistics," all the certificates of marriages, births and deaths received by such officer, and of all "special returns" of births made during the preceding month, which certificates and returns it shall be the duty of every such officer to receive for such transmission; and every such assessor, registrar or clerk, upon receiving a certificate from the medical superintendent of said

Certificates to be transmitted to the bureau of vital statistics

Fee for each certificate.

Record of births, marriages and deaths to be kept in certain cities.

bureau of the whole number of certificates of marriages, births and deaths returned as aforesaid, shall be entitled to receive from the proper disbursing officer of the township, city, borough, town, county or other local municipal government in which such assessor, registrar or clerk shall be an officer, the sum of ten cents for each marriage, birth and death so returned, the receipt for which shall be attached to the said certificate of the said medical superintendent, and no payment shall be made unless such certificate be produced; and it shall further be the duty of the registrar of vital statistics, or the clerk of every city containing thirty thousand inhabitants or over, provided he has been or shall be so directed by the common council, or other governing body thereof, before transmitting said certificates to the state bureau of vital statistics, to make a complete record of the marriages, births and deaths occurring in such city, which record shall be a transcript of the names and vital facts appearing upon the certificates of marriages, births and deaths delivered to him as hereinbefore directed: the said record shall be so made up that the marriages, the births and the deaths shall appear in separate and distinct classes, in books of such form as may be approved by the local board of health, and for making such record the said registrar or clerk shall be entitled to receive from the disbursing officer of said city the sum of three cents for each certificate thus recorded in addition to his other fees and salary.

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

Approved March 29, 1892.

CHAPTER CCXVII.

Supplement to an act entitled "An act concerning disorderly persons," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall be apprehended in any city of this state, having concealed upon his or her person any offensive weapon, then he or she shall be deemed and adjudged to be a disorderly person; *provided*, that this act shall not apply to sheriffs, under sheriffs, deputy sheriffs, constables, policemen or other peace officers, nor to any person having a written permit from the police authorities of such city to carry such weapon.

Persons carrying a concealed weapon shall be deemed a disorderly person.

Proviso.

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

Approved March 29, 1892.

CHAPTER CCXVIII.

A Supplement to an act entitled "An act to establish in this state boards of health and a bureau of vital statistics and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever an epidemic of any contagious or infectious disease exists or is threatened or

In case of contagion local boards of health shall have power to expend sufficient funds to cover the expense thereof.

any special need arises for the protection of the public health and in the judgment of any local board of health, in any city, borough, town or other local municipal government, the expenditure of a greater sum than that already appropriated to said board for the current year is necessary, the said board of health shall so certify to the common council or other governing body having control of the finances of such city, borough, town or other local municipal government, and thereupon such local municipal authorities may appropriate and pay to such board of health such sum or sums as such board of health may certify to be necessary, and if the funds at the disposal of such local municipal authorities are not sufficient to make such payment, such local municipal authorities may borrow such sum or sums on the credit of the municipality and the said common council or other governing body may appropriate and pay to the said board of health the sum necessary for such additional expenditure.

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

Approved March 29, 1892.

CHAPTER CCXIX.

A Further Supplement to an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four.

Costs incurred by towns or townships in first class counties for improving sidewalks shall be a lien upon abutting lands.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the costs heretofore or hereafter incurred by any town or township of any county of the first class of this state, for improving sidewalks, shall be a lien upon the abutting lands in front of which such work is done, and the same may be collected in the

same manner and by the same officers as taxes are or may be collected in such towns or townships.

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

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

Approved March 29, 1892.

CHAPTER CCXX.

An Act concerning villages and townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees or other governing body of any village or township in this state, whether incorporated under general or special acts of the legislature, shall have full power to accept and recognize as a public street of the said village or township any street or road of lawful width which may have been or which shall be opened by the owners of the land through which it runs, and shall have been by them dedicated to public use as a public highway; *provided*, that the owner or owners of the property fronting upon such street or highway, and owning the land over which the said highway is laid shall deliver a declaration of such dedication, together with a map or survey of such street or road to the trustees or other governing body of the said village or township in which the said lands may lie. Governing bodies of villages or townships may accept streets. Proviso.

2. *And be it enacted*, That upon the acceptance thereof by the said governing body of the said village or township, such acceptance shall be endorsed thereon and the same shall then be put on record as a public highway in the office of the county clerk where such lands may lie, and shall thenceforth be a public highway to all intents and purposes. Acceptance to be recorded in office of county clerk.

Copies of
papers and sur-
veys to be made
in books.

3. *And be it enacted*, That the trustees or other governing body of such village or township shall cause a copy of all of the papers and surveys or maps to be made in books provided for that purpose.

Expense of
recording.

4. *And be it enacted*, That no street or highway shall be accepted as aforesaid until the parties applying to have the same accepted shall have paid the said village or township the sum of ten dollars to cover the expense of recording the same in the office of the county clerk in the county in which said village or township is situated, and also for the recording of the same in the books of the village or township provided for that purpose.

Repealer.

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

Approved March 29, 1892.

CHAPTER CCXXI.

An Act concerning clerks of boards of chosen freeholders in counties of the third and fourth classes in this state.

Terms of clerks
of boards of
chosen free-
holders in third
and fourth class
counties three
years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act in all counties of the third and fourth classes of this state the clerks of the board of chosen freeholders shall hereafter be elected for the term of three years, and shall continue in office until their successors are elected.

Repea'ed.

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

Approved March 29, 1892.

CHAPTER CCXXII.

A Supplement to an act entitled "An act regarding proceedings on forfeited recognizances and appropriating the moneys arising from the same and from fines and amercements" (Revision), approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person hath been or shall be bound by recognizance to the state of New Jersey, with condition for his or her appearance at the court of general quarter sessions of the peace, held or to be held in and for any county within this state, and said person hath not appeared, or shall not appear, for any cause agreeably to the condition of such recognizance, and said recognizance hath been or shall be forfeited and the amount thereof paid into the county treasury of said county and in accordance with law, and said person so bound by said recognizance has appeared or shall appear before said court to answer unto the charge or indictment pending against him within thirty days after said recognizance shall have been declared forfeited, it shall and may be lawful for the court of general quarter sessions of the peace in and for said county, in its discretion, to direct and order the return of the moneys so paid or to be paid upon such 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, without costs to the recognizer or recognizers who shall have paid the same into the county treasury; *provided*, application shall be made to said court within one year after said recognizance shall have been declared forfeited. Moneys received on forfeited recognizances may be refunded.

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

Approved March 29, 1892.

CHAPTER CCXXIII.

An Act to amend an act entitled "A supplement to an act entitled 'An act to secure to mechanics and others payment for their labor and materials in erecting any building,'" approved March twenty-seventh, in the year of our Lord one thousand eight hundred and seventy four, which supplement was approved June nineteenth, one thousand eight hundred and ninety.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A further supplement to an act entitled 'An act to secure to mechanics and others payment for their labor and materials in erecting any building,' approved March twenty-seventh, in the year of our Lord one thousand eight hundred and seventy-four," which supplement was approved June nineteenth, one thousand eight hundred and ninety, be and the same is hereby amended to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," approved March twenty-seventh, in the year of our Lord one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows :

Buildings and land liable to contractor.

Proviso.

Proviso.

2. *And be it enacted*, That when any building shall be erected in whole or in part by contract in writing, such building and the land whereon it stands shall be liable to the contractor alone for work done or materials furnished in pursuance of such contract; *provided*, such contract or a duplicate thereof be filed in the office of the clerk of the county in which such building is situate; *further provided*, that at the time of the making of the payment of the price stipulated and agreed to be paid therein, and every installment thereof, the contractor or

contractors shall produce and deliver to the owner or owners of such building the release of all persons who may then have furnished materials used in the erection of such building, and of all journeymen and laborers employed in the erecting or construction thereof, and who have not been fully paid and satisfied at the date of such release, releasing their lien on such building and on the said land whereon it stands, including the said lot or curtilage whereon the same is erected, for the payment of any debt contracted and owing to them for labor then performed or materials furnished for the erection and construction of such building, which release shall have thereto annexed an affidavit made and subscribed by such contractor, before any public officer of this state authorized to administer oaths and affirmations, that no person or persons, other than those named in said release, have any lien upon such building or lands by reason of work done or materials furnished for the erection and construction of such building; and any payment made upon the presentation of such release and affidavit shall be a full and complete bar to any and all claims under this act, or the act to which this is a supplement, or any and all amendments or supplements thereto now in force, for work done or materials furnished prior to the date of such release, except as to any person not mentioned in such release, who may, prior to the making of any such payment, have given notice in writing to the owner that he has or is about to do work or furnish materials for such building.

2. *And be it enacted*, That all acts or parts of acts in- Repealer.
consistent herewith are hereby repealed, and this act shall take effect immediately.

Approved March 29, 1892.

CHAPTER CCXXIV.

A Supplement to an act entitled "An act for the preservation of clams and oysters" (Revision), approved April fourteenth, one thousand eight hundred and forty-six.

Non-residents
not to gather
oysters, clams,
&c.

Penalty.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any canoe, flat, scow, boat or other vessel to be used or employed in any of the rivers, bays, or waters of this state to rake or gather clams, oysters or shell fish, unless the same shall be owned by citizens and actual residents of this state, and who have been for twelve months next preceding actual citizens and residents as aforesaid; and it shall not be lawful for any non-resident to hold a lien or mortgage on any canoe, flat, scow, boat or any other vessel engaged in the oyster business of this state as aforesaid; nor shall any such canoe, flat, scow, boat or any other vessel be commanded by any person who is not a citizen and actual resident of this state for twelve months next preceding; and any canoe, flat, scow, boat or other vessel not so owned and commanded, used and employed, as aforesaid, with all the clams, oysters, clam rakes, tongs, tackle, furniture and apparel shall be forfeited, and the same seized, secured and disposed of in the manner prescribed in the ninth and tenth sections of the act to which this is a supplement; *provided*, that this act shall not apply to or affect vessels or boats already having license in this state under existing laws.

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

Approved March 29, 1892.

CHAPTER CCXXV.

A Supplement to an act entitled "An act for the preservation of clams and oysters," (Revision), approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of an act entitled "an act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, shall be amended so as to read as follows and not otherwise, to wit:

7. *And be it enacted*, That it shall not be lawful for any person who is not at the same time an actual inhabitant and resident of this state, and who has not been for six months next preceding an actual inhabitant or resident as aforesaid, to rake or gather clams, oysters or shellfish, either on his own account and benefit or on account and benefit of his employer, in any of the rivers, bays, or waters of this state, on board of any canoe, flat, scow, boat, or other vessel; and every person who shall offend herein shall forfeit and pay twenty dollars, to be recovered and applied in the manner directed by the first section of this act; and the said canoe, flat, scow, boat, or other vessel, used and employed in the commission of such offense, with all the clams, oysters, clam-rakes, tongs, tackle, furniture and apparel, shall be forfeited, and the same seized, secured, and disposed of, in the manner described in the ninth and tenth sections of this act; *provided, however*, that nothing herein contained shall apply to or affect any act, matter or thing herein or hereby prohibited if done or committed between the first day of April and the fifteenth day of June, including both days in any year.

2. *And be it enacted*, That this act shall take effect immediately, and continue in force for the period of one year from the date of the approval hereof.

Approved March 29, 1892.

Section to be amended.

Non-residents not to gather clams, oysters, &c.

Penalty.

Proviso.

CHAPTER CCXXVI.

A Supplement to a supplement to an act entitled "An act concerning corporations" (Revision), approved April seventh, one thousand eight hundred and seventy-five, which said supplement was approved April ninth, one thousand eight hundred and eighty-seven.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act recited in the title hereof shall be amended so as to read as follows :

Amended certificates of incorporation may be filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the original certificate of incorporation filed by an association under any general law of this state for the formation of incorporated companies is defective by reason of the omission of any matter authorized or required by law to be therein stated or by reason of the object or objects therein expressed, in whole or part, being for a purpose or purposes not contemplated or recited in such general law in existence at the time of filing such original certificate, it shall be lawful for all the stockholders of such association, or the legal representatives of any deceased stockholders, to make a certificate under their hands and seals, acknowledged or proved as required for deeds of real estate, setting forth a copy of the original certificate, the time and place of recording and filing the same, and reciting the omission or defective objects of incorporation as expressed in said original certificate, and supplying such omission or the true object desired by such association for the purpose or purposes of such incorporation; the same to be of the nature or character authorized by the act to which this is a supplement, and the supplements thereto and acts amendatory thereof; which said association, upon causing said certificate to be recorded in the office of the clerk of the county where the original certificate was re-

corded, which said certificate the clerk is hereby authorized to record, and file in the office of the secretary of state, shall be deemed and taken to be and to have been a legal corporation for the objects stated in said certificate, to be recorded and filed from the time of filing such original certificate; *provided, however*, that this act shall not in any manner affect any proceedings pending in any court. Proviso.

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

Approved March 29, 1892.

CHAPTER CCXXVII.

A Further Supplement to an act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of an act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, one thousand eight hundred and forty-six, and of the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any oyster boat or vessel is drifting or sailing over any public oyster bed or grounds in Delaware bay or Maurice river cove, in this state, during the time when the taking or catching of oysters is prohibited by law, it shall be unlawful for the men or crew of said oyster boat or vessel, or any of them, to handle the dredges or to throw or cast the same overboard for any purpose whatever, and any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or by imprisonment at hard labor for a period not exceeding one year, or both, at the discretion of When dredges not to be handled. Penalty.

the court; and any boat or vessel employed in the commission of any offence against the provision of this act, with all her tackle, apparel and furniture, shall be forfeited, and the same seized, secured and disposed of in the manner prescribed in the eighth, ninth and tenth sections of the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred forty-six.

Repealer.

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

Approved March 29, 1892.

CHAPTER CCXXVIII.

An Act to amend an act entitled "An act to amend an act entitled 'An act to establish a system of public instruction'" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, which was approved May sixth, one thousand eight hundred and eighty-nine.

Salary of county
superintendents.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable county superintendents of schools to devote more time to the discharge of the duties of their office, and to properly examine and direct the schools under their charge, by frequent visits to said schools and counsel and direction to teachers in the proper method of instruction, their yearly salary shall be at the rate of twelve and a half cents for each child in the county between the ages of five and eighteen, as ascertained from the last annual report of the state superintendent; *provided*, that the salary shall in no case be less than eight hundred dollars, nor

Prov' so.

more than thirteen hundred dollars; *and provided*, that the salary of a superintendent having fifty or more district schools to visit shall not be less than one thousand dollars; *and provided*, that in case any city or town shall have a city or town superintendent of schools, the children belonging to such city or town shall not be counted in determining the salary of the county superintendent, and the supervision of the schools of said city or town, which would otherwise belong to the county superintendent shall devolve upon the city or town superintendent. Proviso.

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

Approved March 29, 1892.

CHAPTER CCXXX.

A Supplement to an act entitled "An act for the settlement and relief of the poor," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-ninth section of the act to which this is a supplement shall be so construed that the chairman of the committee on the poor house or president of the board of trustees of every poor house, by and with the consent of a majority of said committee or board, or the director of the board of chosen freeholders of any county in this state, by and with the consent of a majority of the board of chosen freeholders, may bind out the poor children, which in said act they are authorized and empowered to bind out, to a suitable person or persons, whether resident in this state or some other state; *provided always*, that if bound to a resident or residents of another state, the articles of indenture, and Who empowered to bind out children.

Proviso.

person or persons to whom such poor child shall be bound, shall be approved by one of the justices of the supreme court of this state, or by the presiding law judge of the county in which said poor house is situated.

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

Approved March 30, 1892.

CHAPTER CCXXXI.

A Further Supplement to an act entitled "An act to provide for the incorporation and regulation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

Standard form of
fire insurance
policy to be pre-
pared.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioner of banking and insurance shall prepare a printed form in blank, of a contract or policy of fire insurance, together with such provisions, agreements or conditions as may be endorsed thereon or added thereto, and form a part of such contract or policy, and file the same in the office of the secretary of state, on or before the first day of July, one thousand eight hundred and ninety-two, similar in all respects, except as hereinafter mentioned, to the contract or policy of fire insurance provided by law for the states of Pennsylvania and New York, and such form when filed, shall be known and designated as the "Standard fire insurance policy of the states of New York, Pennsylvania and New Jersey."

After January 1,
1893, no other
than the stand-
ard form to be
used.

2. *And be it enacted*, That on and after the first day of January, one thousand eight hundred and ninety-three, no fire insurance company, corporation or association, their officers or agents, shall make, issue, use or deliver for use, any fire insurance policy, or a renewal of any

fire policy on property in this state other than such as shall conform in all particulars as to blanks, size of type, context, provisions, agreements and conditions, with the printed form of contract or policy filed in the office of the secretary of state as provided for in the first section of this act, and no other or different provision, agreement, condition or clause shall in any manner be made a part of said contract or policy, or be endorsed thereon or delivered therewith, except as follows, to wit:

I. The name of the company, its location and place of business, the date of its incorporation or organization, whether it is a stock or mutual company, the names of its officers, the number and date of the policy, and if it be issued through a manager or agent, the words "this policy shall not be valid until countersigned by the duly authorized manager or agent of the company at _____," may be printed on policies issued on property in this state;

II. Printed or written forms of description and specification, or schedules of the property covered by any particular policy, and any other matter necessary to clearly express all the facts and conditions of insurance on any particular risk (which facts or conditions shall in no case be inconsistent with, or a waiver of any of the provisions or conditions of the standard policy herein provided for), may be written upon or attached or appended to any policy issued on property in this state;

III. A company, corporation or association organized or incorporated under and in pursuance of the laws of this state or elsewhere, if entitled to do business in this state, may, with the approval of the commissioner of banking and insurance, if the same is not already included in the standard form to be filed in the office of secretary of state, as provided for in the first section of this act, print on its policies any provisions which it is by law required to insert therein, if such provision is not in conflict with the laws of this state, or of the United States, or of the provisions of the standard form provided for herein; but said provision or provisions shall be printed apart from the other provisions, agreements or conditions of the policy, under a separate title, as fol-

What other provisions, &c., may be added.

Name, location, date of organization, etc.

Matters necessary to clearly express conditions of insurance.

Provisions required by law to be inserted may be printed on policies with the approval of the commissioner.

lows: "Provisions required by law to be stated in this policy."

Foreign fire insurance companies to do business in the state only through authorized resident agents.

3. *And be it enacted*, That it shall be unlawful for any fire insurance company, corporation or association whatsoever, to transact business in this state, except through duly constituted and appointed agents resident therein, who shall be licensed by the commissioner of banking and insurance; upon the full compliance by said foreign fire insurance company, corporation or association, with all the requirements of law, said license to be for the calendar year ending December thirty-first, and may be renewed annually thereafter, subject to the foregoing requirements.

Brokers.

4. *And be it enacted*, that the commissioner of banking and insurance may license any person as a broker to negotiate contracts of fire insurance for others than himself, for a compensation, by virtue of which license he may effect insurance with any domestic company, or negotiate such contracts and effect insurance with the agents resident in this state, of any foreign company licensed to do business in this state, as provided in the act to which this is a supplement, but with no others; for such license he shall pay a fee of ten dollars, authorizing him thus to act until the thirty-first day of the next December; and on payment of a similar fee his license may be renewed from year to year, ending on the thirty-first day of December; whoever without such license, assumes to act as such broker, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to imprisonment of not more than sixty days for each offence and to pay such fine as is provided for in this act.

Fee for license.

Penalty.

Penalty.

5. *And be it enacted*, That any fire insurance company, its officers or agents, or either of them, violating any provisions of this act, shall be guilty of a misdemeanor, and upon complaint made by the commissioner of banking and insurance, or by any citizen of this state, shall upon conviction thereof be punished by a fine of not less than twenty-five nor more than one hundred dollars for the first offence, and of not less than one hundred nor more than two hundred and fifty dollars for each subsequent offence, but any policy made, issued or delivered, contrary to the provisions of this act, shall, notwith-

standing, be binding upon the company issuing the same.

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

Approved March 30, 1892.

CHAPTER CCXXXII.

An Act to secure the payment of laborers, mechanics, merchants, traders and persons employed upon or furnishing materials toward the performing of any work in public improvements in cities, towns, townships and other municipalities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall hereafter as laborer, mechanic, merchant or trader, in pursuance of, or in conformity with the terms of any contract for any public improvement made between any person or persons and any city, town, township or other municipality in this state authorized by law to make contracts for the making of any public improvement, perform any labor or furnish any material toward the performance or completion of any such contract made with said city, town, township or other municipality, on complying with the second section of this act, shall have a lien for the value of such labor or materials or either, upon the moneys in the control of the said city, town, township or other municipality, due or to grow due under said contract with said city, town, township or other municipality, to the full value of such claim or demand, and these liens may be filed and become an absolute lien to the full and par value of all such work and materials, to the extent of the amount due or to grow due under said contract, in favor of every per-

Mechanics and others working on public improvements or furnishing materials for public improvements in cities, towns, townships or other municipalities shall have a lien upon public moneys thereof.

son or persons who shall be employed or furnish materials to the person or persons with whom the said contract with said city, town, township or other municipality is made, or the sub-contractor of said person or persons, their assigns or legal representatives; *provided*, that no city, town, township or other municipality shall be required to pay a greater amount than the contract price or value of the work and materials furnished, when no specific contract is made in the performance of said work by the contractor.

Proviso.

Notices to be filed by claimants.

And statement of terms and conditions of contracts.

Lien book.

Entries in.

Action to be commenced.

2. *And be it enacted*, That at any time before the whole work to be performed by the contractor for any such city, town, township or other municipality is completed or accepted by said city, town, township or other municipality, and within fifteen days after the same is so completed or accepted, any claimant may file with the chairman or head of the department, council, board, bureau or commission having charge of said work, and with the financial officer of said city, town, township or other municipality, notices stating the residence of the claimant, verified by his oath or affirmation, stating the amount claimed, from whom due, and if not due, when it will be due, giving the amount of the demand after deducting all just credits and offsets, with the name of the person by whom employed, or to whom the materials were furnished; also a statement of the terms, time given, conditions of his contract, and also that the labor was performed or materials were furnished to the said contractor, and were actually performed or used in the execution and completion of the said contract with said city, town, township or other municipality, but no variance as to name of the contractor shall affect the validity of the said claim or lien.

3. *And be it enacted*, That the financial officer of said city, town, township or other municipality shall enter the claims in a book kept for that purpose by him, called the "lien book;" such entry shall contain the name and residence of the claimant, the name of the contractor, the amount and date of the filing, and a brief designation of the contract upon which the claim is made.

4. *And be it enacted*, That no lien provided for in this act shall be binding upon the property therein described,

unless an action be commenced within ninety days from the filing of the same, and a notice of pendency of said action be filed with the financial officer of said city, town, township or other municipality.

5. *And be it enacted*, That the lien shall attach from the time of filing thereof to the extent of the liability of the contractor for the claim preferred upon any funds which may be due or to grow due to said contractor from said city, town, township or other municipality under the contract against which the lien is filed. Lien to attach from time of filing.

6. *And be it enacted*, That any claimant who has filed the notice mentioned in the second section of this act, may enforce his claim against the said fund therein designated and against the person or persons liable to the debt by a civil action; actions to determine or terminate said liens may be commenced by the contractor or said city, town, township or other municipality in any court of competent jurisdiction. Actions to enforce claims.

7. *And be it enacted*, That the plaintiff must make all parties who have filed claims, the contractor and the said city, town, township or other municipality, parties defendant, and as to all parties against whom no personal claim is made, the plaintiff may, with the summons, serve a notice stating briefly the object of the action, and that no personal claim is made; but all parties who have filed claims under this act may, by answer in such action, set forth the same, and the court in which the action is brought may decide as to the extent, justice and priority of the claims of all parties to the action. Who are defendants.

8. *And be it enacted*, That the court in which the action is brought shall determine the validity of the lien, the amount due from the debtor to the contractor under his contract, and from the contractor to the respective claimants, and shall render judgment, directing that the said city, town, township or other municipality shall pay over to the claimants for the work done and the materials furnished in the execution of said contract or contracts, whose claims or liens it shall hold to be valid and just, in the order of their priority as determined by said court to the extent of the sum found due to said claimants from the contractor, so much of said funds or money which may be due from the said city, town, township or Court to decide upon priority of claims. To render judgment.

- other municipality to the contractor, under his contract, against which the lien is filed, as will satisfy their liens or claims, with interest and costs, to the extent of the amount due from said city, town, township or other municipality to said contractor; the judgments rendered under this act may be enforced by execution and an appeal may be taken therefrom in the same time and manner as in civil actions.
- To be enforced by execution.
- How rights and priorities to be determined.
9. *And be it enacted*, That in case of a number of liens in favor of different persons, their rights and priorities shall be determined as follows: persons standing in equal degrees as co-laborers or persons furnishing materials shall have priority according to the date of the filing of their liens; but laborers shall have a lien prior to other liens, upon filing their notices any time before payments are due and made, when several lien notices are filed for the same demand, the judgment shall provide for the proper payments according to priority, so that under liens filed, double payments shall not be required.
- Separate actions may be consolidated.
10. *And be it enacted*, That when separate actions are commenced, the court in which the first action was brought may upon the application of said city, town, township or other municipality consolidate them.
- Costs in action.
11. *And be it enacted*, That costs in all actions shall rest in the discretion of the court and shall be awarded to or against the plaintiff or defendants, or any or either of them, as may be just.
- Personal action may be maintained.
12. *And be it enacted*, That nothing contained in this act shall be constructed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished, to maintain a personal action to recover such debt against the person liable therefor.
- How lien may be discharged.
13. *And be it enacted*, That the lien may be discharged as follows: first, by filing a certificate of the claimant or his successor in interest, duly acknowledged and proved, stating that the lien is discharged; second, by lapse of time, when ninety days have elapsed since the filing of the claim and no action shall have been commenced to enforce the claim; third, by satisfaction of any judgment that may be rendered in actions to foreclose said liens or claims.

14. *And be it enacted*, That the term "contractor" as Construction of term "contractor." used in this act, shall be construed as meaning the person with whom the contract with the said city, town, township or other municipality is made, his assigns or legal representatives.

15. *And be it enacted*, That this act shall take effect immediately; but nothing herein contained shall affect the validity of any claims or liens upon moneys due or to grow due under contracts made by cities, towns, townships or other municipalities in this state prior to its passage; all acts and parts of acts inconsistent with the terms of this act are hereby repealed. Act not to affect validity of claims or liens prior to its passage. Repealer.

Approved March 30, 1892.

CHAPTER CCXXXIII.

An Amendment to an act entitled "An act to provide for the organization of fire patrol or protective associations," approved March 4th, 1879.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act approved March fourth, eighteen hundred and seventy-nine, and of which this act is an amendment be and the same is hereby amended so as to read as follows: Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state, it shall be lawful to organize a fire patrol or protective association, for the purpose of saving life and property from destruction by fire, which organization shall be effected at a meeting to be held for the purpose, and upon notice of the time and place of said meeting, which notice shall be published not less than ten days in a daily newspaper published in said city and shall be signed by not less than Organization, how effected.

three persons, who shall be officers or duly appointed managers, superintendents or agents of fire insurance companies in said city or doing business there; at such meeting for the purpose of organization, it shall be lawful for any fire insurance company doing business therein to be represented by an officer, manager, superintendent or agent; and such officer, manager, superintendent or agent shall have the right to participate in said meeting and to vote therein; *provided, however*, there shall not be less than three fire insurance companies, whose officers, agents, managers or superintendents shall participate in the formation of any such fire patrol or protective association.

Proviso.

Repealer.

2. *And be it enacted*, That all acts or parts thereof so far as they conflict herewith be and the same are hereby repealed, and that this act shall take effect immediately.
Approved March 30, 1892.

CHAPTER CCXXXIV.

A Supplement to an act entitled "An Act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five.

Election of trustees.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That when the societies or congregations belonging to any one denomination or classification, incorporated or having a right to become incorporated, under the act to which this is a supplement or any of the supplements thereto, have formed or shall form a general organization for this state, in which all of the societies or congregations of that denomination or classification are represented or are entitled to representation, it shall be lawful for such state organization or the executive committee thereof to elect any number of

its members as trustees, and such trustees when so elected may take upon themselves a name and certify the same under their hands and seals, as provided in the act to which this is a supplement, and transmit such certificate to the secretary of state, whose duty it shall be to record the same, for which he shall be entitled to receive two dollars.

Certificate to be recorded in office of secretary of state.

2. *And be it enacted*, That such trustees and their successors shall by such name thereupon become a body corporate, with all the powers and privileges provided in the act to which this is a supplement and the supplements thereto, and that it shall be the duty of such state organization or the executive committee thereof to cause notice of all elections of trustees to be given personally to all the members of such state organization or executive committee or mailed to them at their post-office addresses, if resident in this state, at least ten days before such election, unless such notice shall be waived.

To become a body corporate.

3. *And be it enacted*, That such body corporate shall have power to purchase, hold, mortgage and convey real and personal property and erect buildings thereon for purposes of business, recreation or resort, which property and buildings shall be for the use of the members of such societies or congregations and others, subject to such regulations as shall be adopted by such corporation and approved by such state organization or executive committee.

Power to hold property.

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

Approved March 30, 1892.

CHAPTER CCXXXV.

An Act for the preservation of fish, and to prevent fishing in private waters of this state, between the first day of December and the first day of the following April, in every year, under certain conditions.

Time for fishing
in private waters
prescribed.

Owners of
private waters to
give notice.

Penalty.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall not be lawful for any person or persons to fish with hook and line, or otherwise to catch or take any bass, or any pike, or pickerel in any of the private lakes, ponds or other waters of this state, between the first day of December and the first day of the following April in every year in cases where the owner or owners of such private lakes, ponds or other waters shall cause a written or printed notice that fishing in such particular private lake, pond or other water as may be briefly described in such notice, is forbidden during the period aforesaid, to be posted in at least five of the most conspicuous places on or near the shores of such private lake, pond or other waters as may be described in such notice, for four weeks at least, before the first day of December in each year in which such fishing is prohibited.

2. *And be it enacted*, That if any person shall offend against the provisions of the first section of this act, he shall forfeit and pay a penalty of twenty dollars for each offence, to be sued for and recovered in an action of debt in any court of competent jurisdiction, one-half of which sum shall go to the informer or person suing for the same, and one-half thereof to the overseer of the poor of the township in which such offence was committed, for the benefit of the poor fund of such township; *provided*, that nothing in this act shall be construed to prevent the owner or owners of such private ponds, lakes or other waters from fishing therein in the same manner and at

such times as they might lawfully have done had this act not been passed.

3. *And be it enacted*, That this act shall be deemed a Repealer. public act, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 30, 1892.

CHAPTER CCXXXVI.

A Further Supplement to the act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all boroughs incorporated under this act and the several supplements thereto, the exclusive power of laying out roads and streets within the borough limits in the manner prescribed by the act to which this is a supplement and the supplements thereto, shall be vested in the mayor and common council of every such borough, and if in making the assessment to pay for the costs, expenses and damages incurred in the laying out of such road, as required by the act to which this is a supplement and the supplements thereto, it shall appear that the costs, expenses and damages exceed the amount assessed against the lands benefited, such excess shall be assessed against the inhabitants of said boroughs in their corporate capacity, and it shall be the duty of the mayor and common council of all such boroughs to cause all such sums as shall be necessary to pay the same, to be assessed and collected in the same manner that all other moneys for borough purposes shall be assessed and collected.

Exclusive power
of laying out
roads and streets
vested in mayor
and common
council.

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

Approved March 30, 1892.

CHAPTER CCXXXVII.

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

Land purchased and added to a tract shall be assessed in the township in which it is situated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where a farm or tract of land lying adjacent to lands upon which the owner resides shall be, or may heretofore, since one thousand eight hundred and eighty-one, have been, acquired by such owner, by transfer separate from the transfer by which he acquired the lands on which he resides, such farm or tract so acquired shall not, by reason of the change of ownership, be assessed in the township where such owner resides, but shall be assessed in the township where the same is situate.

Repealer.

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

Approved March 30, 1892.

CHAPTER CCXXXVIII.

An Act providing for the publication of the minutes of official boards in incorporated towns.

Incorporated towns to have minutes of official boards published.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That with a view to the furnishing of precise and accurate public information of the proceedings of the municipal boards of the incorporated

towns in this state, it shall be lawful for the common council of any incorporated town, where provision is not now made for reporting and publishing the official minutes, to have the minutes of the meetings of said common council and the other municipal boards of such incorporated town published in a daily newspaper printed and published within the limits of such town; *provided*, Proviso. that the costs of such publication shall not exceed the rate of legal advertisements, as now regulated by law; *and further provided*, that the published minutes of every Proviso. meeting shall contain a full copy of all ordinances presented at such meeting.

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

Approved March 30, 1892.

CHAPTER CCXXXIX.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventeenth section of the act to which this is a supplement be amended to read as follows :

17. *And be it enacted*; That if the complainant reside out of this state, he shall, before the issuing of a process to a appear, cause a bond to be executed by at least one sufficient person, being a freeholder and resident within this state, to the defendant in the penal sum of one hundred and fifty dollars, conditioned to prosecute the suit with effect and to pay costs to the defendant, if he shall be entitled thereto, and have the same filed with the clerk, or, in default thereof, the complainant's solicitor, who

Section to be amended.

When security for costs required or solicitor held responsible, or suit stayed.

Proviso.

shall file the said bill and issue process thereon, shall be responsible to pay the defendant such costs as he may be entitled to by the order of the court, to an amount not exceeding the penalty of said bond, and whether the said bill and process be signed by the complainant or his solicitor, then the said suit may be stayed until such bond be filed, and if it be not filed by the time appointed by the court, the bill shall be dismissed with costs; *provided*, that in lieu of such bond the complainant may deposit with the clerk the sum of one hundred and fifty dollars in money.

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

Approved March 30, 1892.

CHAPTER CCXL.

A Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

Moneys arising from sales and settlement of accounts, &c., to be applied to purchaser of stores, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the quartermaster-general be and he is hereby authorized, upon the approval of the commander-in-chief, to apply to the purchase of ordnance and ordnance stores, camp and garrison equipage and other military stores of any description whatsoever, required for the proper arming, equipment and maintenance of the national guard, and repairs at the state arsenal, such moneys as may be derived from sales of obsolete and unserviceable military stores, ammunition, settlement of officers' accounts, et cetera, and also that the proceeds derived from the sales of hay, farming implements and utensils of any description, sales of live stock,

pasturage of horses and cattle at the state camp grounds be applied to improvements, and current expenses of said camp grounds; *provided*, that all such expenditures shall be accounted for at the close of each fiscal year by properly certified vouchers of receipt, to be approved by the commander-in-chief and filed with the comptroller of the treasury, with a statement of such expenditures, and that the amounts received and expended each fiscal year shall appear in the annual report of the quartermaster-general. Proviso

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

Approved March 30, 1892.

CHAPTER CCXLI.

An Act concerning unexpended appropriations voted for and raised in cities of the second class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or other legislative body of any city of the second class in this state, to carry forward by resolution any unexpended appropriation, or balance of any appropriation, of money heretofore raised and voted for by the inhabitants of any such city for any purpose whatsoever, and to expend the same in any subsequent year to that in which such appropriation or appropriations were voted upon and raised, for the same or similar objects to those for which such appropriations were voted for; *provided*, said resolution shall state the amount so carried forward and the specific object or objects or fund to which the same is to be appropriated; and such appropriations and balance of appropriations so carried forward shall be used and expended exclusively for the Permits governing bodies of cities of the second class to carry forward by resolution any unexpended appropriation to be expended for objects originally named.

Proviso

purposes mentioned and prescribed in such resolution; said resolution shall not be passed until after the close of the fiscal year in which such appropriations shall be voted for.

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

Approved March 31, 1892.

CHAPTER CCXLIII.

An Act to amend an act entitled "A further supplement to an act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six, and which said supplement was approved March ninth, one thousand eight hundred and eighty-two.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said act be amended so as to read as follows:

Unexpended balances and appropriations of money, how appropriated.

That whenever an unexpended balance of money remains in the treasury of any township after the close of the fiscal year in which such money was granted and raised, and whenever any unappropriated sum or sums of money remain on hand, whether derived from surplus tax receipts, from interest, from penalties, from rents, from licenses, or from any other source of income or receipt whatever, it shall be lawful for the township committee of said township, by resolution duly recorded in their minutes, to appropriate such unappropriated surplus from time to time to any purpose of public expenditure which is or may be recognized by the law of this state as a lawful purpose for which moneys may be granted, raised and expended in townships, whether any

appropriation has already been voted or not by the inhabitants of said township or other authorized authority for said purpose, and whether the appropriation so voted has been expended or not.

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

Approved April 4, 1892.

CHAPTER CCXLVI.

A Supplement to an act entitled "An act amending 'An act for the formation of borough commissions,'" approved March seventh, one thousand eight hundred and eighty-two, approved March twenty-third, one thousand eight hundred and eighty-eight.

WHEREAS, doubts have arisen in the formation of some of the borough commission governments, under and by virtue of the act creating borough commissions, and the several supplements thereto, as to whether the petition presented to the chosen freeholder of the townships in which said borough commissions were situate, did contain the signatures of the persons owning at least one-half in value of the taxable real estate within the limits of said proposed borough commissions as the same appears upon the assessor's duplicate of the townships, to call a special election, for the purpose of determining whether said proposed borough commission shall be formed or not; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every borough commission established under and by virtue of the act to which this is a supplement and the several supplements thereto, shall be deemed and is hereby constituted a true and lawful borough commission, with all the powers conferred

Preamble.

Borough commissions constituted a true and lawful commission.

Proviso.

by said act, whether said petition as aforesaid presented to the chosen freeholders of said townships contained the requisite signatures of property owners or not; *provided*, that at the election held for the purpose of determining said question as to the constitution of said borough commission a majority of the legal voters of said territory voting at said election have so voted, and all the other proceedings are regular and in due form as provided by said statute and the several supplements thereto.

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

Approved April 4, 1892.

CHAPTER CCXLVII.

An Act to provide for the publication of legal advertising in newspapers devoted to the interests of organized labor in cities containing fifty thousand or more inhabitants.

Authorizes certain labor papers to publish laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities containing a population of fifty thousand or more inhabitants, as shown by the last preceding census, all advertising required by law, pertaining to affairs connected with the city government, shall be made in a newspaper specially devoted to the interests of organized labor, if one be published in said city, in addition to the official newspapers now authorized to be designated by law; *provided*, said paper has been published at least once a week for a period of three years prior to the passage of this act, and that the fees for publication shall not exceed the fees now allowed by law.

2. *And be it enacted*, That all acts or parts of acts in- Repealer.
consistent with this act be and the same are hereby re-
pealed, and that this act shall take effect immediately.
Approved April 4, 1892.

CHAPTER CCXLVIII.

An Act to repeal an act entitled "An act to amend an act entitled 'An act constituting courts for the trial of small causes'" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, which act was approved April seventh, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of* Act repealed.
the State of New Jersey, That the act entitled "An act to amend an act entitled 'An act constituting courts for the trial of small causes'" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, which act was approved April seventh, one thousand eight hundred and ninety, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.
Approved April 4, 1892.

CHAPTER CCXLIX.

An Act concerning the docketing of judgments recovered in the courts for the trial of small causes in the state of New Jersey.

Docketing of judgments.

Statement, what to contain.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That final judgments of courts for the trial of small causes in any county in this state, if not less than ten dollars, including costs, remain due on such judgments, may be docketed in the court of common pleas in that county, and that in docketing any judgments from the courts for the trial of small causes in any county in this state, it shall only be necessary to file with the clerk of the court of common pleas a statement signed by the justice of the peace before whom the said judgment was recovered in the court for the trial of small causes, under his hand and seal, which statement shall only be required to contain the names of the justice before whom such judgment was obtained, and the names of the parties, the amount and date of judgment, and the date of issue and return of the execution, if any, and it shall not be necessary before obtaining such statement for docketing from the justice of the peace, that execution on the judgment shall issue out of and be returned unsatisfied unto the court where judgment was rendered, and that said statement may be made and taken at any time after judgment in the court for the trial of small causes, and be of the same force and effect as if execution had been issued and returned as now required by law; *provided, however*, that an affidavit of the plaintiff, or his attorney, shall be filed with the clerk of the court of common pleas with said statement setting forth that the said judgment about to be docketed is bona fide, and is still due and unpaid, in whole or in part; and that the fee of the clerk of the court of common pleas for filing said statement and docketing said judgment will be one dollar, and the fee

of the justice of the peace for issuing said statement shall be fifty cents, and that any judgment docketed as aforesaid shall operate as a judgment in a suit originally commenced in said court of common pleas to the same extent as now provided by law.

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

Approved April 4, 1892.

CHAPTER CCL.

A Supplement to an act entitled "An act to create county boards of license commissioners and to define their powers and duties," approved March twentieth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the county board of license commissioners to grant transfers of licenses which shall have been granted by said board, and to grant licenses for the fractional parts of a year at the same rate of license fee per annum fixed by the said board, upon the same terms and conditions as are now, or which may be hereafter, required by any ordinance or ordinances passed by any board of excise commissioners created by ordinance of the city council or other governing body of any city, under and by virtue of an act of the legislature of this state entitled "An act to establish an excise department in cities of this state," approved April eighth, one thousand eight hundred and eighty-four, as amended June first, one thousand eight hundred and eighty-six, or where there are no city excise boards, and the city council thereof have power to grant licenses, then, under such terms and conditions as said city council thereof grants transfers of licenses.

- Fee of secretary. 2. *And be it enacted*, That the secretary be entitled to receive the sum of five dollars for each license to be paid by the applicant when petition is filed.
- Repealer. 3. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act take effect immediately.
- Approved April 4th, 1892.

CHAPTER CCLI.

A Supplement to an act entitled "An act for the formation and government of boroughs," approved April second, one thousand eight hundred and ninety-one.

Duties of
assessors in
boroughs.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all boroughs which are or hereafter may be incorporated under the act to which this act is a supplement, the assessors shall, within said boroughs, possess the like powers and perform the like duties as assessors of the several townships of this state, and they shall, on or before the third Tuesday of August in each year, deliver the duplicate of such assessment to the mayor and council for revision, addition and correction, as provided by law, and said assessor shall be a member of the county board of assessors of the county within which said borough is situated.

Duties of col-
lectors.

2. *And be it enacted*, That the collector, within the limits of said borough, shall possess and perform the like powers and duties as the collectors of the several townships in this state, and in addition thereto he shall collect, have, hold and receive all moneys assessed or raised by taxation or assessment for any and all purposes within the borough, and also all fees for licenses, fines, penalties and other moneys in any way belonging to the borough, and which said taxes, assessments and moneys

of every kind and nature, except only school moneys, shall be held by said collector and be paid out by him only upon the warrant of the mayor and council, signed by the mayor, attested by the borough clerk with the corporate seal affixed, which said warrant shall, among other things, state the fund against which drawn, and be dated the day upon which the same was ordered issued by the mayor and council; *provided, however*, that it shall not be lawful for the mayor and council to order warrants drawn on the collector, except at a regular meeting or an adjourned regular meeting, and that all meetings of the mayor and council shall be held within the borough.

Proviso.

3. *And be it enacted*, That there shall be apportioned to the borough by the proper officers, of which the borough assessor shall be one, in the manner provided by the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto, the just proportion of the state and county taxes to be raised within the borough, which tax shall be assessed and collected by the borough assessor and collector, respectively, and shall be paid to the county collector by the borough collector under the warrant of the mayor and council.

Taxes to be assessed and collected by assessor and collector.

4. *And be it enacted*, That the school taxes to be levied, assessed, and collected, within said borough, shall be levied, assessed and collected by the borough assessor and collector, respectively, and said collector shall receive and hold the school moneys so collected, within said borough, in trust, to be paid out on the order of the district clerk or treasurer of the school district, or school borough, in the manner provided by the act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Assessment and collection of school tax.

5. *And be it enacted*, That all taxes shall be and become due and payable on the day, in each year, fixed by law in the county wherein such borough is situated, and that in case any taxes so assessed or levied upon or on account of any real estate, shall be and remain due, unpaid and in arrear, for the space of six months after such day, then and in that case it shall be the duty of the mayor and council to cause the same to be collected by issuing

When taxes are due.

their warrant to the borough collector for the sale of the lands or real estate on account of which such taxes were so levied and assessed, in the same manner and to the same effect, in all things, as provided in and by an act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine, and the several supplements thereto.

Repealer.

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

Approved April 4, 1892.

CHAPTER CCLII.

An Act for the protection of travelers on the public roads in this state.

When any public road has become unsafe town committee shall notify the board of chosen freeholders, who shall repair the same.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That when any public road of this state shall be unsafe to travelers by reason of unprotected embankments or unguarded bridge approaches or exposure to overflow for a greater distance than one hundred feet in time of freshet or heavy rains, it shall be the duty of the town committee of the township within whose limits such unsafe road may be to notify in writing the board of chosen freeholders of the county, of the unsafe condition of said road for any of the reasons aforesaid, and it shall be the duty of the said board to provide protection to travelers on such road by erecting or repairing railings and guards along said embankments, bridge approaches or roads exposed to overflow, at the expense of the said county, in the same manner that bridges are built and maintained by said board within said county.

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

Approved April 4, 1892.

CHAPTER CCLIII.

An Act authorizing bridge companies authorized under the laws of this state or of any other state or of any other lawful authority to build and maintain a bridge or bridges over, in, upon or across any part of any of the navigable waters separating this state from any other state, to enter into a union or joint contract or agreement for the purpose of building, maintaining and operating such bridge or bridges, together with the necessary or proper connections and appurtenances and approaches thereto and stations, as one single consolidated work, whenever the whole or a portion of the respective lines of said bridge or bridges may or do embrace the same location or their locations may or can connect or become tributary to each other.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever two or more bridge companies authorized by the laws of this state, or of any other state, or of this and any other state, or of any other lawful authority, to build and maintain a bridge or bridges over, in upon or across any part of any of the navigable waters separating this state from any other state, for the whole or a portion of the respective lines of said bridge or bridges, may or can or do embrace the same location or line, or whenever their locations or lines may or can or do connect or become tributary to each other, it shall and may be lawful for any such com-

Authorizes the union of bridge companies.

panies to heretofore or hereafter enter into a union or joint contract or agreement for the purpose of jointly or severally building, maintaining and operating any such bridge or bridges, together with all necessary or proper connections and appurtenances and approaches thereto and stations, as one single consolidated work, and providing for the joint or several building, maintaining or operating of the whole or any parts of said bridge or bridges common to both, together with all necessary or proper connections and appurtenances and approaches thereto and stations, and one consolidated whole.

Powers under
such union.

2. *And be it enacted*, That it shall and may be lawful for such union or joint contract or agreement for the joint or several building, maintaining or operating of the said bridge, together with all necessary or proper connections and appurtenances and approaches thereto and stations, to be heretofore or hereafter made under the authority, conditions and provisions and with the powers hereinafter mentioned and contained, that is to say:

Directors of
companies to
agree upon terms

I. The directors of the companies proposing to enter into such union contract for the purpose of building, maintaining and operating such bridge may heretofore agree or may hereafter agree upon the terms of such joint agreement, and in that behalf it shall and may be lawful in such union or joint contract or agreement for the joint or several building, maintaining and operating of the said bridge, to heretofore or hereafter prescribe the terms and conditions thereof and the mode of carrying the same into effect, and it shall and may be lawful for the parties to such union agreement to heretofore or hereafter contract and pledge to and with each other for the due performance of the same all the present and future acquired property and franchises of said corporations, and to heretofore or hereafter prescribe such provisions as to the issue of obligations by either or both companies, and the securing of the same by guarantee or mortgage of either or both companies covering the franchises and property of either or both companies present or future acquired, and such other provisions and details as to the ownership, possession, control, maintenance and operation of the whole or any part of said bridge, together with its connections and appurtenances and ap-

proaches thereto and stations, by the respective companies or by the respective stockholders, directors, committees, officers, or agents of said companies or by any board of managers or arbitrators created or appointed under such agreement as may heretofore or hereafter be proper or necessary to carry into effect the objects of such union or joint contract or agreement for the joint or several building, maintenance and operation of the said bridge.

II. Said agreement shall have been heretofore submitted or may hereafter be submitted to the stockholders of each of the said companies or corporations at a meeting thereof heretofore or hereafter called specially for the purpose of taking the same into consideration, and in that behalf the following proceedings shall have been heretofore or may hereafter be had: due notice of the time and place of holding said meeting shall have been heretofore or may hereafter be given by each company to its stockholders by written or printed notices heretofore or hereafter addressed to each of the persons in whose name the capital stock of such company stands on the books thereof, and heretofore or hereafter delivered to such persons respectively or heretofore or hereafter sent to them by mail, when their post office address is known to the company, at least thirty days before the time of holding such meeting, and also by a general notice heretofore or hereafter published daily for at least four weeks in some newspaper printed in the city, town or county where such company has its principal office or place of business, and at the said meeting of stockholders, the agreement of the said directors shall have been heretofore or may hereafter be considered and a vote by ballot heretofore or hereafter taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and said ballot shall be cast in person or by proxy, and if two-thirds of all the votes of all the stockholders of said respective companies shall have heretofore been or may hereafter be for the adoption of said agreement then that fact may be certified thereon by the secretaries of the respective companies under the seal thereof or after this act takes effect, and the agreement so heretofore or hereafter adopted or a certified

Agreement submitted to stockholders.

Notice of meeting to consider agreement.

Fee for filing.

copy thereof may be filed in the office of the secretary of state upon the payment to the secretary of the state, for the use of the state, of the sum of twenty dollars, and shall from thence be deemed and taken to be the agreement and union contract of the said companies for the joint or several building, maintaining and operating of said bridge, together with its connections and appurtenances and approaches thereto and stations, and a copy of the said union or joint contract or agreement, duly certified by the secretary of state under his official seal, shall be evidence in all courts and places of the existence of the said union or joint contract or agreement and that the foregoing provisions of this act have been fully observed and complied with.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, whether general, special, local or otherwise, in any manner inconsistent with or repugnant to the provisions of this act be and the same hereby are repealed.

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

Approved April 5, 1892.

CHAPTER CCLIV.

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 the cities of this state, and imposing and levying a tax, assessment or lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever any person shall desire to redeem any lands and real estate sold under and by virtue of the provisions of the act to which this is a supplement, and the acts supplementary thereto and amendatory thereof, every such person shall in addition to the sum or sums of money required to be paid as now provided by law, pay to the purchaser of such lands and premises, or to his assignee in case of assignment, or to the city for the use of the said purchaser, or his assignee, all the cost and expenses necessarily incurred in proceedings taken for the purpose of perfecting title thereto, including fees for searching, at the rates allowed by law, to the county clerks or registers of deeds for like services, but not including counsel fees; *provided, however, that* said purchaser, or his assignee in case of assignment, shall on request made by the person redeeming, make and file with the city clerk of the city within which the said lands and premises are situate, duly verified by oath, a statement of such cost and expense.

Persons desiring to redeem real estate to pay all expenses necessary to perfect the title thereto.

Proviso.

2. *And be it enacted*, That when such redemption is made by any person as mortgagee, such mortgagee shall have a lien upon the lands and premises redeemed, for the amount so paid, with interest, from the date of payment, and a like lien for all taxes and assessments levied

Mortgages to have lien.

and assessed upon the said lands and premises subsequent to the levy and assessment of the taxes and assessments for which the sale was made, from the date of the payment thereof.

Costs and expenses to be paid on redemption.

3. *And be it enacted*, That on the redemption of any lands and premises purchased by the city at any such sale, the person or persons redeeming the same shall in addition to the amount paid by the city therefor, with interest, as now provided, pay to the said city the cost and expenses incurred by it in proceedings taken by it for the purpose of perfecting title to the said property, and also all taxes and assessments levied and imposed by said city upon said lands and premises subsequent to the levy and assessment of the taxes and assessments for which such sale was made.

Taxes and assessments not paid within two years lands to be sold.

4. *And be it enacted*, That sales for taxes and assessments levied and assessed on lands and real estate in any city of this state after the date of the passage of the act to which this is a supplement, which shall remain unpaid for the space of two years from and after the time when due and payable, may in the discretion and upon the direction of the board or body having charge or control of the finances of the city, be collected, and the lands and real estate subject thereto sold in the manner, and according to the directions of the act to which this is a supplement, it being the intention of this section to limit the time within which such sale may be made to two years instead of three as provided in the said act.

No amounts to be paid unless mayor approves.

5. *And be it enacted*, That no amount shall be paid to the purchaser of lands and premises under this act, or the act to which this is a supplement, or to his assignee, in case of assignment, or to the city for the use of said purchaser, or his assignee, for costs and expenses necessarily incurred in proceedings taken for the purpose of perfecting title thereto, unless the mayor of the city, where such costs and expenses are incurred, shall approve of the amount in each case to be paid to said purchaser, assignee or city for the use of such purchaser.

Repealer.

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

Approved April 5, 1892.

CHAPTER CCLV.

A Supplement to an act entitled "An act respecting police departments of cities, and regulating the tenure and terms of office of officers and men employed in said departments," approved March twenty-fifth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An act respecting police departments of cities, and terms of office of officers and men employed in said departments," approved March twenty-fifth, eighteen hundred and eighty-five, be and the same are hereby extended and made applicable to all townships of this state having a population of four thousand inhabitants or over, and to all incorporated villages wherein there now is or hereafter may be established a police department.

Extends provisions of act to townships having 4,000 inhabitants.

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

Approved April 7, 1892.

CHAPTER CCLVI.

An Act authorizing the construction of sewers and drains in incorporated boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the council or other governing body of incorporated boroughs of this state having authority by their charters by

Incorporated boroughs may construct and maintain sewers and drains.

ordinance to make and adopt a general plan of sewerage and drainage for said boroughs, and having a public water supply, whenever they shall have adopted a plan of sewerage or drainage, to enter into agreements with persons or corporations to pay said borough any portion or the cost of erection and maintenance of said proposed system of sewerage or drainage or to donate lands therefor in view of the benefits to be received therefrom, which agreements when duly reduced to writing and properly subscribed shall be valid and binding upon the parties thereto; the council may thereupon cause said proposed sewers or drains to be constructed in said borough, or any part thereof, establish and maintain one or more outlets or places of deposit for the sewage within or without said borough, cleanse and repair said sewers or drains and do all such other matters as may be needed for the perfect construction and maintenance of said system of sewerage or drainage at public expense; *provided*, that this act shall not authorize the construction of sewers or drains in any borough, unless one-half of the estimated cost thereof shall first be subscribed and the payment thereof to the borough be secured from private sources aforesaid.

Proviso.

Former contracts
validated.

2. *And be it enacted*, That all proceedings, contracts or agreements preparatory to the construction of a system of sewers and drains heretofore taken in any borough under its charter, or any law of the state authorizing the construction of sewers or drains in incorporated towns or boroughs of the state, are hereby validated and made effectual as preliminary steps toward the construction of sewers or drains under this act.

Borough may
acquire land.

3. *And be it enacted*, That whenever it shall be advantageous or necessary to build or extend any part of said system of sewers, or any of the outlets thereto, over, through or upon private lands or property in order to reach the outlet fields or places of deposit, or for the better sewerage or drainage of the property in said borough, it shall be lawful for said borough to acquire land therefor in fee simple or any lesser right and estate therein; they may negotiate with the owners thereof and agree upon a compensation for said fee simple or lesser estate in said land; and make such compensation therefor

as shall be reasonable, and thereupon shall receive from such owner or owners a conveyance of such land or estate therein to the borough.

4. *And be it enacted*, That in case no agreement can be made with the owner or owners of any such lands as aforesaid as to the amount of compensation to be paid for such lands or for such estate therein as aforesaid, by reason of the unwillingness of said owners, or any of them, to accept such compensation as council may deem reasonable, or by reason of the absence from this state or legal incapacity of said owners, or any of them, or by reason of any owner being unknown, it shall be the duty of the circuit court of the county in which the borough wherein it is proposed to construct such sewer or drain is situate, or one of the judges of the supreme court at his chambers upon application to said court or judge by said council, after ten days' previous notice in writing of such application to the persons interested, if known and in this state, served in person or by leaving at the dwelling house or usual place of abode of such owner or owners, or if unknown or absent from this state, or under age or other legal disability, after publication thereof for any term not less than two weeks in a newspaper published in such borough, which notice shall set forth in general terms a description of the lands required or in which such estate as aforesaid is required, to appoint three disinterested appraisers from the county wherein such borough is situate to determine the compensation to be paid for such lands or for such estate therein; and it shall be the duty of said appraisers to meet at such time and place as the court by its order shall appoint, of which meeting ten day's notice shall be given in a newspaper published in said borough, and after having taken an oath or affirmation faithfully and impartially to discharge the duties herein reposed in them, and after having carefully viewed the premises and given a hearing to all interested parties who shall appear before them and desire to be heard, within ten days after such meeting, to deliver to the borough clerk a written appraisalment, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands in which such estate in fee simple

Appointment of
appraisers.

Duty of ap-
praisers.

or such less estate as aforesaid shall be required; the borough clerk shall deliver such appraisement to said council at its next regular or special meeting after the same shall be delivered to him, and the said council shall thereupon cause the same to be recorded in the clerk's office of the county, and may thereupon order the borough treasurer, or other proper officer, to make or tender payment of the sums awarded in such appraisement to the respective owners of lands therein mentioned, and after such payment or tender of payment the said council, their agents and workmen, shall have power to enter upon and take possession of said lands for its purpose aforesaid; and in case any owner or owners of lands shall refuse to accept such payment upon tender made, or be under age or other legal disability, or be unknown or absent from the state, then and in such case it shall be sufficient for said borough treasurer or other officer to pay the amount of the award to any such owner into the circuit court of the county in which such borough is situate, subject to the order of said court, for the use of the party or parties entitled to the same; the costs of all proceedings in said circuit court shall be paid out of the borough treasury; in estimating the damages any owner of real estate will sustain by the construction of such sewer or drain across or upon his property, the commissioners in making their award shall have due regard as well to the benefits to be received by the property as to the damages sustained by the owner thereof by the construction of such sewer or drain.

Court may set
award aside.

5. *And be it enacted*, That in case the council, or the owner or owners of said land or any of them, shall be dissatisfied with the award of the appraisers made as aforesaid, and shall apply to the circuit court at the next term after the said award shall be delivered to the said council, the court shall have power, upon good cause shown, to set the same aside and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, a view of the premises to be had, and the said issue to be tried at the same or at any subsequent term of said circuit court, upon the like notice and in the same manner as other issues in the said court are tried; and

it shall be the duty of the said jury to assess the value of the said land or estate therein required and the damages sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against the borough and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the appraisers shall have awarded, then the said costs shall be paid by the said applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the workmen and agents of the borough from entering upon any such lands and constructing a sewer or drain thereon upon the award of the appraisers; *provided*, the amount of the award shall first be paid, or, in case the said award will not be received by said owner or owners upon a tender thereof, or the owner or owners are under a legal disability or absent from the state, or unknown; then *provided*, such award be first paid into the circuit court of the county for the use of such owner or owners; *provided, further*, that if the council shall be dissatisfied, and make application as above to have the award of the appraisers set aside, it shall be a sufficient tender to the owner or owners of land, to pay the amount of the said award into the said circuit court, subject to the final determination of said appeal.

6. *And be it enacted*, That in order to meet the expenses of the construction of such sewers or drains the council may borrow the money necessary therefor, temporarily, upon the promissory notes of such borough, or may issue temporary improvement certificates therefor, from time to time, as the work progresses, or may temporarily use the money in the treasury of said borough, as council may direct; said notes or certificates to bear interest at a rate not exceeding six per centum per annum, and to be payable within two years from date of issue.

7. *And be it enacted*, That in order to provide for the payment of the cost of said sewers, when the same shall be completed and the cost thereof ascertained, it shall and may be lawful for said borough to issue bonds to run for

a period not exceeding twenty years from date of issue, to bear interest not exceeding five per centum per annum, which bonds shall be styled sewer bonds and be executed under the corporate seal of said borough, and bear the signature of the mayor and clerk of said borough; coupons signed by the mayor, for each half year's interest, shall be attached to each bond and numbered to correspond thereto, or said bonds may be registered, at option of the council; they shall be sold for not less than par; shall be exempt from tax in the hands of residents of said borough; and the council in order to meet the interest on said bonds and one-twentieth of the amount of the principal sum thereof, annually, from and after one year after their issue, shall order the needed money to be raised in the tax levy of said borough, on the taxable property therein, each and every year until the bonds are paid.

Coupon or
registered.

Sold at par.

Exempt from
tax.

Interest and
principal to be
raised by tax.

Limit of amount
of notes or bonds

8. *And be it enacted*, That the total amount of promissory notes, certificates or bonds to be issued under authority of this act in any borough, shall not exceed in value two per centum of the taxables of said borough, and this act shall not be construed to authorize the council to waive or alter any existing limitation on the sum to be raised by tax in said borough in any one year.

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

Approved April 7, 1892.

CHAPTER CCLVII.

An Act relating to the consolidation of corporations, organized as gas light companies, electric light companies, and electric light, heat and power companies in cities of the second class in this state, which heretofore have been incorporated under general or special laws of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any corporation or corporations of this state, incorporated under general or special laws, whose object is to make and sell gas, for the purpose of lighting the streets, buildings and other places in cities of the second class in this state where such companies are now established, and any corporation or corporations of this state, in said cities, whose objects are the manufacturing, generating, storing, dealing in, furnishing and supplying of electricity for light, heat and power, and also carrying on of any and all business in connection therewith, and concerning the sale and supply of the said light, heat and power to persons desiring to purchase the same, and of selling and dealing in appliances necessarily used in connection with the same and pertaining thereto, to consolidate and merge such companies, in said cities, and their corporate rights, franchises, powers and privileges, into a single corporation in the manner following, so that by virtue of this act such corporations, in said cities, will be consolidated and merged into one company, and so that all the property, rights, franchises and privileges by law vested in or enjoyed by such corporations so merged shall be transferred to and vested in the new corporation into which said consolidation and merger shall be made.

Gas and electric
light companies
in cities of the
second class
may consolidate.

2. *And be it enacted*, That such consolidation and merger of said corporations shall be made in the same manner as provided for the consolidation and merger of

How consolidation and merger
can be made.

certain corporations of this state by an act of the legislature of this state entitled "An act relating to the consolidation of corporations formed under the act entitled 'An act concerning corporations,' approved April seventh, one thousand eight hundred and seventy-five, and the acts amending and supplementing the same, for the purpose of the improvment and sale of lands, the construction, maintenance and operation of hotels and carrying on the business of an innkeeper, and the transportation of goods, merchandise or passengers upon land or water," which said act was approved April seventeenth, one thousand eight hundred and eighty-eight.

Taxation.

3. *And be it enacted*, That such consolidated company and all its real estate, franchises and other property shall be subject to taxation and shall be assessed in the manner provided by law from time to time for the taxation and the assessment of the real estate, franchises and other property of such corporations, and shall pay such tax as is or may be imposed upon its property and franchises; and shall pay an annual tax for the use of the state by way of a license for its corporate franchises, the same as if such consolidation had not been made, the intent being that the revenue to be paid to the state shall not be diminished in any way, but shall be at least as great as if paid by said companies separately before consolidation.

Proviso.

Preamble.

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

Approved April 7, 1892.

CHAPTER CCLVIII.

A Supplement to an act entitled "An act to establish a weather service in New Jersey, and to provide for the appointment of a board of directors and president thereof, and appropriating money to pay the actual expenses of the same," approved June nineteenth, anno domini one thousand eight hundred and ninety.

WHEREAS, the senate and general assembly of the state of New Jersey did, by an act of the legislature, entitled "An act to establish a weather service in New Jersey, and to provide for the appointment of a board of directors and president thereof, and appropriating money to pay the actual expenses of the same," approved June nineteenth, anno domini one thousand eight hundred and ninety; *whereas*, a state weather service was duly established under the provisions of said act, with a central station at the agricultural experiment station at New Brunswick, for the purpose of securing trustworthy material for the study of the climate of New Jersey, to acquaint the people of the state with the physical condition of every locality based upon reliable climatic data, and to furnish during the growing season reliable information by weekly and monthly reports as to the actual condition of the staple crops; *whereas*, forty-eight meteorological and seventy-five crop weather stations have been established, the observations and reports of which have greatly benefited the agricultural, commercial and municipal interests of the state of New Jersey; *whereas*, the said weekly and monthly reports have been distributed throughout the state, and are considered of great practical value to the agricultural industry and other pursuits; *and whereas*, the state weather service is unable to meet the pressing and constantly increasing demand for said reports by reason of the exhaustion of the state appropriation;

Appropriations
for reports and
expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one thousand dollars is hereby appropriated annually for the continuance of said weather stations, and the preparation, printing and distribution of said reports under the supervision of the board of directors, to be expended as follows:

For printing five hundred copies of each monthly meteorological report, the sum of two hundred and fifty dollars:

For printing fifteen hundred copies of the weekly crop reports from May first to September tenth, three hundred dollars;

For clerical labor preparing said weekly reports from May first to September tenth, two hundred and fifty dollars;

And for actual expenses incurred for renewing unserviceable instruments and visiting local stations, the sum of two hundred dollars.

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

Approved April 7, 1892.

CHAPTER CCLIX.

A Supplement to an act entitled "An act to enable boards of chosen freeholders to acquire, improve and maintain public roads," approved March nineteenth, one thousand eight hundred and eighty-nine.

Bonds may be
issued in any
township for im-
proving roads to
an amount not
less than five
per cent. of
assessed valua-
tion.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the inhabitants of any township shall vote in accordance with the provisions of any general public law of this state, to issue the bonds of such township to an amount not less than five per centum of the assessed valuation of such township, for

the purpose of improving the public roads of such township, by grading and paving with telford or macadamizing the same, or otherwise paving the same by means of stone or gravel, and building culverts and drains, and the township committee of said township shall proceed in good faith to issue such bonds and make such improvements, then and in such case the said township shall not thereafter be liable to pay any part of the cost of any pavement or improvement made by the board of chosen freeholders under the provisions of the act to which this is a supplement, upon roads thereafter acquired by the said board of chosen freeholders under the said act, or the cost of keeping the same in repair; *provided, however,* that if any pavement or improvement shall be thereafter made by any such board of chosen freeholders, through the limits of the said township on roads acquired before or subsequently, then the said township shall be liable to pay its share of the cost of such pavement or improvement through the limits of the said township, and keeping the same in repair as provided in the said act. Proviso.

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

Approved April 7, 1892.

CHAPTER CCLX.

An Act providing for the vacating, in cities of this state, of public parks which have been laid out by an act of the legislature, the land for which has not been actually appropriated and taken possession of for the purposes of such park, but has, from the time of the passage of any such act, remained in the possession and enjoyment and under the control of the owner or owners thereof.

Vacating public
park where land
has not been
taken possession
of.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state any public park which has heretofore been laid out as such by an act of the legislature, designating or describing the plot or tract of land so laid out, which land has not been actually appropriated and taken possession of for the purposes of such park by the municipal authorities of any such city, but has remained in the possession and enjoyment or under the control of the owner or owners thereof from the time of the passage of any such act to the time of the passage of this act, shall be and the same is hereby vacated; *provided, however*, that no award of damages to the owner or owners of any such land has been made for or on account of the taking of the same for the purposes aforesaid.

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

Approved April 7, 1892.

CHAPTER CCLXI.

An Act to authorize the correction of errors and mistakes in the tax and assessment records of any public road board, or other public body, or municipality, in this state, and in the payment of any tax or assessment, made by error or mistake by any person upon the property of another.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any tax or assessment shall have been levied, made or imposed upon any lot, tract or parcel of land, by authority of any public road board, or other public body or municipality in this state, and it shall thereafter appear to the satisfaction of the said board, or other public body or municipality, that by or through any error or mistake such lot, tract or parcel of land was or has been wrongly, incorrectly or improperly described, numbered or designated, whereby any such tax or assessment would appear by any map or record of the same to have been levied, made or imposed upon a lot, tract or parcel of land, not intended to have been so taxed or assessed, and in fact not so assessed, it shall be lawful for such board, or other public body or municipality, under authority of which any such tax or assessment was levied, made, or imposed, to cause any and all such mistakes and errors to be corrected, and any and all such lots, tracts or parcels of land to be rightly, correctly and properly described, numbered and designated in such manner that no lot, tract or parcel of land and property shall appear to be wrongly, incorrectly or improperly described, numbered or designated, or shall escape proper taxation or assessment by reason of any such error or mistake, and any such board, or other public body or municipality, may adjust and apportion any such tax or assessment in such manner as in its judgment

Errors in tax
and assessment
records of public
road boards or
municipality
may be corrected

may be necessary and proper for the correction of any such error or mistake.

Tax and assessment to be properly charged.

2. *And be it enacted*, That whenever in any case any person by reason of any such error or mistake as aforesaid has paid any tax or assessment upon any lot, tract or parcel of land and property of any other person, intending at the time to have paid such tax or assessment upon any lot, tract or parcel of land and property of which he was the owner, or in which he had any interest justifying the same, at the time of making such payment, in every such case it shall be lawful for any such board, or other public body or municipality, to cause any such tax or assessment so paid by error or mistake upon the property of another, to be reinstated, and charged and properly entered upon the records and maps of such board, or other public body or municipality, against the property upon which any such payment was made by error or mistake, and the said tax or assessment shall thereupon be and remain a lien upon the land upon which it was intended to be and was levied, made or imposed, and shall thereupon be collectible by any such board, or other public body or municipality, by authority of which any such tax or assessment was levied, made or imposed, and thereupon the said board, or other public body or municipality, shall have power to discharge the property intended to have been discharged by any such payment, from the lien of any such tax or assessment thereon which it was the intention of the parties making and receiving such payment to have discharged from any such lien at the time of making any such payment by error or mistake.

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

Approved April 7, 1892.

CHAPTER CCLXII.

A Further supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceeding" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, The provisions in force relative to the sales of ^{Preamble} lands and the advertisement and adjournment of the same, have not been in all respects known or complied with, whereby the titles to certain lands are alleged to be defective and uncertain;

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Validates cer-}
the State of New Jersey, That no sale of lands heretofore ^{tain sales of}
made by any sheriff, executors or administrators shall be ^{lands.}
invalidated by reason of such sale having been made on
any legal holiday or half holiday or having been ad-
journed for a time or times exceeding two months in
the whole, or by reason of the omission to advertise ad-
journments, or by reason of any one or more of said ad-
journments having been made on any legal holiday or
half-holiday, but that the purchaser or purchasers of any
lands at such sale, who shall have paid the price thereof
and received a deed or deeds therefor, such sale having
been duly reported to and confirmed by the proper court,
shall have as good and complete a title thereto as if said
sale had not been made on a legal holiday, or half-holi-
day or had been adjourned from time to time, not ex-
ceeding two months in the whole, and the adjournments
thereof duly published, or as if the said adjournments
had not been made on any day or days now known and
regarded as legal holidays or half-holidays.

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

Approved April 8, 1892.

CHAPTER CCLXIII.

A Supplement to an act entitled "An act respecting the court of chancery (Revision,) approved March twenty-seventh, one thousand eight hundred and seventy-five.

Payment to
judgment credit-
ors may be made
from surplus
money from sales
in chancery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any lands shall have heretofore been or shall hereafter be sold by virtue of any order or decree of the court of chancery, and there shall be a surplus arising from such sale which shall be deposited in said court, and any person or persons or corporation shall, theretofore or thereafter, obtain judgment in any of the courts of this state against the owner or owners of said lands so ordered to be sold, or any other person or persons who shall be entitled to such surplus money, or any part thereof, it shall and may be lawful for, and the chancellor is hereby authorized, empowered and directed, upon petition filed by or in behalf of such judgment creditor or creditors, and upon due proof made to the satisfaction of the chancellor that the residence of the person entitled to such surplus moneys is unknown, and cannot be ascertained, to order and direct such surplus moneys so deposited, or so much thereof as may be necessary, be paid to such judgment creditor or creditors, in satisfaction of their said judgment, notwithstanding such creditor or creditors were not made parties defendant in said cause; that in such cases it shall not be necessary for the judgment creditor or creditors to apply to be admitted as parties defendant in said cause, but said petition shall be entitled in the cause out of which such surplus was realized; and that such proof as is by this act required, may be by affidavit, or otherwise, as the chancellor shall direct.

Repealer.

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

Approved April 8, 1892.

CHAPTER CCLXIV.

An Act to empower any manufacturing company incorporated by special act of incorporation of this state to exchange any portion of its paid up stock for assessable shares and for preferred shares and common shares in lieu thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any manufacturing company duly incorporated by special act of incorporation of this state, to exchange any portion of its full paid capital stock, by and with the consent of the holders thereof, for assessable shares, which shall acknowledge the payment in the aggregate of the same amount of money as may be represented by the full paid shares so surrendered; and the directors of the said company may call from time to time for installments on the said assessable shares until the same shall be fully paid, and the directors of any such company may, with the consent of all the stockholders thereof first had and obtained in writing, issue any portion of its capital stock in preferred shares bearing a fixed rate of dividend not exceeding eight per centum per annum, which shares shall be subjected to redemption and retirement upon such conditions as may be expressed in the certificates of said stock; and the said directors may use the said preferred shares at par, or the proceeds thereof, to provide additional capital or to pay the debts of the said corporation; it shall be lawful for the said directors in their discretion to make an issue of shares of common stock equal in number to the preferred shares so issued, which common stock shall be subject to assessment from time to time by the directors of the said company for the redemption and retirement of the said preferred stock in accordance with the provisions thereof or for the general uses of the said company; *provided always*, that any stock

Manufacturing company incorporated by special act may exchange any portion of its paid-up stock for assessable shares.

Issue of preferred shares.

Issue of shares of common stock

Proviso.

Proviso.

of any company which may at any time have been retired or surrendered may be re-issued at par for money or in payment of debts; *and provided further*, that at no time shall the total amount of the capital stock outstanding at any one time exceed the amount authorized by law.

Certificate to be filed in office of secretary of state.

2. *And be it enacted*, That whenever any additional stock shall be issued, or any stock shall be retired or re-issued, a certificate thereof shall be filed in the office of the secretary of state, showing the total amount of stock outstanding at the date of the filing of such certificate.

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

Approved April 8, 1892.

CHAPTER CCLXV.

An Act in relation to city printing and official advertisements in cities of the second class in this state.

Governing boards of cities of the second class may designate official newspapers by resolution, with the consent of the mayor.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of alderman or other governing body, with the consent of the mayor, of any city of the second class in this state, to designate by resolution the official newspaper or newspapers published in any such city, in which shall be solely published all official notices, ordinances, advertisements, minutes and official proceedings relating to the municipal affairs of such city, and to fix a compensation to be paid by the city for the service rendered by such official newspaper or newspapers.

Repealer

2. *And be it enacted*, That all acts and parts of acts, general, special, local and private, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 8, 1892.

CHAPTER CCLXVI.

An Act for extending the time for completing certain
railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited Extending time for completion of certain railroad. 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 eight hundred and ninety-two, 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 Proviso. 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 Proviso. not apply to any corporation unless such corporation shall first, and as the condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all right of exemption from taxation, and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence or that may be hereafter passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law, and further agreeing that the exercise of any power granted by this act, shall not in any way affect the rights of this state, if any there exist, to take the property of such corporations under any existing law of this state, and agreeing, further, that all laws affecting such corporation shall be subject to alteration or repeal by the legislature.

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

Approved April 8, 1892.

CHAPTER CCLXVII.

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

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is amendatory be and the same is hereby amended so as to read as follows:

Villages to be organized must petition to the judge of the circuit court in the county where it is located for an election, which petition must be signed by at least one-fifth of the taxable real estate in the limits of the village.

2. *And be it enacted*, That the proceedings for the formation of such village shall be commenced by petition for an election to be held under this act, addressed to the law judge of the court of common pleas in and for the county wherein said proposed village is situated, and if such county have no law judge then to the judge of the circuit court in and for said county, which petition shall set forth the name and boundaries of the proposed village and be signed by persons owning at least one-fifth in value of the taxable real estate in the limits of the proposed village as the same appears upon the assessor's duplicate for the preceding annual tax levy; said petition shall be filed with the clerk of said county and be open to the inspection of all persons interested.

Sections repealed.

2. *And be it enacted*, That the third, fifth, seventh, fifty-sixth and sixty-seventh sections of said act be and the same are hereby repealed.

Section to be amended.

3. *And be it enacted*, That section four of said act be and the same is hereby amended so as to read as follows:

4. *And be it enacted*, That upon the presentation and filing of said petition, it shall be the duty of said judge to appoint a time for the consideration of said petition, notice of which shall be in writing under his hand, set up at least ten days previous to said time, in five of the most public places within said proposed village limits, and published at least twice in a newspaper published therein, if any, and if none so published, then in a newspaper published in said county; such notice shall contain the name and boundaries of the proposed village and shall state that on the day so appointed the said judge will sit to hear and consider what may be said thereon by any person interested.

Judge to appoint a time for the consideration of the petition

4. *And be it enacted*, That section six of said act be and the same is hereby amended so as to read as follows:

Section to be amended.

6. *And be it enacted*, That at the time and place so appointed said judge shall determine by affidavits or by evidence taken before him whether said proposed village contains the population required by the first section of this act, and whether said petition is signed by petitioners owning the requisite amount of real estate; he may adjourn said hearing from time to time and make such orders as may be necessary to correct or amend any defective proceedings, and shall file with the clerk of said county his determination in writing of the matters submitted to him.

To determine and file his determination with county clerk.

5. *And be it enacted*, That section nine of said act be and the same is hereby amended so as to read as follows:

Section to be amended.

9. *And be it enacted*, That the said judge shall appoint by writing, under his hand, a judge and two inspectors of said election, who shall be legal voters in said proposed village, and who shall hold and conduct the election aforesaid at the time and place specified in the said notice; the polls shall open and close at such hours as said judge shall direct in said order, provided the polls shall be open not less than six hours, and the election shall be conducted, as nearly as may be, in like manner as township elections are conducted; the ballots cast shall contain the words "for incorporation" or "against incorporation," as the case may be; at the close of the polls the said judge and inspectors of election shall canvass the votes cast, and they shall forthwith certify the

To appoint election officers.

result of said election, and the number of votes cast for and against incorporation, under their hands, to said judge, to be filed in the office of the clerk of the county wherein said village is situated.

Section to be amended.

6. *And be it enacted*, That section ten of said act be and the same is hereby amended so as to read as follows :

To confirm and establish the result.

10. *And be it enacted*, That at the expiration of five days from the filing of said certificate, the said judge shall examine the same, and if the said proceedings appear to be regular and legal, shall confirm and establish the result of said election by writing under his hand, to be filed with said clerk; *provided*, that any elector qualified to vote at said election may within five days after the filing of said certificate, appeal to said judge by petition, specifying any irregularities in and objections of the legality of said election, and praying that the same may be investigated by said judge and if found illegal be set aside, and the said judge shall thereupon appoint a time and place for hearing the same, upon such notice as he may order, and on such day shall proceed to hear the same, and shall have power by subpoena to compel the attendance of witnesses before him, and may adjourn said hearing from time to time as may be necessary, and shall file his determination as to the legality of said election with said clerk; if the said judge shall decide such election to have been illegal, he shall forthwith, on the rendering of his decision, make an order and file the same in the said clerk's office, directing another election to be held to determine the question of the incorporation of such territory; the election so ordered shall be held on notice of such election, given in the same manner as the notice of the previous elections as to incorporations; such second election shall be held in the manner and by the persons as judge and inspectors as hereinbefore provided for or by other persons to be appointed by said judge in their places, who shall make a certificate of such election, such as was required at the previous election, by this act, and file the same as directed as to the certificate of the previous election, which shall be the subject of the determination and review of the said judge as herein provided in respect to said first election; upon the filing by said judge of his certificate determining that the election held under

Proviso.

this act is legal, and that a majority of the votes cast are for incorporation, then such territory shall be an incorporated village within the intent of this act from the time of the filing of the certificate of the said judge, and said judge shall also file with said determination an order designating a time and place within said village for the first election to be held for the election of such village officers as shall be required to be elected by this act, which time shall be within thirty days from the date of filing said determination.

7. *And be it enacted*, That section thirteen be and the same is hereby amended so as to read as follows: Section to be amended.

13. *And be it enacted*, That the persons hereinbefore designated as judge and inspectors of the election for incorporation, or a majority of them, shall give notice stating that, on a day stated and at a place named in such village, and between certain hours, being the time and place appointed by the said judge, an election will be held for the election of such village officers as shall be required to be elected by this act; such notice shall be published in a newspaper, if one shall be published in said village, and posted by printed handbills in five public places at least ten days before the time of holding such election; such election shall be held for at least the space of four hours uninterruptedly, between twelve o'clock noon and seven o'clock in the afternoon, and the notice of the election shall state the hours of opening and closing the polls and the names of the offices to be filled. Election of village officers.

8. *And be it enacted*, That all moneys assessed and collected by township authority for road purposes, from the persons and property within the limits of said village, shall be paid over by the collector of such township to said village trustees, who are authorized to take and use the same for road purposes within said village, together with such other moneys as shall be raised for road purposes, as in said act provided. Moneys for road purposes.

9. *And be it enacted*, That section sixty-six be and the same is hereby amended so as to read as follows: Section to be amended.

66. *And be it enacted*, That it shall be lawful for any village heretofore incorporated by virtue of any special or general law to adopt the provisions of this act and thereafter be governed by the same, in lieu of the act under Villages heretofore incorporated may adopt the provisions of this act.

Proviso.

which such village was originally incorporated; *provided*, that the question of adopting this act shall be submitted to the legal voters of said village by the trustees or other governing board of said village at a general or special election held for the purpose and be approved by a majority of the votes cast at such election, and the result of such election shall be thereupon submitted to the law judge of the court of common pleas of the county wherein said village is situated, who shall examine the proceedings and the result of said election and shall have the same powers and duties in respect thereto as are herein provided in respect to the result of the election authorized in the previous sections of this act, and shall file his determination thereof as herein provided.

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

Approved April 8, 1892.

CHAPTER CCLXVIII.

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

Proceedings for
sales of lands for
unpaid taxes and
assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in proceedings for the sale of lands for unpaid taxes and assessments under the act to which this is a further supplement, in cities not divided

into wards, or that have no block maps, or have not two newspapers printed in the city, it shall be sufficient to describe the property by lot numbers on the assessment maps and publish the advertisement of sale in two newspapers circulating in the city, said advertisement to be published once in each week for four weeks prior to said sale.

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

Approved April 8, 1892.

CHAPTER CCLXIX.

An Act relative to the payment of arrears of assessments for the improvement of roads and streets and the interest thereon in incorporated cities of the third class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within four months after the passage of this act any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city of the third class in this state, the principal amount of any assessment for the improvement of any road or street in such city upon any real property belonging to any such person or persons and now remaining unpaid, without interest or costs that have heretofore or that may hereafter accrue upon the same; and the collector of taxes, or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such assessment; upon such payment such assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully satisfied and discharged; and there shall be no

Payment of arrears of assessments for street improvements in cities of the third class.

right to any interest or penalty by reason of such assessment not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest upon any unpaid assessment; *provided, however,* that nothing in this act shall authorize the receipt, under the provisions of this act, of any such assessment in cases where lands and real estate have been sold for assessments and bought in by any other person than the city in which such assessments are paid, or some officer for the use of such city; nor shall any lien upon real estate for such assessments be released or affected, nor shall any sale of real estate for assessments or the delivery of any certificate or declaration of sale or deed therefor be stayed by anything in this act contained; *provided, further,* that the provisions of this act shall apply only to assessments made in the year eighteen hundred and eighty-nine.

Proviso.

Proviso.

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

Approved April 8, 1892.

CHAPTER CCLXX.

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

Notice required
for taking testi-
mony in foreign
states or king-
doms.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall not be lawful for any party in a civil cause to take the testimony of any witness *de bene esse* residing in any foreign state or kingdom upon less than forty days' notice in writing of the time and place of such examination, and of the names of the witnesses to be examined to the adverse party, his

attorney or solicitor, that he may be present and put in interrogatories, if he shall see fit.

2. *And be it enacted*, That no party to any civil cause shall be examined in his own behalf *de bene esse* under the provisions of the act to which this is a supplement, except upon the written consent of the attorneys of all the parties thereto, unless the court in which the action shall be pending or any judge thereof at chambers, shall upon the petition of the party applying therefor, upon notice to the other side, order in his discretion the examination of such party, nor shall any testimony of such party taken or to be taken *de bene esse* be used or read at the trial of said cause, unless taken upon such order.

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

Approved April 8, 1892.

CHAPTER CCLXXI.

A Further Supplement to an act entitled "A supplement to an act entitled "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate, approved February twelfth, one thousand eight hundred and seventy-four," which supplement was approved March third, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate," approved February twelfth, one thousand eight hundred and seventy-four, which section was amended by the supplement to which this act is a supplement, be further amended so that the same shall read as follows:

Upon failure to run trains chancellor shall, upon petition of citizens, appoint a receiver.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any railroad company in this state has or may hereafter fail or neglect to run daily trains on any part of its road for the space of ten days, then the chancellor of this state, upon petition of any citizen of this state and due proof of the facts, shall speedily appoint a receiver, which said receiver, by order of the chancellor, shall be and is hereby empowered and required to take possession of all the real and personal property of said company, and to operate said road, and transact the ordinary business thereof in the transportation of freight and passengers, for such time as the chancellor may direct; and all expenses incurred thereby shall be a first lien on all the earnings thereof prior to any other claim, and the surplus if any, be distributed as the chancellor may direct; *provided*, that this act shall not apply to any railroad company whose road is constructed at any seaside resort, not exceeding four miles in length, and which was built and intended merely or principally for the transportation of summer travelers and tourists; *and provided, further*, that this act shall not apply when two or more such roads which separately are less than four miles in length be merged into one line so making a road of greater length than four miles.

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

Approved April 8, 1892.

CHAPTER CCLXXII.

A Further Supplement to an act entitled "An act constituting district courts in certain cities in this state" (Revision), approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and seventy-eight of the above mentioned act be and the same is hereby amended so as to read as follows: Section to be amended.

Sec. 178. That the judges of each of said courts shall receive an annual salary as follows: the judges of each of said courts in cities of nineteen thousand but not exceeding thirty thousand inhabitants, an annual salary of two thousand dollars; the judges of each of said courts in cities of thirty thousand but not exceeding one hundred thousand inhabitants, an annual salary of two thousand five hundred dollars, and the judges of each of said courts in cities of one hundred thousand inhabitants or over, an annual salary of three thousand dollars; the said annual salaries shall be paid by the mayor and common council of the cities wherein said courts may be established, out of the treasuries of said cities respectively, in monthly installments, which shall be computed from the day of the appointment of said judges; and the clerks of said courts in cities having a population of twenty thousand inhabitants but not exceeding thirty-three thousand inhabitants shall hereafter receive an annual salary of nine hundred dollars; the clerks of said courts in cities of thirty-three thousand inhabitants but not exceeding one hundred thousand inhabitants, shall hereafter receive an annual salary of twelve hundred and fifty dollars, and the clerks of said courts in cities of one hundred thousand inhabitants or over shall hereafter receive an annual salary of fifteen hundred dollars; the salaries of said clerks to be paid in the same manner as the judges are paid. Salaries of judges.
Salaries of clerks.

Repealer.

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

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

Approved April 8, 1892.

CHAPTER CCLXXIII.

An Act to secure to laborers and workmen in the employ of corporations a prior lien for wages in cases of insolvency.

Laborers and workmen in the employ of corporations shall have a lien prior to every other lien in cases of insolvency.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in case of the insolvency of any corporation the laborers and workmen and all persons doing labor or service of whatever character in the regular employ of such corporation shall have a first and prior lien upon the assets thereof for the amount of wages due to them respectively for all such labor, work and services as may have been done, performed or rendered within two months next preceding the date when proceedings in insolvency shall be actually instituted and begun against such insolvent corporation.

Excepting mortgage liens.

2. *And be it enacted*, That such lien shall be prior to any and all other liens that can or may be acquired upon or against such assets, except the lien and encumbrance of a chattel mortgage or chattel mortgages thereon, and which mortgage or mortgages shall have been actually given and recorded (or filed for record) more than two months next preceding the date when proceedings in insolvency shall have been actually instituted against such insolvent corporations, and except the lien and encumbrance of such chattel mortgage or chattel mortgages thereon as shall have been actually given within two

months next preceding the date when proceedings in insolvency shall have been actually instituted against such insolvent corporation for money loaned or for goods purchased within said period of two months; and also except as against the lien and encumbrance of any and all mortgages given upon the lands and real estate of such insolvent corporation.

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

Approved April 8, 1892.

CHAPTER CCLXXIV.

A Supplement to an act entitled "An act concerning cities of the first class in this state and constituting municipal boards of street and water commissioners therein, and defining the powers and duties of such municipal boards and relating to the municipal affairs and departments of such cities, placed under the control and management of such boards, and providing for the maintenance of the same," approved March twenty-eighth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of street and water commissioners of any city of the first class within this state shall have appointed a committee of members of their body upon any subject or matter within the jurisdiction or connected with the municipal affairs of said board of street and water commissioners, or to examine any officer or official of such city, or member of said board in relation to the discharge of official duties or conduct, or concerning the possession or dispossession

Committees of investigation of any board of street and water commissioners shall have power to examine witnesses under oath.

of any property belonging to such city, or to inspect or examine any book of account, voucher or document in possession or under the control of such officer or official, relating to the affairs or interest of such city, or in any investigation connected with any public work or improvement, such committee of such board is hereby authorized to issue a subpoena ad testificandum, or subpoena duces tecum, to any person within this state, to appear before them to give testimony or information required or desired for the purposes above mentioned; and any member of such committee is here authorized to administer oaths to such witnesses as may appear or be brought before him; the subpoenas herein provided for may be served by any police officer or constable of such city; and in case any person summoned as aforesaid shall refuse to obey such subpoena, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required, any justice of the supreme court of this state may upon application made to him and upon proof being made of such refusal, make an order awarding process of subpoena or subpoena duces tecum out of the said court, for such witness to appear and testify before such committee, and may make an order or orders that any party give testimony or answer questions as required, and to produce books, papers or documents as required, and upon filing such order in the clerk's office of the supreme court, it shall be the duty of the said clerk, under the seal of said court, to issue process of subpoena to appear before said committee at a time and place named therein, and so from day to day until the examination of such person shall be completed; and said subpoena may contain a direction that such witness bring with him to such examination any books, papers or documents therein mentioned, and it shall also be the duty of said clerk to issue under the seal of said court, such other or further orders in reference to the examination, appearance, production of books, papers or documents before said committee as said justice shall direct; and in case any person so summoned by subpoena issued by said clerk as aforesaid, shall refuse to obey such subpoena, or any direction therein, or to give testimony, or to answer questions as required, or to produce any

Witnesses may
be required to
produce books,
papers, etc.

books, papers or documents as required; or in case any person shall refuse to obey any order made by said justice as aforesaid, it shall be lawful for such committee upon affidavits proving the facts to apply to such justice of the supreme court for an attachment against such person as for a contempt; and it shall be duty for such justice to hear such application, and if satisfactory proof is made of such refusal, to issue an attachment, directed to any constable or police officer of such city, for the arrest of such person, and upon his being brought before him, to proceed to a hearing of the case; and the said justice shall have power to enforce, by imprisonment in the county jail, obedience to such subpoena, and the answering of any question that may be proper, or the production of any book, paper or document that the witness would be compelled to produce in a court of law, and also to compel such witness to pay the cost of said proceeding, to be taxed by the said justice; and any person who shall willfully and corruptly testify falsely to any material matter upon oath or affirmation administered by any member of such committee, upon such investigation or inquiry, shall upon conviction thereof, be subject to the penalties of perjury. ^{Penalty}

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

Approved April 8, 1892.

CHAPTER CCLXXV.

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

Conveyances to
convey land
freed of estate of
dower.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the conveyance or conveyances of land given pursuant to the provisions of the act of which this is a supplement and all supplements thereto, shall convey the land freed and discharged of and from all estate dower, or by the curtesy or inchoate right of dower and estate by the curtesy therein; *provided*, that notice shall be or shall have heretofore been given to the person having such estates of dower, by the curtesy or inchoate right of dower or estate by the curtesy in said lands in the manner provided in said act and supplements, including this supplement, and in case the first or christian name of such person, wife or widow or husband, when the title is in the wife, as the case may be, is unknown to the purchaser or his agent, notice may be given to such person, using in case of the wife or widow the first or christian name of the husband with the prefix "Mrs." thereto, and where the title is in the wife the prefix "Mr." before the surname, and then "husband of," using the name of the wife; and an affidavit of the fact that such first or christian name is unknown to the purchaser or his agent shall be filed with the officer with whom the proof of service and mailing is required to be filed.

2. *And be it enacted*, That no writ of certiorari shall be allowed, and no action shall be brought, to contest or set aside any deed hereafter given pursuant to the provisions of the act of which this is a supplement, or any supplements thereof, or to recover possession of the lands conveyed by such deed, after the expiration of two years from the date of the execution of such deed.

Certiorari not allowed after two years from the execution of the deed.

3. *And be it enacted*, That the assignee of the certificate or certificates of sale given pursuant to the provisions of said act and supplements, shall give notice, in his or their names, of such sale to the owners, mortgagees and other persons interested as required by said act and supplements, and to acquire title to the lands and receive the deed or deeds thereof, in the same manner and to the same effect and extent as if such assignee or assignees were the original purchaser or purchasers at the tax sale, and any such notice or notices heretofore given by such assignee or assignees are declared to be valid and effectual and are to have the same force and effect as is given pursuant to this act.

Notice of sale.

4. *And be it enacted*, That the officer whose duty it is to make and execute the deeds under the said act and supplements, in describing the land in the deed given pursuant thereto may, in addition to the lot and block numbers, describe the same by metes and bounds, if the same can be ascertained from the assessment map; and every such deed shall be recorded in the office of the clerk or register of the county within which the lands and premises conveyed thereby are situated; that the corporation counsel shall make or have made the necessary searches and serve or have served the necessary notices for all the lands purchased by the city under said act and supplements, and the fees for such searches and notices shall be paid to him by the city treasurer from time to time upon his filing a statement under oath of such fees and notices, and provided the amount for such fees shall be approved by the mayor.

Description of lands in deeds.

Deed to be recorded.

5. *And be it enacted*, That where notice is given by publication pursuant to the provisions of said act and supplements, or has heretofore been so given, to the person who by records in said county where the land sold lies, is or appears to be the owner or mortgagee of said lands

Notices where persons are unknown and address cannot be ascertained.

or to have an interest therein, and the time for redemption has not yet elapsed and the purchaser or his agent, or his assignee or his agent, does not know of his own knowledge and cannot ascertain by inquiry made on the said lands whether such person is alive or deceased, and cannot ascertain his address by inquiry made on said lands, such person shall be conclusively presumed to be alive, and a notice published as required by said act and supplements, and mailed to the address, if given by the deed, mortgage or other recorded instrument, to him shall, after the time limited for the redemption of said lands, bar, bind, divest and foreclose of and from all equity of redemption, the right, title and interest in said lands of not only such person, if he shall have been alive at the time of the publication of such notice, together with all persons claiming through or under him, but shall also be conclusive against and bar, bind, divest and foreclose of and from all equity of redemption, all right, title and interest in said lands, of the heirs, devisees and personal representatives of such person or persons if at the time of such publication of said notice such person shall, in fact, have been dead; *provided*, the said purchaser or his agent, or his assignee or his agent make affidavit to the fact that he does not know and cannot ascertain by inquiry made in said lands whether such person is alive or dead at the time of the first publication of said notice, and could not then ascertain his address by inquiry made upon said lands, and does not know such address at the time of making said affidavit, and that the only address he can learn of such person is that disclosed by said record, if any is disclosed, and where no address is given publication alone shall be sufficient; and he shall also make proof of such mailing, if notice is mailed, which affidavits and proof shall be filed with the officer with whom the proofs are required to be filed, before the execution and delivery of the deed for said lands.

Proviso.

Affidavits or
proofs of service
of publication to
be filed.

6. *And be it enacted*, That all the affidavits or service of publication and other proof required to be made by the act of which this is supplement, and all supplements, shall be filed with the city clerk, and all the affidavits and proofs now or hereafter filed shall, after the expiration of two years from the time of the execution of

the deeds of the land relating to which they are filed, be deemed and taken as conclusive evidence of the facts therein stated.

7. *And be it enacted*, That where the land heretofore sold or hereafter sold under this act and supplements, the title of which shall be vested in a trustee, service of the notice required under the said act of which this is a supplement, and all supplements heretofore or hereafter made on the trustee or person holding the title of said lands in trust, either by deed or descent, as provided in said act and supplements, shall after the time for redemption has passed, bar, bind, divest and foreclose all right, title and interest of every kind, not only of such trustee in said lands, but also all the right, title and interest of all persons in any manner interested in said lands either in law or equity, whose names are not disclosed by the deed creating the trust.

Land sold, if not redeemed in time, bars right of title of trustees.

8. *And be it enacted*, That the owner, mortgagee or other person interested may redeem as in said act and supplements provided the lands sold pursuant to the said act and supplements at any time before notice is given or before the expiration of six months after notice shall have been given to him of such sale by the purchaser, his heirs or assigns, in the manner in said act and supplements provided, or before a deed of said premises shall have been delivered.

Notice for redemption of land and when it may be redeemed.

9. *And be it enacted*, That all acts or parts of acts, so far as they are inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved April 8, 1892.

CHAPTER CCLXXVI.

An Act relating to the powers of guardians.

Guardian may
sell land without
order of court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any guardian heretofore has or shall hereafter become the purchaser of any land, tenements or hereditaments, at a sale upon the foreclosure of any mortgage held by such guardian, such lands, tenements or hereditaments shall be assets in his hands, and may be sold and conveyed by him without any order of court, and he shall receive, be accountable for and pay over the proceeds of such sale the same as the other assets in his hands.

Sales heretofore
made valid.

2. *And be it enacted*, That any sale and conveyance heretofore made by any guardian under such circumstances shall be deemed as valid and effectual in all respects as if made under an order of court.

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

Approved April 8, 1892.

CHAPTER CCLXXVII.

An Act to amend an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act respecting bridges,"'" approved April tenth, one thousand eight hundred and forty-six; approved March twenty-fourth, one thousand eight hundred and seventy-four; approved April third, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the above entitled act, approved April third, one thousand eight hundred and ninety-one, be amended so that when amended shall read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be necessary to repair or rebuild any bridge or viaduct in this state over any navigable river or water, the public authorities, corporation or person so repairing or rebuilding such bridge or viaduct, shall not be liable for damages occasioned by obstructing or stopping navigation thereby; *provided*, the said repairs or rebuilding and obstructing or stopping of navigation be done between the first day of February and the twentieth day of February; *and provided, further*, that said repairs or rebuilding be prosecuted with all practical dispatch; *and provided, further*, that notice of such intended repairs or rebuilding be given at least three weeks prior to commencing the same by publishing a notice thereof in some newspaper circulating in the county adjacent to such bridge or viaduct.

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

Approved April 8, 1892.

Section to be amended.

When bridges over navigable streams are being repaired public authorities or corporations shall not be liable for damages for obstructing navigation.

Proviso.

Proviso.

Proviso.

Repealer.

CHAPTER CCLXXIX.

An Act concerning companies empowered to construct horse or street railroads.

Extending time
for completing
street railroads
for a period of
two years.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any horse or street railroad, by any act of this state extending the time for the commencement and completion of the building of such horse railroad, expired during the year eighteen hundred and ninety-one, such time shall be and the same is hereby extended for the further period of two years; *provided, however*, 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; *and provided, further*, that this act shall not apply to any corporation unless such corporation has heretofore filed or shall file as a condition precedent to the exercise of any power granted by this act in the office of the secretary of state, an agreement approved by the governor and attorney-general waiving all rights 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 further agreeing 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 this state under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of the state, if any there exist, to take the property of any such corporation under any existing law of this state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

Corporation
may increase
capital stock.

2. *And be it enacted*, That any such corporation is hereby authorized to increase its capital stock to any amount not exceeding double the amount which it is now authorized

to issue upon filing with the secretary of state a certificate under the seal of the corporation setting forth the amount and date of such increase, which shall be accompanied by written consent of stockholders owning at least two-thirds in value of the existing capital stock to said proposed increase of capital.

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

Approved April 8, 1892.

CHAPTER CCLXXX.

An Act to empower township committees to order money raised by taxation to pay township indebtedness in certain cases.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township to order raised by taxation, in the same manner as other township moneys are raised, and for the assessor to assess the same, a sum sufficient to pay any promissory note or notes, given prior to the year one thousand eight hundred and ninety-two, by order of the township committee, and signed by such committee and the chairman thereof, for moneys borrowed and expended for the use of and for the township; and such moneys, when raised, shall be applied to the payment of such notes.

Township committees to raise money to pay promissory notes

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

Approved April 8, 1892.

CHAPTER CCLXXXI.

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.

Fire commissioners in first class cities may appoint two battalion chiefs.

Two thirds vote necessary to appoint.

Compensation \$1400 per annum

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That 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 the power to appoint, and the authority therefor is hereby granted, of not more than two officers for such fire department, who shall be known as battalion chiefs thereof, and 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 fourteen hundred 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 removable only for cause after a hearing or opportunity therefor is afforded.

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

Approved April 8, 1892.

CHAPTER CCLXXXII.

An Act concerning the repair of school houses in cities
of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year from the date of the approval of this act it shall be lawful for the board having charge and control of the finances of such city, with the consent of the mayor thereof, to appropriate such sum of money as to said board shall seem necessary for the repair of the public school buildings of such city, which appropriations shall be expended by the board in such city now charged with the repair of school buildings. Money may be appropriated for repair of school building.

2. *And be it enacted*, That said financial board may with the approval of the mayor borrow the amount of such appropriations on temporary loan bonds at interest not exceeding five per centum per annum; *provided*, that the payment of said bonds shall be provided for and paid out of the tax levy next thereafter to be made in such city. Board can borrow. Proviso.

Approved April 8, 1892.

CHAPTER CCLXXXIII.

An Act to amend an act entitled "An act to amend an act entitled 'An act to further amend section seventy-nine of the act entitled 'An act for the organization of the National Guard of the state of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine, approved March ninth, one thousand eight hundred and eighty-five,'" which amendatory act was approved April twenty-third, one thousand eight hundred and eighty-eight.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-nine of the act to which this is amendatory be and the same is hereby amended so as to read as follows :

Pensions.

79. *And be it enacted*, That the widow and minor children, or dependent mother or father of any officer or soldier who may have been within three years last passed, or who may hereafter be killed or fatally injured, or who shall die from disease contracted while in the line of duty in the performance of any actual service of this state, or while engaged in any parade, encampment or brigade, regimental or battalion inspection (not in the service of the United States), or any officer or soldier who may have been within ten years last passed, or who may hereafter be wounded or permanently disabled in the performance of any actual service of this state or while engaged in any parade, encampment or brigade, regimental or battalion inspection (not in the service of the United States), shall, upon making due proof of the fact, receive from the treasury of this state the like reward that persons under similar circumstances receive from the United States, and in cases of fatal injury such reward shall date from the time of receiving the injuries on account of which such reward is allowed.

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

Approved April 8, 1892.

CHAPTER CCLXXXV.

A Further Supplement to an act entitled "An act for dividing and ascertaining the boundary lines of all the counties in this province," passed January twenty-first, one thousand seven hundred and nine.

WHEREAS, the boundary lines of certain counties of this state, in the waters mentioned, are general and indefinitely described, to wit: of the county of Bergen, in the Hudson river; of the county of Hudson, in the Hudson river, New York bay and in Kill von Kull sound; of the county of Union, in Arthur Kill or Staten Island sound; of the county of Middlesex, in Arthur Kill or Staten Island sound and in Raritan bay; and of the county of Monmouth, in Raritan bay; *and whereas*, by the agreements made December twelfth, one thousand eight hundred and eighty-seven, and December twenty-third, one thousand eight hundred and eighty-nine, by the joint board of boundary line commissioners appointed to locate and mark out the true boundary lines between the states of New Jersey and New York in the above mentioned waters, these boundary lines have been located and marked out by definite monuments and marks, and said agreements, together with the maps showing the lines so agreed upon, have been duly filed in the office of the secretaries of state, at Trenton, New Jersey, and at Albany, New York; therefore,

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

the easterly and northerly boundary lines of the county of Bergen, in the waters of the Hudson river; the easterly and southerly boundary lines of the county of Hudson, in the waters of the Hudson river, New York bay and the Kill von Kull sound; the easterly boundary line of the county of Union, in the waters of the Arthur Kill or Staten Island sound; the easterly boundary line of the county of Middlesex, in the waters of the Arthur Kill or Staten Island sound and the northerly boundary line of said county in Raritan bay; the northerly boundary line in the county of Monmouth, in the waters of Raritan bay to the main sea; be and the same are hereby fixed and established as the boundary lines of the said counties, in the waters hereinbefore named, as located, marked out and agreed upon by the joint boundary line commissioners aforesaid, and as shown on the maps accompanying said agreements.

2. *And be it enacted*, That in all cases where the boundary lines in front of the said counties, in the waters above mentioned, have been established at any point beyond the boundary of said counties as heretofore existing, or supposed to exist, by the general and indefinite descriptions heretofore made, that the division lines between said counties shall be and the same are hereby declared to be extended at right angles with the boundary line established by said joint board of boundary line commissioners until they severally reach the said boundary line; except that the easterly boundary line of the county of Middlesex in Raritan bay shall be on a line drawn from the lighthouse at Princes bay on Staten Island, to the mouth of Matawan creek, and extended from the mouth of said creek to the boundary line in Raritan bay, as located, marked out and agreed upon by the joint boundary line commissioners aforesaid; and, also, that the southerly boundary line of Hudson county in the Kill von Kull and New York bay shall be coincident with the boundary line established by said joint board of boundary line commissioners as aforesaid.

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

Approved April 9, 1892.

CHAPTER CCLXXXVI.

Supplement to an act entitled "An act relative to trustees," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five, of the act to which this is a supplement, be and the same is hereby amended so as to read as follows :

Section to be amended.

5. *And be it enacted*, That any trustee appointed under the last preceding section of this act, or who heretofore has been or hereafter shall be appointed or substituted by the orphans' court of any county of this state, or by the court of chancery, in the place of any trustee appointed by a will or other instrument creating or continuing a trust, shall have the same power to sell and convey lands and other property as was given to and vested in the original trustee or trustees named in or appointed by such will or instrument, even in cases where such power may be directed to be exercised at the discretion of such original trustee or trustees, unless such power of sale shall by such will or instrument be expressly prohibited to any substituted trustee.

Powers of substituted trustee.

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

Approved April 9, 1892.

CHAPTER CCLXXXVII.

An Act to provide for the laying out of streets in any city of the third class in this state.

Third class cities
can lay out
streets.

Notice to
owners.

Upon refusal of
owners to treat
commissioners to
be appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or other similar municipal body of any city of the third class of this state, by ordinance, to lay out or open any street, road or highway in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of the said city to be opened, altered or widened whensoever and so often as they shall judge the public good requires the same to be done: and the said common council or other similar municipal body shall give a written or printed notice to the owner or owners of any land or real estate necessary to be taken for either of said purposes, or to his, her or their legal representatives, of their intention to take such land or other real estate and appropriate it for such street, road, highway or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, or the said common council or other similar municipal body cannot agree with such person or persons for the same, then it shall be lawful for the said common council or other similar municipal body to appoint three judicious and disinterested citizens of said city as commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by opening, laying out, altering or widening any such street, road, highway or alley, and to ascertain the whole amount of damages and expenses incident to such laying out, opening, altering or widening, and to make a just and equitable assessment thereof among the owners and occupants of all the lands, tenements and real estate benefited thereby in proportion to the advantages each shall be deemed to acquire; and in case the council

or other similar municipal body shall agree with every owner of land necessary to be taken respecting the same, then such commissioners shall be appointed for the purpose of assessing said damages and expenses among the owners of land benefited thereby in the manner aforesaid.

2. *And be it enacted*, That the said common council or other similar municipal body shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by advertising the same in two newspapers printed in the city, if so many there be, two weeks before the time of meeting, which notice shall specify the street, road, highway or alley proposed to be laid out, opened, altered or widened, the alterations proposed to be made and the lands or real estate intended to be taken for such purposes; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises, if necessary, and make just and true estimates and assessments and report their proceedings to the common council or other similar municipal body sufficiently in detail to enable the common council or other similar municipal body to determine the principle upon which such estimates and assessments were made; such report shall be filed with the city clerk and be open to the inspection of the public for ten days previous to its presentation to the common council or other similar municipal body, and notice of such filing shall be published in two newspapers, if there shall be so many printed in said city, at least ten days previous to such presentation; parties interested may file with the city clerk written objections to said report, stating the nature and extent of their interests and the grounds of their objections to it; all such objections shall be filed within ten days after the first publication of the notice of the filing of the report; the said commissioners shall have full power to reconsider and change their report if objected to, or if they refuse so to do, either in whole or in part, they shall deliver such objections with their report to the common council or other similar municipal body, and the common council or other similar municipal body may ratify the

To assess damages and expenses.

Time of meeting

Advertisement.

Examine witnesses.

Report.

Objections.

Final action. action and report of the commissioners, or alter said report in respect to the matter specified in the objections, or the said common council or other similar municipal body may recommit the report to the commissioners for further consideration in respect to such matters, or any other matter connected therewith; and in the event of a recommitment the said commissioner shall, as far as may be necessary, comply with all the requirements of this section; when the common council or other similar municipal body shall have taken final action upon said report, it shall be binding and conclusive upon the owner or owners of any lands or real estate affected thereby, subject only to the appeal hereinafter given; and upon payment of the damages so awarded, or upon a tender and refusal thereof, it shall be lawful for the common council or other municipal body to cause the said land or real estate necessary to be taken as aforesaid, to be entered upon and used for the purpose of the contemplated improvement; *provided, however,* that any person whose lands may be so taken, may appeal from the proceedings of said common council or other similar municipal body to the circuit court of the county within thirty days from the time of making the final order of the common council or other similar municipal body, and within the same period shall notify the city clerk of such intended appeal; the said circuit court shall order a trial by jury to assess the damages sustained by the party aggrieved, such trial to be conducted as are other trials by jury.

Damages to be paid in sixty days.

3. *And be it enacted,* That if no such appeal to the circuit court be taken, the person whose lands shall have been taken shall be entitled to receive from said city, within sixty days from the time of making the final order of the council, the amount of damages sustained by them respectively, with interest from the date of said final order, and may, after the said period of sixty days, sue for and recover the same from the said city in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council, or other similar municipal body, or the award of the said jury, as the case may be, shall be conclusive evidence against the defendants.

4. *And be it enacted*, That in case the common council or other similar municipal body and the owner of any such land or real estate shall agree upon the sum to be paid therefor, such sum shall constitute a part of the whole amount of damages and expenses to be assessed under and in pursuance of the provisions of section one of this act. Upon agreement sum to constitute a part of whole amount.

5. *And be it enacted*, That any assessment made by virtue of this act shall bear interest at the rate of ten per centum after thirty days from the day the same is ratified by the final order of the city council, or other similar municipal body, and not before; and shall continue and remain a lien upon the lands and real estate so assessed until the said assessment with the interest and expenses shall be paid or the amount thereof discharged by sale of said lands and real estate by the city, and it shall be the duty of the city clerk to send by mail written notices of the ratification of any assessment made by the provisions of this act to each person assessed thereby within five days after such ratification or final order. Interest on assessments. Lien.

6. *And be it enacted*, That no land or real estate shall be assessed for any such street, road or highway laid out, opened, altered or widened by virtue of this act, a greater amount than such land or real estate shall be benefited by such improvement; and in case the whole expenses of any such improvement shall exceed the amount assessable for the benefits, then the balance of such expense shall be paid out of the city treasury. Assessments not to exceed benefits.

7. *And be it enacted*, That all assessments which shall be made or assessed by virtue of the provisions of this act upon any lands or tenements within said city shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrances thereon. Assessments a lien.

8. *And be it enacted*, That it shall be no valid objection against laying out or opening any highway, street or road in said city that the ending point of the same is not in a public highway; *provided*, the same be laid out or opened in conformity with the provisions of this act. Street may be laid out if the ending point is not in a public highway. Proviso.

9. *And be it enacted*, That in case any assessment made as aforesaid shall not have been complied with by the payment of the sums thereby assessed, within six months Lands to be sold.

after the notification by mail as aforesaid of the same as aforesaid, the common council or other similar municipal body shall cause a notice to be published in one or more public newspapers printed in said city, for at least one month, requiring the owner or occupant of such lands, tenements and real estate, respectively, to pay the sums at which the same shall have been assessed, together with all the interest, costs and expenses that shall have accrued thereon, to the treasurer of said city, and that, in default of such payment, such lands, tenements and real estate will be sold at public auction by the city treasurer to satisfy such assessment, and the interest, costs, charges and expenses thereof, which notice shall be signed by the city clerk, and shall contain a brief description of the premises to be sold, and shall state the purpose and amount of the assessment against the same, with the costs, charges and expenses, and the day, hour and place of such sale; and copies of such notice shall be posted in five public places in such city, at least four weeks before such sale; it shall be lawful to sell said lands and premises pursuant to said notice, at public auction, for the shortest term for which any person or persons will agree to take the same and pay such assessment, interest, costs, charges and expenses; if at any such sale there shall be no other bidders, the city treasurer may, in the name and for the use of the city, purchase the property offered for sale for the term of one hundred years, and the city treasurer shall execute, under the common seal of said city, a certificate of said sale, and deliver the same to the purchaser within ten days after the sale.

Notices posted.

Term of purchase.

Land may be redeemed.

10. *And be it enacted*, That the owner, mortgagee, occupant or any other person or persons having a legal or equitable interest in any lands or real estate sold for assessments as aforesaid, may redeem the same at any time within two years from the time of such sale, by paying to the city treasurer, for the use of the purchaser, his heirs or assigns, the said purchase money, together with any other assessment properly chargeable thereon and which the purchaser may have paid, with the interest on said purchase money, at the rate of ten per centum per annum, from the time of such sale or from the time of such payment, and the certificate of said treasurer, stating

the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption, which sum of money so paid the said treasurer shall cause to be refunded to the purchaser, his heirs and assigns.

11. *And be it enacted*, That if any lands or real estate so sold shall not be redeemed, as by this act provided, the common council shall cause to be executed to the purchaser, his legal representative or assigns, a declaration of sale, under the seal of the city, signed by the mayor, attested by the city clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale and the period for which the premises were sold, which declaration shall be recorded in the office of the city clerk; and until the same shall have been recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale; and such declaration of sale shall be presumptive evidence that such sale and proceedings were regularly made according to the provisions of this act, and such purchaser or purchasers, and his or their legal representatives, shall by virtue thereof lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same; and such purchaser or purchasers, and his, her or their legal representatives shall be at liberty to remove all the buildings and materials which he, she or they shall erect or place thereon, and at the expiration of said term shall peaceably and quietly yield up said lands and real estate to the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as a tenant for a term of years; *provided*, that whenever satisfactory evidence shall be produced to the common council that any lands so sold belonging to an idiot, lunatic or infant, for whose estate no guardian shall have been appointed, the said common council, or other similar municipal body, shall

Declaration of
sale to be
recorded.

If not, land may
be redeemed in
two years.

Purchaser to
be liable for
injury.

Proviso

direct the mayor and city clerk to postpone the execution of a declaration of sale of such lands until at least four months after they shall have evidence that such disability has been removed, or guardian or trustee to their estate appointed, and until the expiration of said four months such guardian or trustee or person whose disability has been removed may redeem such lands as hereinbefore provided.

Certificates of
sale to be
recorded by city
clerk.

12. *And be it enacted*, That it shall be the duty of the city clerk to record in proper books kept for that purpose, all certificates of sale and assignments thereof, to give certificates of search in relation thereto to any person applying for the same, and to cancel such certificates of sale and assignments thereof so recorded when the land and real estate for which they were given shall be redeemed, on certificate of the city treasurer of such redemption, and file such certificate in his office; it shall be the duty of the city treasurer to make out two receipts for all property redeemed, one for the person redeeming and one to be filed in the office of the city clerk.

Proceedings
where owners are
non compos
mentis, or out of
the state.

13. *And be it enacted*, That in case any owner or owners of any land or real estate necessary to be taken for the laying out, opening, alteration or widening of any street, road, highway or alley in the said city, shall be non compos mentis, or out of the state, or cannot be found on reasonable inquiry, and no agent or legal representative of such owner can on like inquiry be found in this state, then it shall be lawful for the common council or other similar municipal body of said city to proceed to the appointment of the commissioners mentioned and provided for in the first section of this act, after publishing in a newspaper printed in said city for the space of two weeks, at least once in each week, a notice of the intention of said common council or other similar municipal body to take such land or real estate and appropriate it for such street, road, highway or alley.

Oath of commis-
sioner.

14. *And be it enacted*, That all commissioners appointed by virtue of the provisions of the first section of this act shall before they enter upon the execution of the duty required of them, be sworn or affirmed before any person authorized by law to administer oaths, to assess the said damages and benefits administered to them fairly and

impartially according to the best of their skill and judgment; and the said common council or other similar municipal body may remove such commissioners and appoint others for any cause that to said common council or other similar municipal body may seem just; and in case of the resignation, death or disability of one or more of such commissioners, it shall be lawful for the common council or other similar municipal body to fill by appointment the vacancy or vacancies thus created, without prejudice to any proceedings already taken by such commissioners.

15. *And be it enacted*, That whenever, by reason of any informality or illegality in the proceedings of the common council or other similar municipal body, or of the commissioners of assessment, surveyors or other agents of the common council or other similar municipal body, or officers of the city in laying out, opening, altering or widening any street, road or highway by the provisions of this act, any assessment shall be set aside by judicial authority, it shall be lawful for the common council or other similar municipal body to re-institute the proceedings set aside upon the same basis upon which the original proceedings were based, or otherwise if they shall see fit so to do, and lawfully proceed therein the same as though the former proceedings had not been had; or the said common council or other similar municipal body may re-institute said proceedings from the point where such informality or illegality may have been so decreed, and whenever the common council or other similar municipal body shall discover that any such proceedings are liable to be set aside by judicial authority they may re-institute said proceedings from the point where such informality or illegality commences, and no assessments shall be deemed invalid in consequence thereof; but no writ of certiorari shall be allowed or issue to remove any assessment made upon the owner or owners of land and real estate for any work or improvement made, unless the same be applied for within six months after the confirmation of such assessment by the common council or other similar municipal body of said city, and this section shall apply as well to all proceedings heretofore set aside by judicial authority by reason of any

Vacancies.

Where assessments are set aside proceedings may be re-instituted.

Certiorari

informality or illegality as to those which may hereafter be so set aside.

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

Approved April 9, 1892.

CHAPTER CCLXXXVIII.

An Act to allow towns, villages or other municipal corporations to acquire and use lands or real estate in an adjoining township or other municipal corporation for use for the construction of a sewage receptacle or sewage disposal works.

Towns, villages or other municipal corporations may acquire lands to be used as a sewage receptacle.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the governing body of any town, village or other municipal corporation in this state to secure, by purchase or condemnation, or otherwise, in any township or other municipal corporation, such land or real estate as may be necessary for the erection or construction of any sewage receptacle or works or place for treating or disposing of the sewage or house waste of the town, village or other municipal corporation in which a system of sewers has been or may hereafter be constructed.

Consent of township to be obtained.

2. *And be it enacted*, That it shall be lawful for the governing body of any town, village or other municipal corporation in this state, when it has heretofore secured or may hereafter have secured such land or real estate in an adjoining township, for the purpose mentioned in section one of this act, to proceed to the work of preparing or of having prepared, such land or real estate for the disposal of the sewage or house waste of such town, village or other municipal corporation, and to use such land or real estate for the purpose designated,

when they have secured the consent by resolution of the township committee or other governing body of the township or other municipal corporation within whose boundaries such lands are located; *provided, however,* Proviso. that the resolution granting the consent herein provided for, before being operative, shall have received the votes of majority of the members of the township committee or other governing body of the township or other municipal corporation within which such disposal works or other sewage receptacle or receptacle are proposed to be located, but nothing in this act contained shall apply to sewage receptacles or works used in connection with or as a part of any outlet for sewage to tidewater.

3. *And be it enacted,* That all acts or parts of acts in- Repealer. consistent with, or not conforming to the provisions and requirements of this act, be and the same are hereby repealed in so far as their operation may conflict with this act.

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

Approved April 9, 1892.

CHAPTER CCLXXXIX.

A Supplement to an act entitled "An act to incorporate benevolent and charitable associations" (Revision), approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever any certificate Validates informal or irregular certificates. heretofore made under the provisions of this act has not been immediately filed or recorded, or when it fails to disclose the manner of the election of the officers named in said certificate, or by reason of any informality or irreg-

ularity may be deemed effectual, notwithstanding said informality or irregularity, and said certificate shall be as effectual for all intents and purposes of said act as though such informality or irregularity did not exist.

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

Approved April 9, 1892.

CHAPTER CCXC.

An Act to amend an act entitled "An act to authorize executors and others to invest in the bonds of this state," approved April fourth, one thousand eight hundred and sixty-five.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to authorize executors and others to invest in the bonds of this state," approved April fourth, one thousand eight hundred and sixty-five, is hereby amended to read as follows:

May invest money in bonds of counties, cities, towns, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the executors, administrators, guardians and trustees and others holding trust funds for investment to invest the funds so held by them in trust in bonds of any county, city, town or township of this state, issued pursuant to the authority of any law of this state where the total indebtedness of said county, city, town or township does not exceed in the aggregate fifteen per centum of the assessable valuation of all the taxable property within such county, city, town or township; *provided*, that this act shall not apply to cases where the deed of trust, or the last will and testament of any testator, or any court having jurisdiction

Proviso.

of the matter, specially directs in what manner the trust fund shall be invested.

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

Approved April 9, 1892.

CHAPTER CCXCI.

An Act amendatory of and supplementary to an act entitled "An act amendatory of and supplementary to the act entitled 'An act to enable cities in this state to furnish suitable accommodations for the transaction of public business and an armory for the use of the national guard of the state therein organized,' approved April fifteenth, one thousand eight hundred and eighty-seven, and the supplement thereto, approved May twenty-eighth, one thousand eight hundred and ninety, and to amend the title of said act and supplement," approved April fourteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of said act of April fourteenth, one thousand eight hundred and ninety-one, to which this is a supplement, be amended so as to read as follows:

Section to be amended.

3. *And be it enacted*, That section one of said act of April fifteenth, one thousand eight hundred and eighty-seven, be amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in which there are not buildings, the property of the city, suitable and sufficient to accommodate the different officers and departments of the city government, such city is hereby

Cities authorized to erect buildings and to purchase land.

authorized to erect such building upon property now owned by such city, and to purchase other land on which to erect such building for a city hall and the accommodation of the different officers and departments of the city government, in the manner hereinafter provided; *provided*, that the total expenditure therefor shall not in any case exceed four hundred thousand dollars in addition to any amount, not exceeding fifty thousand dollars, derived from the sale of buildings and grounds as provided in this act.

Section to be amended.

2. *And be it enacted*, That section six of said act of April fourteenth, one thousand eight hundred and ninety-one, to which this act is a supplement, be amended so as to read as follows:

Bonds issued not to exceed \$400,000.

6. *And be it enacted*, That no bonds shall be issued under the provisions of this act beyond the amount of four hundred thousand dollars; that said bonds shall be issued at a rate of interest not exceeding five per cent. per annum: the said bonds shall not be sold for less than par and accrued interest; said bonds shall be issued and made payable in such manner that said bonds to the amount of ten thousand dollars shall fall due each year from and after three years from the appointment of such commissioners; that there shall be included in the tax levy, and raised by taxation in such city each year a sum equal to the interest upon such bonds and the principal of the bonds falling due within the year.

To be sold for par and accrued interest.

Interest and principal to be raised by taxation

Approval of mayor to be obtained.

3. *And be it enacted*, That no bonds shall be issued or authorized under the provisions of this act, by the board having charge and control of the finances of such city, nor shall any contract be made for the construction of a new city hall or any part thereof, or resolution for the expenditure of any moneys be authorized by such city hall commissioners unless the same shall have been approved by the mayor of such city, to whom the same shall be submitted for approval in the same manner as the acts and resolutions of other municipal boards are by law required to be submitted.

Approved April 9, 1892.

CHAPTER CCXCII.

An Act to amend an act entitled "An act to provide for the formation and government of towns," approved April twenty-fourth, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixty-one of an act entitled "An act to provide for the formation and government of towns," approved April twenty-fourth, one thousand eight hundred and eighty-eight, be and the same is hereby amended so as to read as follows:

61. *And be it enacted*, That streets or sections of streets shall be laid out, opened, straightened, extended, widened or otherwise changed as to their boundaries, in the following manner and not otherwise: a petition, in writing, signed by the owners of one-sixth of the property fronting on the improvement desired, shall be presented to the council, setting forth accurately the improvement desired; if the council shall favor the petition the same shall be referred to the commissioners of assessment and a town surveyor not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property, which in the judgment of said commissioners, will be specially benefited thereby, designating each lot and parcel on said map by a letter or number; said commissioners shall also ascertain, so far as practicable, the name of the owners of said real estate to be taken and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estates are not known they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same; and where the estates in any plot of land are unknown, they shall

Section to be amended.

How streets to be laid out or boundaries changed.

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 the improvement; this probable net cost they shall then assess upon the land to be specially benefited, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and their map with the clerk of the town; thereupon the said clerk shall cause a notice of the filing of said map and report to be printed in the official newspaper of the town, or, if there be none, in a newspaper published in the county and circulating in the town, for the period of two weeks, which notice shall contain a general description of the improvement intended of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the council will meet to hear and consider any objections to said report or to the improvement, which may be presented in writing; said clerk shall also, within said period, cause notices to the same effect to be posted at points not over three hundred feet apart along the whole line of said improvement; the time appointed for hearing such objections being not less than ten days after the expiration of said period of two weeks, and shall also, within the said period, serve a copy of such notice upon resident owners of real estate affected thereby; but the omission of the clerk to serve such notice shall not invalidate any of said proceedings; and all objections at such time and place, presented in writing, the council shall consider and adjudicate upon, and the awards or assessments made in said report may be corrected accordingly, a copy of which corrections, signed by the chairman of the council, shall be filed with the said clerk within twenty days after the expiration of said period of two weeks; if the said council shall then determine to

make said improvement, notwithstanding any objections to the same, the said council shall confirm said awards, with the corrections, if any, and pass an ordinance ordering said improvement to be made and completed in such manner as said council may direct, under the supervision of said commissioners of assessments; *provided*,^{Proviso.} the said council shall not proceed to make any such improvement if the owners of the property subject to more than one-half of the assessment for the improvement shall remonstrate against the same being made; the said council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken and damages sustained in making said improvement, and upon the passage of such resolution the fee simple of said real estate to be taken shall be vested in the town; *provided*,^{Proviso.} that where the commissioners shall have reported the name or estates of the owners of any plot as unknown, the said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear, and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement the said commissioners shall ascertain and determine the actual net cost thereof, and shall assess, as hereinafter provided, such actual net cost upon the lands specially benefitted in proportion to the benefit received.

2. *And be it enacted*, That section sixty-four of the said act be and the same is hereby amended so as to read as follows:

64. *And be it enacted*, That any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered or otherwise improved, as hereinbefore provided, in the following manner, viz.: on the petition in writing to the council by the owners of one-sixth of the lands fronting on the street proposed to be improved, 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

^{Section to be amended.}

^{How streets graded, macadamized, &c.}

Proviso.

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 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 a majority 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 twenty dollars before receiving any petition; and in case the owners of a majority of the lands fronting on the proposed improvements have not objected thereto, the council may, in its discretion, determine not to make such improvement, in which case the deposit made by the petitioner or petitioners 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 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 bills 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 proposals 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.

3. *And be it enacted,* That section sixty-five of the said act be and the same is hereby amended so as to read as follows : Section to be amended.

65. *And be it enacted,* That sewers may be built and constructed in any of the streets of the town under the control of the town authorities on the petition of owners of one-sixth of the lands adjoining the proposed route of the sewer; and the proceedings, after receiving such petition, shall be in all respects the same as are hereinbefore set forth for flagging and grading of streets; and all the provisions of this act relating to flagging and grading of streets shall be applicable to proceedings for the construction of sewers, except as modified in and by this section. When sewers constructed.
Proceedings.

Section to be amended.

4. *And be it enacted*, That section seventy of the said act be and the same is hereby amended so as to read as follows :

Council may issue improvement certificates.

70. *And be it enacted*, That the council shall have power to issue improvement certificates, payable within one year or less with interest, to the amount of eighty per centum of the work done on any street, sewer or other public improvement when certified as correct by the engineer in charge of the work ; and when the contract is fully completed and the work is accepted, the town council may issue a certificate for an additional fifteen per centum of said work done, and in not less than three nor more than six months after the date of the acceptance of the work may issue a final certificate for the balance due, unless some errors or defects in the work shall have appeared, in which case the certificate shall be withheld until the defect or errors are rectified to the satisfaction of the council.

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

Approved April 9, 1892.

CHAPTER CCXCIII.

An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand eight hundred and ninety-two.

Lawful for state treasurer to pay certain amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, that is to say :

Item No. 1. To each clergyman, for opening sessions of the legislature with prayer, during

session one thousand eight hundred and ninety-two, ten dollars, \$10 00

Item No. 2. To each officer of the senate and house of assembly of the session of one thousand eight hundred and ninety-one, for services in opening the session of one thousand eight hundred and ninety-two, ten dollars, \$10 00

Item No. 3. To the Trenton Electric Printing Company, for printing furnished to the bureau of statistics of labor, sixty two dollars, \$62 00

Item No. 4. To the Phoenix Iron Company, for brass railing for assembly chamber, one hundred and twenty dollars, \$120 00

Item No. 5. To Roe & Conover, for two No. 8 Herring safes for senate and house of assembly, two hundred and seventy dollars, \$270 00

Item No. 6. To W. H. Butler, for setting combination in safe in clerk's room of house of assembly and other services and expenses, twenty-five dollars and eighty-five cents, \$25 85

Item No. 7. To the Phoenix Iron Company, for moving large safe into clerk's room, house of assembly, forty-five dollars, \$45 00

Item No. 8. To J. N. Lindsay, for carpenter work in fitting up sergeant-at-arms' room for house of assembly, eighty-eight dollars and twenty cents, \$88 20

Item No. 9. To Levi Updike, for work done and materials furnished in fitting up sergeant-at-arms' room, house of assembly, twenty-one dollars and thirty-one cents. \$21 31

Item No. 10. To Elizabeth Kucker, for washing towels for use of legislature, sixty dollars, \$60 00

Item No. 11. To L. H. Johnson, for draping chair and desk of deceased member of the house of assembly, A. H. White, sixteen dollars, \$16 00

Item No. 12. To F. S. Katzenbach & Company, for hardware furnished house of assembly, twenty-six dollars and ninety-three cents, \$26 93

Item No. 13. To the Advertiser Publishing Company, for publishing notice to present bills against legislature, one dollar, \$1 00

Item No. 14. To Naar, Day & Naar, for publishing notice to present bills against legislature, two dollars,	\$2 00
Item No. 15. To The John L. Murphy Publishing Company, for publishing notice to present bills against legislature, two dollars,	\$2 00
Item No. 16. To The Central Stamping Company, for two coolers and stands for house of assembly, thirty dollars,	\$30 00
Item No. 17. To George B. La Barre, for parchment rolls and preparing oaths of officers and members, session one thousand eight hundred and ninety-two, fifty dollars,	\$50 00
Item No. 18. To John J. Matthews, for ninety copies of members' pocket calendars furnished members and officers house of assembly, ninety dollars,	\$90 00
Item No. 19. To Naar, Day & Naar, for stationery furnished president of senate, fifty-five dollars and fifty-five cents,	\$55 55
Item No. 20. To Naar, Day & Naar, for stationery furnished engrossing clerk of senate, seventy-three dollars and seventy cents,	\$73 70
Item No. 21. To Naar, Day & Naar, for stationery furnished secretary of the senate, one hundred and eighty-five dollars and five cents,	\$185 05
Item No. 22. To Naar, Day & Naar, for stationery furnished speaker of the house of assembly, eighty-five dollars and fifty cents,	\$85 50
Item No. 23. To Naar, Day & Naar, for stationery furnished journal clerk, house of assembly, eight dollars and sixty cents,	\$8 60
Item No. 24. To Naar, Day & Naar, for stationery furnished sergeant-at-arms, house of assembly, one hundred and eighty dollars and thirty cents,	\$180 30
Item No. 25. To Naar, Day & Naar, for stationery furnished engrossing clerk, house of assembly, one hundred and twenty-nine dollars and seventy-five cents,	\$129 75
Item No. 26. To the Jordan Stationery Company, for stationery furnished to clerk of house	

of assembly, for members of the house of assembly, clerk, reading clerk and journal clerk, four hundred and forty-three dollars and eight cents, \$443 08

Item No. 27. To the Jordan Stationery Company, for minute files furnished house of assembly, one hundred and seventy-six dollars and twenty-five cents, \$176 25

Item No. 28. To the Jordan Stationery Company, for stationery furnished journal clerk of the senate, one hundred and twenty dollars, \$120 00

Item No. 29. To Thomas F. Noonan, Jr., for expenses for ivory gavel for speaker of house of assembly, postage for bills and other documents and expressage on merchandise, thirty-five dollars, \$35 00

Item No. 30. To W. H. Butler, for changing combination and easing safe and expenses in senate, twelve dollars, \$12 00

Item No. 31. To the John L. Murphy Publishing Company, for stationery furnished the sergeant-at-arms of the senate, one hundred and seventy-nine dollars and sixty cents, \$179 60

Item No. 32. To MacCrellish & Quigley, for stationery furnished the sergeant-at-arms of the senate, one hundred and fifty-four dollars and twenty cents, \$154 20

Item No. 33. To David Bertron, for legal services in Oxford investigation, one hundred dollars, \$100 00

Item No. 34. To the New Jersey Herald, for printing furnished the committee on fisheries, session one thousand eight hundred and eighty-eight, seventy-eight dollars and twenty-four cents, \$78 24

Item No. 35. To Samuel C. Thompson, for two self-inking stamps for president and engrossing clerk of the senate, fourteen dollars, \$14 00

Item No. 36. To W. H. Simmons & Son, for carriages furnished the committee on asylums, eight dollars, \$8 00

- Item No. 37. To Albert Datz, for bill files and calendar files and expressage furnished the house of assembly, six hundred dollars, \$600 00
- Item No. 38. To the Foye Letter File, Cabinet and Index Company, for bill files furnished the senate, three hundred and one dollars, \$301 00
- Item No. 39. To George K. Coleman, for postage stamps furnished in mailing documents for the senate, ten dollars and fifty cents, \$10 50
- Item No. 40. To Joseph Ashton & Son, for furnishing combination sets and punches three dollars, \$3 00
- Item No. 41. To Claffey & Slack, for furnishing alligator valise to the postmaster of the house of assembly, four dollars and fifty cents, \$4 50
- Item No. 42. To Robert A. Haggerty, for services rendered as assistant sergeant-at-arms of the senate, session of one thousand eight hundred and ninety-one, one hundred and fifty dollars, \$150 00
- Item No. 43. To William K. Devereux, for services rendered as clerk to the committee on incidental expenses, session one thousand eight hundred and ninety-two, one hundred dollars, \$100 00
- Item No. 44. To Knight & Gnichtel, for stenographic services and copies of testimony furnished the committee appointed to investigate the troubles at Oxford Furnace, one hundred and twelve dollars and twenty-five cents, \$112 25
- Item No. 45. To MacCrellish and Quigley, for stationery furnished the sergeant-at-arms of the house of assembly, seventy-five dollars, \$75 00
- Item No. 46. To MacCrellish & Quigley, for stationery, et cetera, furnished the speaker of the house of assembly, one hundred and twenty-one dollars and twenty-seven cents, \$121 27
- Item No. 47. To MacCrellish & Quigley, for stationery furnished the clerk of the house of assembly, fifty-two dollars and fifty-six cents, \$52 56
- Item No. 48. To MacCrellish & Quigley, for stationery furnished the committee appointed to investigate the alleged coal combine, eight dollars, \$8 00

Item No. 49. To MacCrellish & Quigley, for stationery furnished the journal clerk of the house of assembly, ten dollars, \$10 00

Item No. 50. To MacCrellish & Quigley, for stationery furnished the bill clerk of the house of assembly, four dollars and twenty-five cents, \$4 25

Item No. 51. To Griffin and Struck, for house and senate calendars, minute books, stationery, blank books, et cetera, furnished house and state officers, three hundred and ninety six dollars and fifty cents, \$396 50

Item No. 52. To MacCrellish & Quigley for stationery furnished the secretary of the senate, fifty-one dollars and twenty-five cents, \$51 25

Item No. 53. To MacCrellish & Quigley, for stationery furnished the bill clerk of the senate, three dollars and twenty-five cents, \$3 25

Item No. 54. To A. Kessler, for services in repairing locks, furnishing keys and hardware for senate and house of assembly, twenty-two dollars and sixty-five cents, \$22 65

Item No. 55. To Samuel C. Thompson, for extra services as acting secretary of the senate, three hundred dollars, \$300 00

Item No. 56. To William Harrigan, for extra services as sergeant-at-arms of the house of assembly, one hundred and fifty dollars, \$150 00

Item No. 57. To George K Coleman, for extra services as sergeant-at-arms of the senate, one hundred and fifty dollars, \$150 00

Item No. 58. To William C. Astley, for services rendered, committee on labor and industries, session one thousand eight hundred and eighty-seven, as per resolution of the house, three hundred and fifty dollars, \$350 00

Item No. 59. To Benjamin Godshalk, for services rendered as postmaster of the house of assembly, as per resolution, two hundred and fifty dollars, \$250 00

Item No. 60. To William Harrigan, for services rendered committee of investigation in the alleged coal combine, fifty dollars, \$50 00

- Item No. 61. To James Dugan, for services rendered house of assembly in caring for ventilation of the chamber, as per order of the house, three hundred and fifty dollars, \$350 00
- Item No. 62. To Michael Nathan, for services rendered at the opening of the senate, session of one thousand eight hundred and ninety-one, ten dollars, \$10 00
- Item No. 63. To Philip J. Delaney, for services rendered in assisting the clerk of the house of assembly, two hundred and fifty dollars, \$250 00
- Item No. 64. To Thomas Nolan, for services rendered in assisting the clerk of the house of assembly, two hundred dollars, \$200 00
- Item No. 65. To John O'Hara, for services rendered as page to the house of assembly, fifty dollars, \$50 00
- Item No. 66. To Charles D. Young, for services rendered in assisting engrossing clerk of the house of assembly, fifty dollars, \$50 00
- Item No. 67. To Patrick Murphy, for services rendered in assisting reading clerk of the house of assembly, fifty dollars, \$50 00
- Item No. 68. To Jeremiah Connell, for services rendered as page, house of assembly, fifty dollars, \$50 00
- Item No. 69. To Morris Raleigh, for services rendered as assistant secretary to the speaker of the house of assembly, fifty dollars, \$50 00
- Item No. 70. To Convery & Walker, for twine and paper furnished the sergeant-at-arms of the house of assembly, twelve dollars and forty cents, \$12 40
- Item No. 71. To Convery & Walker, for supplies furnished the sergeant-at-arms of the house of assembly, for the members of the house, four hundred and four dollars and five cents, \$404 05
- Item No. 72. To Albert Datz, for stationery furnished the sergeant-at-arms of the senate, one hundred dollars, \$100 00

Item No. 73. To Albert Datz, for stationery furnished the journal clerk of the house of assembly, forty-eight dollars and twenty-five cents, \$48 25

Item No. 74. To Albert Datz, for stationery furnished the committee on stationery for members of the house of assembly, five hundred and nine dollars and seventy-five cents, \$509 75

Item No. 75. To Albert Datz, for stationery furnished the bill clerk of the house of assembly, twenty-six dollars, \$26 00

Item No. 76. To Albert Datz, for stationery furnished the engrossing clerk of the house of assembly, fifty-four dollars and twenty-five cents, \$54 25

Item No. 77. To Albert Datz, for stationery furnished the reading clerk of the house of assembly, sixty-five dollars, \$65 00

Item No. 78. To Albert Datz, for stationery furnished the committee on towns and townships of the house of assembly, twenty-one dollars, \$21 00

Item No. 79. To John P. Flynn, for extra services rendered as assistant engrossing clerk of the senate, two hundred and fifty dollars, \$250 00

Item No. 80. To Naar, Day & Naar, for stationery furnished the engrossing clerk of the senate, three dollars and fifty cents, \$3 50

Item No. 81. To Griffin and Struck, for stationery furnished the secretary and the journal clerk of the senate, one hundred and two dollars and fifty cents, \$102 50

Item No. 82. To Reginald Long, for services rendered as messenger, delivering subpoenas at Perth Amboy, hotel expenses, et cetera, fifteen dollars, \$15 00

Item No. 83. To James J. Brennan, for services rendered as messenger and sergeant-at-arms to the special committee of the house of assembly appointed to investigate the alleged coal combine, seventy-five dollars, \$75 00

Item No. 84. To James J. Brennan, for services rendered as sergeant-at-arms to the committee appointed to investigate the Oxford Furnace labor troubles, fifty dollars, \$50 00

Item No. 85. To the New Jersey "Enterprise," for publishing laws of the session of one thousand eight hundred and ninety-one, eight hundred and forty dollars, \$840 00

Item No. 86. To Clarence Terhune, for services rendered as private page to the president of the senate, two hundred and fifty dollars, \$250 00

Item No. 87. To Joseph Fitzpatrick, for services rendered as page to the house of assembly, fifty dollars, \$50 00

Item No. 88. To Albert Datz, for stationery furnished the sergeant-at-arms of the house of assembly, two hundred and thirty-two dollars and twenty-five cents, \$232 25

Item No. 89. To William S Sharp, for expressage on Bill files for senate during the session eighteen hundred and ninety, three dollars, \$3 00

Item No. 90. To Thomas O'Conner, for services as page during the session of the house of assembly eighteen hundred and ninety-two, fifty dollars, \$50 00

Item No. 91. To Charles Elridge, for services rendered in comparing bills in the house of assembly, two hundred dollars, \$200 00

Item No. 92. John Glenn clerk of the senate committee on Riparian Rights, \$300 00

Item No. 93. To the Camden Daily Courier for printing laws of 1891, the sum of eight hundred and thirty-five dollars, \$835 00

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

Approved April 9, 1892.

CHAPTER CCXCIV.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, and the supplement thereto approved March twenty-third, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the assessor of taxes in and for boroughs of the first class shall be elected in the same manner as collectors of taxes in said boroughs and shall not be appointed by the mayor and common council of said boroughs. Assessor to be elected in same manner as collectors of taxes.

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

Approved April 9, 1892.

CHAPTER CCXCV.

A Supplement to an act entitled "An act to enable boards of chosen freeholders to acquire, improve and maintain public roads," approved March nineteenth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in counties of the second class no more than three hundred and fifty thousand dollars of road bonds shall be issued by the board of chosen freeholders of any such county under the act of which Amount of bonds to be issued.

Proviso. this is a supplement or any supplement or amendment thereof; *provided, however*, that if work under said act and supplements or amendments has already been done to an amount exceeding said sum, bonds under said act and supplements may be issued to an amount sufficient to raise and pay for such work, upon proof of that fact to the court when application is made for the issue of such bonds.

No road to be improved except with money obtained from sale of bonds. 2. *And be it enacted*, That in any county of the second class wherein the board of chosen freeholders thereof have heretofore or may hereafter issue bonds under said act and supplements, that such board of such county shall not grade, macadamize or improve any road in such county except with money obtained from the sale of bonds issued under said act and supplements; *provided*, that nothing herein shall prohibit the doing of the necessary repair of any road heretofore graded, macadamized or improved by any such board, or hereafter graded, macadamized or improved under said act and supplements.

Repealer. 3. *And be it enacted*, That all acts and parts inconsistent herewith, be and the same are, so far as they conflict herewith, repealed, and that this act shall take immediately.

Approved April 9, 1892.

Joint Resolution.

JOINT RESOLUTION.

NUMBER I.

Joint Resolution authorizing the governor to provide for the thorough ventilation of the senate chamber and committee rooms, and to appropriate money to defray the cost and expense thereof.

WHEREAS, The present room used for the meeting of the senate of the state of New Jersey is poorly ventilated, thereby endangering the health of the senators and officers, and greatly retarding public business; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and he is hereby authorized to provide for the suitable and thorough ventilation of the senate chamber, and the committee and officers' rooms, and to make such alterations as he may deem necessary to accomplish the purpose, and sufficient money is hereby appropriated for that purpose, to be paid by the treasurer of the state on the warrant of the comptroller, after approval of the governor; and that this resolution take effect immediately.

Preamble.

Authorizing the governor to provide for the suitable ventilation of senate chamber.

Approved March 23, 1892.

Proclamations.

PROCLAMATIONS.

PROCLAMATION BY THE GOVERNOR.

In accordance with law, and the established custom of this state, it is the duty of the Executive to designate annually a day of thanksgiving and prayer; upon which day the people may rest from their work and labor, and assemble in places of worship, to acknowledge and return thanks to Almighty God for his goodness and mercy, and pray that he will continue to bless us with abundance and prosperity.

Therefore, I, Leon Abbett, governor of the state of New Jersey, do hereby designate and appoint Thursday, the twenty-sixth day of November, as a day for public thanksgiving and prayer, and recommend that all the people of this state abstain from work on that day, and assemble in their respective places of worship, and give thanks to God for his kindness and mercy in the past, and invoke his blessing upon the nation, the state, and upon all our people.

[L. s] Given under my hand and privy seal at the executive chamber, in the city of Trenton, on the eleventh day of November, in the year of our Lord one thousand eight hundred and ninety-one.

LEON ABBETT.

Attest:

LEON ABBETT, JR.,
Private Secretary.

PROCLAMATION BY THE GOVERNOR.

Pursuant to the authority vested in me by a joint resolution of the legislature, relative to the planting of forest trees, approved February twenty-first, one thousand eight hundred and eighty-four, I do hereby set apart Friday, the twenty-second day of April, one thousand eight hundred and ninety-two, for the planting of forest trees, and recommend that the day be devoted by the people to that purpose.

[L. S.] In witness whereof, I have hereunto set my hand and caused the great seal of the state to be hereunto affixed, at Trenton, this sixth day of April, eighteen hundred and ninety-two.

LEON ABBETT.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

Special Public Acts.

SPECIAL PUBLIC ACTS

PASSED BY THE

One Hundred and Sixteenth Legislature

CHAPTER IV.

An Act to amend an act entitled "An act to change the boundary line between the counties of Essex and Union," approved February twenty-second, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of this act entitled "An act to change the boundary line between the counties of Essex and Union," approved February twenty-second, one thousand eight hundred and seventy-six, be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundary line between the counties of Essex and Union, and the townships of Springfield and Summit, in the county of Union, and the township of Milburn, in the county of Essex, between the points hereinafter mentioned, shall hereafter be as follows, viz.: Beginning at a point in said boundary line at the intersection of the southeasterly line of Springfield avenue, formerly called Washington street (in the act to which this is an amendment), with the southerly line of the Morris and Elizabeth turnpike road; thence running southwesterly in a prolongation of the said southeasterly side of said Springfield avenue, to the southerly side of the said Morris and Elizabeth turnpike road;

thence running westerly along said southerly side, to the centre of the bridge over the Passaic and Delaware railroad, formerly New Jersey West Line railroad; thence running northerly at right angles to said turnpike road, to the north side of the said turnpike road; thence running westerly along the said northerly side of said turnpike road to its intersection with the boundary line of the county of Morris.

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

Approved February 3, 1892.

CHAPTER XII.

An Act to set off and create a new township from the township of Caldwell, in the county of Essex, to be called the township of Verona.

Portion to be
established as a
new township.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Caldwell, in the county of Essex, lying east of a line described as follows: beginning in the dividing line between the counties of Essex and Passaic at a point in the northeasterly prolongation of the westerly line of land of John Smith; thence, southwesterly along the westerly line of said land and the westerly line of lands of William E. Smith and other lands of John Smith to the southwest corner of lands of John Smith on the top of the mountain; thence to the northeast corner of land of Jonathan E. Davenport; thence southwesterly to the northwest corner of land of Sophia A. Thatcher; thence southwesterly to the southwest corner of land of Isaac M. Jacobus; thence southwesterly to the northeast corner of land now or lately of Elmira Canniff; thence southwesterly to the southwest corner of land now or formerly

of William Henry Arnoux; thence southwesterly to the southwest corner of land belonging to John L. Johnson and Henry Ahlborn; thence southwesterly to the northwesterly corner of the township of West Orange, shall be and hereby is divided and set off from the township of Caldwell aforesaid, and shall be and is created a separate township, to be called and known as the township of Verona.

2. *And be it enacted*, That the inhabitants of that part of the township of Caldwell described in the first section of this act shall be and they are hereby created a body politic and corporate in law by the name of "The inhabitants of the township of Verona in the county of Essex," and shall be entitled to all the rights, powers, authority, privileges and advantages to which the other townships of the said county of Essex shall be entitled, and shall be subject to all the regulations, government and liabilities to which the said townships shall be subject by the laws of this state.

Made a body
politic and cor-
porate.

3. *And be it enacted*, That the first election of the officers of said township of Verona shall be held at the store of Max Leisenburg, in said township of Verona, at the time fixed by law for the election of such officers in the several townships of this state.

When and where
first election to
be held.

4. *And be it enacted*, That said township of Verona, for the present, shall constitute one election district or voting precinct, and the first officers of the election shall be elected by a majority of the votes of the legal voters therein, who shall be present at the hour for opening the polls on the morning of the first day of the election; but said election officers shall only hold office for that election; all other election officers in said township of Verona shall thereafter be elected in the manner provided by law.

Officers of
election.

5. *And be it enacted*, That the township committees of the said townships of Caldwell and Verona, elected at the next elections in said townships, shall meet on the twenty-ninth day of April next at A. A. Snyder's hotel in the village of Caldwell, Essex county, New Jersey, at ten o'clock in the forenoon, and at such other times and places to which they may adjourn if necessary, by a vote of the majority present; the said committee shall at such

Division and
valuation of
property.

meeting or meetings, by writing signed by a majority thereof, allot and divide between the said townships of Caldwell and Verona such property and the money on hand or due as may belong to the said township of Caldwell to and between the said townships, in proportion to the taxable property and ratables as taxed by the assessor of the township of Caldwell at the last assessment in that township; the said committees shall also ascertain and adjust the proper and equitable proportion of the debts of said township of Caldwell, if any there be, which should be paid by the said township of Verona; copies of the said writing signed by the said committees or a majority of the members thereof, shall be filed with the clerk of each township; each of said townships shall be and remain liable to pay its just proportion of said debt so ascertained by said committee until it is fully paid and satisfied, and the assessors of the respective townships shall assess in accordance with the laws now applicable thereto, such proportion of said debts upon the inhabitants of the said townships, and the tax so assessed shall and may be collected in the same manner as is now provided for the collection of other taxes assessed according to the laws now in force; in case any of the said committees shall neglect or refuse to meet as aforesaid the members assembled shall proceed to make the allotment and division of said property and money, and to ascertain and adjust the proportion to be paid by each township of said debt.

Each township
to support
paupers.

6. *And be it enacted*, That each township shall support the paupers whose settlement is or may be within the bounds of the respective townships.

Justices of the
peace and com-
missioners of
deeds to hold
office until
terms expire.

7. *And be it enacted*, That this act and its provisions shall in no wise interfere with, annul or impair the commissions or terms of office of the several justices of the peace or of the commissioners for taking the acknowledgments or proofs of deeds now resident in said township of Caldwell until such terms of office shall expire by their own limitations.

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

Approved February 17, 1892.

CHAPTER XVI.

An Act to establish the township of Peunsauken, in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Stockton not lying within the following boundaries, to wit: beginning at a point on the Delaware river at the intersection of Toll Gate or New Cove road; thence along the middle of said road southwardly to Beach street; thence eastwardly along the middle of the same to Forty-second street; thence southwardly along said street to the middle of Elm avenue; thence along the same to said New Cove road; thence along same southwardly to the middle of the Moorestown turnpike road; thence along the middle of same eastwardly to the intersection of a street on the east of lands now or late of William Welch; thence along the middle of the same southwardly to the middle of Myrtle street; thence westwardly and southwestwardly along the middle of said street to the middle of the Marlton turnpike road; thence along the middle of said turnpike road northwardly to the dividing line of lands now or late of David Genther and estate of Joseph J. Hatch; thence southwestwardly along said line to the middle of Cooper's creek; thence along the middle of said creek by its various courses and distances to the said Delaware river; and thence along said river by its various courses and distances to the place of beginning, shall be and hereby is set off from the township of Stockton, in the county of Camden, and made a separate township, to be known by the name of the township of Pennsauken.

2. *And be it enacted*, That the inhabitants of the township of Pennsauken shall be and hereby are constituted a body politic and corporate in law, and shall be styled and known by the name of the inhabitants of the township of Pennsauken, in the county of Camden, and shall

be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liberties as the inhabitants of the other townships in the county of Camden are or that they may be entitled to by the laws of this state.

When first town meeting to be held.

3. *And be it enacted*, That the inhabitants of the township of Pennsauken aforesaid shall hold their first town meeting at the dwelling-house, corner of Cove road and Westfield turnpike, in said township of Pennsauken, on any day within two months after the passage of this act, when fixed by the clerk of the township named herein by giving the usual notice, and the officers elected at said town meeting shall hold their offices until the legal expiration of their terms.

Division and valuation of property.

4. *And be it enacted*, That Charles W. Scott and Daniel W. Horner shall be and are hereby constituted commissioners to act conjointly with the township committee of the township of Pennsauken, and who shall meet with the township committee of Stockton township and a like number of commissioners, who shall be appointed by said committee of Stockton township, on the second Monday next after the first town meeting shall be held by the township of Pennsauken, in the county aforesaid, at two o'clock in the afternoon, at the town house of Pennsauken township, and shall then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all property, real and personal, moneys on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessor of Stockton township at the last assessment, and may adjourn said meeting from time to time, as a majority of those present may deem proper; and the inhabitants of the said respective townships shall be liable to pay their just proportion of the debts, if any there should be; and a majority of the persons comprising the township committees, and said commissioners of the said townships of Stockton and Pennsauken, shall constitute a quorum and may proceed to make said division, and the decision of a majority of those present shall be final and conclusive; *provided*, that it may and shall be lawful to adjourn the above meeting to such time and place within either of the said town-

Proviso.

ships as a majority of those assembled as aforesaid may think proper.

5. *And be it enacted*, That Gottlieb C. Mick shall be and hereby is constituted the clerk of the township of Pennsauken until after the first town meeting of said township, and it shall be his duty as such clerk to set up the notices required by law for holding said town meeting, together with all the several duties of township clerk. Clerk and duty.

6. *And be it enacted*, That William Mercer, Franklin Horner and Frank J. Burr shall be and are hereby constituted the township committee of the township of Pennsauken until after the first town meeting of said township, and it shall be the duty of the said township committee to ascertain whether the registered or actual number of legal voters within the township of Pennsauken exceed six hundred, and if so, to divide the said township into two voting districts and select the necessary polling places; and it shall be the duty of the aforesaid township committee to appoint the judges, inspectors and clerks of election necessary to conduct the first municipal election. Township committee. Officers of election.

7. *And be it enacted*, That the provisions of any law in relation to the registering of voters shall not apply to the first election held under this act. No registration for first election.

8. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions or justices of the peace, or of commissioners of deeds until they shall expire by limitation, or so as to impair the rights of the said township of Pennsauken in and to its just and legal proportion of the surplus revenue of the general government and the interest thereon. Construction of act as to term of office of justices and commissioners of deeds.

9. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

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

Approved February 18, 1892.

CHAPTER XXI.

An Act to set off a part of the township of Hanover, in the county of Morris, and annex such portion so set off to the township of Boonton, in said county of Morris.

Part of township
set off and
annexed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Hanover, in the county of Morris, described as follows, namely: beginning at a point in the Rockaway river where the northerly line of North Parsippany school district number ninety-two intersects said river; thence southwesterly, following the line of said school district number ninety-two, as now (one thousand eight hundred and ninety-two) established, to a point where the same intersects the southerly line of Powerville school district number ninety-four at or near the road known as the Fanny road; thence following the southerly line of Powerville school district number ninety-four, as now (one thousand eight hundred and ninety-two) established, to and intersecting the division line between the townships of Rockaway and Hanover; thence northerly, along the division line between said townships, to the bridge over the Rockaway river at Powerville at a point where the lines of the townships Hanover, Rockaway and Boonton meet; thence down the Rockaway river, the several courses thereof, to the point or place of beginning, be and the same is hereby set off from the said township of Hanover, in the county of Morris, and annexed to and made part of the township of Boonton, in the said county of Morris.

Repealer.

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

Approved February 24, 1892.

CHAPTER XXVIII.

An Act amending an act entitled "An act to establish a new township in the county of Gloucester, to be known as the township of Elk," approved April seventeen, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act of which this is amendatory be and the same is hereby amended so as to read as follows, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the townships of Clayton, Glassboro, South Harrison and Harrison, in the county of Gloucester, lying within the following boundaries, to wit: beginning at a corner stone at the head of Oldmans creek and following down said creek to the point where Maffin stream empties into said Oldmans creek; thence (2) about a northerly course to the point where the Harrison township line crosses the Bridgeton pike; thence (3) about an easterly course, following the Harrisonville township line to the centre of the Ewans Mill stream; thence (4) about a south-easterly course along said Ewans Mill stream to the point where the Cart-wheel stream flows into the Ewans Mill stream; thence (5) about an easterly direction, following the Cart-wheel branch, to a bridge near Henry Ledden's house; thence (6) in about an easterly direction to the Cape May and Millville Railroad, at the north-westerly corner of James Ferrell's lot; thence (7) about a south-easterly course down said railroad to the point where the property line between William B. Abbott and Peter L. DeHart intersects said railroad; thence (8) in a directly southerly course to the Franklin township line, at the eastern side of the lowest pond; thence (9) about a south-westerly course down the Franklin township line to the line of Salem county, near Monroe Church; thence (10) by a northwesterly course along the said Salem county

Section to be amended.

Portion to be established as a new township.

Boundaries.

line to the aforesaid stone at the head of Oldmans creek, the place of beginning, shall be and hereby is set off from the said respective townships of Clayton, Glassboro, South Harrison and Harrison, in the county of Gloucester, and made a separate township, to be known by the name of the township of "Elk."

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

Approved February 29, 1892.

CHAPTER CXXI.

An Act to create a new township in the county of Ocean, to be called the township of Lakewood.

Boundaries.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Brick, in the county of Ocean, lying within the boundaries and descriptions following, to wit: Beginning at the centre of the main north branch of Metedeconk river, where it crosses the line between Monmouth and Ocean counties; thence along the middle of the said north branch of the Metedeconk river, the several courses thereof, to its junction with the main south branch of said river; thence up the middle of said south branch of Metedeconk river to Chambers' bridge; thence in a southerly direction, in a straight line, to where the old Toms River road now crosses the plank road from Lakewood to Cedar Bridge; thence along the middle of said old Toms River road to the Dover township line; thence westerly along the said Dover township line to the easterly line of Jackson township; thence northerly along the said Jackson township line to the Monmouth county line; thence easterly along said Monmouth county line to the place of beginning, shall be and hereby is set off from the township of Brick aforesaid, and made a separate

township, to be called and known by the name of the township of Lakewood.

2. *And be it enacted*, That the inhabitants of the township of Lakewood are constituted a body politic and corporate in law, and shall be styled and known by the name of "the inhabitants of the township of Lakewood, in the county of Ocean," and shall be entitled to all the rights and powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the township of Brick aforesaid have hitherto been entitled or subject to by the laws of this state, except as may be hereinafter provided for.

3. *And be it enacted*, That the inhabitants of the township of Lakewood shall hold their first town meeting at the shop of Louis Delsorts, in the village of Lakewood, in the said township of Lakewood, on the second Tuesday, of April next, and thenceforward at such place in said township as the inhabitants may appoint at each prior annual town meeting, and that the officers for conducting said first election shall be chosen on the morning of the election, immediately before the polls shall be opened, by a viva voce vote of the legal voters present.

4. *And be it enacted*, That the township committee of the townships of Brick and Lakewood, respectively, shall meet at such time as they, or a majority of each of them, shall agree upon, not later than the first day of July next, at "The Times and Journal" office in the village of Lakewood, in said township of Lakewood, and may adjourn from time to time, and then and there proceed, in writing, signed by a majority of the members present, to allot and divide between the said townships all properties and moneys in hand, or due or to become due, now belonging to said township of Brick, and all debts now owing by the said township of Brick, in proportion to the taxable properties and ratables within the township of Lakewood and Brick respectively, as taxed by the assessor of the township of Brick at the last assessment, and the inhabitants of the township of Lakewood shall be liable to pay the proportion of the debts of the township of Brick so assigned and allotted to them; and it shall be the duty of the township committee of the township of Lakewood

Incorporated.

First town meeting.

Township committee to allot and divide moneys.

Lakewood to issue bonds.

to issue a bond or bonds, with interest payable semi-annually, to the township committee of Brick, for their proportion of the debt as allotted to them by the committees of the townships of Brick and Lakewood respectively.

Assessment for
bonds.

5. *And be it enacted*, That it shall be the duty of the township committee of the township of Lakewood, and they are hereby requested, to cause to be assessed upon the real and personal property of said township of Lakewood, and collected therefrom, such sum or sums annually as may be sufficient to meet the payments falling due as provided by the foregoing section.

Roads under
control of town-
ship committee.

6. *And be it enacted*, That the opening, working, grading and repairing of the public roads, streets, avenues and sidewalks in the said township of Lakewood shall be under the control, direction and supervision of the township committee of said township, who shall designate and employ such and so many agents and workmen, and for such compensation, as they shall deem expedient in the premises, and who shall have control and disposal of all moneys to be raised in the said township of Lakewood for said purpose.

Repealer.

7. *And be it enacted*, That all acts and parts of acts relating to overseers of the highways of this state, so far as the same applies to the said township of Lakewood, in the county of Ocean, be and the same are hereby repealed.

Rights not im-
paired.

8. *And be it enacted*, That nothing in this act shall be so construed as to impair or in any wise affect the right of the said township of Lakewood, of, in or to any portion of the surplus revenue of the United States government to which the said township may now or at any time hereafter be entitled in the distribution of the surplus revenue or its income.

9. *And be it enacted*, That this act shall go into effect immediately.

Approved March 23, 1892.

CHAPTER CCII.

An Act to set off a portion of Landis township, in the county of Cumberland, into Franklin township, in the county of Gloucester, and to change the boundaries between said counties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Landis, in the county of Cumberland, bounded and described as follows, to wit: Beginning at a stone set for a monument in the line between the counties of Gloucester and Cumberland, two chains and nineteen links southeasterly from an old monument in said line, on the northwesterly side of the road leading from Pleasantville to the lake; thence (1) south eighty-nine degrees and forty minutes west, one hundred and forty-seven chains and twenty-five links to the centre of Maurice river, and south of the village of Willow Grove; thence (2) following the said river the several courses thereof in a northeasterly direction to the county line at present existing between the said counties of Gloucester and Cumberland, and where the Salem county line touches the same; thence (3) south forty-one degrees and ten minutes east, ninety-three chains and forty-four links to the place of beginning, be and the same doth and shall hereby cease to be included in and a part and parcel of the township of Landis, in the county of Cumberland, as aforesaid, but shall be and is hereby set off by the passage of this act, and doth hereby become a part and parcel of the township of Franklin, in the said county of Gloucester, and shall hereafter be included within the boundaries of the said township of Franklin, in the county of Gloucester, aforesaid.

Description of tract set off to Franklin township.

2. *And be it enacted*, That the division lines between the said counties of Gloucester and Cumberland be and they hereby are made to conform to the several courses enumerated in the preceding section of this act.

Division lines between Gloucester and Cumberland counties.

Persons residing within the above described territory to become citizens of Gloucester county.

3. *And be it enacted*, That any and all persons who shall reside within the above described boundary, and who are now residents of the county of Cumberland, upon the passage of this act shall immediately become citizens and residents of the county of Gloucester, and shall be entitled to all rights, privileges and benefits of citizenship in said county of Gloucester.

Commissioners of settlement.

4. *And be it enacted*, That Joshua C. Richman, of the township of Franklin, in the said county of Gloucester, and John M. Simpkins, of Landis township, in the county of Cumberland, be and are hereby appointed two commissioners, with full power to choose a third person, who shall also be a commissioner when so chosen, so that said board shall consist of three members, whose duty it shall be to make and adjust an equitable settlement between the portion of said Landis township set off by this act and the portion of said township of Landis which this act does not affect, so far as relates to the bonded indebtedness of said township, and also of any and all taxes which have been assessed previous to the passage of this act for the benefit of this township.

Repealer.

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

Approved March 28, 1892.

CHAPTER CCXXIX.

An Act to set off a portion of the township of East Orange and of the township of South Orange, each in the county of Essex, into the city of Newark.

Description of portion set off into city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of East Orange and South Orange, in the county

of Essex, and bounded and described as follows: beginning at a point on the northeasterly side of Eleventh avenue, where said northeasterly side does or would, if extended, intersect the present boundary line between the city of Newark and the township of South Orange; thence running westerly along said northeasterly line of Eleventh avenue, or in continuation thereof, to a point therein distant one hundred feet northwesterly from the northwesterly line of South Twentieth street; thence running southwesterly, parallel with said northwesterly line of South Twentieth street, and on a line distant one hundred feet therefrom, to the centre line of South Orange avenue in the township of South Orange; thence southeasterly along the centre line of said South Orange avenue the courses and distances thereof, to a point where said centre line of South Orange avenue intersects the present boundary line between the said city of Newark and the township of South Orange; thence northeasterly following the courses of the present boundary line between the said city of Newark and the said township of South Orange to the point or place of beginning, be and the same doth and shall cease to be included in and a part of either of the said townships of East Orange or South Orange, but shall be and is hereby set off by the passage of this act, and shall and doth become a part and parcel of the city of Newark, in the county of Essex, and form part of the Seventh ward of said city.

2. *And be it enacted*, That Philip Lowy, of the city of Newark, Richard Coyne, of the township of East Orange, and Alexander Melville, of the township of South Orange, be and they are hereby appointed commissioners, whose duty it shall be to make a just and equitable settlement between the portion of the said township of East Orange and South Orange proposed to be set off by this act, and the portions of the said townships which this act does not affect, and the city of Newark, so far as relates to the bonded indebtedness of the said townships, and also of any and all taxes which have been assessed previous to the passage of this act for the benefit of said townships.

3. *And be it enacted*, That all acts and parts of acts in- Repealer.
consistent with the provisions of this act be and the

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

Approved March 29, 1892.

CHAPTER CCXLII.

A Supplement to the act entitled "An act to provide for the draining of the meadows on Black brook and its branches and on Tongue and Hammock ditches, in the townships of Hanover and Chatham, in the county of Morris," approved March ninth, one thousand eight hundred and sixty-six.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of said act, approved March ninth, one thousand eight hundred and sixty-six, be and the same is hereby amended so that the same shall henceforth be and read as follows and not otherwise, to wit:

Contracts to be made.

4. *And be it enacted*, That after the expiration of ten days and within twenty days next succeeding such determination and decision, the said managers, or a majority of them, shall by contract, or in such other manner as to them shall seem best, take and provide the necessary and proper measures and means for opening on or before the first day of October then next ensuing, said brook and tributaries and ditches as required by said decision and determination; but said managers, or any of them, shall not be personally bound by or liable under any contract that may be made or measures or means that may be adopted for the purposes aforesaid, unless such personal liability be expressly assumed and stated.

Section to be amended.

2. *And be it enacted*, That section five of said act approved March ninth, one thousand eight hundred and

sixty-six, be and the same is hereby amended so that henceforth said section five shall be and read as follows and not otherwise, to wit:

5. *And be it enacted*, That the said managers, or a majority of them, shall within five days after the said contract shall have been made or measures and means taken and provided as aforesaid, appoint an assessor, annually, by writing under their hands, whose duty it shall be forthwith to proceed and assess upon the owners of said lands so to be benefited by the clearing out of said brook and its tributaries and said ditches within the limits aforesaid, the expenses thereof as ascertained and determined by said managers, or a majority of them, upon the making of such contracts or the taking and providing the measures and means aforesaid, in proportion to the benefits each owner will receive, in the opinion of said assessor, from the clearing out of said obstructions; and said assessor shall, within ten days after his appointment, make return of his assessment to the said managers, who, or a majority of whom, shall thereupon within five days thereafter cause the said clerk to give notice thereof to said owners of lands so assessed, and if any owner of lands shall feel aggrieved by said assessment he may within ten days after receiving notice thereof as aforesaid, appeal therefrom to said managers, who shall appoint a time and place for the hearing of all appeals to them made, and their decision, or the decision of a majority of them, in the premises shall be final and conclusive.

Duties of
assessor.

3. *And be it enacted*, That section six of said act approved March ninth, one thousand eight hundred and sixty-six, be and the same is hereby amended so that henceforth said section six shall be and read as follows and not otherwise, to wit:

Section to be
amended.

6. *And be it enacted*, That the said assessment shall be due and payable to said managers on or before the fifteenth day of October in each year, and if any person assessed shall neglect or refuse to pay his assessment as herein required, fifty per centum shall be added thereto, and the amount of said assessment and added per centum shall be a lien upon the said lands of such person, and said managers or a majority of them may,

Assessments,
when payable.

after five days' notice in five public places in the township or townships where said lands may be situate, make sale at public auction of the crops growing on said lands of the person or persons so making default as aforesaid, in order to raise and pay the amount of his, her or their assessment and added per centum with costs and expenses of collecting the same; or if said managers, or a majority of them, choose so to do, they may bring an action of debt against any person or persons in default as aforesaid, in any court having jurisdiction of the amount to be recovered; which action may be brought in the individual names of the said managers or any two of them, and it shall be sufficient to declare that the suit is brought to recover of the defendant an assessment made against him under and by virtue of the said act approved March ninth, one thousand eight hundred and sixty-six, and the supplements thereto; and any judgment recovered in any such action may be collected by execution issued generally against the goods and chattels, lands and tenements of the defendant, in the same manner as other judgments in said courts are or may be collected.

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

Approved April 4, 1892.

CHAPTER CCLXXVIII.

Supplement to an act entitled "An act to set off from the township of Dover, in the county of Ocean, a new township, to be called the township of Berkley," approved March thirty-first, one thousand eight hundred and seventy-five.

WHEREAS, at the time of setting off from Dover town-^{Preamble.}
ship the portion thereof described in said act, constituting the township of Berkley, there belonged to Dover township an interest in the poor-house and property located at Shark river, in the county of Monmouth, state of New Jersey; and whereas, through inadvertence, the portion in said poor-house and property belonging to that portion of Dover township set off was not conveyed to the township of Berkley at the time the settlement was made, as provided in said act; and whereas, the interest belonging to Berkley township in said property still exists in Dover township, and Berkley township has derived no benefit therefrom; therefore;

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Township committee of Dover to convey to township of Berkley its proportion of poor-house real estate.}
the State of New Jersey, That the township committee of Dover township are hereby authorized, directed and required to convey to the township of Berkley, as soon as they conveniently can after the passage of this act, its proportion of the said poor-house real estate, located at Shark river, in the county of Monmouth, and state of New Jersey, by a deed of bargain and sale, and the other property belonging to the same, by proper conveyance, as agreed upon between the township committees of the respective townships, said to be one-fifth of four-thirtieths part of said property; and that the committee of Dover township that are in office when said conveyance or conveyances are executed shall sign and execute said conveyance or conveyances.

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

Approved April 8, 1892.

CHAPTER CCXCVI.

A Further Supplement to the act entitled "An act to empower the owners of the Pigeon swamp, marshes and ponds adjoining in the South ward of New Brunswick in the county of Middlesex, to open and keep clear of obstructions a certain water course and ditch for draining the said swamp, marshes and ponds," passed at Trenton, March the twentieth, one thousand seven hundred and eighty.

Acts revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act to which this is a supplement, and the several supplements thereto, are hereby revived, renewed and declared to be in full force and effect, notwithstanding any failure or neglect on the part of the owners and possessors of the said swamp, marshes and ponds to meet yearly or in any year to choose three men as managers as provided in said act.

Managers.

2. *And be it enacted*, That John D. Selover, Alexander G. Van Aken and Isaac S. Bennett, of the township of South Brunswick, be and hereby are appointed to manage and execute the several duties in said act and its several supplements and herein directed, with all the powers thereby conferred, who shall hold their said office until their successors shall be appointed as herein provided.

Meeting of owners.

3. *And be it enacted*, That it shall be lawful for the owners and possessors of the lands upon which the said swamp, marshes and ponds are situate, or a majority of them, to meet on the first Monday in April, one thou-

sand eight hundred and ninety-three, at such place in the township of South Brunswick wherein the said lands do lie, as they may designate, and on that day yearly thereafter in like manner to meet, and thereupon to choose by plurality of voices three men as managers, to succeed and discharge the duties of the managers that may then be in office, ten days' notice in writing being first given by any one or more of said owners or possessors, to the several other owners or possessors of the time and place of such meeting.

4. *And be it enacted*, The the managers hereby appointed and hereafter to be appointed as herein directed may hold their said office, and that they or a majority of them may discharge all the duties thereof, until their successors shall be appointed as herein provided. Term of managers.

5. *And be it enacted*, That it shall be lawful for the said managers to straighten and deepen the ditch mentioned in the second section of the said act in such manner as they shall judge necessary effectually to carry off the water from the said swamp, marshes and ponds, and to apportion and assess upon the owners of said swamp, marshes and ponds the expense thereof, and collect the same from them in the manner in said act and herein provided. To straighten and deepen ditch.

6. *And be it enacted*, That in addition to the method specified in said act of collecting from said owners the expenses of improvements made by virtue thereof, it shall be lawful for the said managers to collect the same, and the expenses and costs that may be incurred by virtue of this supplement, by sale of so much of the timber, wood, herbage and other vendible property of such owners and possessors respectively, on the premises improved by said managers, as will be sufficient to pay their several shares of said expenses, with the necessary costs, and it shall be the duty of the justice issuing his warrant to any constable of said county of Middlesex, as provided in the third section of said act, in addition to the direction to the said constable therein specified, to include and require said constable to make said expenses and costs by sale of said timber, wood, herbage or other vendible property of such delinquent owners or possessors of said improved lands. Method of collecting expenses.

Time to demand
payment.

7. *And be it enacted*, That the demand of payment authorized by the said third section of said act, to be made upon the owners or possessors of said improved lands, shall be made or served for the space of thirty days instead of ten days, as directed in said section, and no warrant for the enforcement of payment of any such demand shall be issued until the full expiration of said term of thirty days.

Notices of
sales.

8. *And be it enacted*, That the constable who by virtue of any such warrant shall levy upon any property as therein commanded, shall give notice by advertisements signed by himself, and put up in three of the most public places in the township in which they shall be taken, of the time and place they will be exposed to sale, at least five days before the time appointed for selling the same, and shall therein describe the property so taken and to be sold; and shall at the time and place so appointed expose them to sale by public vendue, and strike them off to the highest bidder, and pay the money thence arising to the said managers, or in their absence, to the justice issuing the said warrant; and within thirty days from the time he shall receive said warrant make return to the justice who shall issue the same, of the proceedings had thereon, and the said justice shall make a record thereof and of all proceedings by him in the premises.

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

Approved April 9, 1892.

Private Acts.

PRIVATE ACTS

PASSED BY THE

One Hundred and Sixteenth Legislature

CHAPTER XXXV.

A Supplement to an act entitled "An act to incorporate the Hoboken fire department fund for the benefit of all indigent and infirm firemen of the city of Hoboken, and also their widows and orphans," approved March, eleventh, one thousand eight hundred and fifty-seven.

WHEREAS, public notice has been given and published as Preamble. required by the constitution and laws of this state, of an application to this session of the legislature, for an amendment to the act in the above title recited, and no cause appearing to the contrary thereof,

1. BE IT ENACTED *by the Senate and General Assembly of* Trustees. *the State of New Jersey,* That the trustees of the Hoboken fire department fund shall hereafter consist of eleven members, to be composed of the president, ex-officio, of the association of exempt firemen of the city of Hoboken and one member at large of said association, and one member or representative in good standing in said association of each volunteer engine, hose and hook and ladder company recently disbanded in said city.

2. *And be it enacted,* That the representatives or mem- How elected. bers of the said engine, hose and hook and ladder companies in said association shall, after the passage of this act, elect from their number one member of their recently disbanded companies as a trustee of the said "the trustees of the fire department fund," who, when con-

firmed by a vote of the said association of exempt firemen, shall be considered the representative of the particular fire company electing him in said board of trustees and shall hold his office for two years from the time of his election, except in the first election under this act, in which case the trustees elected shall draw lots for one and two year terms, and shall hold office accordingly; *provided, however*, that in all cases the trustees so elected by companies shall be confirmed by a majority vote of the members of said exempt firemen's association.

Proviso.

When lawful for association to elect trustees.

3. *And be it enacted*, That when there shall exist no more than one member of any disbanded engine, hose or hook and ladder company in said association of exempt firemen, and it shall, therefore, be impossible to hold an election for such trustee, it shall be lawful for the said association of exempt firemen to elect a trustee to represent such company from the general membership of said association.

Duties and obligations.

4. *And be it enacted*, That the trustees so elected shall so perform all the duties and assume all the obligations heretofore performed and assumed by the trustees of the Hoboken fire department fund, and shall be vested with all the power and authority heretofore vested in the said trustees.

Trustees authorized to appropriate a sum not to exceed \$500 annually for the support of the widows and orphans of deceased members of the volunteer fire department of the city.

5. *And be it enacted*, That the said trustees shall have power, in addition to the powers already vested in them, whenever in their judgment the requirements and the general objects of their organization render it necessary, to appropriate a sum not to exceed five hundred dollars annually of the principal fund of the said organization for the support of the widows and orphans of deceased members of the volunteer fire department of said city, in addition to the sum appropriated from the income of the principal invested or from other sources.

Part of former acts repealed.

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

Approved March 7, 1892.

CHAPTER CXXXIV.

An Act to change the name of the Princeton Charitable Institution to The Students' Aid Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Princeton Charitable Institution, a body politic and corporate, in fact and in law, by the name of "The Trustees of the Princeton Charitable Institution," be changed to The Trustees of the Students' Aid Association.

Name of Princeton Charitable Institution changed to Students' Aid Association.

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

Approved March 24, 1892.

CHAPTER CLXXXIII.

An Act for the relief of John Kelly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Kelly, of the city of Trenton, in the county of Mercer, be and he is hereby restored to all his rights and privileges as a citizen of New Jersey.

Restoration to citizenship.

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

Approved March 28, 1892.

CHAPTER CCXLIV.

An Act to release and convey to Brooks Sayre, William J. Faitoute, Charles W. Faitoute and Joshua F. Faitoute, children and heirs of Elizabeth Faitoute, deceased, Mary Cain and Hannah Osborne, said Elizabeth, Mary and Hannah being with said Brooks Sayre heirs at law of Brooks Sayre, deceased, and to their assigns, any estate to the state of New Jersey belonging, in certain lands and premises.

Preamb e.

WHEREAS, Brooks Sayre, deceased, late of the county of Union, being in lifetime seized of certain lands and premises situate in said county, made a will dated October fifteenth, one thousand eight hundred and sixty, in which he bequeathed to one Daniel Purcell (otherwise called Pearsall) two hundred dollars, and after certain other bequests and devises, and giving his executors power to sell his lands not otherwise disposed of, devised all the residue and remainder of his estate in equal shares and proportions to and amongst the children of one John J. Conklin, and to Joseph Kain, the said person called Daniel Pearsall, John Morgan, and Margaret daughter of said Joseph Kain, so that said children and said persons should equally share the same; *and whereas*, the validity of said will was disputed by the said heirs at law of said Brooks Sayre, deceased, and its devises were by the verdict of a jury rejected; *and whereas*, nevertheless, claim is made that the said person, called Daniel Pearsall, acquired title to a share of said lands, or an interest therein for the payment of said legacy, by the terms of the said will, notwithstanding a deed of the said lands duly made by said executors to said heirs at law; and it is alleged that said Daniel Pearsall, who died before said executors made said deed, was born out of wedlock, and that his estate in said lands, he having died before the

passage of the act entitled "A supplement to an act directing the descent of real estate," approved April sixteenth, one thousand eight hundred and forty-six, which supplement was approved March ninth, one thousand eight hundred and seventy-seven, vested by escheat in the state of New Jersey; *and whereas, also*, the mother of said Daniel Pearsall, after his death, but before said act, supposing herself to be his heir at law, he having died intestate and without leaving lawful issue, conveyed said lands to said heirs at law, and it is desirable and just that the cloud upon the title to said lands existing or supposed to exist through the premises should be done away; now, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Title of the state
of New Jersey
released.</sup> *the State of New Jersey*, That all and any right, title, interest, property, claim or demand, of the state of New Jersey, in and to any of the lands and premises with the appurtenances of which said Brooks Sayre died seized, situate in the county of Union or elsewhere, is hereby granted, remised, released, conveyed and confirmed unto the said Brooks Sayre, William J. Faitoute, Charles W. Faitoute and Joshua F. Faitoute, children and heirs at law of Elizabeth Faitoute, deceased, Mary Cain and Hannah Osborne, said Elizabeth, Mary and Hannah being heirs at law of said Brooks Sayre, deceased, and to their heirs and assigns by any deed now or hereafter made forever.

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

Approved April 4, 1892.

CHAPTER CCXLV.

An Act to repeal an act entitled "An act to incorporate the Red Bank and Woodbury turnpike or macadamized road company," approved March eighth, one thousand eight hundred and forty-eight, and the supplement thereto entitled "An act to authorize the Red Bank and Woodbury turnpike or macadamized road company to extend their turnpike road through the main street of Woodbury," approved March tenth, one thousand eight hundred and fifty-three, and a further supplement to said act entitled "An act relative to the Red Bank and Woodbury turnpike or macadamized road company," approved March twenty-eighth, one thousand eight hundred and sixty-two.

Repealer of
charter and sup-
plements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Red Bank and Woodbury turnpike or macadamized road company," approved March eighth, one thousand eight hundred and forty-eight, and the supplement thereto entitled "An act to authorize the Red Bank and Woodbury turnpike or macadamized road company to extend their turnpike road through the main street of Woodbury," approved March tenth, one thousand eight hundred and fifty-three, and a further supplement thereto entitled "An act relative to the Red Bank and Woodbury turnpike or macadamized road company," approved March twenty-eighth, one thousand eight hundred and sixty-two, be and the same are hereby repealed.

2. *And be it enacted*, That this act shall take effect April fifteenth, one thousand eight hundred and ninety-two.

Approved April 4, 1892.

CHAPTER CCLXXXIV.

An Act to repeal an act entitled "An act for facilitating the communication from Morris town, in the county of Morris, through Dover, Mount Pleasant, and from thence to Sparta, in the county of Sussex," passed at Trenton, February twenty-third, one thousand eight hundred and eighty-four, and the several acts amendatory thereof and supplemental thereto.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act for facilitating the communication from Morris town, in the county of Morris, through Dover, Mount Pleasant, and from thence to Sparta, in the county of Sussex," passed at Trenton, February twenty-third, one thousand eight hundred and four; and also an act entitled "An act authorizing a turnpike road from Dover to Succasunny Plain, in the county of Morris," passed at Trenton, January sixteenth, one thousand eight hundred and twelve; and also an act entitled "An act to authorize the Union turnpike company to raise money by lottery for the purposes therein mentioned," passed at Trenton, February fourth, one thousand eight hundred and fifteen; and also an act entitled "Supplement to the act entitled 'An act for facilitating the communication from Morris town, in the county of Morris, through Dover, Mount Pleasant, and from thence to Sparta, in the county of Sussex,'" approved March twenty-fourth, one thousand eight hundred and fifty-two, be and the same are hereby repealed. Acts repealed recited.

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

Approved April 9, 1892.

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