

ACTS

33046

OF THE

One Hundred and Fourteenth Legislature

OF THE

STATE OF NEW JERSEY

AND

Forty-sixth Under the New Constitution.



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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 Fourteenth Legislature
OF NEW JERSEY.

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General Public Laws.



GENERAL PUBLIC ACTS

PASSED BY THE

One Hundred and Fourteenth Legislature

CHAPTER I.

An Act fixing the compensation of the governor of the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state shall be entitled to receive an annual salary of ten thousand dollars, and no fees. Annual salary of the Governor.

2. *And be it enacted*, That this act shall take effect at the commencement of the next ensuing gubernatorial term. Act when to take effect.

3. *And be it enacted*, That all acts and parts of acts inconsistent with or repugnant hereto, be and the same are hereby repealed.

Approved January 15, 1890.

ROBERT S. GREEN,
Governor.

HENRY M. NEVIUS,
President of the Senate.

WILLIAM C. HEPPENHEIMER,
Speaker of the House of Assembly.

CHAPTER II.

A Further Supplement to an act entitled "An act to provide for the support of the government of this state and to fix the salaries of public officers," approved April fourth, one thousand eight hundred and forty-five.

- Annual salary of crier of courts.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each county of this state now having or which may hereafter have within its territorial limits a population exceeding eighty thousand inhabitants, and not exceeding one hundred and fifty thousand inhabitants, the crier of the circuit court and court of common pleas, orphans' court and court of general quarter sessions of the peace, shall receive and be paid an annual salary of six hundred dollars in lieu of the per diem compensation now provided by law ; and such annual compensation shall be paid monthly to said crier by the county collector of such county, provided that no person who shall hold the position of sergeant-at-arms and crier of the courts of such county shall receive any compensation for his services as sergeant-at-arms.
- How paid.**
- Repealer.** 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.
- Passed February 18, 1890.

CHAPTER III.

An Act to authorize cities of the second class to increase the salary and extend the term of office of the city treasurers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of the second class of this state wherein the maximum rate of annual salary and the term of office of the city treasurer is fixed and determined by the charter thereof, that the board of aldermen of such city may, at the time of appointment, by resolution, increase the annual salary of such officer to an amount not exceeding two thousand five hundred dollars, and appoint such officer for a term not exceeding three years. Term and salary of city treasurer.

2. *And be it enacted*, That all acts, general and special, so far as they conflict herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Passed February 18th, 1890.

CHAPTER IV.

An Act relating to the salaries of aldermen or members of the common council in certain cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, in any city of the first class, the general legislative authority is now or hereafter may be vested in a board of aldermen or common council, the members of such board of aldermen or Salaries of aldermen or common council.

common council shall be paid by the city in and for which they serve an annual salary of seven hundred and fifty dollars, payable in monthly installments.

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.

Passed February 18th, 1890.

CHAPTER V.

A Supplement to an act entitled "An act to prevent in certain cases the abatement of suits and reversal of judgments" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Proceedings to
prevent abate-
ment of suits,
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all suits in any court of law or equity, which are now pending or which may hereafter be commenced, against any administrator having letters pendente lite or other limited administration, if limited administration shall for any reason terminate, such suit shall not for that cause abate or be discontinued, but the plaintiff or plaintiffs in any such suit may, at his or their option, enter a rule upon any administrator, executor or other person or representative who may succeed to the possession or control of any assets which would have been applicable to pay any judgment for the plaintiff or plaintiffs in such suit, to show cause why such administrator or executor, or other person or representative, should not be suggested upon the record of such suit as a defendant therein; and the court in which such suit is or may be pending, upon proof of service of such rule to show cause upon such proposed defendant, shall, upon such terms as shall be equitable and just, make an order that the name of such

succeeding administrator, executor, person or representative, shall be entered on the record as a defendant in such suit; and after the entry of such order such suit shall proceed in the same manner, and judgment or decree therein shall have the same force and effect as if such defendant whose name has been so as aforesaid suggested upon the record, had been originally brought into court as a defendant in such suit in the manner required by law.

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

Approved February 24, 1890.

LEON ABBETT,
Governor.

HENRY M. NEVIUS,
President of the Senate.

WILLIAM C. HEPPENHEIMER,
Speaker of the House of Assembly.

CHAPTER VI.

An Act to enable trustees to recover substantial damages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which real or personal property while held by a trustee shall have heretofore been, or shall hereafter be, in any way injured, damaged or destroyed, and such trustee after the doing of such injury, damage or destruction, but before action brought for the recovery of damages in satisfaction thereof shall have heretofore conveyed, or shall hereafter convey such real or personal property to any cestui que trust or other grantee, whether for a good or valuable consideration, any such said trustee in any such action heretofore brought or hereafter to be brought by him for the recovery shall and may recover full and substantial damages against the wrong-doer in the same manner, and by

Trustees may
recover dam-
ages.

the same measure, and to the same extent, as if such trustee had made no conveyance of such real or personal property, which damages when recovered and paid shall be held by said trustee to the use of his cestui que trust.

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

Approved February 24, 1890.

CHAPTER VIII.

An Act to enable second-class cities in this state to improve and extend the water supply in said cities and to issue bonds for the payment thereof.

Authorized to
purchase and
acquire lands,
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of the second class in this state in which the water-works are owned and operated by the city authorities it shall and may be lawful for the common council, board of aldermen or other governing body having control and management of such water-works, by whatever name such governing body shall be called, whenever they shall deem it expedient, to purchase and acquire such additional land, property, water source, water rights and privileges as they shall consider advisable for the improvement and extension of the water supply of such city, either at or near the present water-works or at any other place in this state within twenty miles of such city, and to sink wells and erect thereon reservoirs, pumping stations and such buildings as may be deemed advisable by said common council, board of aldermen or other governing body for that purpose, and to lay pipes therefrom to connect with the pipes now laid within said city, and to lay additional pipes in and along the streets of such city for the purpose of extending the water supply therein, and that it shall and

may be lawful for said city to acquire the said land, water rights, or property, in fee simple or any lesser estate or right therein.

2. *And be it enacted*, That whenever, in the judgment of the common council, board of aldermen or other governing body of any city, additional water facilities are or may be desired for public uses, it shall and may be lawful for such council, or other governing body, to authorize the chief engineer of the water department of said city, or other person or persons appointed by said council, board of aldermen or other governing body, to treat with the owners of such lands and water rights as may be required to be used for water purposes; and in case it should, in any case, be found that suitable property cannot be purchased by agreement with the owner or owners, or in case the price demanded by such owner or owners is, in the judgment of the common council or other governing body, in any case, exorbitant and more than a fair equivalent therefor, then the said chief engineer, or other person or persons appointed by said council, board of aldermen or other governing body, shall report the same, with a description of the said lands, to the common council or other governing body, and the said council or other governing body may order and direct the condemnation thereof.

3. *And be it enacted*, That if the said common council, or other governing body, shall, in any case, direct the condemnation of any lands or water rights, as provided for in the preceding section, it shall be the duty of the city counsel forthwith to apply to one of the justices of the supreme court of this state for the appointment of three commissioners to make an appraisement of the value of the lands or water rights so to be condemned for the purpose aforesaid, and of the damage which any owner or owners of such lands or water rights may suffer by reason of the taking thereof; *provided*, that at least four days' previous notice shall be given by service, either personally or by leaving the said notice at the dwelling-house or usual place of abode of such owner or owners, or in case of absence from the state, or legal disability of such owner or owners, such notice shall be published in two or

more newspapers published and circulating near the lands or water rights in question, for two weeks.

Commission-
ers to estimate
and determine
value of lands,
&c.

4. *And be it enacted*, That the said commissioners appointed by the said justice, having taken an oath faithfully and impartially to execute the duties of their office, shall forthwith proceed to estimate and determine the fair value of the lands and real estate or water rights to be taken and condemned as aforesaid, and of the damage which the owner or owners thereof will suffer by reason of the taking thereof, first having given at least ten days' notice in writing to the said owner or owners, either personally or by leaving the same at his or her place of abode, of the time and place when and where they may be heard in relation to the matter; in case any owner shall be an infant, married woman, non compos mentis, or absent from the city or place where such condemnation proceedings are taken, or be from any cause incapacitated to act in this behalf, then notice of the time and place and object of said meeting shall be advertised or other notice given as the said justice may direct, and said meeting or meetings may be adjourned from time to time, at the discretion of said commissioners; as soon as they shall have determined upon said valuation, they shall make and sign a certificate thereof and file the same in the office of the city clerk of such city or at such other place as the said justice may direct; and immediately upon the payment to said owner or owners of the amount of the said valuation, or in case he or they will not or cannot receive the same upon deposit of the same in such bank or institution as the said justice may direct, the title to and the right of possession of such property or water rights shall immediately become vested in such city or place; and any owner conceiving himself or herself aggrieved by the proceedings of said commissioners, may appeal therefrom to the supreme court of this state at any time within sixty days after the filing of the said certificate, and the said court shall thereupon order a trial by jury to assess the value of the said property and the said damages, which trial shall be conducted in all respects as in other cases of trial by jury, and the final judgment of the said court upon the verdict rendered therein shall be conclusive upon all parties as to the said valuation and

Commission-
ers to file cer-
tificate of valu-
ation.

Persons ag-
grieved may
appeal.

damages, and the amount already paid or deposited as aforesaid shall be increased or diminished accordingly.

5. *And be it enacted*, That the commissioners so to be appointed by the said justice of the supreme court shall receive such compensation for their services as the said justice shall order and direct, and the same shall be paid, as well as all other expenses incident to the condemnation proceedings, from the funds provided, as herein directed, for the purchase of lands and water rights, and the erection of buildings, and the laying of water pipes.

Compensation
and expenses,
how paid.

6. *And be it enacted*, That the said common council, board of aldermen or other governing body be and are hereby authorized, for the purpose of improving and extending such water supply and the purchase and acquisition of land and water rights therefor, and the construction of buildings and reservoirs thereon, and the laying of pipes in and along the streets of such city, to issue bonds in the name and under the seal of the city, to be denominated on their face "water bonds," in addition to any heretofore authorized by law, to any amount not exceeding one million dollars; such bonds may be registered or coupon bonds and shall bear a rate of interest not exceeding five per centum, and shall be redeemable at any time not less than five nor more than thirty years from their date, in the discretion of said board, which bonds may be sold at public or private sale for the best price they can obtain for the same, but not under the par value thereof; all bonds issued as aforesaid shall be signed by the city treasurer and countersigned by the mayor of such city, and all the real estate within such city shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

Authorized to
issue bonds

Amount limited,
rate of interest and
when redeemable.

7. *And be it enacted*, That such city be and is hereby authorized to contract with authorities of any other municipality for furnishing water to the citizens and the extinguishment of fires.

Contracts with
other municipalities
authorized.

8. *And be it enacted*, That any such city shall by ordinance create, establish, maintain and regulate a sinking fund for the redemption of the bonds created by this act, and define the powers and duties of the board or com-

Sinking fund
to be maintained.

mittee in charge thereof, to which shall be added annually not less than five per centum of the gross receipts from the water-works of said city.

Act may be
submitted to
voters.
Proceedings.

9. *And be it enacted*, That the board of aldermen, common council or other governing body of any such city may by resolution, or the mayor of any city may by proclamation, submit the question of the acceptance or rejection of this act to the voters of such city at any general or charter election to be held therein, whereof at least ten days' notice shall be given by public advertisement in two daily newspapers circulating in such city, and if a majority of those who shall vote for the acceptance or rejection thereof shall be in favor of the acceptance of this act, then this act shall go into effect immediately, and the grant of the power herein made to any such city shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election where this question is submitted to them shall express their assent or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or wards of any such city, and those who are in favor of the acceptance of this act, and the grants and powers therein contained, shall each deposit a ballot containing the words "new water bond act accepted," written or printed thereon, and those who are opposed shall deposit a ballot with the words "new water bond act rejected," written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the state, city, district or ward officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass on the return of the votes upon this question of such acceptance or rejection made by the election officers in the same way and manner as for officers voted for at such election, and if a majority of the ballots on which there shall be either the words "new water bond act accepted" or "new water bond act rejected" shall be found to be for the acceptance of this act, it shall then, but not otherwise, go into effect and be binding upon such city wherein such vote shall have been taken.

Form of ballot.

10. *And be it enacted*, That all acts and parts of acts, ^{Repealer.} general and special, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved February 26, 1890.

CHAPTER IX.

A Supplement to an act entitled "An act providing for the establishment of schools for industrial education," approved March twenty-fourth, one thousand eight hundred and eighty-one, and making the trustees of such schools a body corporate, and giving them power to lease and purchase real and personal property, to sell and mortgage the same, and to accept and receive donations and bequests of money and property.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Board of trustees of schools incorporated.} *the State of New Jersey*, That the board of trustees of schools for industrial education, provided for and organized under the act to which this is a supplement, be and they are hereby created a body corporate under the name and style of "the board of trustees of schools for industrial education," with the right of perpetual succession, to sue and be sued, to purchase, lease and hold personal and real property, and to sell and mortgage the same, and with power to accept donations and bequests of money and property to be used for the purposes for which the said boards are constituted and organized. ^{Name.}

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

Approved March 3, 1890.

CHAPTER X.

An Act to amend an act entitled "A further supplement to the act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty-six," which supplement was approved April 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 section four of the said act be amended so as to read as follows:

Section as amended.

4. *And be it enacted*, That all honorably discharged soldiers or sailors resident in this state who have served in the army or navy of the United States during the late rebellion or during the war of one thousand eight hundred and twelve, and the widows of such soldiers or sailors, so long as they remain unmarried, shall be exempt from general and special poll tax, and from state, county and municipal taxation upon real or personal property, or both, not exceeding in the aggregate five hundred dollars.

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

Approved March 3, 1890.

CHAPTER XI.

An Act relative to assessments for streets or roads in this state where no statutory provision exists for a constitutional or lawful assessment of the costs and expenses thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any improvement of any streets or roads has been heretofore or shall hereafter be made in this state, and no statutory provision or authority exist for making a constitutional or lawful assessment of the cost and expenses thereof, the commissioners, persons, assessors or other tribunal authorized to make any such assessment, by whatever name they may be called, after first ascertaining the costs and expenses thereof, shall, in all such cases, assess the said costs and expenses upon the land and real estate benefited by such improvement, and in proportion to the benefits thereby received, in making which said assessment, the same shall be made and assessed upon the several lots or parcels of land benefited by such improvement, in proportion to the benefit actually received by each one of said lots or parcels of land, and no lot or parcel shall be assessed more than it is benefited, and the excess, if any, of such costs and expenses shall be assessed upon the municipality wherein such improvement shall lie; *provided, however*, that if said improvement, or any part thereof, shall lie within or run into two or more municipalities, that then such excess, if any, of such costs and expenses, shall be assessed upon the municipalities within or into which said improvement or any part thereof shall lie or run, in the proportion that the total of the assessment of benefits on the owners of land in each of said municipalities bears to the sum of the total assessment of benefits on owners of land in all such municipalities, and shall be paid out of moneys raised by general tax for that purpose; *and provided further*, that if

Costs and expenses of improvements to be assessed upon lands benefited.

Excess of costs, &c., how assessed.

Proviso.

Proviso.

any portion of the cost and expenses of any such improvement has already been raised and paid by any such municipality or municipalities by general taxation, under any provision of law, the amount or amounts so raised and paid shall not be included in said costs and expenses assessed under and by virtue of this act.

Commissioners to take oath.

2. *And be it enacted*, That the said commissioners, persons or assessors making said assessment shall, before proceeding to the execution of their duties, take and subscribe an oath faithfully to perform their duties in the matter.

Improvements, what to include.

3. *And be it enacted*, That where two or more streets or roads, or parts thereof, have been or shall be constructed or improved together as one improvement, such improvements shall be included in the provisions of this act.

Term municipalities, how construed.

4. *And be it enacted*, That the term municipalities shall be taken and construed under this act to include any city or cities, town or towns, township or townships, and all other municipal corporations whatsoever.

Repealer.

5. *And be it enacted*, That all acts inconsistent with this act be repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 4, 1890.

CHAPTER XII.

An Act to amend the act entitled "An act to regulate the practice of the courts of law," 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 nineteen of the act to which this is amendatory be and the same is hereby amended so as to read as follows :

19. *And be it enacted*, That all bills, bonds and other writing, whether sealed or not, containing any agreement for the payment of money, and all contracts for the sale and conveyance of any real estate, and all judgments and decrees recovered in any of the courts of this state or in any other state or territory of the United States or of the District of Columbia, and all other choses in action arising on contracts shall be assignable at law, and the assignee or assignees may sue thereon in his, her or their own name, but in such suit there shall be allowed all just set-offs, discounts and defences not only against the plaintiff, but also against the assignor or assignors before notice of such assignment shall be given to the defendant. ^{Section as amended.}

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

Approved March 4, 1890.

CHAPTER XIII.

A Supplement to an act entitled "A supplement to an act entitled 'An act for the punishment of crimes,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which said supplement was approved March third, anno domini one thousand eight hundred and eighty-two.

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: "That it shall be unlawful to expose to public view the body of any person who shall have suffered the infliction of the death penalty, either in this state or in any part of the United States, for the crime of murder after such body shall have been delivered from the custody of the sheriff, and it shall be unlawful to have any ^{Unlawful to expose to public view bodies, &c.}

Proviso. public funeral or gathering in connection with the burial of the body of any such offender; *provided, however*, that nothing in this act contained shall prevent relatives within the second degree and the minister or ministers attending the execution from being present and viewing the body.”
Approved March 4, 1890.

CHAPTER XIV.

A Supplement to an act entitled “An act regulating proceedings in criminal cases” [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

A general exception to charge to the jury may be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the trial of any indictment in any court of this state, for any crime or misdemeanor, it shall be lawful to take a general exception to the charge of the court to the jury, without specifying any particular ground or grounds for such exception, and without specifying what portions of said charge are excepted to, and it shall be the duty of the judge to settle a bill of such exception, and to sign and seal the same, to the end that the same may be returned with a writ of error to the court having cognizance thereof, and to the end that speedy justice may be done.

Bill of exception to be signed by judge.

Assignment of Errors.

2. *And be it enacted*, That it shall be lawful where such general exception has been taken, to assign any error or errors of law upon any portion of such charge excepted to; *provided, however*, that for every misdirection on matters of evidence, a special exception thereto shall be taken at the time of the trial, in order to assign any error or errors of law thereon.

Proviso.

Upon hearing court may reverse judgment.

3. *And be it enacted*, That if, upon the hearing of the cause upon a writ of error, it shall appear to the court

that any error of law has been committed in any part of the charge so excepted to, to the prejudice or injury of any defendant, it shall be the duty of the court having cognizance thereof, to reverse the judgment.

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

Approved March 4, 1890.

CHAPTER XV.

A Supplement to an act entitled "An act to regulate and license pawnbrokers," approved March twenty-ninth, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no pawnbroker shall sell, keep or offer for sale, in the house or place designated in the license, under and by authority of which the business of such pawnbroker is conducted, any goods or merchandise whatsoever which have not been regularly received by such pawnbroker by way of pledge or pawn.

Pawnbrokers
not to sell
goods, &c.,
which have not
been pledged.

2. *And be it enacted*, That any pawnbroker who shall violate the provisions of this act shall forfeit and pay to the city from which such license was received a fine or penalty of one hundred dollars for each and every offense.

Penalty for
violation of
act.

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

Approved March 4, 1890.

CHAPTER XVI.

An Act amendatory of section three of 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.

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 to read and be as follows:

Election of
chosen free-
holder.

Director at
large.

3. *And be it enacted*, That at the general election held in the counties aforesaid for the election of members of the general assembly in the year one thousand eight hundred and eighty-nine, and every second 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 now provided for the election of members of the general assembly, a chosen freeholder as provided for in section one of this act, to be a member of said board, who shall hold his office for two years and until another shall be chosen and legally qualified in his stead; and also the director at large of said board aforesaid, shall be chosen by the electors aforesaid in each of said counties, at the same general election, and every second year thereafter, in the same manner and under the same laws and regulations as are or may be now provided for the election of members of the general assembly as aforesaid, excepting that such director at large shall be chosen and voted for by the electors throughout and in the whole of each of said counties; the person receiving the highest number of votes cast in the whole of such county for the office of director at large, shall be the director at large, and he shall hold his office for two years, or until his successor in office shall be chosen and qualified; any vacancy in his office shall be filled by the

board for the unexpired term of his said office, and the terms of the said freeholders and said director at large so chosen shall commence on the first day of December next ensuing such election; any vacancy in the said board or the membership thereof exclusive of the said office of director at large caused by death, shall be filled by said board by its electing, by a majority vote of all the existing members thereof, a person to fill such vacancy until the next general election, when a successor shall be elected to serve during the unexpired term in the same manner that freeholders are elected for full terms, and the vote cast at such election for freeholders shall be canvassed by the county board of canvassers according to the laws and regulations which govern at the general election for freeholders in such county; *provided*, that the person who shall be chosen to temporarily represent the district shall be a reputable director residing in the district which, by reason of such vacancy, shall be without membership and representation in the board, and shall be of the same political faith as the deceased person whose place he shall be thus chosen to fill.

Vacancies,
how filled.

Proviso.

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

Approved March 4, 1890.

CHAPTER XVII.

An Act to increase the powers of trustees or other governing authorities of villages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees or other governing authorities of any village in this state shall have power to pass, alter and repeal ordinances to take effect within their respective villages for the following purposes:

Authorized to
pass ordi-
nances.

- To license hacks, cabs, &c. I. To license and regulate public hacks, cabs, omnibuses, stages, carriages and other vehicles, to fix a license fee for the same, and to prevent unlicensed persons from acting in the capacity of hackmen;
- Grading, curbing, &c. II. To pass ordinances regulating the grading, laying, flagging, repairing, curbing and improving the sidewalks within the village limits;
- Hawkers. III. To license and regulate hawkers, peddlers and slaughter-houses;
- Terms of license, &c. IV. To fix the terms upon which such license shall be granted, and to make all proper rules and regulations for the collection of license fees;
- Prescribe penalties, &c. V. To prescribe the penalties by fine, not exceeding twenty dollars in each case, or by imprisonment in the county jail not exceeding ten days in each case, or both, for the violation of any ordinance provided for in this act; *provided, however*, that the person or persons violating the provisions of such ordinance or ordinances shall be brought before a justice of the peace in the township in which such village is located, who shall have cognizance of such offense.
- Proviso. 2. *And be it enacted*, That every contemplated ordinance shall be presented at a regular meeting of the trustees or other governing authorities, and shall receive a two-thirds vote of the whole number of trustees or other governing authorities, and the ayes and nays shall be entered at large upon the clerk's book of minutes, and he shall lay the same before the next regular meeting, when, if two-thirds of the members vote for the same upon the ayes and nays being called, it shall be entered in a book to be provided by the village authorities for that purpose, and shall be signed by the president and clerk; *provided, however*, that before it takes effect it shall be published twice in a newspaper published in the township in which said village is located, and shall be posted for ten days in five of the most public places in said village.
- Ordinances, how passed. 3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.
- Proviso. 4. *And be it enacted*, That this act shall take effect immediately.
- Repealer. Approved March 4, 1890.

CHAPTER XVIII.

An Act relative to past-due taxes and assessments in towns and townships.

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 town council of any town in this state to make such abatement, revision, alteration, adjustment and settlement of past-due taxes and assessments, both of principal and any and all interest and penalties thereon, as such board shall deem equitable and just and to be for the best interest of such township or town; *provided*, that the provisions of this act shall not in any wise affect or impair the interest or any lien of any purchaser other than such township or town, acquired under any sale made for past-due taxes or assessments. Authorized to settle, abate and adjust past due taxes.
2. *And be it enacted*, That it shall be the duty of the township or town collector, upon receiving a certified statement of the amount which the township committee or town council shall have agreed to accept in full satisfaction of such unpaid taxes and assessments, or either, to accept such sum so agreed to be accepted, in full satisfaction of such taxes and assessments, and to give a receipt for the amount paid in satisfaction thereof to the person paying the same; which receipt, accompanied by said statement, shall be sufficient evidence of the payment and satisfaction of such taxes and assessments, and upon presentation thereof, with the tax bill annexed, to the clerk of the county, he shall satisfy the tax or assessment record in the office relating to unpaid taxes and assessments, or either or both of them, as far as relates to the payment of the said tax or assessment. Duties of collector.
3. *And be it enacted*, That in case a reduction of any tax, taxes, assessment or assessments be made by the township committee or town council upon any application presented Reduction, when null and void.

to it under this act, such reduction shall be null and void unless the same be paid within sixty days thereafter.

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

Passed March 4, 1890.

CHAPTER XIX.

A Further 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.

Lamp inspectors not to be removed except for cause.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lamp inspectors or other person having charge or supervision of the lighting of the public lamps in any city under appointment of the police department thereof, shall not be removed from office or employment therein except for just cause, and then only in the manner prescribed in the act to which this is a supplement, for the removal of other officers in such department.

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.

Passed March 4, 1890.

CHAPTER XX.

A Supplement to the act entitled "An act respecting writs of error" [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 it shall be lawful for the party damnified or aggrieved by any order of any circuit court of this state discharging or making absolute a rule to show cause why a verdict should not be set aside and a new trial granted, to sue out of the supreme court a writ of error to be directed to the said circuit court, commanding the said circuit court to cause the record of the suit wherein such rule was granted, and the evidence, with all things touching and concerning the same, to be brought before said supreme court, but such writ must be issued within sixty days from the time of entering such order.

Persons aggrieved may sue out writ of error.

2. *And be it enacted*, That the proceedings on such writ of error shall be in accordance with the practice on writs of error issued out of the supreme court in other cases.

Proceedings to be in accordance with practice.

3. *And be it enacted*, That the party suing out such writ shall, without delay, cause a transcript of the pleadings and evidence in the suit in which the trial was had to be made and certified, and the judge of the court to which the writ may be directed shall annex the transcript to and endorse a proper return on said writ and return the same under his signature and seal.

Transcript and return to be made and annexed to writ.

4. *And be it enacted*, That on the hearing of such writ of error the supreme court shall hear the motion that the verdict be set aside and a new trial granted, and reverse or affirm the order as in their opinion justice demands and remit the record to the circuit court to be proceeded upon accordingly.

Supreme Court may reverse or affirm order.

5. *And be it enacted*, That the issuing of such writ shall not prevent the entry of judgment final and the issuing of execution thereon, but the plaintiff in error may have

Issuing of writ not to prevent entry of judgment.

a stay of execution on the same terms as now provided by law in the case of writs of error in civil causes upon final judgment.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act or any of them, be and the same are hereby, so far as the provisions of this act are concerned, repealed.

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

Approved March 4, 1890.

CHAPTER XXI.

An Act to amend the act entitled "An act concerning divorces." [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 three of said act be and the same is hereby amended to read as follows:

When divorces
may be
granted.

3. *And be it enacted*, That divorces from the bonds of matrimony may be decreed in case the parties are within the degrees prohibited by law, and in case of adultery in either of the parties, and also for willful, continued and obstinate desertion for the term of two years; but the decree or sentence of divorce in such cases shall not render illegitimate the issue of any marriages so dissolved.

Act to apply to
certain cases.

2. *And be it enacted*, That this act shall apply to all cases in which a bill or petition has been filed since March seventh, one thousand eight hundred and eighty-nine, or shall hereafter be filed.

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

Approved March 5, 1890.

CHAPTER XXII.

A Supplement to an act entitled "An act for the better protection of manufacturers and bottlers of and dealers in mineral waters, beer, ale, porter and other beverages," approved March eleventh, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the complaint made in pursuance to the provision of said act, to which this is a supplement, it shall be sufficient to state :

First. That the complainant or complainants is a manufacturer or manufacturers, bottler or bottlers of or dealer or dealers in mineral waters, beer, ale, porter, or other beverages, dairymen, producers and bottlers of and dealers in milk in the township, town or city of _____, in the county of _____, in the state of New Jersey, having in use boxes or bottles upon which his, her or their name or names, mark or marks, is respectively marked, stamped or impressed ;

Second. That he, she or they have filed in the office of the clerk of the county of _____, being the county in which the business of such manufacturer or manufacturers, bottler or bottlers, or dealer or dealers, dairymen and producers is carried on, or principal office or depot established, a description of such boxes or bottles, and of the name or names, mark or marks thereon ;

Third. The description of such boxes or bottles and of the name or names, mark or marks thereon, in accordance with the description so filed ;

Fourth. That (any person or persons) naming him, her or them, if their name be known, if not, then to describe them as John Doe and Richard Roe, or both if more than one person, has used, sold, disposed of, bought or trafficked in, or is using, selling, disposing of, buying or trafficking in, or has marred, erased, broken, destroyed or otherwise injured or filled, or is marring, erasing, breaking, destroy-

ing or otherwise injuring or filling, or has unlawfully in his, her or their possession, any such box or boxes, bottle or bottles as aforesaid ;

Places to be searched.

Fifth. That the place or places to be searched shall be described with reasonable accuracy.

Affidavit not to state particular act committed.

2. *And be it enacted*, That in such affidavit it shall not be necessary to state the particular act committed by any person or persons, as a violation of the act to which this is a supplement, but it shall be sufficient to charge the same as defined in the fourth clause of the affidavit ; but in case of conviction, the justice of the peace or jury shall prescribe the particular act upon which such conviction is had or made.

Complaint, by whom made.

3. *And be it enacted*, That such complaint may be made by any such manufacturer or manufacturers, bottler or bottlers, dealer or dealers, dairymen and producers, or by any person in his, her or their behalf.

No other pleadings required.

4. *And be it enacted*, That no other pleadings shall be required other than said complaint and process issued by the justice of the peace.

Repealer.

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

Approved March 5, 1890.

CHAPTER XXIII.

An Act to authorize the governing authorities of any village to enforce their ordinances respecting the laying or repairing of sidewalks, and to collect assessments for the costs and expenses thereof.

Failure of owners to grade, curb, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in case any owner of lands in front of which any sidewalk is required, by ordinance

of the trustees or other governing authorities of any village, to be graded, laid, flagged, repaired, curbed or improved, shall neglect or refuse to cause said work to be done within thirty days after notice of such ordinance, such governing authority may have such work done at the expense of the owner of said land, and, in addition to any power now possessed for enforcing said ordinance, may either require from said owner the amount of the cost and expense thereof by suit in any court of competent jurisdiction in an action upon contract, or may assess said cost and expense upon the lot or tract of land in front, or if such lands lie on the corner of any street on the side of which the work may be done, and certify said assessment, together with a short description of said lands, to the collector who collects other taxes within said village limits, and cause a copy of such certificate to be filed in the office of the clerk of the county wherein the land is situate and recorded in a book of returns of unpaid taxes for the township wherein said lands are situate, and the amount of such costs and expenses shall, from the date of the filing of said certificate, be and remain a lien on said lands until paid.

Authorities to have work done at expense of owners.

Costs and expenses, how assessed and collected.

2. *And be it enacted*, That the said collector shall forthwith, upon receiving said certificate, serve notice of such assessment upon the owner of said lands, demanding payment thereof, together with interest at the rate of one-half per centum per month until paid; and in case said owner shall fail or neglect to make such payment on demand, the amount of said assessment shall be added to the annual tax assessed on said land and shall be part of the same and shall be collected by said collector, with interest as aforesaid, in the manner as said other taxes are collected and as a part thereof at the time of the annual collection of taxes succeeding the receipt of said certificate, and payment thereof may be enforced by sale of the lands described in said certificate, in the same manner as payment of other taxes is enforced.

Collector to serve notice of assessment.

Assessments, how collected

3. *And be it enacted*, That notice of the ordinance mentioned in the first section of this act, and also notice by the collector and demand may be given either by personal service of a copy of said ordinance or of such notice of demand, as the case may be, or by leaving such copy

Notices, how served.

thereof at the residence of said land owner if residing within the limits of the jurisdiction of said governing authorities, or, if a non-resident, by mailing such copy to his post office address, if known, or by publication once a week for three weeks in one of the newspapers published within said village limits, the cost of such publication be added to said assessment and collected therewith.

Upon payment
of assessment
clerk to dis-
charge record.

4. *And be it enacted*, That upon payment of said assessment it shall be the duty of the clerk in whose office any such certificate as is mentioned in the first section of this act may be filed, to discharge the same from the record of tax returns in his office, upon filing with him the receipt of the payment of said assessment made by said governing authorities or by the collector by whom the same may have been collected, for which service said clerk or register shall be paid the sum of twenty-five cents.

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

Approved March 5, 1890.

CHAPTER XXIV.

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 further taxation and assessments," passed March thirtieth, one thousand eight hundred and eighty-six.

Commission-
ers authorized
to fix compen-
sation of offi-
cials.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of adjustment shall have power, in their discretion, to fix and

certify a reasonable compensation to be paid to the officials who have the custody of the records of taxes, assessments and water rents or water rates, for the certificates of arrearages which said officials are required to furnish to said commissioners, such compensation to be paid in the same manner that all other expenses of said commissioners are paid.

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

Approved March 5, 1890.

CHAPTER XXV.

A Supplement to an act entitled "An act to provide for the purchase of sites for the erection and equipment of armories in cities of the first and second class, and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement," approved April 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 no county shall be compelled or called upon to pay for the purchase of a plot of ground in any city of either the first or second class for the purpose of building an armory or performing such other work as provided in said act, unless in said city there shall be located more than two companies of infantry, which companies are attached to the regiment or battalion for which the armory is to be erected.

When counties are not compelled to pay for purchase of lands for armories.

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.

Passed March 5, 1890.

CHAPTER XXVI.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to amend the law relative to the property of married women,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March twenty-second, one thousand eight hundred and eighty-one.

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 amendatory, be and the same is hereby amended to read and be in the following words, to wit:

Married
women may
execute re-
leases, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman whose husband's real estate, or any part thereof, may have been or shall be sold and conveyed under or by virtue of any judgment or decree or by virtue of any deed, release or assignment executed by the husband, or by his assignee in bankruptcy, in which the wife has not or shall not join in the execution thereof, may, without her husband joining with her in the execution thereof, execute and deliver a release of such real estate, so sold, from her inchoate right of dower therein, and thereby discharge such real estate, so sold, from such inchoate right of dower, as effectually as she might if her husband should join with her in the execution of such release.

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

Approved March 5, 1890.

CHAPTER XXVII.

An Act in relation to conveyances of land by married women.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any married woman owning lands situate within this state, shall desire to convey the same, but shall not be able to do so by reason of the lunacy or other mental incapacity of her husband to join with her in the execution of proper deeds of conveyance therefor, it shall be lawful for the court of chancery, upon petition filed for that purpose, to direct that such married woman may convey the said lands by deed or deeds executed by herself, without the concurrence of her husband, which deed or deeds of conveyance shall convey the said lands free from any claim, estate or right of the husband of such married woman, and shall be an absolute bar to any right of curtesy therein, in case he shall survive her.

Married women may convey lands without concurrence of their husbands in cases of lunacy, &c.

2. *And be it enacted*, That upon a petition filed for the purpose aforesaid, the court of chancery may, in a summary manner, inquire into the merits of the application, by reference to a master or otherwise, and in case the said court shall order that such married woman may convey her lands as aforesaid, said court shall ascertain the actual money value of the estate or interest of the husband in such lands, if any, by a calculation based upon the actual cash value of said lands, and upon the expectancy of life of the said husband and wife, in the manner and according to the rules now or hereafter in use in said court, and that the value thereof shall be paid out of the purchase money of the said lands by the purchaser to the committee or guardian of said lunatic or incapacitated husband, duly appointed by any competent court of this state or elsewhere, to be held by him as part of the estate of such husband, or if there be no such guardian or committee, then such payment shall be

Court of chancery may refer matters and ascertain value, &c.

made to the clerk of the court, and that the order of the court shall specifically direct how much money shall be so paid and to whom such payment shall be made by said purchaser.

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

Approved March 5, 1890.

CHAPTER XXVIII.

A supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor considered in its relation to the growth and development of the state industries."

Appropriation. 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. 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 5, 1890.

CHAPTER XXIX.

An Act relating to the consolidation or union of religious societies of the same denomination.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever two incorporated religious societies of the same denomination shall have heretofore agreed, or shall hereafter agree, with the approval of the presbytery, classis or other like governing religious body of their denomination within whose jurisdiction they are located, to consolidate or unite their two societies into one, it shall be lawful for the boards of trustees or other like bodies of the two societies to make, under their respective seals, with the signature of the president of each, and attested by the secretary, a certificate that such two societies have consolidated or united, giving also the name which they have selected for the new organization, and transmit the same to the clerk of the court of common pleas of the county in which they are located, whose duty it shall be instantly to record the same, and thereupon the said two societies shall become consolidated or united into one corporation under the name so selected, and the new corporation shall be entitled to, and invested with, all the property, real and personal, and assets, rights, privileges, powers and franchises belonging to either of the two societies so consolidated or united, but subject to all the debts and liabilities of each, and to the terms of the agreement under which such consolidation or union was made. Authorized to consolidate.
Certificate to be filed.
2. *And be it enacted*, That from the time of the consolidation or union as aforesaid, the new corporation shall possess and exercise all the powers, rights, privileges and franchises which any religious society of like denomination may possess and exercise when incorporated under the existing laws of the state. Powers, &c.
3. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1890.

CHAPTER XXX.

An Act to amend an act entitled "An act authorizing and providing for the incorporation of associations of exempt firemen, and the formation of a state association of exempt firemen," approved February twenty-fifth, one thousand eight hundred and eighty-nine.

Active firemen
serving seven
years entitled
to become ex-
empt firemen.

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

14. *And be it enacted*, That for the purpose of this act where there is no local law or ordinance fixing the time that it shall be necessary for active firemen to serve to be entitled to become exempt firemen, and receive their certificates thereof, a service of seven years as an active fireman in any fire engine, hook and ladder, hose or supply company or salvage corps, the members of which corps shall have been enlisted from among the active firemen, or in any other association or fire department, or board of fire wardens, or as chief of any fire department, heretofore or hereafter rendered in any of the several cities, towns, boroughs, townships and fire districts in this state, such companies being under the supervision or control of the common council, township committee, board of fire commissioners or other governing board or body whatsoever, shall be taken to constitute said fireman an exempt fireman, and to entitle him to all the rights, benefits and privileges whatsoever to which any exempt fireman now or hereafter may become entitled.

Repealer.

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

Passed March 5th, 1890.

CHAPTER XXXI.

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 mayor and council shall have power and authority to construct, erect and maintain plants, works and machinery, or purchase plants, works and machinery already constructed, for lighting the streets, roads, avenues and public places within the borough by electricity or otherwise, and may issue bonds for the payment of the cost of such construction or purchase in the manner and according to the provisions of sections twelve, thirteen and fourteen of an 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," which supplement was approved March twenty-third, one thousand eight hundred and eighty-eight.

Authorized to construct and maintain plants, works for lighting streets.

Act recited.

2. *And be it enacted*, That it shall be lawful for the mayor and council to supply persons or corporations, either within or without the corporate limits, with lights, and to receive and apply for the benefit of the borough such sum or sums of money as may be received therefrom.

May supply persons and corporations with light.

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

Repealer.

Approved March 5, 1890.

CHAPTER XXXII.

An Act concerning corporations constituted for benevolent and charitable purposes.

May hold and possess real and personal property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation of this state, created by or existing under any general or special law for benevolent and charitable purposes, is hereby authorized and empowered to hold or possess real and personal property not exceeding in value the sum of five hundred thousand dollars.

May change location of principal place of business.

2. *And be it enacted*, That said corporation shall have power, by a vote of its governing body, to establish or change its location or principal seat or place of business in or to such municipality as it may see fit.

Act how construed.

3. *And be it enacted*, That nothing herein contained shall be construed to exempt the property of said corporation from taxation.

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

Approved March 5, 1890.

CHAPTER XXXIV.

An Act for the incorporation of societies for the aid of children and the prevention of cruelty to children.

Formation of societies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any ten or more persons of full age, citizens of and residents within this state, who shall desire to associate themselves together for the pur-

pose of providing a lodging-house, reading-room and other provisions for the mental, moral and physical improvement and care of abused and homeless children and the prevention of cruelty to children, may make, sign and acknowledge before any person authorized to take the acknowledgment of deeds in this state, and file in the office of the secretary of state, and also in the office of the clerk of the county in which the business of the society is to be conducted, a certificate in writing, in which shall be stated the name or title by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers to manage the same and the names of the trustees, directors or managers of the society for the first year of its existence; but such certificate shall not be filed unless the written consent and approbation of one of the justices of the supreme court of the district in which the place of business or principal office of such society shall be located be endorsed on such certificate.

Certificate to be filed.

Consent of justices of supreme court to be had.

2. *And be it enacted*, That upon filing the certificate as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this act, be a body politic and corporate, by the name stated in such certificate, and as such shall have power:

General powers.

I. To have perpetual succession by its corporate name; Succession.

II. To sue and be sued, complain and defend, in any court of law or equity; To sue.

III. To make and use a common seal, which may be affixed by making an impression directly on the paper, and alter the same at pleasure; Common seal.

IV. To appoint such officers, managers and agents as the business of the corporation may require; Officers.

V. To make by-laws not inconsistent with the laws of the state or of the United States for the management of its property and the regulation of its affairs; By-laws.

VI. To contract and be contracted with; To contract.

VII. To take and hold by gift, purchase, grant, devise or bequest any property, real or personal, and the same to dispose of at pleasure; but such corporation shall not, in its corporate capacity, hold real estate the yearly To hold real or personal property.

income derived from which shall exceed the sum of twenty-five thousand dollars;

To assist the destitute.

VIII. To assist the destitute in the said state to support themselves by providing for them employment, protection and instruction, according to their necessities;

To support.

IX. To provide partial or entire support, with suitable instruction, to children and others in said state incapable of self-support and not satisfactorily provided for by their parents, guardians or existing institutions;

To establish schools, &c.

X. As a principal auxiliary to the last end, to establish in the city of Newark school or schools where destitute, vagrant, abused or neglected children or others may be gathered from day to day, temporarily clothed, fed, and taught industry, morality and the precepts and truth of the christian religion;

To erect and maintain asylums, &c.

XI. To procure suitable building sites and lands and erect and maintain thereon an asylum for such children, when practicable, under the regulations to be adopted by the board of directors or managers and the laws of the state of New Jersey, city of Newark and county of Essex, as may be intrusted or committed to the care and management of said corporation; such an asylum shall embrace buildings necessary for the comfortable accommodation of the children therein, for their instruction, moral, intellectual and industrial, and for their general treatment in such manner as may best promote their welfare and most fully accomplish the beneficent designs and objects of the said corporation; and until such building sites and land shall be procured, and the permanent building of the asylum thereon erected and completed for use, the corporation may procure such accommodations as may be necessary for its purposes;

Other powers.

XII. To exercise any corporate powers to the exercise of the powers above enumerated and given.

Societies may prefer complaints.

3. *And be it enacted*, That any society so incorporated may prefer a complaint before any justice, court or court of record having jurisdiction, for the violation of any law relating to or affecting children, and may aid in bringing the facts before such justice, court or court of record in any proceedings taken.

Certain societies may consolidate.

4. *And be it enacted*, That the "Children's aid society of the city of Newark," and "The society for the prevention

of cruelty to children," or any other societies of like character in said state, may consolidate and operate under the name of one society, according to the provisions of this act, without affecting the validity of any bequests, devises or legacies given to said societies.

5. *And be it enacted*, That when any minor, child or children shall have been abandoned, abused, violated, assaulted, or cruelly treated in any manner whatsoever by parents, guardian or custodians, and satisfactory and legal proof of the same produced before a justice of the peace or judge of any court of record of said state before whom such proof is taken and received, it shall be lawful for any justice of the peace, or judge or judges, or any court of record aforesaid, to commit such child or children to the care and custody of any society so incorporated, and that said society may indenture said child or children until eighteen and twenty-one years of age, with a view to provide homes suitable for the mental, moral and physical improvement of said child or children.

Children may be committed to the custody of societies.

6. *And be it enacted*, That all judges, justices of the peace, constables, sheriffs and officers of police shall, as occasion may require, aid the society so incorporated, its officers, members and agents in the enforcement of all laws which now are or may hereafter be enacted relating to or affecting children, and that for the purpose of bringing offenders against such laws to justice, the like powers shall be and are hereby given to the members, officers and agents of any such incorporated society as are given by law to the members, officers and agents of the society for the prevention of cruelty to animals.

Certain officers to aid societies in the enforcement of all laws.

7. *And be it enacted*, That the provisions of this act shall not extend or apply to any association or individuals who shall, in the certificate filed as hereinbefore provided, use or specify a name or style the same or substantially the same as that of any previously incorporated society in this state.

Act not to apply to any association using name of any incorporated society.

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

Repealer.

Passed March 5, 1890.

CHAPTER XXXV.

An Act to re-organize the boards of chosen freeholders in counties of the third and fourth classes in this state.

Term of office
of chosen free-
holders.

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 members of the board of chosen freeholders shall be elected for the term of three years and until their successors are elected and qualified, except as hereinafter provided.

Court of com-
mon pleas to
meet and
divide town-
ships, wards,
&c., into
classes.

2. *And be it enacted*, That the court of common pleas in and for each respective county aforesaid, within five days after the passage of this act, shall meet and divide into three classes the several boroughs, townships, wards and districts in its county (each class to contain the same number of boroughs, townships, wards and districts from which chosen freeholders are elected as near as possible), and shall designate them as class one, class two and class three.

Term of office
of freeholders.

3. *And be it enacted*, That the chosen freeholders now elected, or who shall be elected at the first election held after the passage of this act, in any of the boroughs, townships, wards and districts designated as class one by said court shall be elected and hold office for the term of one year; and that the chosen freeholders elected at the first election held after the passage of this act from the boroughs, townships, wards and districts comprised in class two shall be elected and hold office for two years; and the chosen freeholders elected from the boroughs, townships, wards and districts comprised in class three shall be elected and hold office for three years and until their successors are elected and qualified, and thereafter each chosen freeholder within the county shall be elected for three years, as provided in section one of this act, except where a vacancy occurs by death, resignation or other cause before the expiration of the term when the

member chosen to fill the vacancy shall fill it, but for the unexpired term.

4. *And be it enacted*, That this act shall not in anywise affect or change the application of any and all laws, rules and regulations for the control and governance of said board of chosen freeholders where the same are not inconsistent herewith, nor change nor affect its rights, privileges, authorities, powers and duties not inconsistent herewith. Act not to affect or change any law, &c.

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

Approved March 5, 1890.

CHAPTER XXXVI.

A Supplement to an act entitled "An act to prevent the adulteration of food or drugs," approved March twenty-fifth, one thousand eight hundred and eighty-one, and the several supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person accused before any court of selling or offering for sale any article adulterated within the meaning of the act to which this is a supplement, and the supplements thereto, who shall prove that he procured such article under a warranty from any person or persons that reside within this state, in the form hereinafter set forth, that said article was pure and unadulterated within the meaning of said acts, said person shall be discharged from prosecution; *provided*, that such proof in defence shall be filed in court prior to the trial of such case and a copy thereof left with the attorney for the prosecutor of the case. When person accused may be discharged. Proviso.

What warranty
to state.

2. *And be it enacted*, That no warranty shall be considered as within the meaning of this act, unless in the form hereinafter given, and unless the article or articles warranted shall be specifically named and described in the body of said warranty; and no warranty shall be a defence if the person offering it shall have been notified, prior to the sale complained of, that the articles mentioned in said warranty are adulterated within the meaning of said acts.

Penalty for
giving a false
warranty or
swearing falsely.

3. *And be it enacted*, That any person uttering or giving a false warranty, or swearing fasely in relation thereto, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, or imprisonment at hard labor for not more than one year, at the discretion of the court.

Form of war-
ranty.

4. *And be it enacted*, That the warranty herein provided for shall be in the form following, to wit:

WARRANTY.

It is hereby warranted that the following described article or articles are pure and unadulterated within the meaning of the acts of the legislature of the state of New Jersey, regulating the sale of food or drugs.

(Signature,) _____

Dated at _____ this _____ day of _____, anno domini _____.

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

Approved March 5, 1890.

CHAPTER XXXVII.

An Act in relation to the salary of the comptroller in certain cities of this state.

Compensation of
comptrol'er of
cities of the first
class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, in any city of the first class in this state, the comptroller is or may be re-

quired to furnish certificates or searches showing the liens on property therein for municipal assessments and taxes, and no fees are allowed or paid to such officer for this service, and all such fees are paid into the city treasury, compensation in addition to the salary now provided for such officer shall be paid by such city, which shall not be less than fifteen hundred dollars nor more than two thousand dollars per annum, and the same shall be paid at the time and in the manner now provided by law for the payment of the salary of such officer.

2. *And be it enacted*, That it shall be the duty of the common council or other governing body of such city to fix the amount of such compensation as herein provided. Common council to fix amount.

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

Passed March 5, 1890.

CHAPTER XL.

An Act to provide for building, graveling and macadamizing of roads by contract, under the supervision and direction of the township committee, in townships having street commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any township having a street commission within its limits, at the annual town meeting, by a majority of the votes cast by the legal voters of any road district, to pass resolutions authorizing the expenditures of part or all moneys voted for the making, building, graveling or macadamizing of roads, to be done under the supervision and direction of the township committee. Town meetings may pass resolutions authorizing expenditures of money for improvement of roads.

2. *And be it enacted*, That the making, building, graveling or macadamizing of roads done under the foregoing Making, graveling, &c., to let out by contract

section shall be let out by contract to the lowest responsible bidder, in the manner and under the rules and regulations that the township committee may adopt.

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.

Passed March 10, 1890.

CHAPTER XLI.

A Supplement to an act entitled "An act to incorporate societies for the promotion of learning" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

How number of trustees may be increased or reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of trustees of any seminary, institute, school or college, now or hereafter organized under the act to which this is a supplement, or any other act now in force in this state, may be increased or reduced by the association, conference, synod or other legislative assembly owning or controlling such institution by the vote of a majority of the members thereof present at the annual meeting or conference thereof, who at the same time shall fix the number of said trustees required to constitute a quorum for business thereof; *provided*, that no such board of trustees shall consist of less than five members.

Proviso.

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

Approved March 11, 1890.

CHAPTER XLII.

An Act to facilitate certain improvements in the harbor
of Philadelphia.

WHEREAS, The government of the United States of ^{Preamble.}
America has undertaken and is about to make improve-
ments in the harbor of Philadelphia, requiring excava-
tion and removal of soil in order to deepen the waters
of said harbor in front of Petty's island in the Delaware
river; *and whereas*, the lands below high-water mark in
front of Petty's island and in the bed of the Delaware
river are the lands of the state of New Jersey, and the
deepening of said water cannot be effected without
excavation and removal of considerable portion of the
said land; *and whereas*, the improvement of the waters
of said harbor will be a great benefit to the people of
this state; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Lands ceded to
the United
States.</sup>
the State of New Jersey, That the lands under water in the
Delaware river below high-water mark, in front of Petty's
island, belonging to this state, be and the same are
hereby ceded to the United States of America so far as
the same may be necessary to be used or taken in the
making of the improvements now being or about to be
made by the government of the United States of America
in the harbor of Philadelphia; *provided*, that this act shall ^{Proviso.}
not be construed so as to affect the right to or the amount
of damages claimed by any owner of the upland by reason
of his adjacency to tide-water.

2. *And be it enacted*, That this act shall take effect im-
mediately.

Approved March 12, 1890.

CHAPTER XLIII.

An Act to enable the owners of land used for private burying grounds in any of the townships of this state to provide for the improvement, protection and preservation of the same.

Preamble WHEREAS, There exist in the rural districts of the state of New Jersey many private burying grounds which from neglect have become unsightly and offensive to a wholesome public sentiment, or are owned and controlled without proper organization for the improvement, maintenance and preservation of said grounds; therefore,

Owners of lots may convey title, &c. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owners of any lot or parcel of land used as a burying ground located in any of the townships of this state, or a majority of such owners, to convey to any cemetery association organized under the laws of New Jersey their title to the unoccupied portion of said burying ground, together with the control and management of all of said ground in conformity with the laws regulating cemetery associations, on such terms as may be agreed upon between said parties; *provided*, that no assessment shall be made upon non-consenting owners for the care of graves and maintenance and improvements of the grounds therewith connected.

Proviso.

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

Approved March 12, 1890.

CHAPTER XLIV.

A Supplement to the act entitled "An act to establish a system of public instruction" [Revision].

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township consisting of a single school district, formed by consolidation under the provisions of the supplement approved May eleventh, one thousand eight hundred and eighty-six, it shall be lawful for the school board of such consolidated district to sell and convey any real or personal property belonging to such district, whether the title to such property has been derived through such consolidation or otherwise, and to execute and deliver to the purchaser a due and proper conveyance therefor in the corporate name of such district; *provided, however*, that the provisions of this act shall not apply to or authorize the sale of any property, real or personal, which may be in use for school purposes, or any part of any school lot or grounds upon which a building is erected and used and occupied as a school house, but shall only apply to such real and personal property as are not in use for school purposes and which in the judgment of such school board are not needed for school purposes.

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

Approved March 12, 1890.

CHAPTER XLV.

An Act for the formation and government of boroughs.

Extent of area
and population
which may be
embraced in a
borough.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of any district in this state, embracing an area of not more than two square miles and taxable real estate of the amount of not less than one hundred thousand dollars, and within which area resides, during any portion of the year, a population of not less than two hundred, may become a body politic and corporate, in fact and in law, whenever at a special election, to be called for the purpose, as hereinafter provided, it may be so decided by a majority of votes of the electors of said proposed borough who are qualified to vote at elections for state and township officers.

Judge of court of
common pleas to
call a special
election on peti-
tion to constitute
a borough.

2. *And be it enacted*, That it shall be the duty of any judge of the court of common pleas in and for the county in which said proposed borough is situated, upon presentation to him of a petition for that purpose, setting forth the name and boundaries of the proposed borough, signed by persons owning at least one-tenth in value of the taxable real estate in the limits of the proposed borough, as the same appears upon the assessors' duplicate, to call a special election, to be held at some convenient place within the said proposed borough, by notice in writing under his hand, which notice shall contain an accurate description of the same and boundaries of the proposed borough, and state the object of the said election to be to vote for or against the incorporation of the said proposed borough under the provisions of this act; which notice shall be set up at least ten days previous to said proposed election in five of the most public places within the said proposed borough limits, and published at least twice in a newspaper printed and published within the said proposed borough limits, if any, or if none so published, then in a newspaper printed and pub-

lished in the county wherein said proposed borough is situated.

3. *And be it enacted*, That the said judge shall appoint ^{Appointment of election officers.} by writing, under his hand, a clerk and two inspectors of said election, who shall be freeholders and legal voters in the said proposed borough, 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 the same hours as at general elections in this state, and the election shall be conducted, as nearly as may be, in like manner as general elections are conducted; the ballots ^{Ballots.} cast shall contain the words "for incorporation" or "against incorporation," as the case may be; at the close of the polls the said clerk and inspectors shall canvass the votes cast, and if the majority of said votes shall be for incorporation they shall forthwith certify the result of ^{Result of election to be certified.} said election, and the number of votes cast for and against, under their hands, to the clerk of the county wherein said borough is situated, to be filed in his office, and from the time of filing said certificate in the office of the clerk of the county aforesaid the inhabitants of said borough shall be a body corporate, in fact and in law, under the name of "the mayor and council of the ^{Corporate name} borough of ———," and by said name shall have perpetual succession, sue and be sued, prosecute and defend in all courts of law and equity 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 said borough.

4. *And be it enacted*, That on the second Tuesday next ^{Elections, when and how held.} after the filing of the certificate of the result of the election aforesaid in the office of the clerk of the county, the legal voters of said borough shall assemble at the place where the election provided for in the next preceding section was held, at the hour of seven o'clock in the forenoon, and those so assembled may, by a viva voce vote, proceed to elect a judge and two inspectors to conduct the election for the officers hereinafter named, which said judge and inspectors, having first taken and subscribed an oath or affirmation honestly and impartially to hold and conduct said election, shall forthwith open the polls for the election of officers hereinafter mentioned;

and the said election shall be by ballot, and shall be conducted in the same manner as elections for members of the legislature are conducted; the persons voting at said election shall be those who are qualified to vote at elections for members of the legislature in the townships wherein said borough is situated; the polls shall remain open until seven o'clock in the evening, and at the closing of the polls the judge and inspectors holding said election shall canvass the votes cast and certify the result, with the number of votes cast for each candidate, to the clerk of the county wherein said borough is situated, and shall also deliver a copy of said certificate, under their hands, to the clerk of the borough.

Officers and
terms of office.

5. *And be it enacted*, That there shall be chosen at such election one mayor, who shall be keeper of the borough seal, and hold his office for two years; four members of council, which mayor and members of council shall be one body corporate and politic in deed, fact, name and law, by the name, style and title of the mayor and council of the borough of ———; and also a borough clerk (who shall be clerk of the election and perform all the duties required by law of the clerks of townships, not inconsistent with the provisions of this act), one assessor, one collector (who shall be borough treasurer), one chosen freeholder, two surveyors of the highways, three commissioners of appeal in cases of taxation, one judge and two inspectors of election and one pound-keeper, who shall hold office for such term as is now or shall hereafter be provided for similar officers in townships; *provided*, that at the first meeting of the council after the first election held under this act, the members of council shall divide themselves by lot into two classes; the term of the first class shall be vacated at the expiration of the first year, the term of the second class at the expiration of the second year, so that two members of council shall be elected annually after the first election, to hold their office for two years; and if vacancies happen, by resignation or otherwise, the person or persons elected to supply such vacancies shall be elected for the unexpired term only.

Proviso.

Election to be
held annually.

6. *And be it enacted*, That there shall be held annually after such election on the second Tuesday in March in each and every year, an election in said borough for such

of the officers named in the next preceding section whose term of office shall have expired or whose office may have become vacant, and such annual election shall be subject to the laws regulating township elections.

7. *And be it enacted,* That in addition to the officers Officers to be appointed by council. above provided for, there may be appointed by the council one borough marshal, one surveyor, one solicitor and one superintendent of public roads, and such and so many policemen and other officers as shall be deemed necessary by said council, who shall hold office for such time and perform such duties as are or may be by law or ordinance of said council, not in conflict with law, provided for.

8. *And be it enacted,* That within twenty days after the first election held under this act, the clerk shall publish Result of election and certificate of boundaries to be filed. the result of such election, and shall file an official certificate of such election, and the boundaries decided upon, in the offices of the secretary of state and of the clerk of the county in which such borough is situate, which certificate shall be signed by three of the members of council elected.

9. *And be it enacted,* That all officers elected or appointed Officers to take oath. by virtue of this act, shall, within twenty days after their election or appointment, and before entering upon the discharge of the duties of their offices, take and subscribe, before some person duly authorized by law for such purpose, an oath or affirmation faithfully and impartially to discharge the duties of their respective offices, and upon neglecting to do so the said offices shall be deemed and declared vacant; all such oaths or affirmations shall be filed in the office of the clerk.

10. *And be it enacted,* That such officers as the council Officers required to give bonds. shall require, shall, before they enter upon the duties of their offices, give bonds to the borough in its corporate name in such sums and with such sureties as the said council may require and approve for the faithful performance of their duties.

11. *And be it enacted,* That the mayor and members of Annual meetings of mayor and council to be held. council of such borough shall constitute the council thereof, and shall hold an annual meeting therein on the next Tuesday after the annual election yearly and every year, and such other meetings as they shall by ordinance

direct and appoint; the mayor shall preside at such meetings and shall have a vote only in such cases where there is a tie, and in the absence of the mayor the members of council shall appoint one of their number to preside pro tempore; and when met, said council shall have power to make and adopt such ordinances, rules, by-laws and regulations, and in general to do and perform all such other acts as are provided for and warranted by this act; and that three members shall constitute a quorum of said council; and it shall be the duty of the mayor, when necessary, to call special meetings of said council, and in case of his neglect or refusal, then it shall be lawful for any three members of said council, at such time and place in said borough as they may designate, to call any special meeting or meetings by written or printed notices, and in all cases of special meetings notice shall be given to all the members of said council in person or left at their place of residence.

12. *And be it enacted*, That in case of vacancy happening in any office created and made elective by this act, by death, resignation, removal or otherwise, except in officers of election on the day of election, it shall be filled by the said council at their next meeting thereafter, and the said appointment shall continue until the next annual election and no longer; and the person or persons appointed to fill such vacancies shall be entitled to the like compensation and be subject to the same responsibilities and penalties as if elected at the annual election as aforesaid.

13. *And be it enacted*, That the borough clerk, judge and inspectors of election, collector, assessor, chosen freeholder, surveyors of the highways, commissioners of appeal and pound-keeper, shall respectively possess the powers and perform the duties of like officers in any township of this state, so far as shall be consistent with the provisions of this act; and in addition the said borough clerk shall attend all meetings of the council of said borough, keep accurate minutes of their proceedings, and record the same in a book to be provided for that purpose, and in like manner record all ordinances passed by the council, and shall do and perform all such other duties as the said council may, from time to time, prescribe; and the power and duties of the treasurer of said borough shall be the

May adopt ordinances, &c.

Quorum.

Special meetings.

Vacancies, how filled.

Powers and duties of officers.

Duties of borough clerks.

Treasurer.

same as collectors of townships of this state, and such other powers and duties as are provided for in this act, or shall be enjoined by the ordinances of said council.

14. *And be it enacted*, That it shall be the duty of the collector, who shall be borough treasurer, to receive, collect and pay out all moneys due or belonging to said borough, whether for taxes, assessments, arrears of taxes or otherwise, and safely keep and disburse the same under the direction of the council, and shall pay out the same only upon the warrant of said council, signed by the mayor and countersigned by the clerk, and no warrant on the borough treasurer shall be authorized except in pursuance of an order of said council passed at a stated meeting and entered on their minutes; and such warrant shall be made and numbered payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; the said treasurer shall keep a record of the proceedings affecting the revenue of said borough, and shall make out annually on the first Tuesday in March, or oftener should the council require, and publish in a newspaper printed in the county in which said borough is situate, if any there be, a detailed and true statement of all moneys received into the treasury, and of all moneys disbursed therefrom after the commencement of his official year to the date aforesaid, and file a copy with the borough clerk.

Duties of borough collector or treasurer.

15. *And be it enacted*, That the said council shall have power to pass, enforce, alter and repeal ordinances to take effect within said borough for the following purposes, viz., to lay out, open, widen, vacate, alter, grade, fill up, straighten, extend, clean, repair, refill, establish, alter and regulate the grade and grading of all streets, avenues and roads, sides and crosswalks, to ascertain and establish the grade and boundaries of all streets, public alleys, roads and sidewalks in said borough, and to authenticate any and all of said improvements by maps or otherwise; *provided*, that the grade being thus established shall not be altered except by consent of the owners of two-thirds of the frontage affected by such alteration; for the regulating, paving, graveling, cleansing and keeping in repair the streets and roads, highways, alleys and crosswalks in such borough; for regulating the planting and protection

Council authorized to pass ordinances, &c.

Proviso.

of shade trees; for preventing or removing all obstructions, encroachments, cumbrances and nuisances, or any of them, from the streets, roads, highways, sidewalks, alleys, enclosures and lots in such borough; for ascertaining and establishing the boundaries of all streets, alleys and sidewalks in such borough; for causing the territory embraced within the boundaries of such borough to be accurately surveyed and mapped for roads, streets and avenues; for grading, paving, graveling and laying sidewalks in such borough; for preventing and removing all obstructions, impediments or nuisances on any street or street crossing caused by any railroad company or its agents; for preventing persons from riding and driving or passing over or upon the sidewalks, except when necessary to cross the same with horses, wagons, carts or carriages of any description; for lighting the streets and alleys in said borough; for preventing or regulating the running at large of horses, cattle, goats, geese, dogs and swine; for preventing the immoderate riding or driving through or in any street or alley of such borough; for preventing or suppressing any riots, routs, disturbances, breaches of the peace or disorderly assemblages in any street, alley, house or place in such borough; for the erection of fountains and statues, and for sinking and regulating pumps, wells and cisterns in the streets, parks, squares or enclosures of such borough; for the extinguishing of fires; for regulating fire engines, hose and truck companies; for regulating the keeping of gunpowder and other combustible or dangerous material; for the cleansing of chimneys and regulating the same; for appointing policemen, regular or special, watchmen and other subordinate officers, and prescribing their powers, duties and compensation; for establishing and regulating one or more public pounds; for restraining vagrants, mendicants and street beggars; for erecting, repairing and regulating a borough hall, borough jail and such other public buildings as may be necessary; for preserving peace and good order; for preventing and suppressing all gaming and disorderly houses; for regulating or preventing the carrying on of any trade, business or manufacture likely to promote or cause fire, or to endanger the health or well-being of the inhabitants of such borough;

for the sewerage or drainage of such borough; for laying down iron, lead, glass, wood or other pipes for the conveyance of water or gas in the streets, highways, alleys and sidewalks of said borough, and for regulating the same; to provide for the erection and maintaining of gas and water-works in such borough; for the suppression of vice and immorality; for the licensing of and regulating butchers, hawkers and hucksters, peddlers and petit hucksters; for licensing and regulating or prohibiting restaurants, bowling alleys, billiard saloons, oyster houses and cellars; and the said council shall or may enact or pass such and so many other ordinances or by-laws for the peace, good government, order, well-being and convenience of such borough as they may deem necessary, proper and expedient, not repugnant to this act or the constitution of this state or of the United States.

16. *And be it enacted*, That every ordinance and every resolution of the council affecting the interests of the borough, shall, before it takes effect, be presented duly certified to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor; if he approves it he shall sign it, if not, he shall return it with his objections, and file the same with the clerk within five days after he shall have received it, and the said council shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, and shall proceed to reconsider the same, and if three-fourths of all members shall pass the same it shall take effect as a law, but in every such case the vote shall be taken by ayes and noes and entered on the journal; and if such ordinance or resolution shall not be returned by the mayor within the time above specified, it shall become a law in like manner as if he had signed it; *provided*, that each and every ordinance and resolution so passed as aforesaid, shall be published for the space of two weeks, at least once in each week, in a newspaper printed in the county in which such borough is situate, before said ordinance or resolution shall go into effect; *provided also*, that no ordinance or by-law shall be enacted or passed by the said council, unless the same shall have been introduced before the said council at a previous meeting, and

Mayor to approve all ordinances.

Proviso

Proviso.

shall have been agreed to by a majority of said council, but said council may, by a three-fourths vote, put any such ordinance or by-law on its final passage on the same day which the same shall be introduced.

Ordinances,
form of enact-
ment of.

17. *And be it enacted*, That the ordinances of such borough shall begin in the following style, viz.: "Be it enacted by the mayor and council of the borough of _____,"

Money for ex-
penses, how
raised and col-
lected.

18. *And be it enacted*, That it shall and may be lawful for the council of any borough incorporated under this act, to order and cause to be assessed and raised by tax every year such sum of money, not exceeding twenty mills on the dollar, as they shall deem expedient for the current expenses of such borough, and for all other objects and purposes authorized by this act, to be assessed and collected in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes, which taxes, when collected, shall be subject to the order of said council; and the said council may, from time to time, borrow such sum or sums of money, not exceeding ten mills on the dollar of the assessed value of the property in the borough in any one year, and then only for the purpose of anticipating the next year's taxes, in the corporate name of the borough, for all purposes for which they are authorized by this act to raise money by tax, as they deem necessary, and secure the payment thereof by bond or other instrument, under the common seal of the borough and signature of the mayor, attested by the clerk, and to provide by tax for the payment thereof within the ensuing year; *provided*, that no loan shall be made without the concurrence of a majority of all the members of said council.

Council may
borrow money,
&c.

Proviso.

Consent of prop-
erty holders to
increase of
moneys to be
raised.

19. *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 said borough is situate, for at least two weeks, once in each week, before

acting thereon, and by printed handbills 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 tax in said borough shall be assessed and collected the same as other taxes are assessed and collected.

20. *And be it enacted*, That it shall and may be lawful for the said council to make and establish ordinances and regulations for the laying out, extending, opening, altering or widening of any street, road, highway or alley within the borough as they shall judge the public good requires, the same to be done only on the application in writing to the said council of at least ten property holders of such borough; and there shall be three commissioners appointed by the said council immediately after the passage of any ordinance for the purpose aforesaid, who shall be in every case residents of such borough and entirely free from pecuniary interests in any houses or lands to be affected by assessments or awards by reason of any such laying out, opening, extending, altering or widening, and who, in laying out, opening, extending, altering or widening any street, road, highway or alley within such borough, shall perform like duties, and be subject to like requirements and penalties as the surveyors of the highways are now required to perform and are subject to by the law of the state concerning roads, and the law of this state is hereby made applicable in all such cases.

Council to establish ordinances for laying out, opening, &c., streets.

Commissioners to be appointed.

21. *And be it enacted*, That the council of said borough shall have power by ordinance or resolution to grant or allow such fees or compensation to the several officers of said borough as to them shall seem necessary and proper; *provided*, that the mayor shall not receive a salary exceeding three hundred dollars per annum for the performance of his official duties, other than the fees which appertain to his office as a justice of the peace; that the

Fees and compensation of officers of boroughs

members of council shall not be paid, directly or indirectly, any compensation for the performance of their official duties; the fees of the assessor and collector to be as now provided by law.

Council may impose fines and penalties for violation of ordinances.

Mayor constituted a court of record.

22. *And be it enacted*, That the said council shall and may make and impose fines and penalties against all persons who shall offend against the by-laws and ordinances of said council; and the mayor of said borough is hereby constituted a court of record to take cognizance of all offenses against such by-laws and ordinances and punish all offenders against the same by fine not exceeding fifty dollars or imprisonment not exceeding thirty days in the jail of such borough or in the county jail or both, together with the costs of conviction; and it shall and may be lawful for the said mayor, on complaint made on oath or affirmation of an offense committed against the said by-laws and ordinances, and on conviction thereof to issue his warrant to the marshal or any policeman of said borough, commanding him, in case any offender or offenders be sentenced to imprisonment, to convey him, her or them to the jail aforesaid, there to remain until the term of imprisonment shall have expired and the costs of conviction shall be paid; and in case the offender or offenders shall be adjudged to pay a fine, then it shall and may be lawful for the said mayor to issue an execution to the borough marshal or any policeman of said borough, commanding him to levy and make such fine and costs of goods and chattels of said offender or offenders, and the said borough marshal or policeman is hereby authorized and required to execute the process aforesaid; that the jailor of the county in which such borough is situate shall receive and safely keep all such offenders as shall be committed to the jail of said county by the mayor of said borough for the term of his, her or their imprisonment as expressed in the warrant of commitment, and all the expenses of keeping said offenders in said jail shall be borne and paid by the county.

Taxes, by whom assessed and collected.

23. *And be it enacted*, That the assessor shall assess and the collector collect the taxes in the same manner as the assessors and collectors of townships in this state are required by law to assess and collect; and in case of the non-payment of taxes the said collector shall proceed to

enforce the collection thereof as now required by law of township collectors in this state.

24. *And be it enacted*, That the commissioners of appeal ^{Meeting of commissioners of appeal.} in cases of taxation shall meet annually on the fourth Tuesday of November, to hear and determine all complaints of unjust taxation; they shall sit from ten o'clock in the forenoon until five o'clock in the afternoon, or longer if found necessary to dispose of all cases submitted to them for consideration, and shall give public ^{Notice to be given.} notice of the time and place of such intended meeting in any newspaper printed in the county, if any there be, at least ten days previous to such assembling, and by hand-bills posted in five of the most public places in said borough.

25. *And be it enacted*, That it shall be the duty of the ^{Duties and powers of the mayor} mayor of such borough to see that the laws of the state and the ordinances of the borough are faithfully executed in such borough, and to recommend to the council such measures as he may deem necessary or expedient for the welfare of the borough; he shall maintain peace and good order in the borough, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested on his view, without process or warrant, and to commit for trial all persons violating, or whom he has reason to believe have violated the laws of this state or the ordinances of the borough; he shall have authority, on complaint made to him on oath or affirmation, to cause any person or persons to be brought before him for any breach of the peace or violation of any law of this state committed within said borough, or for disturbing the public tranquillity in the borough, and shall require such offender or offenders to enter into recognizance or commit them to the county jail to answer the charges before the county court; he shall be entitled to the same fees and possess the same power, authority and jurisdiction that is by law vested in justices of the peace of the several counties of this state in both civil and criminal causes; the borough marshal and policemen of said borough shall execute, anywhere in the county in which said borough is situated, all and every process issued by said mayor in pursuance of the authority conferred, and shall have power to arrest and take into custody, without

warrant, any offender or offenders against the by-laws and ordinances of said borough, and to confine the said offender or offenders in a place provided by said council until a hearing can be had before the mayor or one of the justices of the peace of said county; *provided*, that such hearing shall be held within twenty-four hours, unless Sunday should intervene, and in such case within forty-eight hours after the arrest of the offender or offenders; that said borough marshal shall possess the same powers, take the same obligation, perform the same duties, be subject to the same penalties, and receive the same fees as any constable of any township in this state.

Proviso.

Unlawful to sell spirituous or malt liquors without license.

26. *And be it enacted*, That it shall not be lawful for any person or persons to sell, within the corporate limits of any borough incorporated under this act, any spirituous or malt liquors in quantities less than five gallons without having first obtained a license therefor from the mayor and council of such borough, or a majority thereof in council convened, in whom shall by this act be vested the exclusive right and power of granting the same, and imposing such restrictions and penalties as they deem necessary in relation thereto; *providing, however*, that nothing in this section contained shall enable the borough councils of boroughs situate in counties of the first and second class to grant licenses for the sale of liquor.

Proviso.

May borrow money for improvement of streets, &c., and issue bonds therefor.

27. *And be it enacted*, That for the purpose of laying out, grading or improving the streets or sidewalks of any borough incorporated under this act, it shall and may be lawful for the council of said borough, upon obtaining the written consent of persons representing one-half or more of the value of the taxable property in said borough as represented by the duplicate of the borough assessor, to borrow such sum or sums of money, in the name of the borough, as may be necessary to carry out and complete the laying out, grading or improvement of any street or streets, sidewalk or sidewalks in said borough, and to secure the payment thereof by the issuing of bonds or other instruments, under the common seal of the borough and signature of the mayor, attested by the clerk; said bonds not to run for a longer period than twenty years from the date thereof, and to bear interest at a rate not exceeding the legal rate.

28. *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 sum 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; *provided*, the provisions of this act shall not be operative until the people of such borough shall vote on the issue of such bonds at the next municipal election to be held in such borough, and if a majority of the legal voters therein shall vote against such issue, then no such issue of bonds shall be made.

Interest, &c., to be raised by tax.

Proviso.

29. *And be it enacted*, That the borough council of any borough incorporated under this act may, whenever they shall by ordinance declare it necessary, cause the brush and wild bushes to be removed from any lot in such borough, and may cause any uncovered hole or pit on any lot in such borough to be filled up, and the cost of such removal and filling shall be a lien upon such lot paramount to any other incumbrance except taxes, and may be collected, with costs of suit, by action of debt against the owner or owners of such lot in any court of competent jurisdiction, or if such owners or owner be non-resident, then by attachment; *provided, always*, that fifteen days' notice to the owner or owners of such lot shall be given before such removal or filling as aforesaid, which notice shall be in writing, under the signature of the mayor and seal of the borough, and shall recite such ordinance and request such owner or owners to remove such brush or fill such uncovered hole or pit within fifteen days.

Council may cause brush to be removed from lots and holes to be filled up.

Costs to be a lien on lots and how collected.

Proviso.

30. *And be it enacted*, That the common council of all boroughs incorporated or organized under the provisions of this act shall have power, by ordinance, to provide for the grading and graveling of the streets in said borough in the following manner, viz.: upon the majority of the property owners on any street or avenue, or specified part thereof, making application to the borough council for the grading and graveling of any street or avenue, or specified part thereof, such council may authorize such

Council to provide by ordinance for grading and graveling of streets

street or avenue, or specified part thereof, to be graded and graveled in a specified manner and within a specified time; and if, at the end of the time so specified by such council, the owners of the property on such street or avenue, or part thereof, shall have neglected to grade and gravel the same, or any part thereof, it shall be lawful for such borough council to cause the same to be graded and graveled at the expense of such borough, and the costs of such grading and graveeling may be assessed by such borough against each property adjoining such grading and graveeling to the extent to which each of such properties is severally benefited by such grading and graveeling.

Expense assessed upon property.

Assessments, how made.

31. *And be it enacted*, That the street committee of each such borough shall, upon the completion of any grading and graveeling performed by such borough in pursuance of the preceding section, make an assessment of the several amounts which each of such adjoining properties have been benefited by such street improvement, and file such assessments with the clerk of such borough, whereupon the same shall become a lien upon the land so assessed; and if any such assessment shall remain unpaid by the owners of the land so assessed for the space of thirty days after the same is so filed with said borough clerk, it shall be lawful for such borough council to forthwith cause such lands to be sold for the payment of such assessments, in the same manner as land is now sold by law for taxes.

Lands may be sold for payment of assessments.

Building lines to be established by ordinance.

32. *And be it enacted*, That the borough councils of all boroughs incorporated, or hereafter to be incorporated, under the provisions of this act, shall have power, by ordinance, to regulate, establish and enforce the observance of building lines in their respective boroughs; *providing*, said act shall in no wise interfere with such building lines as may have heretofore been established.

Proviso.

Certain municipalities may accept provisions of this act.

33. *And be it enacted*, That it shall be lawful for the inhabitants of any portion of this state, embracing an area of not more than two square miles and taxable real estate of not less than one hundred thousand dollars, and within which area resides, during any portion of the year, a population of not less than two hundred, and which may now be subject to any existing form of municipal government, to accept of the provisions of this act

and become subject to all the rights, privileges, powers and liabilities therein specified, by complying with the provisions and requirements of the first, second, third and fourth sections of this act; *provided*, that this section shall not be construed to permit the division of any existing municipality. Proviso.

34. *And be it enacted*, That upon the acceptance by the inhabitants of any municipality in this state of the provisions of this act, or their incorporation hereunder, the former municipal corporation shall be dissolved, and all the property and rights of property held by the former corporation shall instantly vest in the new corporation so created, and the new corporation so created shall be bound by and subject to all the agreements, contracts, obligations and liabilities of the former corporation, and all taxes and other municipal assessments of such dissolved corporation shall be enforced by such new corporation as if the same had been legally and properly assessed by the said new corporation. Upon acceptance of this act former municipality dissolved. Property, rights vested, &c.

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

Approved March 12, 1890.

CHAPTER XLVI.

An Act concerning county collectors who are elected by the board of chosen freeholders in the respective counties of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all counties where the county collectors are elected by the board of chosen freeholders, they shall hereafter be elected for the term of two years, and shall continue in office until their successors are elected. Election and term of office of county collectors

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 March 12, 1890.

CHAPTER XLVII.

A Supplement to an act entitled "An act for the better regulation of poor-houses in this state," approved May sixth, one thousand eight hundred and eighty-nine.

Females to be kept separate from males.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every alms-house, poor-house, or other institution for the reception or maintenance of poor persons in this state, females shall be kept separate from males at all times in their living-rooms, bedrooms, halls, stairways, eating-rooms, outbuildings and yards; and it shall be the duty of the freeholders of any county, township committee, city council or other authority charged with the care of any such institution to provide all the buildings and accommodations necessary to carry out the intention of this act; *provided, however*, that the provisions of this act shall not apply to persons who are lawfully married and living together as man and wife, and who are now or may hereafter become inmates of such alms-house, poor-house, or other institution.

Buildings and accommodations to be provided.
Proviso.

Keepers to keep book and record of commitment, &c.

2. *And be it enacted*, That the keeper or person in charge of every institution for the poor in this state shall keep a book, to be provided by the authority charged with the care of the institution, in which book he shall enter from time to time the name, date of commitment, age, sex, color, description, physical and mental condition, birth-place, and date of discharge or of death and place of burial of each and every person coming into the care of

such institution, together with any other information about them which may be ascertained; and the said book shall be open to inspection by the public at all times.

3. *And be it enacted*, That for the wrongful neglect or refusal to keep the said book according to the requirements of this act, or for the wrongful alteration of any entry in the same, or the willful mutilation or destruction thereof, the said keeper or person in charge shall be liable to a penalty of twenty-five dollars, to be recovered in any court of competent jurisdiction, together with the costs of suit, by the overseer of the poor of the county, township or city in which the said institution is situated, for the use of the poor of the said institution.

Penalty for refusal to keep book or mutilation of entry, &c.

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

Approved March 12, 1890.

CHAPTER XLVIII.

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 whenever any volunteer organization shall have or shall hereafter become re-organized and re-incorporated under the provisions of the act to which this is a supplement, in any city or other municipality wherein the authorities have or may hereafter establish fire limits and enact ordinances for the violations of the building laws therein, that in all such cases the fines and penalties imposed by such ordinances shall be sued for and recovered by, and in the name of, the firemen's relief association of such city or other municipality, before any court having competent juris-

Fines and penalties to be sued for and recovered in name of firemen's relief association.

diction, and when recovered said penalties shall be paid to the treasurer of the firemen's relief association of such city or municipality for the use and benefit of said relief association.

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 March 12, 1890.

CHAPTER XLIX.

An Act relative to the cleaning of streets and the removal of ashes and garbage in cities of this state.

Appropriation for cleaning of streets and removal of garbage may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the appropriation heretofore made or hereafter to be made in any city of this state for the cleaning of streets and the removal of ashes and garbage therefrom shall prove insufficient for the proper and efficient execution of said work, it shall be lawful for the board having charge of the finances in such city, in their discretion, upon the request of the board having charge of the cleaning of the streets and removal of ashes and garbage therefrom, to increase said appropriation at any time or times during the fiscal year for which the same was made, in such additional amounts, not exceeding in the aggregate the original appropriation for such purposes, as said board may deem necessary for the proper and efficient execution of the work aforesaid.

May borrow money on temporary loan bonds for amount appropriated.

2. *And be it enacted*, That the board having charge and control of the finances in any such city is hereby authorized to borrow, on temporary loan bonds, the amount of money which said board may by this act appropriate for the purposes aforesaid, in anticipation of taxes next thereafter to be levied, and to issue proper evidences of indebted-

edness therefor; and said board shall provide for the repayment of the said borrowed moneys in the tax levy to be made next thereafter.

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

Approved March 12, 1890.

CHAPTER L.

A Further Supplement to an act entitled "An act entitled 'An act for the better enforcement in Maurice river cove and Delaware bay of the 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 the captains and owners of all vessels having a license to lawfully engage in the catching, planting and growing of oysters in Maurice river cove and Delaware bay, provided said captains and owners have been residents of the state of New Jersey for one year, are hereby authorized to meet on the third Monday in March in each and every year, at the hour of ten o'clock in the forenoon, at the town of Port Norris, in the county of Cumberland, and continue in session until the hour of three in the afternoon, and no longer, and there organize by the election, by ballot, of three of their number as judges of election, and one of their number as secretary, who shall keep a true record of the proceedings of said meetings; and when so organized, the said captains and owners of said licensed vessels shall proceed to elect, by ballot, five of their number to be designated as the executive committee of the Maurice river cove and Delaware bay oyster association, who

Captains and owners of vessels to meet and organize.

Annual meeting.

When organized to elect an executive committee.

Power and
duties of exe-
cutive comm.tee.

shall hold office for one year and until their successors are elected, and said executive committee shall be invested with all the powers and duties now held by the auditing committee of said Maurice river cove and Delaware bay oyster association; said executive committee shall also have power, by ballot, to elect a special officer from time to time, who shall hold said office during the pleasure of said executive committee, and no longer, and fix the amount per ton of the tax to be assessed and levied each year upon all vessels licensed to engage in catching, planting and growing oysters in said Maurice river cove and Delaware bay; said executive committee shall have power to divide the oyster grounds in said Maurice river cove and Delaware bay into as many districts as may be proper for the better security and protection of the oyster interest in said Maurice river cove and Delaware bay, and patrol the same by steam or sail vessels, as in the judgment of said executive committee may be deemed best.

Upon complaint
licenses may be
revoked.

2. *And be it enacted*, That if complaint shall be made to said executive committee of said Maurice river cove and Delaware bay oyster association that any captain, commander or owner of any boat or vessel has been found illegally dredging, tonging, catching or taking oysters from the staked up grounds or beds of oystermen regularly licensed to plant, catch and grow oysters in said Maurice river cove and Delaware bay, said executive committee shall have power to revoke license of said boat or vessel, and said boat or vessel, with all the oysters, dredges, rakes, tongs, tackle, furniture and apparel thereto belonging shall be seized by the special officer of the said Maurice river cove and Delaware bay association, who shall immediately thereafter give notice to some justice of the peace of the county where such seizure shall have been made, and such justice is hereby required and empowered, at such time and place as he shall appoint for the trial thereof, to hear and determine the same in a summary manner, and in case the same shall be condemned it shall be sold by the order and under the direction of the said justice, who, after deducting all legal costs and charges, shall pay one-half of the proceeds of said sale to the state school fund, and the

Seizure of ves-
sels, &c., by
special officer.

Justices of the
peace to hear
and determine.

other half to the collector of the oyster fund of the said Maurice river cove and Delaware bay oyster association, for the use of said association; said captain, commander or owner of said boat or vessel unlawfully found catching or taking oysters in said Maurice river cove or Delaware bay shall be deemed guilty of misdemeanor, and upon conviction in any court of competent jurisdiction, be subject to a fine of one thousand dollars or two years imprisonment at hard labor or both, in the discretion of the court, one-half of said fine to the state school fund and the other half to the collector of the oyster fund of said Maurice river cove and Delaware bay oyster association for the use of said association.

Proceeds of sale,
how distributed.

Penalty for
catching and
taking oysters.

3. *And be it enacted*, That the power to elect the collector of the oyster fund of the Morris river cove and Delaware bay oyster association shall rest and remain in the hands of the captains and owners of the licensed boats or vessels of the said Maurice river cove and Delaware bay oyster association, the election of the collector of the oyster fund to be by ballot, at the annual meeting of the captains and owners of the licensed boats and vessels, held at the town of Port Norris, on the third Monday in March in each and every year; the said collector of the oyster fund shall have the same powers and duties as are prescribed in the act entitled "An act for the better enforcement in Maurice river and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, one thousand eight hundred and forty-six, and of the supplement thereto.

Collector of
association, how
and by whom
elected.

Powers and
duties of col-
lector.

4. *And be it enacted*, That the grounds and beds used by the licensed boats and vessels of the Maurice river cove and Delaware bay oyster association for the catching or planting of oysters, shall hereafter be marked by buoys or stakes, with number of grounds securely fastened thereon; said numbers to be painted on white canvas in black numbers, eighteen inches long and four inches wide; and the collector of the oyster fund of said Maurice river cove and Delaware bay oyster association shall keep a record of the grounds and their respective numbers and furnish a list of the same to each captain or commander of a boat or vessel regularly licensed to

Grounds and
beds to be
marked by
buoys or stakes.

Record of
grounds to be
kept.

catch, plant and grow oysters in said Maurice river cove and Delaware bay; and any captain or commander of a boat or vessel who fails or neglects to mark his grounds as specified in this section, after being notified by the special officer, shall, upon said failure being reported to the executive committee of said Maurice river cove and Delaware bay oyster association, be deemed guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction, be subject to a fine not exceeding two hundred dollars, or imprisonment in the county jail not exceeding six months, or both, in the discretion of the court; one-half of said fine to be paid to the state school fund, and one-half to the collector of the oyster fund of the said Maurice river cove and Delaware bay oyster association, for the use of said association.

Penalty for failing to mark grounds, &c.;

Fine, how distributed.

Number of boat or vessel to be placed on mainsail.

5. *And be it enacted*, That each captian and commander of any boat or vessel regularly licensed to catch, plant and grow oysters in Maurice river cove and Delaware bay, shall be required to place the number of his boat or vessel in the middle of the mainsail, one-third of the way from the head thereof, also in the middle of the jib, one-third of the way from the head thereof, said number to be painted in black numerals, eighteen inches long, four inches wide, said number to be on the starboard side of mainsail and port side of jib; any captain or commander of any such boat or vessel neglecting or refusing to comply with the provisions of this section, after being notified by the special officer, shall, upon being reported to the executive committee of said Maurice river cove and Delaware bay oyster association, be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction, be subject to a fine not exceeding two hundred dollars, or imprisonment in the county jail not exceeding six months, or both, in the discretion of the court, one-half of said fine to be paid to the state school fund, and one-half to the collector of the oyster fund of said Maurice river cove and Delaware bay oyster association, for the use of said association.

Penalty for refusing to comply with section.

Fine, how distributed.

Repealer.

Proviso.

6. *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; *provided, however*, that nothing

in this act shall be so construed as to repeal any part or parts of "An act entitled 'An act for the better enforcement [in] Maurice river cove and Delaware bay of the act entitled "An act for the preservation of clams and oysters,"'" approved April fourteenth, one thousand eight hundred and forty-six, and the supplements thereto, save and except the part or parts of said several acts which are in conflict with and inconsistent with the provisions of this act.

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

Passed March 14, 1890.

CHAPTER LI.

A Further Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey" [Revision], approved March ninth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commander-in-chief be and he is hereby authorized to convene a general court-martial for the re-hearing and trial of any officer of the national guard of the state who shall have been heretofore or hereafter sentenced by court-martial to be dishonorably dismissed from the national guard; *provided*, in the judgment of said commander-in-chief such judgment was given in error, or new testimony can be produced which if produced upon the original trial would have affected the judgment of the court.

2. *And be it enacted*, That if upon such a re-hearing and trial the court should either acquit the accused of the charges originally preferred or mitigate the sentence of dishonorable discharge, the commander-in-chief shall, in

his discretion, confer upon such accused the title and rank formerly held by him and place such officer upon the retired list of the national guard of the state of New Jersey.

Upon appointment disabilities of sentence removed.

3. *And be it enacted*, That in the event of the commander-in-chief appointing such officer upon the retired list, all disabilities of the sentence of such original court-martial shall be discharged, and such officer shall not by reason of such original sentence be ineligible to hold a commission in the national guard of the state of New Jersey.

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

Approved March 18, 1890.

CHAPTER LII.

A Further Supplement to an act entitled "An act to provide for the incorporation of street railway companies, and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six.

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 act entitled "An act to provide for the incorporation of street railway companies, and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six, be and the same is hereby amended so that said section shall read as follows:

May authorize street railways to extend location of track.

11. *And be it enacted*, That the board of aldermen, common council or township committee of any municipality or township may, from time to time, under such restrictions as they deem the interests of the public may require, and under the restrictions contained in the eighth section of this act, upon petition, authorize a street railway com-

pany, whose tracks have been located, and whose charter has been duly accepted, or its lessees and assigns, to extend the location of its tracks within or into their municipality or township; and such extended location shall be deemed to be the true location of the tracks of the company, if the acceptance thereof, in writing, is filed in the office of the secretary of state within thirty days after the passage of such ordinance; and the said company shall, at the time of such acceptance, file therewith a certificate of the length of such extension, sworn to by the president, treasurer and secretary, and the majority of the directors of said company, and shall, at the same time, pay to the state treasurer the sum of two thousand dollars for each mile of the said extension, and a proportionate sum for each fraction over or under a mile; such moneys shall be refunded to the company, or forfeited to the use of the state, at the times and in the manner provided in the third and tenth sections of this act; and the building of such extension shall not be commenced until the foregoing requirements shall have been complied with.

Acceptance of location to be filed.

Amount to be paid to state treasurer.

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

Approved March 18, 1890.

CHAPTER LIII.

An act to provide for the building of school-houses in cities of the second class in this state where land has been dedicated for that purpose.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any city of the second class in this state land has been donated or dedicated by the owner of the fee thereof to such city

Cities of the second class authorized to erect building for school purposes.

for the purpose of erecting thereon public school buildings, the common council, board of aldermen or other body having the control of the building of such schools shall have power to erect upon the lands so dedicated a building for school purposes not to exceed in cost the sum of one hundred thousand dollars.

Authorized to
issue bonds.

Amount and
interest, when
payable.

Proceeds of sale
of bonds, how
used.

To provide by
ordinance for
payment and re-
demption of
bonds.

Repealer.

2. *And be it enacted*, That for the purpose of defraying the cost and expense of the erection of said school buildings, it shall be lawful for the common council, board of aldermen or other governing body of such city having control of the finances of said city to cause to be issued, under the hand of the mayor and the seal of the common council of said city, coupon or registered bonds to an amount not exceeding one hundred thousand dollars, payable in not less than twenty years from the date of issue thereof, bearing interest at a rate not to exceed four per centum per annum, pledging the faith and credit of said city for the payment thereof, with interest, which bond shall be sold by said city to the highest bidder, after published proposals to that effect in one or more newspapers printed and published in said city.

3. *And be it enacted*, That the proceeds realized from the sale of said bonds shall be used for the payment of the construction and furnishing of such public school building, and for no other purpose, and that the said common council, board of aldermen or other governing body of such city shall provide by ordinance for the payment and redemption of such bonds and interest by causing to be inserted in the tax levy of each year such per centum on the gross value of real estate in said city as they may deem expedient for the assessor of said city to assess, to be applied to a sinking fund, which shall be created for the purpose of meeting and retiring the said bonds as they shall fall due.

4. *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 go into effect immediately.

Approved March 18, 1890.

CHAPTER LIV.

An Act to provide for the reconstruction of main outlet sewer heretofore constructed at the joint expense of two cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in this state any two cities shall have united under legislative enactment and contributed jointly to the expense of constructing a main outlet sewer for the purpose of carrying off the sewage of either or both of said cities; and where it appears that such sewer answers the purpose of draining one of such cities only and not the other, and is a detriment to the health of the city not drained by it by reason of the broken and irreparable condition of such sewer, it shall and may be lawful for the common council or other legislative body of such city not drained by said sewer to apply by petition to a supreme court justice for the appointment of three commissioners to remove the section of sewer built and constructed through such city as aforesaid, and to build and to continue said sewer from the point where it diverges from its line of direction in such city drained by it to enter the city represented by such petitioners and to carry and continue the same along the streets and avenues and through the city using said sewer, and not through the lands of any other city.

2. *And be it enacted*, That if the said supreme court justice shall be of the opinion from the evidence offered, that the section of sewer constructed through the lands of said petitioners is not used for the purpose of drainage by said city, but on the contrary is detrimental to the lives and health of the citizens represented by said petitioners by reason of the broken and irreparable condition of said sewer and the flowage of sewerage from the same out and upon the lands of said petitioning city, the said supreme court justice shall order that ten days written notice of such application be given to the city using said

Proceedings for
the re-construction
of main
outlet sewer
heretofore con-
structed at the
joint expense of
two cities.

Upon petition
notice of appli-
cation, &c., to
be given the city
using sewer, &c.

sewer for the purpose of being heard in answer to said petition, and if on the return day of such notice no satisfactory reason be given to said justice why the said petition should not be granted, and if it appears that the facts alleged in the said petition conform to the conditions required by this act, and are substantially true, the said supreme court justice shall then and there appoint three commissioners, being residents and freeholders of the county, to construct and rebuild said sewer from the point where it diverges in the city using and drained by it to enter the city of said petitioners to and through such city, using it to such point as may be considered most convenient and best adapted to connect said sewer with the other section of said sewer in such city drained by it; *provided*, that the said section so to be constructed shall not be built in any portion of another city than that using and drained by said sewer, nor shall it be so built as to throw or emit any of its contents on the lands of such other city not using the said sewer so drained by it.

3. *And be it enacted*, That the said commissioners so appointed, after having been duly sworn, shall have power to enter into contracts for the construction of said sewer section, and may employ such necessary surveyors and agents as they may deem proper, and shall make or cause to be made a map of the proposed route of the said sewer, and file a copy of the same in the office of the clerk of such city drained by the said sewer, and shall cause specifications and descriptions of the work to be prepared, and shall advertise for proposals to perform the said work, in at least two newspapers printed in such city, for the period of two weeks, and that the said commissioners shall have power to make all necessary contracts with contractors for the doing and completing of said work and connecting the said sewer at such point as they may determine upon, and that the said connection sewer shall be constructed of such material as the said commissioners may deem best adapted and most durable for the service to be performed by the same.

4. *And be it enacted*, That the said commissioners shall issue requisitions on the board of aldermen or other governing body of such city drained by the said sewer, in such sums and for such amounts as the said commission-

Appointment of
commissioners
to construct and
rebuild sewer.

Proviso.

Commissioners
to contract for
construction of
sewer and file
maps, &c.

Proposals to be
advertised, &c.

Commissioners
to issue requisitions
on city
drained.

ers may require for the performance of said work and the carrying out of all necessary contracts, which improvement certificates shall be issued by the said board of aldermen or other body having charge of the finances of such city, and power to issue such certificates under the seal of said city and the hand of its mayor in the same manner that other improvement certificates of such city are now issued for the doing of similar work.

Improvement certificates, how issued.

5. *And be it enacted*, That on the completion of the said sewer the said commissioners shall cause an assessment map to be made showing the area of land drained by the said connection, and for that purpose shall examine into the whole matter and file their report and assessment with the clerk of the county, and file copies thereof with the clerk of the city drained by such sewer, and shall then give two weeks' public notice in two newspapers that they will meet at the city hall in said city drained by said sewer to hear objections to the said assessment, and shall then give two weeks' public notice of their intention to apply to said supreme court justice for the confirmation of said assessment by advertising for two weeks in two daily newspapers of said city drained by said sewer, and on the day mentioned in such notice the said justice on the motion to confirm the said assessment shall hear and determine all objections to the confirmation of the same, and if no satisfactory objection be made shall confirm the said assessment.

Upon completion of sewer assessment map and report to be made and filed.

Notice of meeting advertised.

6. *And be it enacted*, That the officers or board of such city drained by said sewer who are charged by law with the making of assessments for street or sewer improvements, shall assess so much of the cost and expense of making such sewer connection upon the lands specially benefited thereby in proportion to the benefit received and no more, and any excess for such special benefit shall be paid and met by said city at large by taxation.

Costs and expense to be assessed upon lands benefited.

7. *And be it enacted*, That the said justice of the supreme court shall allow to each of said commissioners such compensation as he may consider equitable and just for their services, and shall also allow such commissioners such sum as he may deem proper for the services of a counsel and clerk for the said commissioners, which sum or sums

Compensation of commissioners, &c., to be allowed by justice of supreme court.

shall be included in the said assessment and collected in the same manner.

Commissioners
authorized to
enter on lands,
&c.

8. *And be it enacted*, That the said commissioners shall, if they deem proper, have power to enter upon the lands of the city petitioning for the removal of said sewer and the reconstruction of same and removal therefrom such old material upon said lands which they may deem necessary or fit for use in the construction of said new connection, and that in the event of the failure of said commissioners so to do before the confirmation of their report, the common council or other legislative body of said city petitioning for the removal of said sewer, shall have power at its own cost and expense, without notice at any time after the confirmation of the said assessment, to cause the section of sewer located upon the lands of said petitioning city to be removed and appropriate the material so removed to the use of such petitioning city.

Vacancies in
office of com-
missioners, how
filled.

9. *And be it enacted*, That in case of the death, resignation, refusal to serve or disability of any commissioners appointed under the provisions of this act, the vacancy shall be filled by the said supreme court justice.

Assessments to
remain a lien on
lands.

10. *And be it enacted*, That any assessments made or levied under this act shall be and remain a lien upon the lands assessed until paid, and that said assessments may be collected and the payment thereof enforced in the same manner prescribed by law with respect to assessments for other improvements in said city so drained by said sewer.

Repairs to
sewers.

11. *And be it enacted*, That after its completion such sewer shall be kept in repair at the expense of the city drained by it and in whose territory it is constructed.

Repealer.

12. *And be it enacted*, That all acts and parts of acts, general, local or special, and all charter provisions inconsistent with the provisions of this act, be and they are hereby repealed, and that this act shall be considered a public act and to take effect immediately.

Approved March 18, 1890.

CHAPTER LV.

An Amendment 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 section one of the 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, be and the same is hereby amended so as to read as follows, viz.:

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 in this state, by the votes of at least three-fourths of all the members thereof, to acquire, improve, maintain and assume full and exclusive control of any public road or roads or parts thereof in their county so far as may be necessary for the purpose of improving and maintaining the same as a road or roads for carriages or other vehicles, but for no other purpose, except such roads or avenues as are now under the control of any county road board; that in order to acquire and assume such control in any county, with power to improve and maintain the same, the said board shall cause a map to be made, or adopt a map already made, on which the principal public roads or highways of the county shall be or are laid down, and shall cause the roads or parts of roads which the said board intend to acquire and assume such control of to be plainly indicated thereon, and shall file the said map, when so marked, in the office of the clerk of the county, whereupon the roads or parts of roads so marked or indicated on the said map shall become and be known as "county roads," and shall thereafter be improved, maintained and kept in a safe and convenient condition for public use as

aforesaid exclusively in the manner provided in this act; and it shall be lawful for the said boards to relinquish control of any road or part of any road so acquired and marked, and to acquire and assume control of other roads or parts of roads in the county from time to time, with the same power to improve and maintain the same; in either of which cases the said map shall be changed accordingly; in acquiring or assuming control of any public road or relinquishing the same the said board shall accurately describe such road in a written resolution and file a copy thereof, certified by the clerk of the board, in the office of the county clerk, who shall record the same in a book to be provided and kept for that purpose; the term "road," as used in this act, shall be construed to include street, avenue or other public highway; *provided*, that any and all roads heretofore acquired by any board of chosen freeholders in this state, by the passage of a resolution and filing of a map or maps, as provided in the act to which this is an amendment, may be improved and the money for that purpose raised as if this section of this amendment had not been passed.

Proviso.

Section to be amended.

2. *And be it enacted*, That the third section of the said act entitled "An act to enable boards of chosen freeholders to acquire, improve and maintain public roads," be and the same is hereby amended so as to read as follows, viz.:

Boards authorized to levy a special tax or to issue bonds to raise money.

3. *And be it enacted*, That it shall be lawful for the board of chosen freeholders to cause a special tax to be levied, which shall not, in any one year, exceed the sum of twenty-five thousand dollars, or to issue bonds of the county, bearing interest at not more than five per centum per annum, to be known as county road bonds, for the purpose of raising money to pay the cost, or any part of the cost, of paving, macadamizing or otherwise improving the said county roads, or any part thereof, in the manner aforesaid, but prior to the issuing of any such bonds the said board shall make an application to the circuit court of the county in writing, setting forth the assessed value of the real estate therein for the purpose of taxation in the year next preceding, together with a statement of the entire debt of the county for all pur-

poses, and of the amount of county road bonds which they propose at that time to issue; whereupon the said court shall fix a time to hear such application, whereof such notice by publication shall be given as the court shall direct, and at the time and place so fixed the said court shall proceed in a summary manner to investigate the accuracy of the statements contained in the said application, and shall make a certificate, setting forth the assessed value of the real estate in the county for the purpose aforesaid in the year next preceding, and the total amount of the debt of the county for all purposes as found by such investigation, which certificate shall be entered at length on the minutes of the court and filed in the office of the clerk of the county; and no county road bonds shall be issued to such an amount as, in addition to existing debt, shall raise the debt of the county for all purposes above three per centum of the assessed value of the real estate therein, as such debt and assessed value of real estate are shown by such certificate; and in case any such bonds shall be issued in excess of the limit aforesaid, all such bonds so issued in excess shall be void in the hands of any person or party, notwithstanding any recitals therein or any representations that may be made concerning the same; such application must be repeated in case of every other proposed issue of such bonds, but in no case shall any such board issue bonds under this act so that the amount of such bonds outstanding at any one time shall exceed the sum of three hundred thousand dollars.

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 immediately.

Approved March 18, 1890.

CHAPTER LVI.

An Act to provide for the use of the proceeds of riparian sales, grants and leases.

Proceeds of
riparian grants,
sales, &c., how
applied.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all moneys hereafter paid into the state treasury as the proceeds of sales, grants or leases, made after the approval or passage of this act, of lands under water belonging to the state, shall be deemed a part of the current revenue of the state and shall be applied to and used for the payment of the necessary expenses of the state and for the payment of such general or special appropriations as may now or hereafter be authorized by law to be paid from the state fund; *provided*, that nothing in this act shall be construed as transferring from the school fund of the state any right, title or interest in any securities or property now a part of the assets of that fund, or as in any way impairing the right of the school fund to the proceeds or income derived from any securities or property now belonging to said school fund.

Proviso.

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 that this act shall take effect immediately.

Approved March 19, 1890.

CHAPTER LVII.

An Act to amend an act entitled "An act to establish the use of local indexes for public records relating to land in certain counties in this state," approved March twenty-ninth, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of the act entitled "An act to establish the use of local indexes for public records relating to land in certain counties in this state," approved March twenty-ninth, one thousand eight hundred and eighty-eight, be and the same hereby is amended so as to read as follows:

6. *And be it enacted*, That the said commissioners shall cause to be prepared, in book form, indexes for indexing instruments affecting land in said counties, recorded or registered in such record offices, on and after the date hereinafter fixed for the completion of the said maps and indexes, which indexes shall be prepared for use in accordance with the plan or system known as that of local indexing by blocks, and under the blocks and block numbers shown on said map, and the areas, numbers and descriptions of the block shown on said map; said indexes so to be prepared shall be both nominal and local, and in form substantially the same as the form of the schedule hereto annexed, which schedule is to be deemed and taken to be a part of this act; there shall be appropriated in each index to each block or parcel of land shown thereon not less than eight blank pages, including the heading of such index, which pages shall be properly ruled and prepared for future entries therein according to the plans of said schedule; the abbreviated description of the land affected by the instrument to be entered in the space allotted therefor in such index shall be as full as can be entered in such space, and serve to show the correctness of such entry under such block or area; but no liability

is attached to any recording officer for any error in making up such brief description; the said commissioners may cause separate and distinct local indexes to be made for entering together mortgages, notices of lis pendens and other liens, and all instruments relating thereto; and the register or county clerk of any such county, as the case may be, may, whenever the local indexes to be prepared by such commissioners become filled with entries, continue the same separated as above; and such officers are hereby required, in order to fully utilize such local indexes, whenever the entries under a block shall have consumed the space appropriated thereto, and other block areas shall have comparatively few entries credited thereto, to carry forward such entries from the first named block, by proper foot marks and references, to the nearest of the sparsely filled spaces, until such process shall be no longer feasible, upon which such officer shall make requisition to the board of chosen freeholders for (and the said board of such county shall thereupon provide) such additional indexes of like character for the continuation of the same as may be necessary; and whenever said hereinbefore mentioned combination or analytical nominal index shall be required the same shall be provided in like manner.

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

Approved March 19, 1890.

CHAPTER LVIII.

An Act to authorize and empower the common council, board of aldermen or other governing body in cities of the second class to set aside certain moneys into a fund to be called the "special street improvement fund," and to provide for the expenditure thereof.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Authorized to set aside moneys for a street improvement fund.} *the State of New Jersey,* That it shall and may be lawful for the common council, board of aldermen, or other governing body of any city of the second class in this state, by a vote of three-fourths of all its members, to set aside from the moneys received by said city from licenses issued either for the sale of spirituous, vinous or malt liquors or for any other licenses, a sum not to exceed fifty thousand ^{Amount.} dollars, which said sum when so set aside shall be known and designated as "the special street improvement fund" of such city or municipality.

2. *And be it enacted,* That thereafter it shall and may ^{Fund, how used, &c.} be lawful for the said city council, board of aldermen or other governing body to expend, use and employ the said fund or any part thereof in paving, macadamizing or improving the streets of said city in such manner, upon such terms, and under such conditions as the said council, board of aldermen or other governing body shall by a three-fourths vote provide; *provided, however,* that such ^{Proviso.} fund shall be used exclusively in paving, macadamizing or improving streets which have never before been paved or macadamized.

3. *And be it enacted,* That all acts or parts of acts in- ^{Repealer.} consistent with or repugnant to the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 20, 1890.

CHAPTER LIX.

A Supplement to an act entitled "An act to authorize and enable counties in this state to acquire and improve lands for public parks, and to maintain and regulate the same," approved March thirteenth, 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 eight of the act entitled "An act to authorize and enable counties in this state to acquire and improve lands for public parks, and to maintain and regulate the same," approved March thirteenth, one thousand eight hundred and eighty-eight, be and the same is hereby amended so as to read as follows :

Commissioners empowered to agree to purchase of site, &c.

8. *And be it enacted*, That after such meetings shall have been held and taxpayers interested have been heard, the said commissioners shall have power, if they, or a majority of them, deem it advisable so to do, from time to time to enter into an agreement or agreements in the corporate name of the county, for the purchase of the whole or any part of one or more of the sites so selected; and said commissioners shall have power to improve the same for park purposes, and to that end employ engineers, gardeners, mechanics, laborers, policemen, and other necessary servants, and to make reasonable and proper rules and regulations for the use and enjoyment of the same by the public as a place or places for recreation; *provided, nevertheless*, that the cost of acquiring said lands and of converting the same into one or more public parks with all necessary improvements thereon, shall, in the aggregate, not exceed one per centum of the assessed value of all the property, real and personal, in said county liable to taxation for county purposes; *and provided further*, that the entire annual expense of keeping in order, regulating and maintaining said park or parks, including

Proviso.

Proviso.

the annual interest on bonds to be issued for the cost of such park or parks and the improvement thereof as hereinafter provided, shall not exceed one mill on the dollar of the assessed value of all property, real and personal, in said county liable to taxation for county purposes.

2. *And be it enacted*, That it shall be lawful for said commissioners to purchase and take under the provisions of said act and the supplements thereto, without advertising the same as in said act provided, such lands adjacent to any site or sites which may have been advertised by said commissioners and the whole or a portion of which may have been selected by said commissioners as a park or parks, as in the judgment of said commissioners may be for the public benefit. Lands adjacent may be taken, &c.

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

Approved March 21, 1890.

CHAPTER LX.

A Supplement to an act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, one thousand eight hundred and sixty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation now authorized by law for the support of the New Jersey home for disabled soldiers, the further sum of three thousand dollars is hereby appropriated for the purchase of additional grounds in Fairmount cemetery and the cemetery of the holy sepulchre for the interment of deceased soldiers. Additional appropriation for purchase of grounds in cemetery.

2. *And be it enacted*, That said sum shall be expended under the direction of the board of managers of said Appropriation, how expended.

home, and the state treasurer is hereby authorized and directed to pay the same, for the purpose aforesaid, to the treasurer of said home, on the warrant of the comptroller of the treasury, out of any moneys in the treasury of this state not otherwise appropriated.

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

Approved March 21, 1890.

CHAPTER LXI.

An Act for the protection of mammosse or young sturgeon in the Delaware bay, river and their tributaries.

Unlawful to catch young sturgeon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to cast, draw, set, anchor, drift or stake any gilling-net, seine or shore net, or any other device or appliances of any kind whatsoever for the purpose of catching fish commonly called or known as mammosse (which are young sturgeon under three feet in length) in the waters of the Delaware bay, river and their tributaries, within the jurisdiction of the state of New Jersey; and any person or persons fishing with gilling-nets, drift-nets, shore, seine nets or any kind of nets, devices or appliances whatever in the Delaware bay, river or their tributaries, within the jurisdiction of the above-named state, who, on lifting, drawing, taking up, removing or under-running any of said nets, devices or appliances, shall find young sturgeon or mammosse under three feet in length, entangled or caught therein, shall immediately with care and with the least possible injury to the fish, disentangle and let loose the same, and transmit the fish to the water without violence; any person or persons violating any provisions of this section, or having in their possession young sturgeon or mammosse under three feet

Penalties.

in length, either for consumption or for sale, or who is known willfully to destroy the same, for so offending shall be deemed guilty of a misdemeanor, and on conviction therefor shall be punished with a fine of ten dollars for each and every fish so caught, sold or destroyed, and in default of paying such fine on being convicted, to be imprisoned in the county jail for thirty days.

2. *And be it enacted*, That any fish commissioner, fish warden, deputy fish warden, sheriff, deputy sheriff, constable, policeman or special officer of this commonwealth, is hereby authorized to apprehend, arrest and immediately take any person who may be guilty of the violation of any of the provisions or sections of this act, before any justice of the peace, magistrate or any other authority, and thereupon make charge of such violation of the law or any of the provisions thereof, and the magistrate shall forthwith hear and determine the charge and render judgment accordingly, with the right of certiorari or appeal as in all similar cases of arrest and conviction, and in case of any failure of any fish commissioner, warden or any other officer named above, to prove his case, the state shall pay the costs.

3. *And be it enacted*, That one-half of the fines imposed under any section of this act shall be for the benefit of the prosecutor and the other half shall be paid to the treasurer of the county in which the prosecution shall be made, and the said treasurer of the several counties of the state of New Jersey shall pay over to the respective commissioners of fisheries of New Jersey, all moneys forfeited and received by them by virtue of this act, and said commissioners shall pay over the same to the treasurer of the state.

4. *And be it enacted*, That this act shall immediately go into force and effect.

Approved March 24, 1890.

CHAPTER LXII.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries," approved April ninth, one thousand eight hundred and seventy-five.

May change
name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any cemetery association incorporated under the act to which this is a supplement, to change the name of such association and adopt a new name.

Proceedings for
change of name.

Certificate,
when to be filed.

2. *And be it enacted*, That any such change shall be adopted only by a two thirds vote of the lot owners of such association present at any regular meeting, ten days' notice of such proposed change having been duly published in a newspaper printed and published in the city or county in which such cemetery is situate, or by notice duly served on each lot owner at least five days before such proposed change, and when so adopted, a certified statement of such change of name, signed by the president and attested by the secretary, under the seal of the association, shall be filed in the office of the clerk of the county wherein such cemetery is situated; and upon such filing, the name of such association shall be changed as stated in said certificate, and the said change shall have the same force and effect as if the altered provision had been contained in the original certificate of incorporation; but no change in the name of such association shall in anywise affect or alter its rights and privileges or liabilities, but such association shall be entitled to have, receive and hold, under its new name, any property which it formerly held or which may be hereafter given or bequeathed to it under its original name.

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

Approved March 24, 1890.

CHAPTER LXIII.

An Act relative to fire escapes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all buildings now or hereafter erected in which twenty or more persons live or congregate or are employed, temporarily or otherwise, above the first or ground floor thereof, shall have one or more, as the proper authority shall direct, external wrought iron fire escapes, of such dimensions and character and subject to such regulation and construction as the said proper authority shall designate.

Fire escapes to be erected on buildings.

2. *And be it enacted*, That in all incorporated municipalities the board of aldermen, city council or borough commissioners shall provide for the enforcement of the provisions of this act by ordinance.

Who to enforce act in incorporated municipalities.

3. *And be it enacted*, That in all sections outside of incorporated municipalities township committees shall have power to enforce the provisions of this act.

Who to enforce act in townships.

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

Approved March 24, 1890.

CHAPTER LXIV.

A Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates" [Revision]. approved March twenty-seventh, in the year 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 sixty of the said act to

Section to be amended.

which this act is a supplement, be and the same is hereby amended to read as follows:

On rule to limit
claims to be pre-
sented under
oath.

Proviso.

60. *And be it enacted*, That when any order to bring in debts and claims against the estate of any decedent shall be made in pursuance of the last preceding section, all claims and demands of the creditors of the deceased shall be presented in writing, specifying the amount claimed and the particulars of the claim, and shall be verified under oath, or the bringing in of the same shall be of no effect; *provided, however*, that when any executor or administrator shall have paid or shall pay in good faith any claim or demand of any creditor presented to him, which shall not have been duly verified as required by this act, and it shall be duly proven to the court or surrogate, on or before the final accounting of said executor or administrator, that said claim or demand was owing by said decedent and was a just claim and demand against said estate, that said court or surrogate shall allow said executor or administrator for the amount of such claim and demand in said account, if there shall be sufficient of said estate to pay the debts of equal degree with said claim or demand in full; and if said estate is not sufficient for said purpose, then said executor or administrator shall be allowed for the pro rata amount such creditor would have been entitled to receive if said claim or demand had been presented to such executor or administrator duly verified as required by this act.

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

Approved March 24, 1890.

CHAPTER LXV.

A Supplement to an act entitled "An act to authorize the construction of drains and sewers upon and across private property, upon suitable compensation to the owner or owners thereof, in incorporated towns in this state," approved March sixth, 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 three of said act shall be and the same is hereby amended to read as follows: Section to be amended.

3. *And be it enacted*, That from and after the filing of such assessment in the office of the clerk of the county, such assessment shall be and remain a first and paramount lien upon each lot of land or property assessed for the amount assessed thereupon, with interest thereon, and all costs and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation of such land, or any judgment, mortgage or incumbrance whatsoever thereon, and notwithstanding any mistake in the name or names of the owner or owners, or any omission to name the owner or owners thereof, and any assessment in which such mistake or omission occurs shall nevertheless be a valid and effectual lien as aforesaid upon the lands assessed; and if such assessment, with interest, be not paid within one year from the time when the same is payable, then the land upon which such assessment is a lien shall be sold to pay the same, with interest thereon at the rate of one per centum per month from the time when the same was made payable, together with all fees, charges and expenses of collection and sale, in the same manner as land is authorized to be sold for unpaid taxes in said town; *provided*, that where, in the act of incorporation of any such town or some supplement thereto, no express provision is made for effecting the sale of lands for taxes, then such lands may be sold under and by Assessments to be and remain a lien on lands. Proviso.

virtue of the general laws of this state relating to taxes, except that the warrant for the collection of any such assessment or tax may be issued either by a majority of the board of commissioners or by the police justice, or by such other officer as such board of commissioners shall designate by resolution, and may be directed to the township collector, or to any marshal or assistant marshal of such town.

Powers extended to all assessments already made.

2. *And be it enacted*, That the powers conferred by this act shall be extended to any and all assessment or assessments that may have been already made under said act to which this is a supplement, prior to the passage of this act.

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

Approved March 24, 1890.

CHAPTER LXVI.

An act authorizing chosen freeholders, with the township committee, to change a road to avoid the expense of building and maintaining a bridge.

Chosen freeholders authorized to change road, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear to the board of chosen freeholders of any county in this state that the building of a bridge or of bridges can be avoided by changing the road in any township or townships within said county, it shall be lawful for said board to refer the matter of the changing of said road to three of its members, in case the said change shall be wholly within one township, and to six of its members in case said change shall extend into two or more townships, who shall act with the township committee or committees of the township or townships wherein said change is proposed to be made; and the said freeholders

to whom said matters shall be referred, together with the members of said township committee or committees shall have power to change the said road by vacating such of the old road as shall not be needed and by laying out such new road as may be necessary to effect the purpose of this act.

2. *And be it enacted*, That the said freeholders to whom said matter shall have been referred, as provided for in the preceding section, shall fix a time and place for the meeting of the members of said township committee or committees and themselves for the purpose of changing said road, and shall give written notice thereof to each member of said township committee or committees by delivering the same to him personally or by leaving it at his dwelling house, with some member of his family, at least six days before the time so fixed for said meeting, and shall also put up for the same time, at three of the public places of each township within which said change is proposed to be made, one of which shall be in the neighborhood of said road, notices setting forth, as near as may be, the change proposed to be made in said road, and the time and place of the meeting of the town committeemen and freeholders to consider said proposed change; and it shall be the duty of said freeholders and committeemen to attend at the time and place so fixed; and proof of the service of such notice upon said committeemen and of the setting up of said notices shall be made to the satisfaction of those so met, upon which they shall decide; and the members so met, or a majority of them, shall have power to adjourn from time to time, announcement of which shall be made at the time; and if they, or a majority of them, shall deem a change in said road desirable, and shall adjudge the expense of opening the new road, together with the damages to be awarded for land taken therefor, not to exceed the expense of building the bridge or bridges that will be rendered needless by said change, they shall lay out such new road and vacate such portion of the old road as they shall think proper to effect the proposed change; and they shall designate the beginning and ending points and the width of said new road, and give a proper

Freeholders to
fix time and
place of meeting
of committees.

Authorized to
lay out new
road, &c.

Assessment of damages to be made.

description thereof, and shall mark the same at proper distances, and shall fix the time when the same shall be opened for public use; and they shall also make an assessment of the damage, if any, which the owner of any land will sustain by reason of said change in said road over and above the advantage that will, in their judgment, accrue to said owner, and shall certify said assessment in their return, particularly specifying the amount assessed in favor of the respective owners, which said assessment shall be evidence of the amount or amounts to which the owner or owners of said land shall be entitled, and if said return shall be confirmed by the board of chosen freeholders the road as changed shall, from the time fixed for the opening thereof, and thenceforth, be the public highway, and shall be opened and maintained as other roads in said township or townships are opened and maintained.

Committee to make return of proceedings to board of chosen freeholders.

3. *And be it enacted*, That the said freeholders and township committeemen shall make a return, in writing, signed by at least a majority of them, of all their proceedings to the board of chosen freeholders of said county, and the said board, at its next regular meeting or at a special meeting to be held for that purpose, notice of which special meeting shall be given for at least ten days by setting up notices specifying the purpose of said special meeting, at three or more public places in each township within which said change has been made, stating the time and place when and where said return will be considered by said board, at which time and place any person feeling himself aggrieved may appear and be heard, and said board shall have power to increase, diminish and correct the assessments for lands taken for said road; and if the said board shall approve of said return, with or without the changes in the assessments, if any, a resolution confirming the same shall be passed by said board, and thereupon the said return, with a copy of said resolution, certified by the clerk under the seal of said county, shall be filed and recorded in the office of the clerk of said county as returns of surveyors of the highways are filed and recorded, and said record shall be evidence of the laying of said road.

Board of freeholders to approve return, &c.

4. *And be it enacted*, That it shall be the duty of said chosen freeholders and of said township committeemen, Committees to estimate expense of building bridge and new road. at the time they make the change in said road, to estimate as nearly as possible the expense of building the bridge or bridges rendered needless by said change, and also the expense of making said new road, and to certify the same with their return, and the board of chosen freeholders, at the time of the confirmation of said return or at any time thereafter, shall direct the payment to the township committee charged by law with the opening and making of said road, the amount of the estimated expense of making the same, and the damages assessed to land owners as aforesaid; *provided*, the total amount shall not exceed the estimated cost of building said bridge or bridges. Proviso.

5. *And be it enacted*, That the said township committee, Committee before opening road to pay amount of assessment confirmed to persons entitled. before opening said road, shall pay to each person entitled to it the amount of the assessment as confirmed by said board of chosen freeholders, but in case any party so entitled shall refuse to receive such payment, or be out of the state, or be under any legal disability, then the same shall remain in the hands of the treasurer of said township until it shall be demanded by the party entitled to receive it, his, her or their legal representatives; and said township committee shall see that said amount is kept on hand to meet said demand.

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

Approved March 24, 1890.

CHAPTER LXVII.

An Act providing for the taxation of property in cities, villages, boroughs, townships or other municipal corporations in this state in cases where the assessor or assessors of the same have or may omit or neglect to assess the same for taxes or have or may assess such property at too low a valuation, and the commissioners of appeal in cases of taxation have met and adjourned.

Proceedings in
case assessors
neglected to
assess or
assessed prop-
erty at too low a
valuation, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city, village, borough, township or other municipal corporation of this state the assessor has neglected or omitted to assess for taxes for the current fiscal year of such city, village, borough, township or other municipal corporation, property in such city, village, borough, township or other municipal corporation which is liable to taxation, or where such assessor or assessors has or have or may hereafter assess such property which is liable to taxation at too low a valuation, or may neglect or omit to assess the same, and the commissioners of appeal in cases of taxation have met and adjourned without having received complaint of any such neglect, valuation or omission, it shall be lawful for the city council, board of aldermen, township committee or other governing body of such city, village, borough, township or other municipal corporation, or the corporation attorney thereof, to file with the commissioners of appeal a complaint in writing setting forth the property so omitted or neglected to be assessed, or which has or may be assessed at too low a valuation, and the name or names of the owner or owners of such property, if known, and requesting such commissioners to convene and take such action thereon as may be authorized by this act or in any other statute of this state; *provided*, that complaint of such neglect, valuation

Proviso.

or omission shall be filed with said commissioners within one year from the time that such taxes become or should become a lien.

2. *And be it enacted*, That within five days after receiving such complaint the said commissioners of appeal shall, by writing, under their hands, designate the time and the place when and where the said commissioners will meet to consider the matters embraced in such complaint, said time to be not more than twenty days after the time of receiving such complaint, and shall, within the time aforesaid, file such written designation with the clerk of the city, village, borough, township or other municipal corporation.

3. *And be it enacted*, That such clerk shall, immediately after the filing with him of the written designation aforesaid, give public notice of the time and place and of the object of the meeting of the commissioners of appeal, by posting written or printed notices thereof in at least six of the most public places in said city, village, borough, township or other municipal corporation, or by publishing such notice in a newspaper printed and published or circulating in such city, village, borough, township or other municipal corporation, at least eight days prior to the time and place appointed for such meeting, and shall also cause to be served copies of such notices upon the owner or owners of such property, or any part thereof, set forth on the said complaint, personally, at least eight days prior to the time appointed for such meeting; *provided, however*, that no assessment made under the provisions of this act shall be held to be invalid or shall be set aside for or by reason of any mistake in the name or names of such owner or owners.

4. *And be it enacted*, That at the time and place designated as aforesaid the commissioners of appeal shall meet and shall have and exercise all the powers conferred upon commissioners of appeal in and by the act entitled "An act concerning taxes" (Revision), approved April fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, and shall ascertain and determine whether or not the property mentioned and set forth in complaint, or any part thereof, has not been assessed, or has been assessed at too low a valuation,

and that the same ought to have been assessed, or differently assessed, by the assessor or assessors of such city, village, borough, township or other municipal corporation, then said commissioners shall make a just valuation and assessment of taxes of and upon such property, and shall file the same with the collector of such city, village, borough, township or other municipal corporation.

To make valuation and assessment.

Taxes levied to remain a lien, &c.

5. *And be it enacted*, That any tax levied, assessed or imposed as aforesaid shall be a lien upon the property upon which it is so assessed, levied or imposed for the period that the taxes of such city, village, borough, township or other municipal corporation are made a lien by the laws governing the same, and such tax may be collected and the payment thereof enforced in the manner provided by law for the collection and enforcement of taxes therein.

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

Approved March 24, 1890.

CHAPTER LXVIII.

An Act amending an act entitled "A supplement to an act entitled 'An act to authorize the incorporation of burial cemetery associations and to regulate cemeteries' [Revision], approved April ninth, one thousand eight hundred and seventy-five" [supplement to the Revision], approved March twenty-fifth, 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 the second section of the act of which this is amendatory be and the same is hereby amended to read as follows:

2. *And be it enacted*, That no dead human body shall be disinterred or removed from any grave, tomb or burial place within the limits of this state between the first day of May and the first day of November, except by the direction of a competent court of this state for the purpose of criminal investigation; *provided, however*, that such disinterment or removal may be made at any time upon a permit being given for the purpose by the local board of health existing in the locality where such body is interred or entombed.

Dead human bodies not to be disinterred within certain times.

Proviso.

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

Approved March 24, 1890.

CHAPTER LXIX.

An Act respecting arrears of taxes and assessments in towns, townships and 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 township committee of any town, borough or township in this state to make such abatement, revision, alteration, adjustment and settlement of arrears of taxes and assessments, including all sales for arrears of taxes or assessments where the town, borough or township or any officer for the use thereof has become the purchaser, both of principal and any and all interest, penalties and costs thereon as such council or township committee shall deem just and equitable; *provided, however*, that the provisions of this act shall not in anywise impair or affect the interest or any lien of any purchaser other than such town, borough or township acquired under any sale made for arrears of taxes or assessments.

Authorized to abate, alter and settle arrears of taxes and assessments.

Proviso.

2. *And be it enacted*, That it shall be the duty of the collectors of taxes or other officer or officers charged with

Duties of collector of taxes.

the collection of arrears of taxes or assessments, upon receiving a certified statement of the amount which the council or township committee shall have agreed to accept in full satisfaction of such taxes or assessments, or either of them, to receive and accept the amount therein mentioned in full satisfaction of such taxes and assessments, and to give a receipt for the amount paid in satisfaction thereof to the person paying the same, which receipt, accompanied by such statement, shall be sufficient evidence of the payment of such taxes and assessments, and upon presentation of the same to the clerk of the county he shall satisfy the tax or assessment record in his office (if any there be) relating to unpaid taxes and assessments, or either or both of them, as far as relates to the payment of the said tax or assessment.

Act not to be operative unless owners shall apply for reduction within one year.

3. *And be it enacted*, That this act shall not be operative unless the owner or owners of property in arrears as aforesaid shall apply for a reduction of their tax, taxes, assessment or assessments, within one year from the passage of this act, and in case any reduction shall be made as aforesaid, a default in the payment of the full amount which the council or township committee shall have agreed to accept in full satisfaction as aforesaid, for the period of sixty days, shall render inoperative and void all the proceedings had under such application.

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

Approved March 24, 1890.

CHAPTER LXX.

A Further Supplement to an act entitled "An act to provide for the incorporation of street railway companies and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of commissioners or other authority having control of the streets and highways in any borough or other municipality in this state, shall have all the powers in relation to the location of the tracks of the railway of any company organized under the act to which this is a supplement or the supplements thereto, as are conferred by said act or supplements upon the board of aldermen or common council of any municipality; and where application for a location of the tracks of its railway or an extension thereof is made by any company to any board, committee or other authority having control of the streets and highways in any borough or township, such board, committee or other authority shall consider said application and grant or refuse the location or extension petitioned for, or any portion thereof, by a motion or resolution duly passed for this purpose; *provided*, such location or extension shall in no case be granted unless the company applying therefor shall have made the deposit with the state treasurer required by the act to which this act is a supplement. Board of commissioners authorized to grant or refuse location of tracks, &c. 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.

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

Approved March 24, 1890.

CHAPTER LXXI.

An Act to authorize cities to divide the assessments for benefits for street improvement on the lands benefited.

Assessments to be made on lots benefited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where there are lots or lands not laid out in lots, owned in part by different persons, fronting on any street which has been or hereafter shall be graded, curbed, guttered, sewerred, or either of them, or otherwise improved by the authorities of any city in this state, the cost of which is to be assessed on the land benefited by such improvement, that the officers charged with the duty of making such assessment shall assess each part of lot or lots and land benefited according as such part or parts of such lot or lots of land are held by the several separate owners, charging to each part of such lot or lots and lands a separate assessment according to the benefits received, and to assess the balance thereof against the city at large.

Balance to be assessed against city.

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

Approved March 24, 1890.

CHAPTER LXXII.

An Act to authorize cities of the second class to divide one or more wards, and to form new wards therefrom.

Cities may divide one or more wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of the second class of this state the common council, board of aldermen

or other legislative body thereof, shall have power and authority, by ordinance passed by a three-fourths vote of all the members thereof, and with the approval of the mayor, to divide one or more wards, as now established, of any such city, into two wards, so that each ward, as now established, when divided, shall make two wards; *provided, however,* that no more than two wards in any of said cities shall be so divided in five years. Proviso.

2. *And be it enacted,* That the officers of the old ward or wards so divided shall continue to act as such officers for the remaining part of the old ward or wards, and that the common council or other legislative body of any such city shall appoint election officers for the new ward or wards so created, and shall also fix and determine the election districts in such new wards, and also in the old wards so divided; and that at the next general charter election following such division, councilmen or aldermen, commissioners of public instruction or school commissioners, freeholders, constables and all other officers to be elected for the wards of any such city, shall be elected in the same manner for the new ward or wards, and when the terms of any such officers expire at different periods, they shall be elected, at said election, for short and long terms respectively. Officers of old wards to continue in office

3. *And be it enacted,* That all such officers elected for the new ward or wards of any such city shall exercise the same rights and privileges and perform the same duties as like officers elected from the old wards. Rights and privileges of officers of new wards

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

Passed March 25, 1890.

CHAPTER LXXIII.

An Act in relation to the assessment and revision of taxes by boards of assessment and revision of taxes, in the cities of this state.

- Common council may by ordinance fix time statements of taxable property shall be made and board of appeals to meet.
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 in the cities of this state, by ordinance, to regulate and fix the time within which statements of the taxable properties therein, and the time during which the board of appeal in cases of taxation shall sit as such boards to hear and determine appeals in such cases.
- Persons and property from a foreign state, when taxed.
2. *And be it enacted*, That such boards shall assess all persons coming, or property brought within any such city, on or before the third Wednesday in July of any year, from any foreign state, or from any other taxing district in this state, unless it shall be made to appear to the satisfaction of such boards that such persons and property have been assessed for taxes in this state within the year in which such assessments may be made, and such assessment has been paid; any person assessed or whose property may be assessed under this section may appeal to such board, at its meeting held on the second Monday in September, from the assessment so made.
- When act to take effect.
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 shall take effect January first, one thousand eight hundred and ninety-one.
- Passed March 25, 1890.

CHAPTER LXXIV.

An Act concerning the members of disbanded fire, hose, truck or hook and ladder companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any board of aldermen or other governing body of any municipal body in this state shall disband any fire, hose, truck or hook and ladder company by reason of establishing a paid fire department, the members of any such company having served faithfully for three or more years at the time of such disbandment, and being in good standing on the rolls of said company, shall be entitled to "exempt certificates" issued in the same manner as exempt certificates are now issued, and that all such members holding such certificates shall be entitled to all the rights, privileges and exemptions from duties of exempt firemen; *provided, however*, that this act shall not apply to the members of companies disbanded for insubordination or failure to faithfully perform fire duty.

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

Passed March 25, 1890.

CHAPTER LXXV.

An Act to amend an act entitled "A supplement to an act entitled 'An act for the incorporation of fire companies,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was 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 of an act entitled "A supplement to an act entitled 'An act for the incorporation of fire companies,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March ninth, one thousand eight hundred and seventy-seven, which reads as follows:

Section to be amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall have served seven years as a member of any fire company organized under the act to which this is a supplement, shall be thereafter exempt from serving in the militia in the time of peace, or as a juror, in which latter case he shall not be entitled to such exemption unless he shall have filed in the office of the clerk of the county in which he shall reside, a certificate of such service made by the presiding officer of such company,"

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

Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who heretofore has served or hereafter shall have served as a member of any fire company or companies organized under the act to which this is a supplement, for a period of seven years, or for separate periods (not concurrent), amounting in the aggregate to seven years, shall be thereafter exempt from serving in the militia in the time of peace or as a juror, in which latter case he shall not be entitled to such

Members serving seven years exempt from military duty.

exemption, unless he shall have filed in the office of the clerk of the county in which he shall reside a certificate or certificates of such service made by the presiding officer of such company or companies.

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

Passed March 25, 1890.

CHAPTER LXXVI.

An act to provide additional accommodations for the state normal school.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state board of education be and they are hereby authorized to erect upon the grounds of the state normal school a suitable building, of such size as the said board may deem proper, for providing additional class-rooms, rooms for instruction in manual training and for such other purposes as in the opinion of the said board may be necessary to increase the accommodations and facilities of the school; and the said board are hereby authorized to procure for the said building such furniture and apparatus as in their judgment may be necessary and requisite for the above-named purposes.

2. *And be it enacted*, That the erection and furnishing of the said building shall be done by contract or otherwise, as the said board shall deem for the best interest of the state; and said board shall have power to employ architects, superintendents and mechanics, to advertise for proposals, to make a contract or contracts for the whole or any part of said work, and to incur all necessary expenses to carry out the provisions of this act; and for these purposes the sum of forty thousand dollars, or much thereof as may be necessary, is hereby appropriated

State board of
education
authorized to
erect building on
normal school
grounds.

May erect and
furnish building
by contract.

SO Amount of ap-
propriation.

from the income of the state school fund, the same to be paid by the treasurer of the state, on a warrant of the comptroller, from time to time as payments shall become due, said payments to be made upon proper vouchers approved and duly certified by the said board or such officers thereof as they may designate for that purpose.

Report to the legislature.

3. *And be it enacted*, That the said board shall make to the legislature at its next session, and at each succeeding session, until the said building is completed, a full and detailed report of their proceedings and expenditures under this act.

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

Approved March 25, 1890.

CHAPTER LXXVII.

An Act to provide for drainage and sewerage in townships.

System of sewerage or drainage may be constructed.

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 in any township in this state to provide for, obtain and cause to be constructed a system of sewerage or of drainage, or of both.

Plans and estimates may be made.

2. *And be it enacted*, That it shall be lawful for the township committee of such township to cause to be made surveys, plans and estimates by competent engineers and mechanics, sufficient to demonstrate a practicable and efficient system of sewage and drainage for such township, including the disposition of house sewage and waste.

Township committee may by ordinance cause sewers and drains to be constructed, &c.

3. *And be it enacted*, That it shall be lawful for the township committee of such township, whenever in their judgment the public good demands it, by ordinance to cause sewers and drains to be constructed in any part of such township, and if necessary, to take and appropriate, for the

purpose of constructing such drains and sewers, any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided.

4. *And be it enacted*, That in case the said township committee shall deem it advisable, in order to the efficient sewage or drainage of such township, to build and construct a sewer or sewers to tide-water, and for this purpose to pass through territory situated within the bounds of any other municipal corporation or corporations, it shall be lawful for such township committee to build and construct such sewer or sewers to tide-water, and to take and appropriate for this purpose any lands and real estate, and to lay down and examine, repair and replace such sewer or sewers in, through or across any public street or highway upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided; *pro-* Sewers may be constructed to tide water. *vided, however*, that no sewer or sewers shall be built or constructed under this act into or through any adjoining or other township without the consent of the township committee of any such township; *and provided, further,* Proviso. that no sewer authorized to be constructed as herein provided shall be built or constructed so as to empty, drain or discharge any of its contents otherwise than into a river.

5. *And be it enacted*, That in case the township committee shall deem it expedient to contract and agree with the municipal authorities of any city whose territory adjoins that of such township, for the privilege and right to connect the sewers and drains of such township with those of such adjacent city in such manner that the sewage and drainage of such township or city shall flow into and through the sewer or sewers of said city or township, it shall be lawful for the township committee of such township, and for the common council or other governing body of such adjacent city, to enter into and make a contract and agreement, in writing, in behalf of the municipal corporations which they represent, for the right and privilege aforesaid, upon such terms and for such consideration and during such period as may be settled upon and determined by and between the said township committee and the said common council, and May contract and agree with other municipalities to connect sewers and drains.

- any such contract duly made and ratified by such township committee and such common council shall be the valid contract of such township and such city during the period and according to the stipulations therein expressed.
- Contracts valid.
- Lands and buildings may be purchased and erected to deodorize, &c., the sewage matter.
6. *And be it enacted*, That in case the township committee of such township shall deem it to be practicable and expedient to collect the sewage of such township, and to deodorize, utilize, consume or dispose of the same by sale or otherwise, wholly or in part, it shall be lawful for said township committee to purchase lands in the corporate name of the township, and to erect all necessary buildings, works and machinery thereon, and to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof as hereinafter mentioned and provided.
- Further acts may be by resolution.
7. *And be it enacted*, That whenever any ordinance shall be passed by such township committee for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for said township committee to take to carry out said improvement or work to completion, and all orders relating thereto may be by resolution and not by ordinance.
- Township committee authorized to take and treat with owners of lands.
8. *And be it enacted*, That whenever the township committee shall determine by ordinance to make and construct any sewer or sewers, drain or drains, or any sewage receptacle, or works or place for treating or disposing of sewage, and shall deem it necessary to take and appropriate for any such purpose any lands and real estate, either within said township or beyond its limits, they are hereby authorized to treat with the owner or owners thereof for the same, and they may purchase said lands and real estate from the owners of the same and make such compensation therefor as they may deem reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the inhabitants of such township.
- May purchase lands, &c.
- Proceedings in case committee and owners cannot agree as to price or compensation for lands, &c.
9. *And be it enacted*, That when the township committee cannot agree as to the price or compensation with the owner or owners of any lands and real estate which they may deem it necessary to take and acquire, or when by the absence or legal incapacity of such owner or owners no such

agreement can be made, it shall be lawful for the circuit court of the county in which such lands and real estate are situated, on application in writing, made on behalf of such township committee, and after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county, to appoint three disinterested commissioners, who shall make an estimate and assessment of the damages that any such owner or owners will sustain, as well for the taking of his, her or their lands and real estate, with the appurtenances, as for the injury to the owner or owners by reason of the intended improvement; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall be sworn to make a just and impartial estimate and assessment, and shall present without delay to the said court a report, in writing, of such estimate and assessment, which shall be sufficient, if signed by a majority of said commissioners; the circuit court shall direct notice to be given, by advertisement in some newspaper circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and any objections thereto in a summary way, and to revise and to confirm said report with or without alteration; said report when confirmed by the court, or a copy thereof duly certified by the county clerk, shall at all times be plenary evidence of the right of the township committee to enter upon, take and use the said land and real estate, with the appurtenances, the township committee first tendering to the owner or owners thereof, if resident in this state, the amount so awarded to them; and if any owner is not a resident of this state, or on due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or is for any other reason incapacitated to receive the amount awarded, or will not receive the same and sign a proper receipt therefor when tendered, then affidavit shall be made of the facts and filed in the office of the county clerk, and the amount awarded to any such owner shall be deposited in said circuit court before said

Commissioners
to make report.

Compensation of commissioners, &c. township committee shall have the right to take and use said lands and real estate; the court shall settle and determine the compensation to be paid to the commissioners, and the costs and expenses of the application and report, which shall be paid by the township in behalf of which the application has been made.

Committee to keep sewers, works and drains in repair, &c. 10. *And be it enacted*, That it shall be lawful for the township committee to keep the sewers, works and drains in repair and working order, and to make, establish and enforce regulations and conditions as to the management and use of the same and as to connections therewith, and they shall have power, and it shall be their duty, beneficially and efficiently to control the use of such sewers and drains, and to prevent and stop all abuses and improper uses of the same.

Commissioners, how appointed. 11. *And be it enacted*, That for the purpose of paying the costs and expenses of the improvements and public works, and of the proceedings in relation thereto, as mentioned in this act, or any of them, it shall be lawful for the township committee to apply to a justice of the supreme court, sitting at the circuit in which said township is situate, for the appointment of three commissioners, who shall be residents and freeholders in the county in which such township is situate, and whose duty it shall be to assess the costs and expenses of any such improvement and public works upon the several lots and parcels of land and real estate benefited by such improvements, in proportion to the benefits thereby received by each one of such lots or parcels of land and real estate, and no lot or parcel shall be assessed for more than it is benefited; *provided*, that if the total cost and expense of an improvement exceed the aggregate amount of assessable benefits, then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed, and the remainder of such cost and expense shall be borne by the township as provided by this act.

Costs and expenses of improvements to be assessed, &c. Proviso. Committee may borrow money and issue bonds. 12. *And be it enacted*, That for the purpose of paying such portion of the costs and expenses of the improvements and public works, and of the proceedings in relation thereto as mentioned in this act, as shall be assessed against the township at large, it shall be lawful for the township committee to borrow money from time to time,

and to secure the payment of the same by issuing the corporate bonds of the inhabitants of such township, payable at such times as said committee may determine, which bonds, when issued by resolution of the township committee and under the township seal, shall be valid obligations of such municipal corporation according to their tenor; *provided, however,* that said bonds shall bear interest at a rate not exceeding six per centum per annum, shall be sold for not less than their par or face value; *and provided also,* that in no case shall bonds be issued to an amount which shall cause the entire corporate indebtedness of such township, for all purposes, to exceed at any time ten per centum of the assessed valuation of property in said township as shown on the duplicate of assessment.

13. *And be it enacted,* That it shall be lawful for the legal voters in such township, at their annual meeting, to vote, grant and raise such sum or sums of money, from year to year, to be expended by the township committee, under the provisions of this act, as a majority of said legal voters shall determine.

14. *And be it enacted,* That for the purpose of paying the interest and principal of the bonds to be issued under the provisions of this act, it shall be the duty of the township committee, each year, to issue a warrant to the assessor of such township, directing him to assess upon the property subject to taxation in said township, a sum equal to the amount of principal and interest which will fall due during the then current fiscal year; and all money so by warrant directed to be assessed, as well as any money voted and granted by the legal voters, as herein provided, shall be assessed, levied and collected by the same persons, in the same manner, at the same times and under the like fees, fines and penalties as the money raised by taxation in said township for other township and for county purposes.

15. *And be it enacted,* That the township committee may by resolution provide that any assessment for any sewer or sewers to be built or constructed under and by virtue of the provisions of this act need not be paid in one payment, but that the same may be paid in equal annual installments; *provided,* that no installment is less

Proviso.

Voters at annual meeting may vote to raise money, &c.

Interest and principal of bonds, how paid.

Duty of assessor.

Assessments, how paid.

than one-fifth of the whole amount of the assessment on such piece or parcel of land assessed.

Acceptance or rejection of act may be submitted to voters.

16. *And be it enacted*, That the township committee of any township may, by resolution, submit the question of the acceptance or rejection of this act to the voters of said township at any town or charter election to be held therein, whereof at least one week's notice shall be given by public advertisement in a daily newspaper circulating in such township; and if a majority of those who shall vote for the acceptance or rejection thereof shall be in favor of the acceptance of this act, then this act shall go into effect immediately, and the grant of power herein made to such township shall be taken to be accepted by such township, and such township shall be bound by the terms of this act; persons entitled to vote at any charter or township election where this question is submitted to them shall express their assent to or rejection of this act by depositing their ballots in a box provided for depositing ballots at such election in such township; and those who are in favor of the acceptance of this act and the grant of powers therein contained shall each deposit a ballot containing the words "Act of one thousand eight hundred and ninety, to provide for drainage and sewerage in townships, accepted," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "Act of one thousand eight hundred and ninety, to provide for drainage and sewerage in townships, rejected," written or printed thereon, and this acceptance or rejection may be expressed upon the ballot on which are the names of the state, county or township officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass on the return of the vote upon this question of such acceptance or rejection, made by the election officers, in the same way and manner as for officers voted for at such election, and if a majority of the ballots on which there shall be the words "Act of one thousand eight hundred and ninety, to provide for drainage and sewerage in townships," shall be found to be for the acceptance of this act, it shall then, and not otherwise, go into effect and be binding upon such township wherein such vote shall have been taken.

Form of ballot.

Canvass of vote, how made.

17. *And be it enacted*, That all acts and parts of acts ^{Repealer.} inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately, except that no provision of any act which prohibits the pollution of any of the waters of this state used to supply any aqueduct or reservoir, or which are distributed for public use, is intended to be hereby repealed; and this act shall not be construed to authorize ^{Act, how construed.} the discharge of sewage or the contents of sewers into fresh water, or into any portion of a river or stream tributary thereto, in such manner as to defile a source of public water supply.

Approved March 26, 1890.

CHAPTER LXXVIII.

An Act regulating the pay of officers and policemen in cities of the second class of 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 ^{Salaries of officers and policemen.} class the pay or salaries, payable monthly, of the following named officers and members of the police department shall be as hereinafter specified, viz.: to captains, the sum of not less than eleven hundred dollars per annum; sergeants, detectives and lieutenants, the sum of not less than ten hundred dollars per annum, and to patrolmen, the sum of nine hundred dollars per annum, in lieu of all other compensation whatever; *provided, however*, that ^{Proviso.} the provisions of this act shall be inoperative in any such city unless the provisions of the same shall have been adopted by the majority of the legal votes cast at any municipal election held in said city, pursuant to the resolution of the city council or other governing board, adopted by a majority vote thereof.

2. *And be it enacted*, That all acts or parts of acts ^{Repealer.} inconsistent with the provisions of this act, be and the

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

Approved March 26, 1890.

CHAPTER LXXIX.

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, and the supplements thereto.

Sales of lands
not invalidated
by reason of
omission to
advertise, &c.

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 advertisement of such sale in two newspapers printed and published in the county in which said lands are situate, 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, who shall have complied with the conditions of 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 situated; *provided, however*, that when 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 land is situate, in the manner and as is required by the acts to which this is a further supplement.

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

Passed March 26, 1890.

CHAPTER LXXXI.

An Act to provide for the condemnation of lands under water, leased or conveyed by the riparian commissioners, when the same are required to be used for a public road bridge and draw.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of chosen freeholders in any county of this state shall be authorized by law to build and construct, or to cause to be built and constructed, a public road bridge across any of the navigable waters in this state, and in the construction of the said bridge or any draw in said bridge, and in the operation of the said draw it is necessary to take, use or occupy lands under water which may have been heretofore conveyed or leased by the riparian commissioners of this state to any person or persons, or in respect to which any person or persons may own any right, privilege or franchise by virtue of such grant or lease, it shall be lawful for said board of chosen freeholders, in case it cannot agree with the owner or owners or other persons interested in any such lands as to the amount of compensation to be paid therefor, to apply to any justice of the supreme court of this state, who, upon such application and upon two weeks' previous notice, served personally, or by leaving at the dwelling-house or usual place of abode of such owner or owners, or in case of absence from the state or legal disability published in a newspaper published nearest the lands in question, may appoint three disinterested commissioners resident of the county in which said lands are situated, to assess and ascertain the value of the lands so proposed to be taken, used and occupied, and the damages to be done to any lands by the occupation and maintenance of such works and by the operation of said draw, which commissioners shall appoint a time and place at which they shall meet

Proceedings for
condemnation of
lands under
water, &c.

Appointment of
commissioners.

to execute the duties of their appointment, and shall cause two weeks' notice thereof to be given to the parties interested therein, either by personal service or by publication in a newspaper published in the county where such lands may lie, at which time and place the said commissioners shall meet and view the premises and hear the parties interested, and take evidence, if any be offered, and for that purpose shall have power to administer oaths or affirmations; and the said board shall make and exhibit to the said commissioners, at their meeting aforesaid, for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands by them sought to be taken as aforesaid, and of the use and occupation upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages as aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to the said owner or owners of the lands, rights, privileges and franchises so sought by said board of chosen freeholders in the statement and description aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded in the registry of deeds.

Commissioners to assess damages and file award.

Upon tender of award of damages to owners lands to vest in board of freeholders.

2. *And be it enacted*, That before taking possession of any such lands or entering thereon for the purpose of the use or occupation thereof, said board shall pay or tender to such owner or owners, or in case of absence from the state or legal disability, shall deposit with the clerk of the circuit court of said county the amount of damages so awarded, and the award of said commissioners and the payment or tender or deposit as aforesaid of such damages shall vest in said board of chosen freeholders the lands, rights, privileges and franchises by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to the said board by the said owner or owners under their hands and seals.

3. *And be it enacted*, That if either party feel aggrieved by said assessment and award, such party may appeal to

the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in a newspaper published nearest the lands in question, which petition and notice so served or published shall vest in said court full power to hear and determine said appeal, and, if required, they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury; and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such as shall be absolutely taken; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal; and the right of said board to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the land or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal shall not be waived or lost by the acceptance of the amount so awarded, when tendered, and upon the final determination of any such appeal the said court shall render such judgment in favor of the one party and against the other as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution, as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

Parties ag-
grieved by
assessment and
award may
appeal.

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

Approved March 27, 1890.

CHAPTER LXXXII.

An Act concerning the election of school trustees and boards of education in cities of the third class.

Election of school trustees and boards of education.

Term of incorporation.

Persons receiving the greatest number of votes elected.

Vacancies, how filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any incorporated town or city of the third class which is divided into wards so called, and where now it is provided and required by law that school trustees shall be elected in and for such wards, and where such school trustees so elected do now constitute and are known by name in law as the board of education of such town or city, and where the number of such school trustees does not exceed four, it shall hereafter be lawful to elect, and there shall be elected at the next annual charter election of such town or city, eight school trustees, who may and shall be voted for by the people at large, regardless of wards; and four of such school trustees shall be elected for a period or term of one year, and four shall be elected for a period or term of two years; and each and every year annually thereafter there shall be elected four school trustees for a period or term of two years; and such school trustees so elected as herein provided shall be known as the board of education of such town or city, and be a body politic and corporate in fact and in name, to perform all the duties required, and to have and exercise all the rights, power and privileges heretofore granted and provided by law, to and for the board of education of such town or city, and that the four persons who shall receive the highest number of votes for the term of two years shall be declared elected and shall hold office for the term of two years, and the four persons who shall receive the highest number of votes for the term of one year shall be declared elected and shall hold office for the term of one year only; and that in event of any vacancy occurring by reason of the death, resignation or removal from the town or city of any member, such vacancy shall be filled by a special

election to be called by the common council or other governing body of such town or city, of which election at least ten days' notice shall be given in the usual manner prescribed for the annual or charter election in such town or city.

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.

Passed March 27, 1890.

CHAPTER LXXXIII.

An Act to authorize turnpike companies to straighten portions of their roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any alteration shall be made of any portion of any public road in this state by vacating such portion and relaying it in another place in order to straighten the same, and there shall have been constructed on such portion so vacated any portion of any turnpike road of any company organized by virtue of any special or general act of incorporation, such company shall have the same rights in the portion of said public road so relaid as it had in the portion thereof vacated, and may construct and maintain such portion of their said turnpike upon the said portion of said public road so relaid in such other place, in order to straighten such portion of such turnpike; *provided*, that the making of any such alteration shall be deemed and taken as an abandonment of that portion of said turnpike so constructed upon said portion of said public road so vacated as aforesaid. Turnpike companies authorized to straighten portions of their roads. P.viso.

2. *And be it enacted*, That any such turnpike company shall have all the rights, privileges and franchises, and be subject to the same duties with respect to the portion of Rights and privileges.

their said turnpike so constructed upon the said portion of said public road relaid, as if the same had been a portion of their original turnpike.

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

Approved March 27, 1890.

CHAPTER LXXXIV.

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.

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' 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*, that the provisions of this section shall not apply to turnpikes or macadamized toll roads over three miles in length.

Commissioners
to take oath,
estimate and
determine value
of road, &c.

Proviso.

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

Approved March 28, 1890.

CHAPTER LXXXV.

A Further Supplement to "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, and the several supplements thereto.

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 sale thereof

Sales of lands
not invalidated.

having been advertised by hand-bills and in the newspapers required by law for eleven o'clock in the forenoon, instead of between the hours of twelve and five o'clock in the afternoon, when the sale was actually made between said last-named hours, but that any purchaser of lands at such shall be entitled to have a deed for the lands so purchased by him or her, notwithstanding the sale was advertised to be held at eleven o'clock in the forenoon; *provided*, the law has been in all other respects fully complied with; *and provided, further*, that when the sale has been made by direction of the court of chancery of the state of New Jersey, an order confirming such sale shall be made by said court, and shall be granted when the said court shall be satisfied that the land has been sold for a fair price, and between the hours of twelve and five o'clock in the afternoon, as required by the statutes, and a deed so given shall operate to transfer the title of the land to the purchaser as fully as if the sale had been duly advertised as required by law.

Proviso.

Proviso.

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

Approved March 31, 1890.

CHAPTER LXXXVI.

An Act for the support of the state industrial school for girls.

Trustees to make
quarterly report
to the governor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the trustees of the state industrial school for girls to make and submit a report to the governor of the state, at the expiration of every three months, dating from the first day of January, anno domini one thousand eight hundred and ninety, showing the average number of girls main-

tained in the school during such period, which said report shall be duly certified by the president and attested by the secretary of the board; and, in order to support the said school, and to make the necessary repairs thereto, the treasurer of this state shall pay out of the moneys now in the treasury, appropriated heretofore for the support of said school, to the treasurer of the said board of trustees, such a sum as shall be considered necessary by the trustees, and approved by the governor of this state, for the maintenance of said school for the succeeding three months; and after such appropriation shall have been exhausted, then it shall be the duty of the treasurer of the state to pay, out of any moneys in the treasury not otherwise appropriated, to the treasurer of the said board of trustees of the state industrial school for girls, such a sum as shall be considered necessary by the trustees thereof, and approved by the governor of this state, for the maintenance of said school, and for necessary repairs to the property thereof, for the succeeding three months; such sum not to exceed the maximum sum of forty-five dollars for each girl maintained in said school, which said sum shall be based on the average number of inmates for the last preceding quarter, and to be paid upon the warrant of the comptroller.

State treasurer
to pay money on
approval of the
governor for
maintenance of
school.

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 31, 1890.

CHAPTER LXXXVII.

A Further 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 provisions of the fourth section of the act entitled "An act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder," approved March twelfth, one thousand eight hundred and eighty, which section is in these words :

Report of sale
to be made to
court.

Sale to be con-
firmed.

Proviso.

Act to apply and
govern sales of
lands made by
order of court of
chancery.

4. *And be it enacted*, That in all foreclosure proceedings hereafter commenced, the sheriff or other officer who may be directed to sell any mortgaged premises shall, after making such sale, report the same within five days thereafter to the court out of which an execution or order to sell is issued, stating the name of the purchaser or purchasers and the price obtained, and if the said court, or a judge thereof, shall approve of such sale, they shall confirm the same as valid, effectual in law, and shall, by rule of court allowed in open court, or by a judge thereof at chambers, direct the said sheriff or other officer to execute good and sufficient conveyance in law to the purchaser or purchasers for the mortgaged premises so sold; *provided*, that no sale of mortgaged premises shall be confirmed by the court or further proceedings had until the court or such judge is satisfied, by evidence, that the property has been sold at the highest and best price the same would then bring in cash, and such evidence may be in form of affidavits, shall apply to and govern all sales of land or any interest therein made under and by virtue of any decree or order of the court of chancery, subject, however, to such rules

and orders in respect thereto as the said court may at any time make.

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

Approved March 31, 1890.

CHAPTER LXXXVIII.

An Act empowering executors and trustees, under certain circumstances, to sell or mortgage real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, by any last will or testament, lands and real estate are devised to, or whenever, by any deed, lands are conveyed to or held by any executor or executors, trustee or trustees, in trust for any person or persons for life, or until the happening of some event in such will or deed named, and said lands so devised or conveyed shall, at the time of the taking effect of such devise or conveyance, be encumbered with any mortgage or charged with the payment of any legacy, or subject to any judgment, tax or assessment, or shall thereafter become chargeable with or subject to any judgment, tax or assessment, for the payment of which mortgage, legacy, judgment, tax or assessment, and interest thereon, no adequate provision is made in such will, or afforded by the estate of the testator, or provided for in such deed except out of the income from said lands and real estate, and the same have been sold for such tax or assessment by virtue of any laws of this state, or shall be liable to be sold to raise, pay, satisfy and discharge such mortgage, legacy, judgment, tax or assessment, or interest thereon, whereby the interest of the cestui que trusts, or of the owners or owner of the particular estate, or of the estate in remainder or reversion in said lands may be injured or impaired, it shall be lawful for the court of

Executors and trustees empowered to sell or mortgage real estate under certain circumstances.

chancery, upon application made to it by petition by the executors or executor, trustees or trustee named in said will or deed, or the survivors or survivor of them, or any duly appointed person standing and acting in their place, or by any cestui que trust, or by any one of the owners aforesaid, and upon consideration of the circumstances of the case and notice to all the parties in interest, to order and decree said executors or executor, trustees or trustee, or the survivors or survivor of them, or any duly appointed person standing and acting in their place, to sell and convey or mortgage said lands, or a part thereof, whichever, under the circumstances of the case, shall appear to said court to be most beneficial to the parties in interest, for the purpose of raising money to pay, satisfy and discharge said mortgage, legacy, judgment, tax or assessment and interest thereon, together with the costs and expenses attending said sale or the procurement of said mortgage loan; and whenever such decree shall be made, the said executors or executor, trustees or trustee, or the survivors or survivor of them, or duly appointed person standing and acting in their place, may sell and convey or mortgage said lands, or such part thereof as may be necessary for the purpose aforesaid, for such price or in such an amount as said court shall in and by said decree direct; and such sale or mortgage of said lands shall be free, clear and discharged of any interest of said cestui que trusts and of said owners therein, and the surplus arising therefrom, in case of a sale, after paying said mortgage, legacy, judgment, tax or assessment and accrued interest thereon, together with the costs and expenses attending said sale, shall be held by said executors or executor, trustees or trustee, subject to the provisions of said will or deed relating to said lands, in such manner as the chancellor shall direct.

Repealer.

2. *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.

Approved March 31, 1890.

CHAPTER LXXXIX.

An Act to authorize police service 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 township committee of any township in this state to appoint one or more suitable persons resident therein to be police officers of such township, and to fix and determine the amount to be expended for such police officer or officers, whose duty it shall be upon view to apprehend and arrest all persons committing breaches of the peace in said township or violating any ordinance of such township, and any and all disorderly persons, and to bring said persons before any justice of the peace in said township, according to law.

Authorized to
appoint police
officers and de-
termine amount
to be expended.

2. *And be it enacted*, That such police officer or officers shall be appointed and discharged or dismissed as such township committee shall, from time to time, and in each case determine, and shall receive such pay and compensation for their services respectively as shall be fixed and agreed upon by said township committee.

Committee may
appoint and dis-
charge police
and fix pay and
compensation.

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

Approved March 31, 1890.

CHAPTER XC.

An Act in relation to the appointment of members of boards of assessment and revision of taxes in the cities of this state and fixing the salary of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any of the cities of

Mayor to appoint members of boards of assessment and revision of taxes.

this state boards exist having the control of the assessment and revision of taxes, and the duties of assessment and revision are imposed upon the same board or body, the members of such board may, at the discretion of the mayor and common council or other governing body of such city, be hereafter selected and appointed as follows: at the expiration of the term of office of any member or members of such board, the mayor of such city may nominate and, by and with the advice and consent of the said council or other governing body, appoint one or more members to fill the vacancy or vacancies so occasioned, and continue to so nominate and appoint until all the members of the said boards are in this manner chosen and appointed; and the term of office of the persons so appointed shall be so arranged that the term of one member shall expire each year, and thereafter the term of office of each member so appointed shall be five years; and the annual salaries of such officers shall be the sum of twenty-five hundred dollars, payable in equal monthly installments; *provided*, that this act shall not apply to any city that by popular vote has accepted the provisions of the act approved April sixth, one thousand eight hundred and eighty-nine, entitled "An act concerning the government of cities of this state."

Term of office and annual salaries.

Proviso.

Powers and duties of members and boards.

2. *And be it enacted*, That the qualifications, powers and duties of the said board and the members thereof so appointed shall be the same as those now required from, conferred or imposed on boards for the assessment and revision of taxes and the members thereof in the city or cities in and for which the members of said boards are or may be so appointed.

Appointments to be made from political parties.

3. *And be it enacted*, That in nominating and appointing the members of the said boards under the authority of this act, the appointment so made shall be made, as near as may be, both as to number and term of service, from the two political parties casting the largest number of votes at the last preceding municipal election.

Vacancies, how filled.

4. *And be it enacted*, That vacancies which may happen for any cause during the term of any member so appointed may be filled in the manner herein provided, for the unexpired term, and the members so appointed to fill any such vacancy shall have the same qualifications and

be selected from the same party as the member for whose unexpired term he is appointed.

5. *And be it enacted,* That if for any cause a vacancy may happen in the term or terms of any member or members of the said board now in office, such vacancy or vacancies may be filled in the manner herein provided, and in every such case the appointment so made shall be deemed and taken as an original appointment under this act, to the same extent as if the appointment had been made at the expiration of the term or terms of office of the member or members so appointed.

6. *And be it enacted,* That where in any city members of the said board are or may be appointed in the manner herein provided, no other method of appointment or selection shall be lawful therein, and that all acts and parts of acts inconsistent with this be and they are hereby repealed, and that this act shall take effect immediately.

Passed March 31, 1890.

CHAPTER XCI.

An act to authorize the state treasurer to sell and dispose of certain personal property in the possession of the state and to provide for notice to all parties who may be interested therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the state treasurer be empowered and is hereby required, by and with the advice of the governor, to sell and dispose of for cash, by public sale, upon thirty days' notice in one or more public newspapers, any or all of the goods, chattels or personal property which has or shall hereafter become forfeited to the state under or by virtue of any contract made or entered into with any person or persons, natural or arti-

ficial, for the employment of convict or other labor by law.

State Treasurer to sell perishable personal property.

2. *And be it enacted*, That the state treasurer be empowered, with the advice of the governor, to sell any and all personal property in the possession of the state which is perishable in character and from which no revenue is derived, at public sale, after the same shall have been advertised at least thirty days in two newspapers published in the city of Trenton; and that all person or persons claiming any lien upon or interest in such property shall take notice of the same at their peril; and that in case any person or persons shall thereafter establish a claim to any interest in the goods so sold according to law, the fund received from such sale shall be liable for the space of one year from the date of said sale for such interest or claim.

Claim to be established within one year.

Claims and interest barred.

3. *And be it enacted*, That all claims and interest in such property other than that provided for in the previous sections shall be forever barred; and that the sum realized from said sale shall, after the expiration of the period of one year, be covered into the state treasury.

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

Approved March 31, 1890.

CHAPTER XCII.

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

Compensation of patrolmen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state that have adopted the provisions of the act to which this act is a further supplement, the police commissioners shall

fix the compensation of the patrolmen at the rate of two dollars and seventy-five cents per day, the said compensation to begin on the first day of the next calendar month after this act shall go into effect.

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

Passed March 31, 1890.

CHAPTER XCIII.

An Act to amend an act entitled "An act regulating the number of school trustees to be elected in the respective school districts in this state, being a supplement to an act entitled 'An act to establish a system of public instruction,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which act to be amended was approved March twenty-sixth, 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 the act to which this is an amendment, be and the same is hereby amended so that it 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 whenever it shall appear by the annual school census that there are five hundred or more children of legal school age in any school district in this state having but three trustees, before the number of such trustees shall be changed at least one-fifth in number of the legal voters residing within such school district shall petition the trustees, by a petition duly signed and witnessed by two persons of lawful age, who Legal voters to determine the increase of number of trustees.

shall make affidavit that such petition was signed by said voters in their presence, requesting said trustees to insert in the call for the annual school meeting a notice as prescribed in section three of this act, then it shall be lawful for the legal voters to determine by a majority vote of those present whether the number of school trustees shall or shall not be increased to five.

Repealer.

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

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

Approved March 31, 1890.

CHAPTER XCIV.

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

Preamble.

WHEREAS, Between the time of the enactment of the act entitled "An act to incorporate trustees of religious societies," approved April seventeenth, one thousand eight hundred and forty-six, and the time of the enactment of the supplement thereto, approved February ninth, one thousand eight hundred and sixty, extending the first, second, third, fourth, fifth, sixth, seventh and eighth sections of said act to "religious societies or congregations of Jews within this state," certain religious societies or congregations of Israelites, otherwise called Hebrews or Jews, within this state, took and carried out proceedings, according to the provisions of said act, for their incorporation, and have, since such proceedings were had, acquired, conveyed

and mortgaged property, and done and performed other acts as corporate bodies; *and whereas*, doubts have arisen as to whether the said act, prior to the enactment of the said supplement thereto, extended to such religious societies or congregations, so as to enable them to become legally incorporated under the same;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings of all religious societies or congregations of Israelites, otherwise called Hebrews or Jews, within this state, taken and carried out by them between the time of the enactment of the act entitled "An act to incorporate trustees of religious societies," approved April seventeenth, one thousand eight hundred and forty-six, and the time of the enactment of the supplement thereto, approved February ninth, one thousand eight hundred and sixty, for their incorporation, according to the provisions of said act, are hereby confirmed and made valid and legal and effectual to the extent the same would have been valid, legal and effectual if the first, second, third, fourth, fifth, sixth, seventh and eighth sections of said act had been in and by said act expressly extended to and made to embrace such religious societies or congregations; and all conveyances and mortgages of real or personal property made to or by each and every of such religious societies or congregations, and all other acts done and performed by each and every of them as a corporate body since such proceedings were had by the same, are hereby confirmed and made valid and legal and effectual to the same extent that such conveyances, mortgages and other acts aforesaid would have been valid, legal and effectual if the said sections of said act had been in and by said act expressly extended to and made to embrace such religious societies or congregations.

Proceedings confirmed and validated.

Conveyances, acts, &c., confirmed and declared valid.

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

Approved March 31, 1890.

CHAPTER XCV.

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

- Preamble. WHEREAS, It has become necessary to alter the several courses of certain public roads which have been dedicated by the owner or owners of the lands over which the same are laid; *and whereas*, to relieve the unused lands included in said roads from the burden of such dedication; therefore,
- Roads unused or unworked for travel for a certain period vacated. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to save the expense necessarily attendant, both to applicants and townships, upon the vacation of public roads in the manner now authorized by law, whenever any road or any portion of such road which has heretofore been legally dedicated for the public use, and lying in the same county, shall have been unworked and unused for public travel for a period of not less than fifteen years from date of deed of dedication, then, in such case, such road or such portion thereof as shall have been unused for public travel for the term aforesaid, shall be and hereby is declared to be vacated without the notice and application and other proceedings specified in the act to which this act is a supplement or any act supplementary thereto; *provided*, that the owner or owners of the lands on both sides of said roads or said portion thereof, unused as aforesaid, shall file in the office of the clerk of the county wherein such road or such portion of road lies, an assent in writing to said vacation, proven and acknowledged before some officer authorized to take the proof and acknowledgments of deeds in this state, and endorsed by said officer with his certificate thereto.
- Proviso. 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 said office, and to file it
- County clerk to file and record assent.

therein, with the certificate of the proof of 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 the record to make a note of the time when said assent in writing was received for record in his said office.

3. *And be it enacted*, That the officer taking the proof or acknowledgment aforesaid, required by this act, shall be entitled to receive therefor the sum of fifty cents, and said clerk the same fees that he at the time may be by law entitled to for filing and recording such returns as aforesaid.

Fees for taking acknowledgment, filing and recording assent.

4. *And be it enacted*, That this act shall not apply to cities, towns or other municipalities which have the governing power over the roads and streets under their jurisdiction; but to township roads only, and shall take effect immediately.

Act not to apply to certain municipalities.

Approved March 31, 1890.

CHAPTER XCVI.

A Supplement to an act entitled "An act to provide for the review by the justices of the supreme court of this state of summary convictions by justices of the peace, police justices and recorders of cities in this state," approved February twenty-seventh, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the law or president judge of any court of common pleas in any county in this state shall have concurrent jurisdiction in his county with the justice of the supreme court as shall hold the circuit in said county to order the complaint, warrant, proceedings and record of conviction in all cases of summary convic-

Law or president judges of courts of common pleas to have concurrent jurisdiction with justice of the supreme court holding the circuit.

tions to be forthwith brought before him, and review and determine the legality of the same, and, if found illegal, forthwith to set aside the same and to order the discharge of such offender from custody.

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

Passed March 31, 1890.

CHAPTER XCVIII.

An Act respecting licenses in cities, townships, incorporated towns, incorporated boroughs, or police, sanitary and improvement commissions, and incorporated camp-meeting associations and seaside resorts.

Authorized to
make and estab-
lish ordinances.

Purposes.

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, township committee or other governing body of any city, township, incorporated town, incorporated borough, or police, sanitary and improvement commission, incorporated camp-meeting association or seaside resort in this state, to make and establish ordinances for the following purposes, viz.: to license and regulate cartmen, porters, hacks, cars, omnibuses, stages and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind; and the owners and drivers of vehicles and means of transportation, also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk-shop keepers, keepers of bath-houses, boarding-houses and news-stands, sweeps, scavengers, traveling and other shows, circuses, theatrical performances, plays, exhibitions, concerts, skating-rinks, itinerant venders of merchandise, medicines and remedies, and also the place or places 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 rates 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 purpose, and to fix and prescribe penalties for the violation of any such ordinance or ordinances, and that fees for such licenses may be imposed for revenue; *provided*, Proviso. that no person or persons shall be required to take out a license in order to sell any product of his farm, or to sell meat or milk.

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

Approved March 31, 1890.

CHAPTER XCIX.

An Act to amend an act entitled "An act to organize and establish a state board of agriculture," approved April 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 third section of the act to which this is amendatory shall be and is hereby amended so as to read as follows: Section to be amended.

3. *And be it enacted*, That the officers, board of directors and committees appointed by the state board (or by the board of directors or the executive committee thereof), shall receive compensation from the state for their personal expenses when engaged in the duties of the said board; the secretary of the state board shall receive an annual salary of twelve hundred dollars, and may, with the approval of the executive committee, employ a clerk or clerks at an expense of not over two hundred dollars Compensation of officers and directors. Annual salary of secretary.

Treasurer.	a year; the treasurer shall receive an annual salary of one hundred dollars, he shall give bonds for the faithful performance of the duties of his office in such sum as the executive committee may require.
Section to be amended	2. <i>And be it enacted</i> , That the eighth section of the act to which this is amendatory shall be and is hereby amended so as to read as follows:
Term of office board of directors.	8. <i>And be it enacted</i> , That the members of the board of directors shall hold office the following terms: Class A, one year; class B, one year; class C, two years; one representative of each association retiring each year.
Section to be amended.	3. <i>And be it enacted</i> , That the tenth section of the act to which this is amendatory shall be and is hereby amended so as to read as follows:
Executive committee authorized to make tests of remedies or cures of diseases of animals, &c.	10. <i>And be it enacted</i> , That in order to collect and disseminate reliable and useful information, and to encourage a higher standard in the agriculture and horticulture of the state, the executive committee are hereby authorized to cause to be made experimental and practical tests of specific remedies or cures of diseases of domestic animals and poultry, and of plants, vegetables and fruits, and insects injurious thereto, and to employ suitable persons to lecture before the state board of agriculture at its annual or other meetings, and in the counties of the state as far as the sum herein appropriated will allow, to examine the reports of the state horticultural society, and all other reports, essays, papers and documents intended for publication in the annual report, and to accept or reject the same, or any portion thereof; to apportion to the state horticultural society not less than three hundred dollars annually, and to the several county boards such sum or sums of money for the information secured and the labor performed as they deem equitable, such amount not to exceed one hundred dollars in any one year to any county board, one-half of this amount, when the sum appropriated does not exceed sixty dollars, to go to the party or parties making up the report and the balance to the treasury of the county board to pay its running expenses, submit the amounts thus determined upon to the state comptroller, who shall thereupon draw his warrant upon the state treasurer, who shall pay the same out of any moneys in the state treasury, not otherwise appro-
To apportion to horticultural society and county boards certain amounts.	
Amounts to be paid by state treasurer.	

priated, to the treasurer of the state board of agriculture ;
provided, that the amount thus expended shall not exceed Proviso.
 the sum of six thousand dollars in any one year.

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

Approved March 31, 1890.

CHAPTER C.

An Act regulating the salary of lay judges of the courts
 of common pleas in counties of the second class.

1. BE IT ENACTED *by the Senate and General Assembly of* Salaries of lay judges in counties of second class.
the State of New Jersey, That the lay judges of the courts
 of common pleas in counties of the second class of this
 state having law or president judges, and having a popula-
 tion according to the last state census of over seventy-
 five thousand inhabitants, shall receive an annual salary
 of fifteen hundred dollars.

2. *And be it enacted*, That the said annual salary so Salaries, how paid.
 specified in section one of this act shall be paid quarterly
 to said judges by the county collectors of the several
 counties.

3. *And be it enacted*, That the salary so specified in sec- Salary to be in lieu of all fees.
 tion one of this act shall be in lieu of all fees, costs or
 compensation by them received.

4. *And be it enacted*, That all acts, general, local or Repealer.
 special, 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.

Passed March 31, 1890.

CHAPTER CI.

A Supplement to "An act authorizing and providing for the incorporation of associations of exempt firemen, and the formation of a state association of exempt firemen," approved February twenty-fifth, one thousand eight hundred and eighty-nine.

Authorized to
issue stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the better enabling the several associations incorporated under the act to which this is a supplement, to carry out the objects of such incorporation, it shall be lawful for any such association, by the votes of a majority of all its members present at any regular meeting, to authorize the issue of stock to an amount not exceeding fifty thousand dollars, divided into shares of the par value of five dollars each.

Amount.

Appointment of
commissioners to
receive subscrip-
tions.

2. *And be it enacted*, That when any such association shall vote to issue capital stock, it shall decide the amount to be issued, and at the same time shall fix a time, not less than ten days thereafter, when and the place where subscriptions to such capital stock shall be received, and shall appoint, by vote, three commissioners to receive such subscriptions; in case more than the amount of stock authorized shall be subscribed, such commissioners shall allot to each subscriber an amount of stock proportionate to his total subscription.

Meeting of
association and
election of di-
rectors.

3. *And be it enacted*, That when the capital stock shall have been subscribed, said commissioners shall call a meeting of the association, giving at least five days' notice of the time and place of such meeting, at which time and place or at such other time and place to which the members present may adjourn, the association shall elect such number of directors, not less than five nor more than twelve, as they shall then and there determine; the association may decide that said directors shall so classify themselves that some of them may hold office for one,

Directors to be
classified.

two and three years; thereafter the association shall annually elect directors to fill the places of those whose terms are about to expire.

4. *And be it enacted*, That the board of directors so elected shall have full charge and control over all the property, real and personal, purchased with the proceeds of the stock issued, and may provide for and enforce the payment for any stock subscribed in such manner as is provided by "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five; the board of directors shall report annually to the association the condition of said property, and all receipts from or expenditures connected with the same or relating thereto; said directors may be required by the association to give bonds for the faithful performance of their duties, in such amount as said association shall determine.

Directors to have full control and charge of property.

Directors to report annually and give bonds.

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

Approved March 31, 1890.

CHAPTER CII.

Supplement to the act entitled "An act to regulate elections" [Revision], 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 in any township of this state where there is a part of its inhabited territory separated from the mainland or other inhabited part thereof by at least three miles of bay and marsh, across which there is no road, it shall be the duty of the township committee to divide such township into at least two election precincts, so that at least one such precinct shall be on each side of said bay and marsh.

When townships to be divided into two election districts.

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

Approved March 31, 1890.

CHAPTER CIII.

An Act for an appropriation for the library of the state prison of the state.

- Appropriation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five hundred dollars be and is hereby appropriated for the benefit of the library of the state prison; said appropriation to be expended under the direction of the principal keeper.
2. *And be it enacted*, That this act shall take effect immediately.
- Approved March 31, 1890.

CHAPTER CIV.

An Act to authorize the sale or mortgaging of church property.

- Authorized to sell or mortgage church property. 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 incorporated church or religious society, by its trustees or other board managing the temporalities of said church or religious society, to sell and convey in fee simple, or by way of mortgage or for any other estate, any or all real estate owned by such religious society in fee simple, and make and give all necessary conveyances therefor; *provided*, that any such sale be first duly authorized at a regular or special business meeting of the members of such church or religious society.
- Proviso.

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 31, 1890.

CHAPTER CV.

An Act to enable incorporated towns and cities of the third class to provide for payment of arrears of state and county taxes by issue of bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any incorporated town or city of the third class which, at the time of the passage of this act, shall be indebted and in arrears to the county wherein situated for state and county taxes in a sum exceeding twenty thousand dollars, no portion of which sum shall be past due for a period of less than five years, and when there is outstanding, uncollected and due to such town or city for arrears of taxes an amount not less than three times the amount of such indebtedness, then, in such case, it shall be lawful for such town or city to issue bonds for payment of such indebtedness, and it shall be lawful for the county collector to receive said bonds in payment of such indebtedness and arrears of state and county taxes, to be deposited in the sinking fund of the county; *provided*, the county collector shall make demand in writing for the settlement of such indebtedness, in accordance with the provisions of this act, and agree to accept said bonds in payment thereof; and said bonds, when issued and received by the county collector, as herein provided, shall be considered and taken to be as full and legal payment of such indebtedness for state and county taxes as aforesaid, and said bonds shall be consid- County collectors authorized to receive bonds in payment of arrears of state and county taxes

Proviso.

New Jersey State Library

ered as part of the funded debt of such town or city, and regarded and dealt with as such in every particular.

Term and
interest of bonds

2. *And be it enacted*, That bonds issued in accordance with the provisions of this act shall be for a period not longer than twenty years, bearing interest at a rate not to exceed three and one-half per centum, payable semi-annually in the months of January and July of each year; said bonds shall be signed by the president of the common council or other governing body, the clerk and treasurer, or other financial officer of such town or city, and shall be sealed with its corporate seal, and shall be known and designated as tax arrears bonds, and said bonds shall be redeemable any time, at the option of the town or city by which they were issued; and all arrears of taxes due, and not otherwise pledged at the time of the passage of this act to such town or city, shall, when collected, be applied to the liquidation and redemption of said bonds.

When redeem-
able.

Repealer.

3. *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.

Passed March 31, 1890.

CHAPTER CVI.

A Further Supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Section to be
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, be and the same is hereby amended to read as follows:

3. *And be it enacted*, That when any money shall be directed to be assessed, collected and paid into the

treasury of this state, agreeably to this act, it shall be the duty of the assessors of the several townships, in every county, to meet at the hour of ten in the forenoon of the first Tuesday in September, in every year, at the place of holding the court of common pleas in such county, and at such meeting to furnish full, true and accurate abstracts, under oath or affirmation, from their respective tax books, of ratable lands, chattels, effects, estates and certainties, so by them respectively made, as required in the first and second sections of this act, and then and there to ascertain the amount of the certainties required by law to be rated in the assessment to be made, and to estimate the estate, real and personal, taken by the assessor of each township, at such valuation as they or a majority of them then present shall think reasonable and just, according to the law for the time being for that purpose, and thereby to adjust and fix the proportion or quota of the tax to be levied and collected in each township.

Time and place
of meeting of
assessors.

Approved March 31, 1890.

CHAPTER CVII.

A Supplement to an act entitled "An act to authorize cities in this state on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof," approved April sixth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any public walk or walks have been or may be constructed or built under Construction of public walks authorized.

the authority of the act to which this is a supplement, and the acts amendatory thereof, and in the judgment of the common council or other governing body of such city it has been or may be necessary to build and construct such walk or walks above the surface of the ground over and upon which the same have been or may be built, and above the grade which has been or may be established for the street or streets over, upon and across which the same has been or may be built and constructed, such walk or walks shall be deemed and taken to be lawful and authorized; and in every such case such walk or walks may be supported by and constructed on piling or other supports, placed in and upon the street or streets over, upon or across which the same have been or may be built and constructed.

Approaches to walks may be permitted.

2. *And be it enacted*, That when any such elevated walk or walks have been or may be built or constructed, it shall and may be lawful for the said board or body, under such reasonable regulations as may for this purpose be adopted and established, permit approaches to be made from contiguous property to connect therewith from the landward side thereof, or side most remote from the ocean front, along which such walk or walks have been or may be built or constructed.

Dedication of lands for opening of streets may be accepted

3. *And be it enacted*, That it shall and may be lawful for the common council or other governing body of any such city to accept any dedication of lands or rights which have been or may be made for the purpose of enabling such city to open and lay out any such street or streets, drive or drives, or for the purpose of constructing any such walk or walks, or for the purpose of making any improvement in or to the same; and also to contract for and purchase any building or structure, or for the removal or destruction of any building or structure, the purchase, removal or destruction of which may be necessary in making the improvements and constructions so authorized, and for this purpose to borrow money on the credit of such city, in any sum not exceeding twenty thousand dollars, and give proper certificates of indebtedness therefor; *provided*, that no such loan shall be contracted for a longer time than three years, and that it shall be the duty of such board or body to provide for

Authorized to borrow money, &c.

Proviso.

the payment thereof by raising a sum sufficient for such purpose in the tax levy of such city.

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

Approved March 31, 1890.

CHAPTER CVIII.

An Act to increase the efficiency of the public school system of the state by providing for additional, free scholarships at the state agricultural college.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order that students in the schools in all parts of the state may receive the stimulus afforded by the opportunity to pursue the courses of study in the state agricultural college, and in order to enable said state agricultural college to furnish instruction gratuitously to students, residents of this state, in its several courses of study, as special courses of advanced study in the public school system of this state, there shall be sent to the said college students to the number of one each year from each assembly district in this state, to be selected and designated as hereinafter provided, who shall receive gratuitous instruction in any or in all the prescribed branches of study in any of the courses of study of said state college, under the general powers of supervision and control possessed by the board of visitors of said state college; said students so received shall be residents of this state, and shall be admitted into said state college upon the terms and subject to the rules and discipline which shall apply to all other free students of said state college; and if there should be more than one suitably prepared applicant from the same assembly district in the same year, such additional applicants may,

Additional free scholarships.

Students from each assembly district.

in the discretion of the board of visitors of the said state agricultural college, be received on any vacant scholarships of any other assembly districts until such districts shall require such scholarships, after notice has been served on the superintendent of education of the county in which such vacant assembly districts are situated.

2. *And be it enacted*, That said students shall be selected as follows: a competitive examination, under the direction of the city superintendents and the county superintendent of education, in each county, shall be held at the county court-house in each county of the state, upon the first Saturday in June in each year, and the necessary traveling expenses of said examiners not otherwise provided for by law, on the approval of the president and secretary of the board of visitors of said state agricultural college, shall be paid by said state college; students who apply for examination shall be examined upon such subjects as may be designated by the faculty of said college and the state board of education; and the said city and county superintendents shall report to the president of said college and to the state superintendent of public instruction the names of all such students examined as in their opinion are suitably prepared to enter said college, with their estimate of the order of excellence in scholarship shown by said students at such preliminary examination; certificates of appointment to the state agricultural college shall be issued by the state superintendent of public instruction to all of such students as are so found to be qualified to enter said college; and in case the vacant scholarships shall not be sufficient to receive all such successful candidates, preference in appointing to vacant scholarships shall be given to successful candidates in the order of the excellence of their examination as certified by said superintendents; and in general the regulations and provisions governing the conduct of such examinations, and the appointment of said students to said scholarships shall be subject to the control of said board of visitors of said college.

3. *And be it enacted*, That each student so appointed and admitted to said college shall be regarded as holding a state scholarship, and for each scholarship so held there shall be paid, as hereinafter provided, on the first day of

Students may be received on vacant scholarships.

Students selected by examination and when held.

Certificates, by whom issued.

Students appointed to hold state scholarship.

November in each year, to the treasurer of said college, the same sum of money as the said college is entitled to receive for each scholarship established in said college under the existing state agricultural college fund; *provided*, that such payment shall be made only out of the income of the fund for the support of public free schools remaining after appropriations heretofore made payable out of said income are met.

4. *And be it enacted*, That in order to ascertain the number of scholarships for which payment shall be made as aforesaid, the president of said college shall, in the month of October in each year, make his certificate in writing, setting forth the names of the students so as aforesaid appointed and then in attendance at said college, the assembly districts from which they were appointed and the classes in college to which they belong, or the special courses of study which they are pursuing, which certificate, when approved by the president of the board of visitors of the state agricultural college, shall be plenary evidence of the number of scholarships for which payment shall be made, and on filing the same with the comptroller of the state he shall draw his warrant upon the treasurer of the school fund for the sum of money to which the said college may accordingly be entitled, and the said treasurer shall thereupon pay the same as aforesaid.

5. *And be it enacted*, That this act shall take effect immediately, and shall be subject to amendment, alteration and repeal at the discretion of the legislature.

Passed March 31, 1890.

Amount to be paid out of income of school fund.

Proviso.

President of college to certify number of students.

Certificate to be approved by president of agricultural college and filed with state comptroller.

CHAPTER CIX.

An Act amending an act entitled "An act for the relief of persons who have lost their deeds and other instruments of writing containing the title to their lands," approved October third, one thousand seven hundred and eighty-two.

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 to be in the words following, to wit:

Mode of applica-
tion to supreme
court where
conveyances
have been lost.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who has lost, or hereafter may lose, his deeds or other instruments of writing containing the title of his lands, by the devastation of the enemy or other unavoidable accident, and shall be desirous of having the said land assured to him, in manner hereinafter directed in this act, shall make out, or cause to be made out, an exact survey of the lands or premises the title deeds or conveyances for which may have been lost as aforesaid, containing the courses, distances and boundaries thereof, or an attested copy of the original survey and boundaries extracted out of the public records, and produce the same to the supreme court or any circuit court of this state, having previously advertised the purport of his application for at least four weeks, in one of the public newspapers of this state, and also, for the same time, in at least three of the most public places in the county where the lands or premises, the title or conveyance of which may have been lost as aforesaid, are situated, and shall, by evidence, prove to the satisfaction of the court, or in case of the death of the witnesses or their having joined the enemy, and that no other evidence can be procured, on oath or affirmation before the said court, declare that he or his ancestors or grantors were possessed of a legal conveyance therefor, duly exe-

cuted, and that the same was lost, or destroyed by the enemy, or by other unavoidable accident, together with the time and manner of the loss or destruction of the same, and that the evidences or the witnesses to the said deeds or conveyances are dead, or have joined the enemy, or cannot be procured, to the best of his knowledge and belief, and shall also prove by the testimony of one or more creditable witnesses that he, the said applicant, or his ancestors or grantors, had peaceable possession of the said lands and premises previous to the time when the deeds or conveyances for the same are alleged to have been lost or destroyed; *provided, always*, that if, through the obstinacy ^{Proviso.} of any person claiming or possessing lands adjoining to the premises of the persons claiming the benefit of this act, it shall be found impracticable to obtain an exact survey containing the courses, boundaries and distances to be presented to the court as aforesaid, it shall be sufficient to produce the exact boundaries only, attested by proper evidence or authenticated on the oath or affirmation of the applicant.

2. *And be it enacted*, That the second section of the act of which this is amendatory be and the same is hereby amended to be in the words following, to wit:

2. *And be it enacted*, That the said court shall there-^{Proclamation to be made of such application.} upon cause proclamation to be made in open court, of the purport of the application so made as aforesaid, that if any person or persons have any objection or can show any cause why the said survey and testimony produced as aforesaid should not be recorded, or why the request of the said applicant should not be granted, such person or persons may appear and support the same.

3. *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.

Passed March 31, 1890.

CHAPTER CX.

A Supplement to an act entitled "An act relating to street railways within incorporated towns and boroughs in this state," approved April thirtieth, one thousand eight hundred and eighty-seven.

Turnpike companies may construct and operate street railways.
Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any turnpike company may construct and operate a street railway upon and along the road bed of such turnpike company; *provided*, that an ordinance or resolution shall have been first passed by the board of commissioners, common council or other governing body of any city, incorporated town or borough, if any, within or through the limits whereof such turnpike shall lie or extend, authorizing such construction.

May obtain additional right of way and acquire lands.

2. *And be it enacted*, That such company may obtain and operate additional right of way for and by their street railway, having been thereto authorized as aforesaid, and may acquire such necessary land by purchase or condemnation, as in and by their original acts of incorporation may have been provided.

Repealer.

3. *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.

Passed March 31, 1890.

CHAPTER CXII.

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 whenever any order for payment of teachers' salaries or the incidental expenses of public schools shall be drawn by any board of trustees on any township collector or other disbursing officer, which order there shall be no funds in the hands of such collector or other disbursing officer to meet, that then and in every such case such order shall bear legal interest until such time as said collector or other disbursing officer shall be prepared to honor the same, of which readiness he shall give public notice, whereupon said interest shall cease.

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

Passed March 31, 1890.

CHAPTER CXIII.

An Act to amend an act entitled "A supplement to an act concerning townships and township officers," approved April twenty-first, one thousand eight hundred and seventy-six, which supplement was approved April eighth, 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 one of an act entitled "A supplement to an act concerning townships and township officers," approved April eighth, eighteen hundred and eighty-nine, which section reads as follows :

Section to be amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several townships of this state which are in counties having one hundred thousand inhabitants or over by the last state census, the township committee shall consist of five members, who shall be elected annually and hold their office for one year and until their successors are elected," be and the said section hereby is amended so as to read as follows :

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several townships of this state which are in counties having one hundred thousand inhabitants or over by the last state census, the township committee shall consist of five members, who shall be elected annually and hold their office for one year and until their successors are elected ; *provided, however,* that this act shall not apply to townships governed by special charters.

Number and election of township committee.

Proviso.

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

Passed April 1, 1890.

CHAPTER CXIV.

An Act relating to the disposition of license fees paid for any and all licenses to sell spirituous, vinous, malt and brewed liquors.

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 all license fees (except court and clerk's fees), paid for any and all licenses to sell spirituous, vinous, malt and brewed liquors granted by the courts of common pleas of the different counties of this state, shall be received by the clerks of said courts to and for the use of the city, borough, town, township or any incorporated district governed by a board of commissioners within any such township within which the license granted is to be exercised and enjoyed, the portion of any township incorporated, as aforesaid, to be considered a distinct municipality for the purposes of this act, and to be entitled to be paid the license fees received for licenses granted, to be exercised and enjoyed within the limits of the incorporated district, whether the municipal powers of such incorporated district and of the township of which they are a part co-exist over the same locality or not, and all such fees so received shall, within thirty days after the receipt thereof, be paid by such clerk to the body or person entitled to the legal custody of the funds of any such city, borough, town, township or incorporated district governed by a board of commissioners within any such township, to be, by the governing body of any city, borough, town, township or incorporated district, governed by a board of commissioners within any such township, employed and disbursed for the uses of said city, borough, town, township or incorporated district governed by a board of commissioners; and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

License fees received by county clerks to be paid to municipalities.

Repealer.

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

Approved April 1, 1890.

CHAPTER CXV.

An Act legalizing, ratifying and confirming township elections heretofore held in pursuance of an act entitled "A further supplement to an act entitled 'An act concerning township officers,'" approved April twenty-first, one thousand eight hundred and seventy-six, which supplement was approved March thirteenth, anno domini one thousand eight hundred and eighty-eight.

Elections legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any election of township officers heretofore held or had in any township of this state in pursuance of an act entitled "A further supplement to an act entitled 'An act concerning township officers,'" approved April twenty-first, one thousand eight hundred and seventy-six, which supplement was approved March thirteenth, anno domini one thousand eight hundred and eighty-eight, be and the same is hereby legalized, ratified and confirmed, any law to the contrary notwithstanding.

Members of township committee elected to hold office.

2. *And be it enacted*, That the members of the township committee elected at any such election shall hold and possess their offices until the end of their respective terms.

Number of township committeemen.

3. *And be it enacted*, That only so many township committeemen shall be elected in any such case, under existing laws, as will make the whole number of the township committee five, including those who hold over under existing terms of office.

4. *And be it enacted*, That all acts inconsistent with this ^{Repealer.} act be repealed, and that this act shall be deemed and taken to be a public act and shall take effect immediately.
Approved April 2, 1890.

CHAPTER CXVI.

An Act to provide for the surrender and extinguishing on the part of any railroad or canal corporation of any contract of exemption from taxation in whole or in part which it may have or claim by virtue of its charter or any supplement thereto or under any law of this state, and for the surrender and extinguishment on the part of the state of any contract contained in the charter and supplements of said corporation, or in any law of the state empowering the state to purchase, take or acquire the railroad, canal and other property of such corporation, or any part thereof, upon an appraisement thereof, or in any other manner prescribed by such charter or supplement or law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad or canal corporation having or claiming to have any contract with the state by virtue of its charter or any supplement thereto, or any law of this state, whereby its property, or any part thereof, is claimed to be exempted from the taxation imposed by any law of this state, it shall be lawful for such corporation, upon the written assent thereto of the governor, to execute and file in the office of the secretary of state an instrument, to be first approved by the attorney-general, waiving the benefit of and surrendering any such contract and agreeing to submit itself and be sub-

Railroad and canal corporations may surrender and extinguish any contract of exemption from taxation.

Assent to be filed in office of secretary of state

Right of state to take property extinguished on filing instrument

ject to the operation of the provisions of all constitutional general laws of the state applicable to all the railroad and canal corporations of this state which can be taxed by the legislative power of the state by acts passed or to be passed; and upon the execution and filing of such instrument so approved as aforesaid, any contract or provision contained in the charter of such corporation or any supplement thereto, or any statute of the state, by which the state has or claims a right to take or purchase the property of such corporation or any part thereof, shall be and the same is hereby wholly extinguished and surrendered.

Awards made or to be made by arbitrators a condition to effectuating extinguishment of rights of state.

2. *And be it enacted*, That whenever any dispute has heretofore arisen, or shall hereafter arise, between any railroad or canal corporation and the state respecting taxes in arrears, or taxes theretofore paid to the state, and an award in respect to such taxes shall have been made, or shall be hereafter made, by arbitrators appointed by the state and such corporation, the performance of such award by the state and such corporation shall be a condition to the effectuating the extinguishment and surrender of the respective rights of the state and the said corporation; and the said corporation shall do all acts and execute all instruments necessary for the performance of such award on its part, and the governor of the state is hereby authorized to do all acts and execute all instruments under the seal of the state, necessary for the performance of such award on the part of the state and the extinguishment and surrender of the rights of the state, and to manifest the same; and the governor and the comptroller shall audit and allow the expenses of such arbitration on the part of the state and the fees of the counsel employed by the state, and such extra compensation to the attorney-general as they may think proper, and also the fees of the arbitrator appointed by the state, and upon such allowance the treasurer shall pay the same on the warrant of the comptroller; all instruments executed and delivered by the said corporation or by the governor, in the performance of such award and for the purposes aforesaid, may be recorded in the office of the secretary of state and shall be public

Governor authorized to execute all acts, &c.

Expenses of arbitration, by whom audited and paid.

Instruments to be recorded in office of secretary of state.

records, and shall be lawful evidence in any court of this state.

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

Approved April 2, 1890.

CHAPTER CXVII.

An Act to authorize common councils of cities to appropriate moneys to establish or aid public libraries and free reading rooms.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Appropriation for public libraries. common council of any city of this state to appropriate, from any moneys not otherwise appropriated, such sum of money, not exceeding one thousand dollars, as may in their judgment be deemed necessary to establish or aid public libraries and free reading rooms.

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

Approved April 2, 1890.

CHAPTER CXVIII.

An Act to amend an act entitled "An act to authorize cities in this state located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof," approved April fourth, 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 six of the act above mentioned, to which this act is amendatory, be and the same hereby is amended to read as follows:

Costs and expenses of improving roads, &c., assessed on owners of lands benefited.

6. *And be it enacted*, That the cost, damage and expenses of opening, laying out or constructing any street, public walk or drive, or of improving the same, opened, laid out, constructed or improved, under the authority of this act, or any supplement thereto, may be assessed by the said commissioners upon all the owners of land and real estate peculiarly benefited thereby, in proportion as nearly as may be to the advantage each shall be deemed to acquire, to the extent of the special or peculiar benefit so conferred, and the excess of such cost, damage and expenses shall in such case be assessed upon and paid by such city, and may be levied and raised by taxation, as other taxes are levied and collected therein; or if the common council or other governing body thereof shall so determine, the whole of such cost, damage and expenses shall be raised, levied, assessed and collected by general taxation therein, and in such case no assessment for benefits shall be made by the said commissioners.

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

7. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses which may be incurred in making any public improvement under the provisions of this act, it shall be lawful for the common council or other governing body of the said city, in the name of said city, to issue its bonds in any sum not exceeding in the aggregate one hundred thousand dollars, to be designated "city improvement bonds," which bonds shall run for any period not exceeding twenty years, and bear interest at any rate not exceeding six per centum per annum, payable semi-annually, and may be sold and disposed of by the said city at any sum not less than par, the proceeds of which shall be devoted exclusively to the payment of the costs and expenses of such improvements, and it shall be lawful for the said city, in anticipation of the issue of such bonds, to issue temporary improvement certificates for a like amount, to run at a rate not greater than six per centum, which temporary certificates shall be paid out of the proceeds of the sale of the bonds hereby authorized to be issued; and all benefits assessed for improvements made under the authority of this act shall be devoted exclusively to the payment of the interest and principal due upon the bonds hereby authorized to be issued, and shall be paid to the commissioners of the sinking fund of such city for that purpose, where sinking fund commissioners exist in any such city, and where no such commissioners exist, shall be held by the treasurer of said city for this purpose, and may be invested from time to time as the common council or other governing body may direct; and it shall be the duty of the said common council or other governing body to provide by taxation, in the annual tax levy of such city, such sum as will be sufficient to create a fund to pay the interest of the said bonds so authorized to be issued as it falls due, and the principal of the said bonds when they shall mature; and every such city shall have authority to levy and collect taxes for this purpose.

Authorized to issue bonds.

Amount.

May issue improvement certificates.

Benefits assessed to be devoted to payment of bonds, &c.

Fund for payment of interest and principal, how created.

3. *And be it enacted*, That the word "cities," as used in this act and the act of which this act is amendatory and the supplements thereto, shall be deemed, taken, held and construed to apply to and include all incorpo-

The word "cities," how construed.

rated towns, municipalities and places in which the improvements and constructions, authorized by the said act or acts and supplements, are or may, by reason of the peculiar location and situation thereof, be necessary and proper.

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

Passed April 2, 1890.

CHAPTER CXIX.

An Act to authorize the establishment of free public libraries in the towns, townships or any other municipality of this state.

Free public library may be established.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any town, township or other municipality in this state be and it is hereby authorized in the manner hereinafter provided, to establish a free public library within its corporate limits.

Legal voters to assent to act.

2. *And be it enacted*, That the provisions of this act shall remain inoperative in any town, township or other municipality in this state until assented to by a majority of the legal voters thereof voting on this act, at any election at which the question of its adoption shall be submitted to vote by direction of the legislative body of such town, township or other municipality, either at the time fixed by law for the election of the municipal officers or at a special election to be held for that purpose, of the time and place of holding which election the clerk of the said town, township or other municipality shall cause public notice to be given by advertisement, signed by himself, and set up in at least five public places in said town, township or other municipality for at least five days previous to the day of such election, and published for the same

Notice of election to be given.

period in two newspapers circulating in said town, township or other municipality; the ballots used at such election shall be printed or written, or partly printed or written, and the same may be printed or written on the general ballots used at such election, on which may be either the words "for a free public library" or "against a free public library," and the election officers of the said town, township or other municipality shall return to the clerk of the town, township or other municipality a true and correct statement, in writing, under their hands, result of the said election.

3. *And be it enacted*, That if at such election aforesaid a majority of all the ballots cast shall be "for a free public library," it shall become the duty of the legislative body of said town, township or other municipality annually thereafter to appropriate and raise by tax in the same manner as other taxes are assessed, levied and collected in said town, township or other municipality, a sum equal to one-third of a mill on every dollar of assessable property returned by the assessor of said town, township or other municipality for the purposes of taxation therein, which sum, when so appropriated, shall be used for no other purpose than that of a free public library, and the treasurer or other disbursing officer of such town, township or other municipality shall upon a warrant signed by the president and clerk of the board of trustees as hereinafter provided for, pay all bills ordered by them to be paid.

4. *And be it enacted*, That a board of trustees of the free public library shall be immediately formed in any town, township or other municipality, when a majority of the votes cast shall be "for a free public library," consisting of five members, one of whom shall be the chairman of the legislative body of such town, township or other municipality, ex officio, and one the president of the board of education, and three to be appointed by the chairman of the town, township or other municipality from among the citizens of the said town, township or other municipality, by and with the consent of the legislative body thereof, to serve for the terms of one, two and three years respectively; and upon the expiration of the term of office of any trustee, the chairman of the town, township

or other municipality, by and with the consent of the legislative body, shall appoint to the vacancy for a term of five years, and if any vacancies occur they shall be filled as aforesaid, but for the unexpired term only.

Body corporate
and name.

Organization of
trustees.

Certificate to be
filed and re-
corded.

Powers of
trustees.

Expenses not to
exceed appro-
priation.

5. *And be it enacted*, That the board of trustees shall be a body corporate under the name of the trustees of the free public library of the town, township or other municipality, naming the town, township or other municipality wherein said library shall be established, with corporate powers of succession, to sue and be sued and to adopt a corporate seal; such board shall meet at some convenient time and place in such town, township or other municipality within ten days from the time of their appointment; they shall immediately proceed to organize by the election of one of their members to be the president, and one to be the clerk of the board; they shall also make and execute under their hands and seals a certificate setting forth their appointment, their organization and the names of the officer-elect and appointed, which certificate shall be acknowledged in the same manner that conveyances of real estate are required to be acknowledged and recorded in the clerk's office of the county in which such city is located; they shall also cause a certified copy of such certificate to be filed in the office of the secretary of state, but shall not be required to pay any fee for such recording and filing; the said certificate or copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places of the incorporation of said board; it shall hold in trust and manage all the property of said library, it shall have power to rent rooms, or when proper to construct buildings for the use of said library, to purchase books, pamphlets, documents, papers and other reading matter, to hire librarians and other necessary servants and to fix their salaries, to make proper rules and regulations for the government of said library, and generally to do all things necessary and proper for the establishment and maintenance of the free public library in such town, township or other municipality.

6. *And be it enacted*, That the said board of trustees shall receive no compensation for their services, and shall never incur any expense or enter into any obligations in

excess of the annual appropriation for library purposes and of its funds on hand.

7. *And be it enacted*, That the said board of trustees shall annually make a report of their transactions, accounts and the state and condition of said library to the legislative body of such town, township or other municipality. Trustees to make annual report.

8. *And be it enacted*, That the said board of trustees may have and receive, hold and manage any devise, bequest or donation heretofore made or hereafter to be made and given for the establishment, increase or maintenance of a free public library within such town, township or other municipality. Trustees authorized to receive, hold and manage devises, bequests, &c.

9. *And be it enacted*, That this act shall not affect any of the cities in this state. Act not to apply to cities.

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

Approved April 2, 1890.

CHAPTER CXX.

A Supplement to an act entitled "An act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an act entitled 'An act to regulate the sale of intoxicating and brewed liquors,' passed March seventh, one thousand eight hundred and eighty-eight," approved March twentieth, one thousand eight hundred and eighty-nine.

WHEREAS, Clerks of the courts of common pleas in certain counties in this state have paid, under a misapprehension or misconstruction of the provisions of an act entitled "An act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an act entitled 'An act to regulate the sale of intoxicating and

Preamble.

brewed liquors,' passed March seventh, one thousand eight hundred and eighty-eight," approved March twentieth, one thousand eight hundred and eighty-nine, to the treasurer or other officer or officers of certain incorporated towns, villages, boroughs and incorporated municipalities governed by commissioners or trustees, and existing within the limits of any township in this state, certain fees received from licenses for the sale of spirituous, vinous, malt and brewed liquors, heretofore granted under the provisions of said act of March twentieth, one thousand eight hundred and eighty-nine; now, therefore,

Payments made
legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such payments be and the same are hereby legalized; and said fees shall be treated the same as if lawfully paid and held by the said treasurer or other officer or officers.

Approved April 2, 1890.

CHAPTER CXXI.

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.

Trustees authorized to provide text books, &c., for free use of pupils.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of all public schools within this state are hereby authorized to provide such text books and other school supplies as shall, pursuant to existing law, be approved by the county superintendent and such boards of trustees, and supply the same free to the use of the pupils in said schools; *provided*, that when any pupil shall lose, deface or destroy any book supplied to such pupil under the provisions of this

act, the parents or guardians of such pupil shall replace such book so lost, defaced or destroyed, or shall be liable for damages to the amount of the cost of such book, on the complaint of the teacher, and collected by the district clerk, by an action in debt therefor, in any court having jurisdiction, in his name as district clerk, together with the costs of said action.

2. *And be it enacted*, That the payment of the cost of such text books and other school supplies shall be provided by special district tax in the same manner as other special school taxes are assessed and collected; *provided*, ^{Costs, &c. how provided for.} *however*, ^{Proviso.} that if any district now has, or hereafter shall have, to its credit, surplus funds which shall have accrued otherwise than from appropriations made by the state, and available, wholly or in part, to defray said cost, then and in that case the trustees of such district may, with the written consent of the county superintendent, use such surplus for such payment.

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

Approved April 7, 1890.

CHAPTER CXXII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the justice of the supreme court to whom a judicial district has been or may be assigned, and which judicial district comprises counties of the first class, is authorized to appoint in their respect- ^{Appointment of sergeant-at-arms and crier of courts.}

ive judicial district a suitable person as sergeant at-arms, and also a suitable person as crier of the circuit court of said judicial district, to hold office during the pleasure of said justice, whose duties it shall be to attend daily upon the said courts in the county wherein appointed, during the several terms thereof, for which services said sergeant-at-arms and said crier, in all counties of the first class having a population within their territorial limits exceeding one hundred and fifty thousand inhabitants, shall each receive and be paid an annual compensation or salary of nine hundred dollars in lieu of any per diem compensation, such annual compensation or salary to be paid monthly by the county collector upon the certificate of the county clerk of such county.

Salary or compensation.

Repealer.

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 April 7, 1890.

CHAPTER CXXIII.

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

Court authorized to appoint guardian.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person or persons have been adjudged insane, or may hereafter be adjudged insane, by a judge of the court of common pleas, as now provided by law, and have been or may hereafter be, on the certificate of such judge or judges, committed to or confined in any lunatic asylum in this state, at the expense of any county therein, and it shall appear that such person or persons are seized or possessed

of any property, real or personal, or entitled to any interest therein, it shall be lawful for the orphans' court of the county at whose expense the lunatic or lunatics are maintained to appoint some fit and discreet person or persons as guardian or guardians of such lunatic or lunatics, in the manner as provided in the first section of the aforesaid act, without its being necessary to have the idiocy or lunacy determined by an inquest on a commission to be issued out of the court of chancery and a certified copy of the proceedings thereof filed and recorded in the office of the surrogate, as is now required by said act; *provided*, Proviso. the estate of which said lunatic or lunatics are so seized, possessed or entitled to shall not exceed the sum of one thousand dollars, to be determined by said orphans' court.

2. *And be it enacted*, That the provisions of the aforesaid act and the supplements thereto shall be applicable Provisions of act applicable to guardians. to any guardian or guardians after the appointment is made by any orphans' court as above prescribed, in the same manner as is now applicable to any guardian or guardians appointed under the provisions of the aforesaid act

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

Approved April 7, 1890.

CHAPTER CXXIV.

A Further Supplement to an act entitled "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," approved May sixteenth, one thousand eight hundred and eighty-nine.

Designation of newspaper to publish laws.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case there are any newspapers published in this state devoted to the exclusive interests of any particular fraternal organization or society having an aggregate membership of not less than twelve thousand in this state, the governor, comptroller and secretary of state, or a majority of them, shall select and designate at least one, and not more than two, such fraternal or society newspapers to publish the laws of this state; *provided, however*, that the newspapers so to be selected and designated shall have been published continuously for at least three years prior to such selection and designation.

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

Approved April 7, 1890.

CHAPTER CXXV.

A Further Supplement to an act entitled "An act respecting executions" [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 twenty-four of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

24. *And be it enacted*, That the judgment creditor, ^{Proceedings to obtain order.} before he shall be granted such order, shall present to said judge a petition, verified by the oath of such creditor, his agent or attorney, in which he shall state the amount due on said execution, the return made thereon by the officer to whom it was issued, and his belief that said judgment debtor hath property or money, or things in action due to him, or held in trust for him, where the trust has been created by or the fund held in trust has proceeded from himself over and above such property as is or may be reserved by law, to an amount exceeding fifty dollars, on presentation whereof said order shall be made; and the said judge shall further, on allegation in said petition, or in one supplementary thereto, and proof by the oath of the party, or any other person, of facts and circumstances, showing that any person owes the said debtor otherwise than for his labor or personal services, or the labor or personal services of any member or members of his family, or holds money or property in possession or action in trust for him, or for his use as aforesaid, ^{Injunction.} make order forbidding the payment of such debt, or the transfer of said property or money by or to the said debtor, or any third person, until further order to be by him made; affidavits verifying said petitions, may be taken before any officer authorized by law to administer oaths; and if any person, in any affidavit or examination

False swearing
perjury.

taken under this act, shall wilfully and corruptly swear falsely, he shall be deemed guilty of perjury.

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

Approved April 7, 1890.

CHAPTER CXXVI.

An Act to validate sales and conveyances heretofore made by administrators or executors for the payment of debts.

Sales and co-
veyances vali-
dated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made by any executor or administrator, by virtue of an order of the orphans' court for the sale of lands for payment of debts of a decedent, shall be invalidated by reason of the omission of the order of sale to recite the amount of the deficiency necessary to be made; but every sale heretofore made by virtue of an order of the orphans' court, for payment of debts, shall be deemed valid and effectual notwithstanding such omission; and every conveyance made in pursuance thereof shall be deemed and taken to convey the same title and estate that would have been conveyed if the order of sale had recited the amount of the deficiency; *provided*, the said sale shall have been confirmed by the court making the order.

Proviso.

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

Approved April 7, 1890.

CHAPTER CXXVII.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-four of said act as amended by the act of April fourth, one thousand eight hundred and eighty-nine, be further amended so as to read as follows:

24. *And be it enacted*, That he shall examine and license teachers, fix the boundaries of school districts, divide or unite any district or districts, whether organized and incorporated under general or special laws, form new districts; *provided*, that any district organized under a special act of the legislature shall not be divided while there are outstanding any bonds or other obligations for the payment of money issued by such district under the provisions of its special act of incorporation, provide for graded schools, and discharge other duties of general supervision and superintendence over the public schools of the county in accordance with the regulations prescribed from time to time by the state board of education; that each incorporated city or town shall hereafter constitute but one school district for all school purposes, and such consolidated district shall hold all the property and be liable for all the lawful debts of the district so consolidated; *provided*, that when any county superintendent shall neglect or refuse to form a new school district, or change the boundaries of any existing school district, when petitioned in writing so to do, appeal may be made to the state superintendent of public instruction, who shall have the power to form such new school district or to change the boundaries as aforesaid, if, in his judgment, such new district or change in boundaries is necessary.

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

Approved April 7, 1890.

CHAPTER CXXVIII.

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.

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

Docketing of judgments.

Statement, what to contain.

Proviso.

70. *And be it enacted*, That any time hereafter in docketing any judgment from a court for the trial of small causes, 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 who held the said small cause court under his hand and seal, which statement shall only be required to contain the name of the justice of the peace before whom said judgment was obtained, the names of the parties, the amount and date of judgment, and the date of issue and return of execution, if any; it shall not be necessary before obtaining from the justice of the peace the statement for docketing, that execution on the judgment shall issue out of and be returned unsatisfied into the court where judgment was rendered; said statement may be made and taken at any time after judgment in the court for 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*, 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 part; and the fee of the clerk of the court of common pleas for filing said statement shall be one dollar, and the justice of the peace, for issuing statement, shall be fifty cents.

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

Approved April 7, 1890.

CHAPTER CXXIX.

A Supplement to an act entitled "An act to incorporate fire districts heretofore established or which may hereafter be established in townships under the provisions of the act entitled 'An act to provide means for protection against fires in townships,' approved March tenth, one thousand eight hundred and seventy nine," which said act to incorporate was approved February twenty-third, one thousand eight hundred and eighty-five.

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

3. *And be it enacted*, That the said board of directors or fire commissioners shall certify the amount of money voted at the annual district meeting to the assessor of the township in which said district is situate, which said assessor shall assess said money on the inhabitants of said district and their estates and taxable property therein in the same manner as township taxes are assessed, and said money shall be assessed, levied and collected at the time and in the manner that other township taxes are assessed,

Assessor to
assess amount
money certified
by fire comm's-
sioners.

Collector to pay
over moneys
collected.

Fees of assessor
and collector.

levied and collected; and it shall be the duty of the collector of the township in which said district is situate to pay over all moneys by him received which shall have been assessed by virtue of such vote to the said board of directors or fire commissioners, to be held and expended by them for the purpose of providing and maintaining means for extinguishing fires in such district; and that the assessor and collector of the said township shall be entitled to receive the same fees for assessing, levying and collecting said money as are now allowed by law for assessing, levying and collecting district school taxes.

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

Approved April 7, 1890.

CHAPTER CXXX.

An Act to authorize incorporated townships to fund obligations incurred for public improvements.

Authorized to
issue bonds to
fund obligations
for improve-
ments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for the board of township committee or other governing body of any incorporated township in this state, for the purpose of meeting any obligation or obligations that may be contracted in the prosecution of any public improvement authorized by law in such township and the costs, damages and expenses of which are assessable in whole or in part upon the lands specially benefited thereby, to issue either the registered or coupon bonds of such township, to be styled "Township of _____ improvement bonds," to such an amount as such board or governing body shall by ordinance determine, not, however, to exceed in the aggregate the whole cost of such improvement; such bonds shall be sealed with the corporate seal of such township, signed by the chairman

of said board of township committee or other governing body, and countersigned and registered by the clerk thereof, and made payable in not less than one nor more than ten years from the date thereof, and shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually.

2. *And be it enacted*, That any bonds issued under the provisions of this act shall be negotiated or sold at public or private sale at not less than the par or face value thereof, and the proceeds of such negotiations and sales promptly appropriated and applied to the payment and liquidation of the obligations incurred for any public improvement for which such bonds are issued, and to no other purpose whatever.

3. *And be it enacted*, That all moneys collected and received as principal and interest for and on account of assessments for any public improvement for which such bonds are issued, are hereby pledged and appropriated for the payment of the principal and interest of the bonds hereby authorized to be issued; and all sums of money or balance over and above the amount necessary to pay the principal and interest of said bonds at maturity, as aforesaid, or that cannot be vested in the purchase of said bonds at par before maturity, shall be safely invested in some readily convertible securities and applied to the payment of said bonds when the same shall become due and payable.

4. *And be it enacted*, That it shall be the duty of the board of township committee or other governing body of said township, and such board of township committee or other governing body of said township is hereby authorized and empowered, by resolution, to fix and determine annually, on or before the second Tuesday in May in each year, how much money is necessary to be raised by taxation to pay the interest on such bonds and the principal of such bonds as fall due within one year from the time of adopting such resolution, and to order such sum to be assessed and collected for the purpose aforesaid, a copy of which resolution shall be served by the township clerk on the township assessor of such township, and thereupon the sum so ordered to be raised shall be assessed upon all the ratable and taxable property in

Bonds, when payable and interest.

Bonds to be sold at face value and proceeds how applied.

Moneys collected on account of assessments, how appropriated.

Township committee to fix and determine annually amount of money necessary to be raised.

Amount to be assessed, &c.

such township, and collected in the same manner and at the same time that other township taxes are assessed and collected; and the money so raised shall be applied to the payment of such principal and interest falling due on said bonds, and to no other purpose.

Repealer.

5. *And be it enacted*, That all acts and parts of acts, 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 April 7, 1890.

CHAPTER CXXXI.

An Act to provide for drainage and sewerage in cities of this state.

Cities may provide a system of sewerage and drainage and construct sewers and drains.

Proviso.

Proviso.

Surveys, plans, &c., to be made.

May cause by ordinance sewers or drains or a system to be constructed.

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 to provide for and cause to be constructed sewers and drains, or a system of sewerage and drainage, or either or any of them, in the manner herein provided; *provided*, that the owners of at least three-fifths in value of the real estate in said city, as shown by the assessors' books, shall petition its common council so to do; *and provided further*, that after one such petition shall have been presented no further petition shall be necessary to enable such city or its common council to make any improvement or improvements under this act.

2. *And be it enacted*, That the common council of such city may, if they think it expedient, from time to time cause to be made by competent engineers and mechanics surveys, plans and estimates of any work which may be contemplated under the powers given by this act.

3. *And be it enacted*, That it shall be lawful for such common council, by ordinance, whenever in their opinion the public good requires it, to order and cause sewers or

drains, or a system of sewers or drains, to be constructed in any part of said city under the provisions of this act, and, if necessary, to acquire by purchase and to take and appropriate any lands and real estate that may be needed for that purpose upon making compensation to the owner or owners thereof, as is hereinafter provided; the ordinance shall specify with particularity the streets to be sewerred or drained.

Ordinance to specify the streets.

4. *And be it enacted*, That in case the said common council shall deem it advisable, in order to the efficient sewage or drainage of such city, to construct a sewer or sewers to tide or other water, and for this purpose to pass through territory situate within the bounds of any township or municipality, it shall be lawful for such common council to construct such sewer or sewers, and to take, appropriate or use for this purpose, so far as necessary, any lands and real estate, whether within or without the lines of any public street or highway in such township or municipality, making compensation, if necessary, to any owner of lands so taken, appropriated or used; in case such sewer or drain be laid through or across any public street or highway in such township or municipality, or be cleansed, repaired or replaced therein, it shall be done under such reasonable regulations, if any, as may be imposed by such township or municipality with respect to like work done therein by itself, and such street or highway shall be, as far as possible, restored to its original condition at the proper costs of the city for whose benefit the work is done.

Common council authorized to construct sewer to tide or other water.

May take and appropriate lands.

5. *And be it enacted*, That in case the common council of such city shall deem it expedient to contract with the authorities of any other city or cities, or of any township or townships, to construct sewers or drains at their joint cost, within or without the territorial limits of the contracting parties, in such manner as may be agreed upon, or to contract for the privilege of connecting its sewers and drains with those of such other city or cities, township or townships, constructed or to be constructed, it shall be lawful for the common council or the township committee of the corporations concerned to enter into contract, in writing, for that purpose, upon such terms

May contract with authorities of other municipalities for construction of sewers or drains.

and for such consideration and length of time as may be mutually agreed upon.

Additional
lands, how ac-
quired.

6. *And be it enacted*, That in addition to the land that it may be necessary to take for the purpose of laying drains and sewers, it shall be lawful for the common council to acquire by purchase or condemnation, in the manner herein mentioned, any other land, either within said city or beyond its limits, that may be needed for sewerage purposes.

May purchase
lands and erect
buildings to de-
odorize and dis-
pose of sewage
matter.

7. *And be it enacted*, That in case the common council shall deem it expedient to collect the sewage of any city, or of any part thereof, from any sewer or sewers constructed under this act or any other act of the legislature of this state, and to deodorize, utilize, consume or dispose of the same by sale or otherwise, wholly or in part, it shall be lawful for said common council to purchase lands in the corporate name of the city and to erect all necessary buildings, works and machinery thereon, and to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners as hereinafter provided.

When acts and
proceedings may
be had by reso-
lution.

8. *And be it enacted*, That whenever any ordinance shall be passed by the common council directing the construction of any improvement under the provisions of this act, all further acts and proceedings which it may be necessary to take in order to complete said improvement, and all orders relating thereto, may be by resolution and not by ordinance.

Ordinances not
to be acted on
until notice of
intention is pub-
lished.

9. *And be it enacted*, That no ordinance for the making of such improvement shall be acted upon by the common council until public notice shall be given in a newspaper published or circulating in said city of the intention of the common council to cause such improvement to be made, and to that end it shall be the duty of the city clerk, by direction of said council, to give such notice; the notice shall briefly describe the improvement and request such persons as may object thereto to present their objections in writing, at the city clerk's office, at or before the expiration of ten days from the date of the notice, or to the common council at its first meeting held after the expiration of said ten days; and said council

may, at such meeting or afterwards, proceed to consider and pass such ordinance notwithstanding any objection.

10. *And be it enacted*, That after the passage of such ordinance it shall be the duty of the common council to appoint, by ballot, from amongst themselves a committee to be called "the committee on sewers," which shall have charge of the work under the supervision of said council, and which shall in all things proceed as the council may by ordinance or resolution ordain; such committee shall from amongst themselves elect a chairman, who shall approve in writing all bills or vouchers involving the disbursement of money, before the same is paid; and each member of such committee shall be entitled to one dollar a day for every day's actual service as a member of such committee, of which service he shall make affidavit before he shall be entitled to be paid; all work, before it is accepted, must be approved by the engineer in charge of the work and by said committee; such committee shall continue in office for one year and until their successors be appointed, the members thereof continuing to be members of said council, but if they cease to be such members then their place shall be supplied by said council, vacancies, however caused, shall be filled by said council, and all improvements made under this act shall be referred to said committee by resolution.

11. *And be it enacted*, That whenever the common council shall determine by ordinance to construct any sewer or sewers, drain or drains, or any sewage receptacle or pumping station, or other structure or work for treating and disposing of water or sewage, and shall deem it necessary to take and appropriate for any such purpose any lands and real estate, either within said city or beyond its limits, they are hereby authorized to treat with the owner or owners thereof for the same; and they may purchase said lands and real estate from the owners of the same, and make such compensation therefor as they may deem reasonable, and they shall receive from such owner or owners a conveyance of such lands and real estate to said city.

12. *And be it enacted*, That in case no agreement for the purchase of the lands and real estate, which it may be necessary to take for the purposes aforesaid, can be made

Appointment of
committee on
sewers.

Organization
and compensa-
tion of commit-
tee.

Vacancies, how
filled

Authorized to
purchase lands
&c.

Proceedings in
case no agree-
ment with own-
ers can be made.

Appointment of
commissioners.

between said common council and the owner or owners thereof, or when by the absence or legal or other incapacity of such owner or owners no such agreement can be made, or when the owner is unknown, the circuit court of the county in which said city is situated shall, on application in writing, made on behalf of said city, and after notice of the time and place of making such application, published at least ten days previous thereto in some newspaper circulating in said city and county, appoint three disinterested commissioners to make an estimate and assessment of damages as hereinafter mentioned; such estimate and assessment may embrace the lands and real estate of all owners with whom no agreement can be made; in case of the death, resignation, refusal to serve or disability of any commissioner so appointed, the vacancy shall be filled by said court as soon as may be; the said commissioners, after having taken the oath required by section nineteen hereof, shall give notice, either by advertisement in some newspaper circulating as aforesaid or by mailing the same to the last known post office address of such owner, of the time and place of their first meeting at least ten days prior thereto, and said commissioners, when met, or a majority of them, shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view the premises, and to adjourn from time to time; and they, or a majority of them, shall make a just and true estimate and assessment of the damages that any such owner or owners will sustain by taking and appropriating, in manner aforesaid, such lands and real estate; and in estimating and assessing such damages, the commissioners shall have regard to the value of the lands and real estate taken and to the injury to the remaining land.

Assessment of
damages, &c., to
be made.

Commissioners
to make report.

13. *And be it enacted*, That said commissioners shall make a report of their estimate and assessment to said circuit court, and upon the coming in of such report signed by said commissioners, or any two of them, the said court shall cause such notice to be given, by advertisement or otherwise, as it shall direct, of the time and place of hearing any objection that may be made to such assessment, and after hearing any matter which may be alleged against the same, it shall by rule or order either

confirm the said report or refer the same to the same commissioners for revision or correction, or to new commissioners to be appointed by it, or it may itself, upon a hearing had before it, modify or alter such report and any award of damages made therein in such manner as to it may seem just; and the said commissioners to whom the said report may be so referred, shall return the same corrected and revised, or make a new report, and the same on being so returned shall be confirmed or again referred, or may be modified or altered by said court as aforesaid, and so from time to time, until a report shall be made or returned, which the said court shall, with or without alteration, confirm; and such report when so confirmed shall be final and conclusive as well upon the said city as upon the owner of any land affected thereby, except as herein provided, and the said court shall cause a certified copy of said report to be transmitted to the city clerk with a certified copy of the rule of said court confirming the same.

14. *And be it enacted*, That said report or a certified copy thereof shall be plenary evidence of the right of said city and its agents to enter upon, take and use the said land and real estate, with the appurtenances, the said common council first tendering to the owner or owners thereof, if resident in the county in which said city may lie, the amount so awarded; and if any owner be not a resident of said county, or upon due inquiry cannot be found therein, or is unknown, or is a lunatic, or idiot, or under age, or is for any other cause incapacitated to receive the amount awarded, or will not receive the same and sign a proper receipt therefor when tendered, or in case a dispute arise (of which the common council shall be duly notified), as to the persons entitled to receive the money, or as to the proportions in which they shall be so entitled to receive it, then affidavit shall be made of the facts and filed in the office of the county clerk, and the amount awarded to any such owner shall be deposited in said circuit court before said city shall have the right to take and use the said lands and real estate; in case of such dispute as aforesaid, the matter may be determined by said circuit court in such mode, summary or other-

Court may modify or alter report.

Upon confirmation report to be final and conclusive.

Right to take lands upon payment of award.

When award to be paid into court.

wise, as it may deem proper, or in case of any want of jurisdiction in said circuit court, by the proper tribunal.

Persons ag-
grieved by
assessment of
damages may
appeal to
supreme court.

15. *And be it enacted*, That any person aggrieved by any assessment of damages may appeal to the supreme court of this state at any time within sixty days after the confirmation of the commissioners' report by the circuit court, and said supreme court shall thereupon order a trial by jury to assess such damages anew, and the trial shall be conducted as in other cases of trial by jury and set aside or reviewed in like manner; *provided*, that the completion of said improvement shall not be delayed thereby, and the common council may proceed therewith as though said appeal had not been taken.

Amount of costs,
damages and ex-
penses to be
ascertained.

16. *And be it enacted*, That immediately upon the completion of the work, or of a definite part thereof, the common council shall, by resolution, ascertain the whole amount of the costs, damages and expenses of making and constructing drains and sewers, or a system of sewerage or drainage, or any part of such system, so far as completed; and they shall, without delay, apply to the circuit court for the appointment of three disinterested commissioners to make a just and equitable assessment thereof upon all the owners of lands and real estate fronting on the improvements which are peculiarly benefited thereby, in proportion as nearly as may be to the advantage each shall be deemed to acquire; the said application shall be on the same notice as is prescribed in section twelve hereof for the appointment of commissioners to assess damages, and the court shall have the same power with respect to their appointment and to the filling of vacancies as is conferred by that section; that said commissioners shall give the notice which commissioners to assess damages are required to give by that section, and they shall have the same powers to examine witnesses and to view the premises as is thereby conferred.

May apply to
court for ap-
pointment of
commissioners.

Court may ap-
point.

Commissioners
to give notice.

Commissioners
to take oath and
make assessment
of costs, dam-
ages, &c., on
owners of lands
benefited.

17. *And be it enacted*, That said commissioners, after having taken the oath mentioned in section nineteen hereof, shall at once proceed to perform the duties hereby conferred upon them, and they shall, within sixty days, unless the court shall, before or after its expiration, extend the time, make a just and equitable assessment of the costs, damages and expenses, ascertained by said com-

mon council as aforesaid, upon the owners of lands and real estate fronting on the improvements which are peculiarly benefited thereby in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; in case the said costs, damages and expenses shall exceed the amount of said benefits, then the excess shall be assessed upon and paid by the city, and no benefits shall be assessed in respect of the cost of any improvement or work in so far as such improvement or work extends beyond the line of the whole property assessed, but the cost thereof shall be assessed upon and paid by the city.

Excess to be paid by city.

18. *And be it enacted*, That said commissioners shall make a report, in writing, of their assessment, signed by them or any two of them, to said circuit court, and the proceedings upon the coming in of such report shall be in all respects similar to those prescribed in section thirteen hereof; and the court shall have the same power to confirm, alter and refer such report as is given by that section, and shall proceed in all respects according to the provisions thereof, so far as the same are applicable; the report, when confirmed, shall be final and conclusive, both upon the city and upon the owner of any land affected thereby.

Commissioners to make report of assessment.

Court may alter, &c.

Confirmation of report final and conclusive.

19. *And be it enacted*, That the commissioners appointed to assess damages and those appointed to assess benefits, before they enter upon the execution of their duties, shall severally take and subscribe an oath or affirmation before the mayor of the city or any master in chancery to make the assessment fairly and impartially according to the best of their skill and judgment.

Commissioners to take oath.

20. *And be it enacted*, That the court shall settle and determine the compensation to be paid to said commissioners, and the costs and expenses of the application, report and proceedings, all of which shall be paid by said city.

Compensation of commissioners, how determined.

21. *And be it enacted*, That no mistake in naming or omitting to name the owner of lands or real estate in any report, map or proceeding, or in designating the quantity of his interest or the nature of his estate, or any misrecitals, shall in anywise invalidate any assessments or sales made under this act.

Mistakes, &c., not to invalidate any assessment or sale.

Assessment of damages, &c., authorized by this act may be referred to certain boards or commissioners of assessments.

Compensation.

To make report to council.

Report confirmed final and conclusive.

Persons aggrieved may appeal.

Authorized to issue bonds for payment of costs and expenses of sewers and drains for surface water.

22. *And be it enacted,* That in case there shall be in any city a "board of assessments" or "commissioners of assessments," appointed by the common council and entrusted with the duty of assessing damages and benefits generally in respect of such local improvements as may be authorized by the charter of such city, it shall be lawful for said council to refer all assessments of damages and benefits authorized by this act to such board or commissioners, who shall make said assessments in the manner and according to the principles prescribed by this act; such board or commissioners may be once sworn to make all assessments fairly and impartially according to the best of their skill and judgment, and if so sworn, need not be sworn again; they shall receive such compensation for their services under this act as shall be determined by the common council, and instead of reporting to the circuit court they shall make their report to the common council, which shall proceed to consider, review, alter, ratify and confirm the same at any meeting of which at least two weeks' previous notice, by advertisement, shall be given by the city clerk, or at any subsequent meeting; such notice shall be published at least twice in a newspaper published or circulating in said city, and shall briefly state the object of such meeting with reference to said assessment; and said council, in its discretion, shall have power to refer the matter to any committee of their own body before taking final action upon it; such report, when ratified or confirmed, shall be final and conclusive, both upon the city and upon the owner of any land affected thereby, except that any person aggrieved by an assessment of damages may appeal to the supreme court in the manner provided by section fifteen hereof; all the provisions of section fourteen hereof shall be applicable to the case of all references made under this section.

23. *And be it enacted,* That in case any city shall find it necessary to provide separate sewers or drains, or a separate system of sewers or drains, to carry off the surface water or the water flowing into or through any water course, it shall be lawful for the common council in its discretion to provide for the payment of the costs and expenses of such improvement by issuing the bonds of

the city in the manner provided by section thirty-eight hereof, without resorting to an assessment for benefits; such bonds shall be issued in accordance with the requirements of section thirty-nine hereof.

24. *And be it enacted*, That the assessment for benefits shall be a lien upon the lots or parcels of land respectively assessed from the date of the ratification or confirmation of the report thereof, and shall be immediately due and payable to the collector or receiver of taxes; and it shall be the duty of the common council to forthwith furnish such officer with a certified copy of such assessment, which he shall enter in a book to be kept in his office for that purpose, and thereupon he shall give notice for two weeks in a newspaper circulating in said city, to be inserted therein once at least in each week, that said report has been delivered to him, and requiring payment of the sums assessed within sixty days from and after the first publication of said notice, and in case said assessment shall remain unpaid at the expiration of sixty days from and after such first publication the said assessment shall draw interest thereon from that time at the rate of one per centum per month; and it shall be the duty of such officer to proceed forthwith in the collection of said assessment by a sale of the land in respect of which such assessment may have been made.

25. *And be it enacted*, That the said collector or receiver of taxes shall thereupon give a second notice, by advertisement in a newspaper printed or circulating in said city, that unless such assessment, with interest thereon as aforesaid and all costs and fees, shall be paid to him at his office within thirty days after the first publication of said second notice, he shall proceed, at a certain time and place therein specified, between the hours of one and five o'clock in the afternoon, to make sale in accordance with the provisions of this act of the said lands and real estate whereon said assessment shall have been imposed or may be a lien; that said second notice shall be published in a newspaper at least four weeks successively, at least once in each week, and shall contain a brief abstract of said assessment, showing the name of the owner or owners when known, a brief description of said lands and real estate, and the amount of unpaid assessments due there-

Assessments for benefits to be a lien.

Duties of collector or receiver of taxes.

Assessments to draw interest until paid.

Receiver of taxes to give notice of assessments if not paid to make sale, &c.

upon, and it shall be lawful to incorporate more than one assessment in said notice.

Collector or receiver of taxes to sell lands.
 Term of years.

26. *And be it enacted,* That at the time and place, and between the hours mentioned in said notice, the said collector or receiver of taxes shall proceed to sell at public auction the several parcels of land and real estate upon which the said assessment shall remain due and unpaid for the lowest term of years, but in no case exceeding fifty years, for which any person will take the same and pay the amount of such assessment, with the interest thereon as aforesaid, and all costs and fees, including the expense of advertisement and sale; that such payment shall be made by the purchaser before the close of the sale, and if not so made the said collector or receiver of taxes may resell the property or the city may have its action against the purchaser for the payment of the whole amount due, with interest thereon as aforesaid; that the sale may be adjourned from time to time, at the discretion of said collector or receiver of taxes, until all the said lands and real estate shall have been disposed of, and that such parcels as are not bid for when offered for sale or resale shall be struck off to the city for a term of fifty years.

Certificate of sale delivered to purchaser.
 What certificate to contain.
 Certificates to be recorded and assignable.

27. *And be it enacted,* That at or before the close of the sale the said collector or receiver of taxes shall make out under his hand and seal, and deliver to each purchaser, a certificate of the sale of each lot of land and real estate so purchased by him; that such certificate shall contain a short description of the property, and shall state the term of years and the sum for which it was sold, as well as the time when the right to redeem the same will expire; that such certificate shall also show the particular assessment under which the sale was made, and the amount assessed against the lot sold, with the interest, costs, fees and expenses; that such certificate shall be presumptive evidence of the facts therein stated, but any misrecital shall not vitiate it, and it shall be recorded in the office of the city clerk in a book to be kept for the purpose, and may be assigned, but no assignment shall have any effect until the same shall be recorded as aforesaid in the office of the city clerk, and no declaration of sale shall be executed or delivered to such purchaser or assignee, as hereinafter provided, until said certificate

shall have been canceled and filed with the city clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the common council.

28. *And be it enacted*, That the collector or receiver of taxes shall keep a full and accurate record in his office of all proceedings upon such sales, including a statement of all certificates granted and all redemptions of property sold by him, to which record all persons claiming to be interested shall have free access at all reasonable times.

Record of sales and certificates granted, &c., to be kept.

29. *And be it enacted*, That if the city becomes the purchaser of any lands and real estate at any such sale, the certificate of sale shall be assignable as aforesaid, and all the other provisions of this act in relation to the sale shall apply to the city the same as to any other purchaser.

City may assign certificates of sale.

30. *And be it enacted*, That no mortgagee or assignee of any mortgage, whose mortgage or deed of assignment, as the case may be, shall have been duly registered before any such sale for unpaid assessments, shall be divested of his rights in the property covered by such mortgage, unless six months' notice of such sale shall have been given to him in writing by the purchaser, or by any person claiming under him; that such notice shall be served personally upon the said mortgagee or assignee, if a resident of said county, or if he be not so resident, by being directed to him at his place of residence, as stated in the mortgage or deed of assignment, and by being deposited in the post office of said city, and that in the latter case said notice shall likewise be published for the space of eight weeks, at least once each week, in a newspaper circulating in said city, and that within one month after such service, or service and publication of said notice, it shall be the duty of the person serving, or causing the same to be served, to place in the office of said collector or receiver of taxes a copy of said notice, together with an affidavit of some person (who shall be certified by the officer taking the affidavit to be a credible person), as to the manner of service, or service and publication thereof.

Rights of mortgagees not divested unless notice was given.

Notice, how served and published.

31. *And be it enacted*, That the owner, mortgagee, occupant or any person having a legal or equitable interest in any lands and real estate sold as aforesaid, may redeem the same at any time within three years thereafter, by paying to the collector or receiver of taxes, for the use of

Owners, &c., may redeem lands within three years.

the purchaser, his legal representatives or assigns, the said purchase money, together with any assessment for taxes or other assessment which the said purchaser may have paid, and of the payment of which he may have filed a written notice in the office of the said collector or receiver, with interest at the rate of one per centum per month on such purchase money from the time of such sale, and on such payment or payments from the time of filing such notice or notices as aforesaid; and that the certificate of said collector or receiver of taxes, stating the receipt of such moneys and showing what property the same was intended to redeem, shall be evidence of such redemption; and that upon the receipt of such moneys by the said collector or receiver, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, on demand, and that all proceedings in relation to said sale shall then cease and determine; and that if the person so redeeming be a judgment creditor or a mortgagee, or the assignee of a judgment or mortgage, he shall have a lien on the lands and real estate so redeemed by him, by virtue of this act, for the amount so paid by him to effect such redemption, with lawful interest thereon, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment in the same manner; and that the said collector or receiver of taxes shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same, and the other to be filed in the office of the city clerk.

City to execute
declarations of
sale to pur-
chasers.

32. *And be it enacted*, That if any lands and real estate so sold shall not be redeemed as aforesaid, the city by its corporate name shall execute to the purchaser, or his legal representatives or assigns, a declaration of sale, signed by the mayor or other head officer of the city, and attested by the city clerk, containing a short description of the premises sold together with a brief statement of the facts of assessment, advertisement and sale, including the date of sale and the term for which said premises were sold; that said declaration shall be recorded in the office of the city clerk in books to be kept for that purpose, and until the same be so recorded, such lands and real estate may be redeemed, as hereinbefore provided, notwith-

standing the period of three years from the time of such sale may have expired; that such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had, according to the provisions of this act, and no misrecital shall vitiate it, and that such purchaser and his legal representatives or assigns shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use, against the owner or owners thereof, and all persons claiming under him, her or them, until the term shall be completed and ended for which the purchaser agreed to take the same, and at the expiration of said term shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, being liable, however, for any waste or injury done or committed by him, her or them, in the same manner as a tenant for a term of years.

Declaration to be recorded and evidence of sale, &c.

33. *And be it enacted*, That in addition to the recording of such certificates and declarations of sale, an assignment of such certificate as aforesaid, the city clerk shall also give certificates of search in relation thereto to any person or persons applying for the same, and he shall also cancel such certificates and such assignment thereof so recorded whenever the lands and real estate for which they were given shall be redeemed, upon the presentation and filing in his office of the said collector's or receiver's certificates of such redemption.

City clerk to give certificates of search.

To cancel certificates, assignments, &c.

34. *And be it enacted*, That besides the compensation which is now or may be hereafter allowed to the said collector or receiver of taxes, he shall be allowed such special compensation for special services as may be from time to time determined by the common council; and that he shall also be entitled to receive from each purchaser the sum of one dollar for every certificate or declaration of sale by him given; and that the city clerk shall also be entitled to receive from said purchaser the sum of one dollar for every certificate or declaration of sale and every assignment of such certificate to be recorded by him as aforesaid, and also the sum of one dollar for every search, (including the certificate thereof), made by him in the record of certificates and declaration of sales and assignments as

Collector or receiver of taxes may be allowed special compensation.

Fee for certificate or declaration of sale.

For search.

aforesaid; and that the said collector or receiver of taxes shall likewise collect, for the use of the city, the sum of one dollar from each purchaser at the time of the delivery of the said certificate of sale for the expenses of advertising and selling each and every lot or parcel of said lands and real estate by him purchased as aforesaid.

For advertising and sale of lots.

Common council authorized to borrow money to defray costs and expenses of improvements.

35. *And be it enacted*, That for the purpose of defraying the costs and expenses of improvements, in respect of which an assessment for benefits may be made, the common council may, if necessary, borrow money and secure the payment of the same by the notes and other temporary obligations of the city; these notes and obligations may be renewed from time to time until the work be done or the assessments for benefits confirmed; when so confirmed the common council shall provide for the costs and expenses of the improvements in manner hereinafter mentioned.

Notes and obligations may be renewed.

Moneys paid devoted to payment of obligations.

When council may borrow and issue obligations

May issue bonds

36. *And be it enacted*, That if a sum equal to or greater than the amount assessed for benefits has already been borrowed and its payment secured by the notes or other temporary obligations of the city, such notes and obligations, to an amount equal to the amount assessed for such benefits, may be renewed from time to time as far as necessary for a period of five years longer, and all moneys paid in on assessments during that period shall be exclusively devoted to the payment of and shall be used to pay said obligations as they mature; if the amount borrowed be less than the amount assessed, the common council may, if necessary, borrow and issue its temporary obligations for such additional sum as, with the amount already borrowed, will equal the amount assessed; and the indebtedness of the city, in whatever form it may exist, shall, to the amount of the assessment, be paid and discharged out of the moneys paid in on assessments, so far as they may be paid in during said period of five years; if, at the expiration of said period of five years, the said indebtedness, so equal in amount to the benefits assessed, be not paid in full, the common council, in order to provide for its payment, shall issue the bonds of the city for the amount remaining unpaid, which bonds may be registered or coupon bonds, payable in the manner hereinafter provided; and all assessments received by

said city, after said period of five years, shall go into its treasury and be used as the common council may direct.

37. *And be it enacted*, That to provide for the difference between the costs and expenses of the improvement, including all incidental expenses and the amount of the assessment, the common council shall, after the assessment has been confirmed, issue the bonds of the city, which may be registered or coupon bonds, payable in the manner hereinafter provided; these bonds shall be used (1) to discharge the notes or temporary obligations of the city issued as aforesaid, so far as they exceed in amount the assessment for benefits, (2) to satisfy and discharge whatever may remain due on the costs and expenses of the work.

Authorized to
issue bonds, &c.

Bonds, how
used.

38. *And be it enacted*, That in case there be no assessment for benefits, then the common council may issue the registered or coupon bonds of the city to an amount sufficient to defray the costs and expenses of the improvement, or of any contract entered into pursuant to the provisions of this act, payable in the manner next hereinafter provided.

May issue bonds
to an amount suffi-
cient to defray
costs and ex-
penses.

39. *And be it enacted*, That the common council shall cause the aforesaid bonds of the city (other than its temporary obligations) to be so issued that they shall become payable in successive years, and not more than forty years from their date; they shall mature in such manner that, of the whole number of bonds outstanding, an equal amount of them (in value), as nearly as practicable, shall become payable in each year after the year of the earliest issue; in thus arranging their maturity, regard may be had to the bonds already issued for completed improvements, and also to the bonds which will probably be required for improvements actually contemplated but not yet authorized.

Bonds issued
when payable.

40. *And be it enacted*, That in addition to the powers hereby conferred, the common council may, from time to time, if necessary, issue tax arrearage bonds to an amount not exceeding the amount of unpaid taxes levied on account of sewers and drains, payable not more than ten years from their date.

Authorized to
issue tax arrear-
age bonds.

41. *And be it enacted*, That the notes or other obligations of the city shall bear interest at a rate not exceed-

Rate of interest
on notes, &c.

Not to be sold less than par.	ing six per centum per annum ; they shall not be sold for less than their par or face value, and they shall not be issued to an amount exceeding at any time ten per centum of the valuation of the taxable property in said city as shown on its official books.
Limitation of amount.	
Notes and obligations signed by the mayor.	42. <i>And be it enacted,</i> That said notes and obligations shall be signed by the mayor or acting mayor, or other head officer of said city, and by the clerk or collector thereof, as may be provided by the common council, and shall be issued under such regulations and restrictions as the common council may make.
Interest raised by tax.	43. <i>And be it enacted,</i> That the common council shall raise by tax in each year, as other moneys are raised in said city, such sum or money as may be necessary to pay the interest on the notes and other obligations of the city, issued as aforesaid, including, when necessary, interest on such of its obligations as may be payable out of the proceeds of assessments and also the principal of such bonds, except obligations payable out of assessments and temporary obligations issued as aforesaid, as may mature during the ensuing fiscal year.
Money raised by tax may be used to pay costs and expenses.	44. <i>And be it enacted,</i> That said common council may also, in lieu of issuing bonds of the city, pay the costs and expenses of any improvements or any annual or other sum due under any contract authorized by this act with money to be raised by taxation, after the work has been determined upon by ordinance, or the contract has been made, as other moneys are raised in said city ; <i>provided,</i> that the sum so raised shall not in any one year exceed twenty-five thousand dollars.
Proviso.	
Work and materials exceeding certain amount, proposals to be received.	45. <i>And be it enacted,</i> That whenever any work to be performed or materials to be furnished may involve an expenditure of any sum of money exceeding five hundred dollars, the common council shall designate a time when they will meet at their usual place of meeting to receive proposals, in writing, for doing the work or furnishing the material ; and such council shall order the city clerk
Common council to meet.	
Notice of work or material advertised.	to give notice, by advertisement inserted in one or more newspapers published or circulating in said city, at least two weeks before the time of such meeting, of the work to be done or materials to be furnished, of which, at the time of such order, they shall cause to be filed in his

office a particular specification; all such proposals shall be publicly opened in the presence of those who choose to attend; and not more than one proposal shall be received from any one person, directly or indirectly, for the same contract; and the said council may reject any and all of said proposals and direct said clerk to advertise for new ones and accept such as shall, in the opinion of a majority of the council, subject to the reservations herein mentioned, be deemed most advantageous for the city; and they shall reduce the contract to writing and require a bond for its faithful performance; but all contracts, when awarded, shall be awarded to the lowest bidder offering satisfactory security; this section shall not apply to any engineer or agent of the city engaged in supervising or directing the work.

46. *And be it enacted*, That it shall be the duty of the receiver or collector of said city, not more than one month and not less than one week prior to the charter election, to publish in two of the newspapers published therein, a statement showing the amount of temporary or other obligations issued under this act during the preceding twelve months, and the whole amount outstanding, what proportion of the indebtedness thereby created is represented by assessment, and what must be provided for by general tax; what work on what sewers or drains has been begun, prosecuted or completed, and what money has been expended on each sewer on construction account during the year.

47. *And be it enacted*, That no provision of any act which prohibits the pollution of any of the waters of this state used to supply any aqueduct or reservoir, or which are distributed for public use, is intended to be hereby repealed, and this act shall not be construed to authorize the discharge of sewage into fresh water in such manner as to defile a source of public water supply.

48. *And be it enacted*, That the word common council, as used in this act, shall be construed to conclude any board of aldermen or other municipal body having the power to pass ordinances or resolutions for the government of said city.

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

Approved April 7, 1890.

CHAPTER CXXXII.

An Act to amend an act entitled "An act to regulate the practice of courts 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 section one hundred and fifty-five of an act entitled "An act to regulate the practice of courts of law" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be amended so as to read as follows :

Written interrogatories may be served on opposite party.

155. *And be it enacted*, That after an action at law heretofore or hereafter commenced, is at issue, either party may serve upon the opposite party, whether such party be a natural person or body corporate, written interrogatories upon any matter material to the issue, and the same shall be answered in writing, under oath, and the answer served upon the party proposing the interrogatories in fifteen days after their service, and the answer shall be strictly responsive to the interrogatories proposed, and in the case of a body corporate, it shall be under the oath of such of the officers, agents or employees of the corporation as have personal knowledge of the facts or custody of the books, records or papers of said corporation, a discovery of which is sought; and the court may by an attachment for contempt, a suppression of the defense, a stay of the proceedings, or otherwise, compel an answer thereto, and such answer shall be evidence in the action if offered as such by the party proposing the interrogatories, but not otherwise; *provided, however*, that the court may, upon good cause shown and upon two days' notice to the other party, order any of said interrogatories to be stricken out or amended, or new ones to be added, or give further time for answering the same, or order the answer to be amended.

Proviso.

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

Approved April 7, 1890.

CHAPTER CXXXIII.

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 any assembly of merchants or other society of business men, associated together for lawful mutual aid and protection, may become incorporated under the act to which this is a supplement, and with the same powers as are in said act set forth and provided.

Merchants or societies of business men, how incorporated.

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

Approved April 7, 1890.

CHAPTER CXXXIV.

A Supplement to an act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, one thousand eight hundred and sixty-six.

Annual salary
of chaplain.

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 annual salary of the chaplain of the New Jersey home for disabled soldiers shall be one thousand dollars per annum, payable monthly, in the manner now provided by law, and that the amount thereof shall be in addition to the appropriation made for the said institution under existing laws.

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

Approved April 7, 1890.

CHAPTER CXXXV.

A Supplement to an act entitled "An act for the promotion of manual training," approved February fifteenth, one thousand eight hundred and eighty-eight.

When appropria-
tion may be
granted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the governor is satisfied that the board of education or board of school trustees of any school district in this state has heretofore mailed an application for the state appropriation under the provisions of the act to which this act is a

supplement, and that said application has been lost in transit, and has never reached the office of the state superintendent of public instruction, that said application may be renewed, and the state appropriation may be granted in the same manner as is provided for in the act to which this is a supplement, notwithstanding that the school year for which the application was first made has expired.

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

Approved April 7, 1890.

CHAPTER CXXXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any sewer is constructed through private lands, under the act to which this is a supplement or under any supplement of said act, and such sewer is built in and through a street or streets laid out and shown on maps of the city, but the same or the portion thereof through which the sewer is built on such private lands have not been laid out, used or dedicated as a public thoroughfare, that the commissioners appointed to estimate and assess the benefits shall make and include in such assessment the benefits conferred by the construction of such sewer on such private lands, which assessment, so far as it relates to such private lands, shall not, however, be a lien thereon, until said street or streets, or avenue through such private lands, or a part of

Commissioners
to assess bene-
fits for construc-
tion of sewers on
private lands.

such street or streets, or avenue, shall be opened or dedicated by, or used as a public thoroughfare with the consent of the owner or owners, or until the owner or owners of such private land connect the same, or a part thereof, with such sewer, or until such street or avenue, or part thereof, shall be opened by the authorities of the city according to law, and upon the happening of any or all of the above events, application may be made by the board of aldermen or common council of any city wherein such sewer has been constructed, to the circuit court of the county, of which application the owner or owners of such land shall have ten days' notice by publication in two newspapers printed and circulating in such city, and upon proof made then, or on some adjourned day, to the satisfaction of said court of any of the aforesaid facts, the judge of such court shall certify to the city clerk of such city that the matter has been heard by him, that he is satisfied of the facts, and that from and after the date of such certificate that the said assessments, so far as they relate to the land then in question, shall be and remain a lien on the said lands; and the city clerk shall make and certify to the officer charged with the collection of sewer assessments a copy of the said certificate, and from and thereafter the said assessments shall be payable, and unless paid within sixty days therefrom, interest, as on the other assessments, shall be charged and collected therewith.

Assessments a
lien on lands
assessed.

2. *And be it enacted*, That the assessments for benefits conferred, assessed under the act to which this is a supplement and all the supplements thereof, except that on private lands, and particularly provided for in the above section, shall be a lien on the lands assessed from the time the report thereof is confirmed by the court, and shall be due and payable therefrom, and that interest at the rate of seven per centum per annum shall be charged thereon and collected therewith from and after sixty days from the confirmation of the said report.

Interest.

Sewer may be
constructed not-
withstanding ob-
jection of
majority of own-
ers of lineal feet.

3. *And be it enacted*, That in case the persons owning or representing more than a majority of the lineal frontage along the line of the street or streets, or private lands, through which it is proposed to construct a sewer object to the construction of the same in the manner prescribed

in said act or supplements, the board of aldermen or common council of any city may, notwithstanding such objections, proceed and construct the said sewer under the act to which this is a supplement, or any supplement thereof, including this, and assess the benefits conferred as provided therein; *provided*, the said board of aldermen or common council deem it necessary so to do and the ordinance providing for the construction thereof is adopted by a three-fourths vote of said body. Proviso.

4. *And be it enacted*, That all acts so far as they conflict herewith be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved April 7, 1890.

CHAPTER CXXXVII.

An Act concerning the disbursement of school money for payment of teachers' salaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for the collector of any town or township school district or districts in counties of the third and fourth class, with the advice and consent of the county collector, to disburse and pay out for the salaries of teachers in the public schools any money received and collected by him for state school tax, pending settlement by him with the county collector of and for the amount due from the town or township to the county collector, and the amount due and coming through the hands of the county collector to the school district or districts as the apportionment of state school money, other than the state appropriation; *provided*, that the amount of such disbursement shall not exceed seventy-five per centum of the amount of said apportionment of state school money; and all such payments so made, on presentation of warrants Authorized to pay salaries of teachers from certain moneys. Proviso.

legally and regularly issued by the board of school trustees, shall be considered and credited as partial payments of the state school tax from the town or township to the county collector, and the warrants so paid shall be placed in his hands and retained by said county collector until final settlement be made by him with said township collector for the state school tax and state school apportionment for that current year, when the said warrants shall be returned, as part payment to the amount of their face value, of the apportionment of state school money due the town, township or school district or districts.

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 April 7, 1890.

CHAPTER CXXXVIII.

An Act to provide for the incorporation of boards of trade or chambers of commerce or associations for the development of the material interests of the commonwealth.

Boards of trade
may become
incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons not less than ten, residing in any city, town or village of this state, to form an association to be called a board of trade, chamber of commerce, or society for the purposes of this act of any other name, of the city, town or place where the majority of the members shall reside; *provided*, there shall be but one board or corporation of the same name in any city, town or place.

Proviso.

Objects.

2. *And be it enacted*, That the object of such board or association shall be for the encouragement of trade and commerce and development of the material interests of

the commonwealth, diffusion of information concerning trade, commerce and manufacture, or other kindred objects, and the promotion of general good order and government of the people.

3. *And be it enacted*, That such board or association shall be formed in the following manner: a certificate shall be made and signed by not less than ten persons, stating their respective residences, forming such board or association, which certificate shall set forth:

I. The name assumed to designate such board and to be used in its business and dealings;

II. The place where such board or association shall be located and the object for which it shall be formed;

III. Such certificate shall be proved or acknowledged by the parties signing the same and recorded in the office of the clerk of the county where the board shall be located, and filed in the office of the secretary of state.

4. *And be it enacted*, That upon such certificate being filed the said board or association shall be a corporation in fact and in law, and shall have power:

I. To have succession by its incorporated name such time as said board shall continue in existence;

II. To sue and be sued, complain and defend in any court of law and equity;

III. To make and use a common seal or alter the same at pleasure;

IV. To hold, purchase and convey such real and personal estate as the purposes of the corporation shall require, and to mortgage any real or personal estate, and to receive and hold real and personal estate which shall come by devise or bequest; *provided*, that the funds and property of said corporation shall be used for the purposes of its organization and for no other;

V. To make and change by-laws not inconsistent with the constitution or laws of this state, to fix the number and qualifications of its directors for the management of its business, and the regulation and the government of its affairs, which number of directors may be altered by vote of the corporation;

VI. To wind up and dissolve itself or to be wound up and dissolved as shall be determined by a vote of the majority of its members voting, after four weeks' notice,

served personally or published for two weeks in a newspaper, of such intended dissolution.

First board of directors.

5. *And be it enacted*, That the persons signing the certificate of organization shall constitute the first directors for the board or association.

Power of directors.

6. *And be it enacted*, That such directors may elect a chairman and secretary, and such directors shall be vested with such powers and shall perform such duties as the by-laws of the board, when fully organized, shall prescribe.

Directors to organize board.

7. *And be it enacted*, That the said directors shall proceed to organize the board or association of which they are directors by the addition of persons whose duties and privileges shall be prescribed by the by-laws of said corporation, by which all members, including the directors, shall be governed.

Times and places of meeting to be prescribed by by-laws.

8. *And be it enacted*, That the board or association shall meet at such times and places as shall be prescribed by its by-laws within the city, town or place in which it is organized.

Number of members unlimited.

9. *And be it enacted*, That the board or corporation may have any number of members, whose qualifications and duties shall be prescribed by the by-laws.

Election of directors.

10. *And be it enacted*, That the charter directors of the board or association to be formed shall hold their office until the first election prescribed by the by-laws of the association after incorporation, when a new set of directors may be elected, and thereafter directors shall be elected annually and shall hold office for one year or longer, as shall be regulated by the by-laws.

Who entitled to be directors.

11. *And be it enacted*, That no one shall be a director but a member of the board or association in good standing, and the officers of the directors may be different from the officers of the board or association.

Officers of boards organized.

12. *And be it enacted*, That a board or association organized under this act shall have a president, secretary and treasurer, and such other officers as the by-laws shall prescribe.

When powers of directors limited

13. *And be it enacted*, That the directors may advise with the board or association, but shall have no control over its action against the vote of the majority of the board or association at any meeting properly called.

14. *And be it enacted*, That the common seal adopted by the board or association to verify its acts shall be in the custody of the secretary and be fixed by the direction of the board or association. Custody of common seal.

15. *And be it enacted*, That any board of trade or chamber of commerce or other association for the promotion of the good of the commonwealth now organized, may be organized under this law by complying with its provisions. Associations now organized may become incorporated under this act.

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

Approved April 7, 1890.

CHAPTER CXXXIX.

A Supplement to an act entitled "An act respecting bridges and the causeways or other roads leading thereto," approved March twenty-second, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when and where any bridge that is or was a part of the system of any toll bridge which connected or connects the road, roads or causeways leading to and across the same, which has been acquired by or surrendered to any county through its board of chosen freeholders, under and by virtue of the provisions of the act to which this is a supplement, and which bridge has been accepted, managed and controlled by such board of freeholders, the road, roads or causeways leading thereto, and of which such bridge was a part of the system as aforesaid, and such road, roads or causeways having been acquired by or surrendered to any county in manner aforesaid, the same shall thereafter and hereafter be deemed and taken to be a free, public, county road, Roads deemed to be county roads.

To be maintained and kept in repair by chosen freeholders.

and as such shall be maintained and kept in good repair by the board of chosen freeholders of the county within which said road or turnpike is situated, and that the board of chosen freeholders of any such county as aforesaid is hereby directed and required to take prompt and efficient action immediately on the passage of this act, to provide for the proper maintenance and repair of such road or causeway, and the means therefor shall be raised and provided in the same manner as other county expenses; *provided, however,* that for the purpose of carrying out the provisions of this act, it shall be lawful for the board of chosen freeholders, and it is hereby so directed to use and utilize the labor of prisoners in the penitentiary of such county in the performance of work on such road and the preparation and conveyance of material therefor, so far and to such extent as may be practicable and expedient and due regard for the public welfare will permit or demand, and under such restrictions as to said prisoners while in and about the performance of said work as to said board shall seem prudent and expedient to properly guard said prisoners.

Proviso.

2. *And be it enacted,* That for the purpose of meeting any necessary expense which may be incurred under the provisions of this act, it shall and may be lawful for the board of chosen freeholders, and they are hereby so authorized, to raise by the issue of temporary loan bonds a sum of money not to exceed the sum of five thousand dollars, and provide for the payment of the same in the next tax levy or appropriations made by said board of chosen freeholders in and for such county.

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 April 7, 1890.

CHAPTER CXL.

An Act for the protection of shad and game fish in the river Delaware.

WHEREAS, Disputes have arisen, and may continue to arise, between Pennsylvania and New Jersey as to the means applied and the time set apart by each respective state for the catching of fish in the waters of the Delaware river, and as concurrent legislation between the states of Pennsylvania and New Jersey is believed to be the only means to remedy this and to protect the stocking of the Delaware as well as to protect the fishing industries of each state; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no person or persons shall cast, draw, fasten or otherwise make use of any seine, drift-net, fyke-net, or net or nets of any other description, or use any other appliances for the catching of fish except rod, hook and line in the Delaware river above Trenton falls; *provided*, that this section shall not extend to shad and herring fishing; *provided, also*, that the meshes of nets used for catching shad shall not be less than three inches in width, or one and one-half inches from knot to knot, above Trenton falls; *provided, also*, that it shall not be lawful to fish for shad or herring with nets, either shore, drift, gilling or dip-nets, or with any appliance whatever from June fifteenth to December thirty-first of any year, in the Delaware river above Trenton falls; any person or persons violating any of the provisions of this section shall forfeit or pay the sum of one hundred dollars with all costs of suit, together with the forfeiture of boats, nets and all appliances.

2. *And be it enacted*, That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke-net, or nets of any kind, or device made from cotton or flax twine, or wire netting, similar to a fyke-

net, for the purpose of catching fish in the Delaware river above Trenton falls at any time in any year; every person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, or both, at the discretion of the magistrate or court before which such offender or offenders shall be convicted, and the net or nets, devices or appliances used shall be destroyed by the officer making the arrest.

When unlawful to catch fish, &c.

3. *And be it enacted,* That it shall be unlawful for any person or persons to cast, draw, drift, anchor, set, stake or otherwise make use of any gilling-net, seine, shore-net, drift-net, eel-pots, or any kind of net for the purpose of catching fish in the Delaware river, from sunset on Saturday night until twelve o'clock on Sunday night of each and every week; and the person or persons so offending shall forfeit and pay the sum of one hundred dollars, together with the costs of suit for each and every offense.

Unlawful to use fish-baskets, &c., above Trenton falls.

4. *And be it enacted,* That it shall be unlawful for any person or persons to place, build, erect, fasten or use any fish-baskets, gill-nets, pound-nets, fyke-nets, eel-weirs, kiddles, brush or facine-nets, or any permanently set means for taking fish in the river Delaware above Trenton falls; nor shall any person at any time affix any nets, fish-baskets, fyke-nets, eel-racks, or any kind of appliances or set means of taking fish, to any wing-walls in the river Delaware above Trenton falls; nor shall any person or persons erect, build or place, or cause to be erected, built or placed, any wing-wall, or walls of stone or of any other substance or material, in the river Delaware above Trenton falls, for the purpose of affixing, adjusting, placing or setting thereto, or adjacent thereto, any of the above-mentioned illegal devices, contrivances or appliances for taking fish; any person violating the provisions of this law shall be fined fifty dollars for the first offense and be liable to imprisonment for one month in the county jail, or both, at the discretion of the magistrate before whom the offender is convicted, and any person or persons so offending a second time shall be

liable to a fine of one hundred dollars and imprisonment for three months in the county jail.

5. *And be it enacted*, That it shall not be lawful to catch or kill, by any means whatever, any rock bass or wall-eyed pike, otherwise called Susquehanna salmon (species recently introduced in the river Delaware), within two years from the passage of this act, under a penalty of ten dollars for every fish caught or had in possession.

Unlawful to catch rock bass within two years

Penalty.

6. *And be it enacted*, That no person shall, by any means or device whatsoever, catch or kill in the Delaware river any black bass, rock bass or wall-eyed pike, commonly known as Susquehanna salmon, between the first day of January and the thirtieth day of May in any year, nor shall catch or kill any of said species of fish at any other time during the year, save with rod, hook and line; any violation of this section shall subject the offender to a penalty of ten dollars for each fish so caught.

Unlawful to catch fish between certain dates.

Penalty.

7. *And be it enacted*, That no person shall catch or kill in the Delaware river any black bass or wall-eyed pike under six inches in length, or any rock bass under five inches in length, under a penalty of ten dollars for every fish so caught; but should any such fish be taken of less size than the above, or should any wall-eyed pike or rock bass of any size be taken within two years from the passage of this act, it shall be the duty of any one taking or capturing the same to return the fish immediately to the water from whence taken; any violation of this law shall subject the offender to a penalty of ten dollars for each and every fish so caught.

Unlawful to catch fish of certain size.

Penalty.

8. *And be it enacted*, That nothing in this act shall be construed as to prevent the catching of bait fish, other than game fish, by means of hand or cast nets for angling or scientific purposes, or the catching of game fish by order of any member of the state fish commission of any state having jurisdiction in the Delaware river for the purpose of stocking other waters; *provided*, that nothing in this act shall prevent the catching of suckers between the first day of March and the first day of May in each year.

Act, how construed.

Proviso.

9. *And be it enacted*, That any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this commonwealth,

Authority to destroy fish-baskets, devices, &c., and to make arrests.

is hereby authorized to destroy any fish-basket, eel-weir, fyke-net, pound-net, shore-net, drift-net, dip-net, wing-wall or wing-walls, or any illegal devices named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them; any person or persons interfering with any of the above officers in the discharge of their duties, or resisting arrest, shall pay a fine of one hundred dollars and be imprisoned three months in the county jail, or shall be subject to both penalties, at the discretion of the magistrate or court before which he or they shall be convicted.

Authority to
arrest persons
for violation of
act.

10. *And be it enacted*, That any fish commissioner, fish warden, deputy fish warden, sheriff, deputy sheriff, constable, policeman or special officer of this commonwealth is hereby authorized to apprehend, arrest and immediately take any person who may be guilty of the violation of any of the provisions or sections of this act before any justice of the peace, magistrate or any other legally constituted authority, and thereupon make charge of such violation of the law, or any of the provisions thereof; and the magistrate shall forthwith hear and determine the charge and render judgment accordingly, with the right of certiorari or appeal, as in all similar cases of arrest and conviction, and in case of any failure of any fish commissioner, warden or any other officer named above to prove his case to the county in which it is heard, shall pay the costs.

Fines imposed,
to whom paid.

11. *And be it enacted*, That the fines imposed under any section of this act shall be paid to the treasurer of the county in which the prosecution shall be made, and the said treasurers of the several counties of the state shall pay over to the commissioners of fisheries all moneys forfeited and recovered by them by virtue of this act, and the said commissioners shall pay over the same to the treasurer of the state.

Repealer.

12. *And be it enacted*, That all sections, provisos or acts inconsistent with this act are hereby repealed.

Governor to
transmit copy.

13. *And be it enacted*, That the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania.

Approved April 7, 1890.

CHAPTER CXLI.

An Act to authorize the repairing or paving streets in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, in any city of the fourth class of this state, owners of two-thirds of the lineal feet of property abutting on a street or any square or block of a street shall present a petition in writing to the city council of said city, asking that said street or square or block of said street be repaired or paved at the expense of the owners of the lands abutting on said street or square or block of said street, it shall be lawful for said city council to prescribe, by ordinance or otherwise, the method in which and the materials with which said street shall be repaired or paved, and to authorize a notice in writing to be served upon the owners or occupants of said land requiring the necessary specified work to said street to be done by said owners or occupants within a period of not less than thirty days from the date of service of such notice; whenever any lands are unoccupied and the owner cannot be found within the city the same may be mailed, postage prepaid, to his or her post office address if the same can be ascertained; in case such owner is a non-resident of the city, and his or her post office address cannot be ascertained, then the notice may be inserted for four weeks, once a week, in some newspaper in such city; in case the owner or occupant of such land shall not comply with the requirements of such notice it shall be lawful for the common council, due proof of the service, mailing or publication of such notice having been made, to cause the required work to be done and paid for out of the moneys of the city appropriated for the construction and repair of streets; the cost of such work shall be certified by the person or persons having charge thereof to the person having charge of the collection of taxes in such city.

Upon application of owners of two-thirds of lineal feet, streets to be repaired or paved.

Council to prescribe method, &c.

Collector to
serve notice
upon owners.

Assessments,
by whom and
how collected.

Moneys paid.

Repealer.

2. *And be it enacted*, That the said collector shall forthwith, upon receiving such certificate, serve notice of said assessment upon the owners of the said land and demand payment thereof, together with interest at the rate of one-half per centum per month till paid; and in case the said owner or owners shall fail or neglect to make such payment on demand, the amount of said assessment shall be added to the annual tax assessed on said lands, and shall be part of the same and be collected by said collector, with interest as aforesaid, in the same manner as said other taxes are collected, and as part thereof at the time of the annual collection of taxes succeeding the receipt of such certificate, and payment thereof may be enforced by sale of the lands described in such certificate, in the same manner as payment of other taxes are enforced.

3. *And be it enacted*, That all moneys recovered or paid to the city under the provisions of the last preceding section shall be credited to the account out of which the cost of such work was paid.

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

Passed April 7, 1890.

CHAPTER CXLII.

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" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Sales of lands
validated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale or sales of the lands, tenements, hereditaments and real estate of any testator

or intestate, for the payment of his debts heretofore made by virtue of an order for sale of any orphans' court of any county of this state, shall be held or esteemed to be invalid by reason of the failure of the executor or administrator to have served upon the heirs, devisees, their guardians, or any of them, a copy of the order to show cause in said proceeding; but such order for sale and the title of the purchaser of the lands affected by the proceeding, if the same shall have been confirmed by the said orphans' court, shall be and the same are hereby declared to be valid and effectual in law; *provided*, that said order to show cause shall have been set up at three of the most public places in the county, as required by the act to which this is a supplement. Proviso.

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

Passed April 7, 1890.

CHAPTER CXLIII.

An Act to regulate the practice of dentistry in the state
of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a board or commission, to be known as the state board of registration and examination in dentistry is hereby created, to consist of five resident and practicing dentists, whose duty it shall be to carry out and enforce the provisions of this act; the present members of the board of dental examiners appointed and now existing under the act of the legislature of this state, entitled "An act to regulate the practice of dentistry and to protect the people against empiricism in relation thereto in the state of New Jersey," approved anno domini one thousand eight hundred and seventy-three, shall

constitute the first members of said board or commission, and shall hold office until the first Tuesday in October next and until their successors are appointed as herein-after provided; the New Jersey state dental society shall, at its next annual meeting, recommend to the governor five dentists of good repute, residing and practicing in this state, whom the governor shall appoint members of said board or commission to fill the vacancies occurring on the first Tuesday in October next, as hereinbefore provided; the members of said board or commission shall be appointed for the term of five years and until their successors are duly appointed, except that of the members thereof first to be appointed upon recommendation of said society; one shall hold office until the first Tuesday in October next; one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-one; one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-two; one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-three, and one until the first Tuesday in October, anno domini one thousand eight hundred and ninety-four; and the members so first appointed as aforesaid shall immediately upon their appointment determine by lot the period for which each member shall hold office; it shall be the duty of the New Jersey state dental society, at each annual meeting after the next, to recommend to the governor a dentist in good repute, residing and practicing in this state, whom the governor shall appoint to fill the vacancy in the said board occurring in the year in which such meeting is held; vacancies occurring in the term of any member or members shall be filled for the unexpired term or terms only, in the same manner, upon recommendation to be made by said society; the governor may remove any member of said board for good cause shown, upon recommendation of the New Jersey state dental society.

2. *And be it enacted*, That immediately after the passage of this act the present members of the "board of examiners" shall meet and organize as the state board of registration and examination in dentistry, under this act, by the election from their number of a president and secretary, who shall severally hold office until the first Tues-

First members of the board and term of office.

State dental society to recommend to governor the members of the board.

Term of office of members.

Members to determine by lot.

Vacancies, how filled.

Board of examiners to meet and organize as a state board.

day in October next, and until their successors are elected; the board shall annually elect from its number a president and secretary, who shall have the power during their term of office to administer oaths and take affidavits, certifying thereto under their hands and the seal of said board; said board shall hold at least two meetings in each year for the purpose of examining and licensing persons to practice dentistry in this state; three of said board shall constitute a quorum, and its proceedings shall, at all reasonable times, be open to public inspection; said board shall make an annual report of its proceedings to the governor, on or before the thirty-first day of December, in each year; the board shall adopt rules for its own government, and rules for the examination and licensing of practitioners of dentistry in this state; the examination of applicants for license to practice shall be confined to written or oral examination, or both written and oral, upon subjects properly relating to the science of dentistry, and a knowledge of which is necessary to the proper and skillful practice of said science; the said board may also require from applicants, as part of the examination, demonstrations of their skill in operative and mechanical dentistry; and any rule altering the nature of the examination and increasing the severity thereof, or the subjects to be included therein, shall not be enforced at any examination held within six months after its adoption and public promulgation; said board shall have the power to determine the good standing and repute of any college or colleges, and may, from time to time, designate in some public manner colleges whose diplomas will be received by it; the said board shall announce in the leading dental journals, from time to time, its regular stated times for holding examinations; it shall also cause to be published at least once in such journals, the rules and amendments thereto adopted for the examination and licensing of practitioners, and the mode and terms of application for examining and license, which shall, in all cases, be reasonable and fair; said board shall adopt a common seal, and may sue or be sued, and in all actions brought by or against it, it shall be made a party under the name of the state board of registration and examination in dentistry.

Annually to elect president and secretary, &c.

Annual report to be made.

Examination of applicants.

May adopt and use a common seal.

Persons practicing dentistry to apply to board, &c.

3. *And be it enacted*, That it shall be the duty of every person lawfully practicing, or entitled to practice dentistry in this state at the time of the passage of this act, to apply to said board, before the first day of January, anno domini one thousand eight hundred and ninety-one, to cause his name, residence and place of business to be registered in a book to be kept for that purpose by the secretary of said board; and the said board shall issue to each person registered by it, a certificate under its seal and the hand of its president and secretary, setting forth that such person was, at the time of the passage of this act, lawfully entitled, by the laws of this state, to practice dentistry and is duly registered; the said board, for good cause shown, may register and issue its certificate thereof, to any person applying therefor after said first day of January, anno domini one thousand eight hundred and ninety-one; *provided*, it shall appear to the satisfaction of said board that the person so applying was lawfully practicing or entitled to practice dentistry at the time of the passage of this act, and that the refusal to issue such certificate will work hardship to said person so applying; the said board may demand from any person applying for registration and certificate, proof of his right to the same under this act, and may refuse to grant registration and certificate thereof to any person not lawfully entitled thereto.

Certificate to be issued.

Proviso.

Persons aggrieved by action of board may appeal to supreme court.

4. *And be it enacted*, That any person aggrieved by such action of said board may apply within sixty days after such refusal by said board to the supreme court of this state for its writ of mandamus to compel said board to register and issue its certificate to him; and in case any justice of said court shall issue or allow on such application an order on said board to show cause, no suit for the collection of any penalty for violation of this act shall be instituted against such person until the final hearing and determination of such application.

Applicants to file name, application, &c.

5. *And be it enacted*, That any person who may desire to begin the practice of dentistry in this state after the passage of this act shall file his name, together with an application for examination, in the form provided for by the rules of said board, with the secretary of said board, and at the time of making such application shall pay to the secretary

of said board a fee of twenty-five dollars, and shall present himself for examination at the first regular meeting of the board thereafter held for examination and licensing of practitioners in dentistry, due notice of which meeting shall be given him; the examination fee shall in no case be refunded, but should any applicant, from sickness or other good cause appearing to the satisfaction of the board, fail to attend such examination, or should any person appearing, fail to pass successfully the examination, such person so failing to appear or failing to pass shall be admitted to any subsequent examination or examinations without the payment of further or other fee; every applicant for examination shall, with his application, submit to the said board, as a prerequisite to examination, a diploma of graduation from a dental college recognized by said board as in good standing and repute, and proof, if the board shall so require, that the same was regularly issued and conferred upon the holder in due course; or, if not a graduate of a dental college, a certificate under oath from a reputable and duly authorized dentist that he has studied with and under such dentist as a student for not less than five years continuously; all persons successfully passing such examination shall be registered as licensed dentists, in a book to be kept by the secretary of the board for that purpose, and shall receive from said board a certificate under the seal of said board and the hand of its president and secretary, that the person named therein is lawfully authorized and licensed to practice dentistry in this state; such certificate, lawfully and regularly issued, shall be evidence in any of the courts of this state of the right of the person named therein to practice dentistry in this state.

6. *And be it enacted*, That from and after the passage of this act any person desiring to study dentistry in this state with any duly authorized dentist, for the purpose of presenting himself for examination and license as a practitioner of dentistry in this state at the expiration of his term of study, shall cause his name and residence and the name and residence of his preceptor to be registered with said board, and his term of study shall commence and date only from such registration; any person so registered as a student may perform mechanical work in the

Examination fee.

Diploma to be submitted to board.

Secretary to register licensed dentists.

Students may register their names and preceptors.

Students not to perform operations.

office of his preceptor, but no student shall perform any operation upon the mouth or jaw of any person, save in the presence and under the supervision of his preceptor, under penalty of revocation of his registration as a student and such further penalty as is hereinafter provided for unlawful practice of dentistry in this state.

When unlawful to practice dentistry.

7. *And be it enacted*, That it shall be unlawful for any person not now by the laws of this state authorized, hereafter to practice dentistry in this state save after examination and license by the said state board of registration and examination in dentistry, and no person shall be examined by said board for license unless he is, at the time of such examination, the graduate of and the holder of a diploma of graduation from a dental college recognized as in good repute by said board, or shall have studied with a reputable dentist for five years continuously preceding his application for examination.

Expenses and mileage of members of the board paid out of funds received.

8. *And be it enacted*, That out of the funds coming into the possession of said board shall be paid the expenses of said board incurred in carrying out the provisions of this act, and mileage to each member, at the rate of five cents per mile for all distance necessarily traveled in discharge of his duties; no part of the mileage or other expenses of the board shall ever be paid out of the state treasury; all moneys received shall be held by the secretary of the board, and paid out only upon resolution of the board and warrant of its president, and the secretary shall give bond in such sum as the board shall, from time to time, direct, with good and sufficient surety, to be approved by the board; and the said board shall, in its annual report to be made to the governor, submit a statement of all moneys received and disbursed by it during the period covered by said report.

Moneys, by whom held, and statement to be made.

Penalty for unlawfully practicing in the state.

9. *And be it enacted*, That any person, not now lawfully practicing or entitled to practice dentistry by the laws of this state, who shall practice dentistry in this state after the passage of this act without having first obtained from said board of registration and examination in dentistry a certificate of license to practice in accordance with the provisions of this act, shall forfeit and pay the sum of three hundred dollars for each and every offense; any person now lawfully practicing or entitled to practice

dentistry under the laws of this state, who shall, after the first day of January, anno domini one thousand eight hundred and ninety-one, practice dentistry in this state without having first obtained from said board of registration and examination in dentistry a certificate of registration, in accordance with the provisions of this act, shall forfeit and pay the sum of fifty dollars for each and every offense; any person who shall knowingly or falsely, and with the intent to deceive the public, claim or pretend to have or hold a certificate of registration or of license granted by said board, or who shall falsely, and with the intent to deceive said board, claim or pretend to be a graduate or the holder of a diploma of graduation from any dental college, not being such graduate or rightfully holding or entitled to such diploma, shall forfeit and pay the sum of three hundred dollars; any person to whom a certificate of registration or of license shall be issued under the provisions of this act, and who shall practice dentistry under a false name, with intent to deceive the public, shall be liable to have such certificate revoked, upon twenty days' notice of such proposed revocation, and of the time and place of considering such revocation, by order of the said board; and any person who, after such revocation of his certificate, shall continue to practice dentistry in this state, shall forfeit and pay the sum of three hundred dollars; a certificate of registration or of license granted to a person under one name shall not be pleaded as a defense to an action brought against him for practicing without a certificate under another name; each and every separate act of dentistry performed by any person, in violation of any of the provisions of this act, shall be deemed and taken to be a distinct and separate offense; this act shall not be construed to prevent any person from extracting teeth, nor to apply to any surgical operation performed by any regular licensed physician or surgeon.

Penalty for practicing without certificate.

Penalty for claiming to hold certificate, &c.

Penalty for practicing under false name.

Act, how construed.

10. *And be it enacted*, That the penalties imposed and the sums to be forfeited in and by the preceding section of this act shall be sued for and recovered, with costs of suit, in an action of debt, to be brought by the board of registration and examination in dentistry before any judge of any city district court in or court of common

Penalties and sums forfeited, how recovered.

pleas of the county wherein such offense shall have been committed, or in any county wherein such offender may reside; one-half of such penalty or forfeit money shall be for the use of the state board of registration and examination in dentistry, and one-half shall be paid into the treasury of the state for the use thereof; and in case the defendant shall fail or neglect to pay the amount recovered against him, with costs, the judge or court before whom judgment has been obtained shall issue his process against the body of the defendant, and cause him to be committed to the jail of the county in which the judgment is obtained until the judgment and costs are paid; the imprisonment, however, shall not exceed four calendar months from the date of such commitment.

Acts repealed
recited.

11. *And be it enacted*, That the act of the legislature of this state, entitled "An act to regulate the practice of dentistry and to protect the people against empiricism in relation thereto in the state of New Jersey," approved March the fourteenth, anno domini one thousand eight hundred and seventy-three, the supplement thereto approved February seventeenth, anno domini one thousand eight hundred and eighty, and the supplement thereto approved March the twenty-seventh, anno domini one thousand eight hundred and eighty-four, and all acts and parts of acts inconsistent herewith, be and the same hereby are repealed.

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

Approved April 7, 1890.

CHAPTER CXLIV.

An Act to amend 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.

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 construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four, be amended so that the same shall read as follows;

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Construction, curbing and paving of sidewalks and crosswalks.} *the State of New Jersey*, That on the application, in writing, of the owners of one-fourth of the property fronting on any public road or street or section thereof, in any township in this state, for the construction, curbing or paving of sidewalks and crosswalks, along one or both sides of such section of such public road or street, it shall be lawful for the township committee of such township to direct, by resolution, the township clerk to post copies of the said application, together with a notice of the time and place when and where the township committee will meet to receive and consider objections thereto, in five of the most public places in said township, designated by the township committee, for ten days, and thereupon, after such notice shall be given, and if, at the time and place so specified, the owners of one-half of the property fronting within the limits mentioned in said application do not object thereto, in writing, it shall be lawful for such township committee, by ordinance, to direct sidewalks and crosswalks to be constructed, curbed and paved along one or both sides of such public road or street, or along one or both sides of any section of such public road or street, not exceeding the limits applied for, in such manner and with such materials as said township committee

Proviso. shall deem advisable; *provided*, that if the grade of the public road or street, or of the section thereof along which such sidewalks and crosswalks are proposed to be constructed, shall have been established, in accordance with any law, general or special, previous to the passage of the ordinance directing the construction, curbing and paving of such sidewalks and crosswalks, then the grade of such sidewalks and crosswalks shall be made to conform, as nearly as practicable, to the grade of such public road or street, or of such section thereof; *and provided, further*, that the width of any sidewalk shall not exceed one-fifth of the width of the public road or street.

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

Passed April 7, 1890.

CHAPTER CXLV.

An Act concerning sales of land.

Sales of lands
not invalidated
by failure to ad-
vertise, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands, tenements or hereditaments heretofore made by any assignee or assignees under the provisions of the act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," shall be deemed or taken to be invalid or defective by reason of the failure to advertise such sale in a newspaper published at the county seat of the county in which the said lands, tenements or hereditaments are situated; *provided*, that such sale shall have been advertised at least four weeks in two newspapers published in the county wherein said lands are situated, once in each week next preceding the time appointed for such sale, and such advertisement shall also have been set up in at least five public places in said county, one whereof shall

Proviso.

have been in the township wherein said lands lie, for the like term of four weeks next preceding the time appointed for said sale, but any deed or deeds made by any assignee or assignees for lands, tenements or hereditaments heretofore sold, as aforesaid, and advertised as above set forth, shall be deemed and taken to convey to the purchaser or said lands, tenements and hereditaments a full and effectual title to said lands, tenements and hereditaments as if said sale had been advertised in a newspaper published at the county seat of the county wherein the lands, tenements and hereditaments so sold were situated.

Passed April 7, 1890.

CHAPTER CXLVI.

An Act to regulate the transfer and conveyance of burial lots and plots in incorporated cemeteries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any cemetery in said state, ^{Owners may transfer and convey lots.} belonging to any incorporated company or association having a board of managers or directors, and whether such corporation shall have been or shall be incorporated under a special act of this state or by the general laws thereof, it shall be lawful for the owner and owners of any lot or lots therein to transfer and convey any such lot or lots to any person or persons, or to the cemetery association having charge of the cemetery in which such lot or lots are situate, notwithstanding any restriction or prohibition of the sale of lots contained in the general laws of said state concerning cemeteries, or in the charter of any cemetery company; ^{Provided.} *provided, however*, that before any such transfer and conveyance shall be made, the board of managers or directors of such cemetery association shall authorize such transfer and conveyance by a vote of at least

three-fifths of the members of such board at a regular meeting of such board.

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

Passed April 7, 1890.

CHAPTER CXLVII.

A Supplement to an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two.

May elect
assessor and
collector of
taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of every borough commission incorporated under the act to which this act is a supplement, shall at the next and each succeeding borough election vote for, and by a plurality of the votes cast elect, an assessor and collector of taxes, who shall hold office for one year.

Duties and com-
pensation of
assessor.

2. *And be it enacted*, That the assessor so elected shall possess the same powers and perform the duties in the same manner as the assessors in the several townships in this state, for which services he shall be paid at the same rate and in the same proportions as the assessors of the several townships in this state, and immediately after the first Monday in June in each and every year, shall proceed to make, and by the fifteenth day of July following shall have made a full and fair valuation, enumeration and assessment of all the taxable real and personal property in such borough for borough tax, according to law and the requirements of the ordinances of board of commissioners of such borough, and on or before the first Monday in August in each year, shall deliver the duplicate of such assessment to the collector of such borough.

Collector to give
bonds, and
duties of.

3. *And be it enacted*, That the collector so elected shall give bonds satisfactory to the said board of commission-

ers, and shall possess the powers and perform the duties, and be subject to the same penalties, and be paid at the same rate and in the same proportions as the collectors of the several townships in this state, and shall receive all moneys assessed in said borough for borough tax, and pay the same to the treasurer of such borough, taking his receipt therefor, and upon receipt of the duplicate of assessment of taxes shall proceed in the collection thereof as is now required by law to be done by the collectors of the several townships of this state.

4. *And be it enacted*, That in case of a vacancy in the office of assessor or collector in such borough occasioned by death, resignation, inability, disqualification, removal from office, or neglect or refusal to act, or other cause, it shall be lawful for the said board of commissioners to appoint others in their stead to fill such offices for the unexpired term thereof. Vacancies, how filled.

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

Passed April 7, 1890.

CHAPTER CXLVIII.

An Act for confirming of conveyances of land made by virtue of letters of agency, powers of attorney, or other powers or authorities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all deeds, grants, sales, leases, assurances or other conveyances whatsoever, heretofore made by virtue of letters of agency, powers of attorney, or other powers or authorities whatsoever, that have been entered on the public books of record of this state whereby any lands, tenements or hereditaments whatsoever within this state, have been granted, sold, conveyed, assured, Conveyances of lands validated and confirmed.

released or transferred to any person or persons, pursuant to such powers and authorities whatsoever, shall be and are hereby declared as good, valid and sufficient title in the law to all intents, constructions and purposes whatsoever unto the said grantees, and to their heirs and assigns, as if the constituent or constituents had then and there sold and conveyed the land or lands, and had executed deeds, according to the true intent and meaning of such grants, deeds or conveyances, which said grants, deeds or conveyances shall be of force against, conclude and bind all and every the constituents, employers, grantors of such powers and authorities, and their and all and every of their heirs, and all and every other person or persons claiming or to claim estate from or under them, or any of them severally and respectively; *provided*, that all such powers and authorities as aforesaid have been duly acknowledged and now entered upon the public records; *and provided further*, that this act shall not affect the title of any bona fide purchasers or mortgagees for valuable consideration.

Proviso.

Proviso.

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

Approved April 8, 1890.

CHAPTER CXLIX.

Supplement to an act entitled "Further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," approved May sixth, 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 one of an act entitled "Further supplement to an act entitled 'An act to

regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," approved May sixth, one thousand eight hundred and eighty-nine, 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 whenever, in a township not divided into wards, it shall appear that two hundred or more voters in any one section of such township have to travel a distance of four miles or more to vote, that in every such case the township committee may establish an additional polling place in such section, and that in townships containing more than five hundred voters at the last presidential election, and having but one polling place, and where some of the voters have to travel a distance of four miles or more to vote, it shall be the duty of, and the township committee are required, to forthwith establish an additional polling place in such township.

When additional polling places to be established.

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

Passed April 8, 1890.

CHAPTER CL.

An act concerning the right of suffrage in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every citizen of this state entitled to vote at a general election for members of the legislature shall be entitled to vote at any election of municipal officers held in the city, town or other municipality where such citizens may reside.

Right of suffrage

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

Repealer.

Approved April 8, 1890.

CHAPTER CLI.

An Act to provide for the appointment of an assessor in incorporated towns and cities of the third class, in counties of the first class, by the governing body thereof, and limit the compensation for performance of duty therefor.

Election of assessor abolished.

Common council to appoint assessor.

Term of office, salary and compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any incorporated town or city of the third class, in counties of the first class, which is divided into wards so-called, and where now it is provided and required by law that the assessors for such town or city shall be elected annually in and for such wards, such mode and manner of election of assessors is hereby abolished; and hereafter it shall be lawful for the common council or other governing body of such town or city to appoint, by the vote of a majority of all its members, one assessor, who, when so appointed, shall perform all the duties as now required by law of each and all the assessors as heretofore elected annually in and for the various wards of such town or city; and he shall hold office for a term of three years and until his successor is appointed, and as compensation for the performance of his duties as such assessor he shall receive a stated annual salary, which shall be fixed at the time of his appointment and shall not be increased or reduced during the term of his office, which salary or compensation shall not exceed the amount or sum of four hundredths of one per centum of the total assessed valuation of the taxable values, real and personal, of and in such town or city at the time of his appointment, and such salary or compensation shall be in lieu of all fees heretofore allowed to assessors in such town or city for the performance of their duties.

2. *And be it enacted*, That the said assessor may be appointed by the common council or other governing body of such town or city any time after the passage of this act, but shall not enter upon the discharge of his duties nor shall his term of office begin until the expiration of the term of office for which the present assessors in and for such town or city were elected; and the appointment of said assessor by the common council or governing body of such town or city shall be taken to be and is hereby declared to be the election of the successor of each of the before mentioned assessors elected in and for the various wards of such town or city as aforesaid.

When assessor may be appointed and to enter upon his duties.

3. *And be it enacted*, That all acts or parts of acts consistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.
Passed April 8, 1890.

Repealer.

CHAPTER CLII.

An Act in relation to the power and authority of aqueduct boards or other water boards having the control of the water supply in the cities of this state, giving such boards power to contract for and construct works, to purchase or condemn lands, waters and rights, and to use for such purposes certain funds in their possession.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any aqueduct board or other water board having the control of the water supply in the cities of this state, now has in its possession any moneys, funds or securities derived by taxation for the purpose of paying and redeeming bonds heretofore issued by such board and such funds are not legally applicable to the payment or redemption of the bonds so issued and such bonds have been otherwise paid and re-

Authorized to use moneys, &c., for new or additional works.

deemed, it shall be lawful for such board to use such moneys, funds and securities for the purpose of providing new or additional works for the supply of such city with water, and every such board shall have power to contract for the erection and construction of all such works as may be necessary to procure such supply and provide for the storage and distribution thereof.

Authorized to
purchase or
condemn lands.

2. *And be it enacted*, That where any such board has heretofore lawfully contracted for the erection and construction of water-works for the supply of such city, such board shall have power, if it is deemed necessary, to purchase, or in case of inability to agree with any owner to condemn such lands, waters and rights as may be required, and the method of procedure if condemnation proceedings are taken shall be the same provided for by the act approved April the twenty-first, one thousand eight hundred and seventy-six, entitled "An Act to enable cities to supply the inhabitants thereof with pure and wholesome water;" *provided, however*, that such board shall not be authorized to contract for or pledge the credit of any such city for any sum in excess of the amount hereby or heretofore authorized to be expended for the providing of such water supply; *and provided further*, that nothing herein contained shall be so construed as to prevent any municipality from acquiring by purchase or condemnation lands, waters, personal property, rights or privileges necessary or proper for supplying such municipality with water from any source whatever, the same as if this act had not been passed.

Proviso.

Proviso.

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

Passed April 14, 1890.

CHAPTER CLIII.

A Supplement to an act entitled "An act to incorporate benevolent and charitable associations," 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 all bible societies in this state, whose object is the printing and circulation of the holy scriptures, without note or comment, and receiving contributions for that purpose, may be incorporated under an act to which this is a supplement, with all the powers, rights and privileges conferred by said act and supplements thereto; and any such organization and bible society now existing or hereafter formed, having a constitution and by-laws and a board of directors or managers, may become incorporated by filing a certificate, signed by such directors, trustees or managers, by an act to which this is a supplement. Bible societies may become incorporated.

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

Approved April 14, 1890.

CHAPTER CLIV.

An Act to provide for the enlargement of the New Jersey state prison and to construct a hospital.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the governor of this state, by and with the advice and Commissioners, how appointed.

consent of the senate, three competent persons, commissioners to provide for the enlargement of the New Jersey state prison.

Commissioners authorized to erect additional wing to state prison.

2. *And be it enacted*, That the said commissioners be authorized to erect an additional wing to the state prison, containing such accommodation as the governor and commissioners aforesaid shall think necessary; and said commissioners shall have power to select and appoint such architects, superintendents and other persons necessary, with such compensation as they may fix upon; and it shall be the duty of said commissioners, as soon as practicable, to commence the erection and alterations of such state prison buildings, and according to such plans as the joint committees of the senate and general assembly for the year one thousand eight hundred and ninety, or a majority of them, may approve; that such erection or alterations may be either by contract or otherwise, as the said commissioners may deem best for the interest of the state; and if done by contract, they shall invite, by public notice, proposals for building the same according to the plans adopted, reserving the right to accept or reject any or all bids, which sum shall not be exceeded, but shall wholly complete at least one wing of the buildings under said plans.

Amount of appropriation.

3. *And be it enacted*, That to enable said commissioners to finish and complete at least one wing of the buildings under the plan to be adopted by said joint committee, the sum of one hundred thousand dollars be and the same is hereby appropriated, to be paid by the treasurer of the state out of any funds in his hands not otherwise appropriated, on the warrant of the comptroller and the requisition from the said commissioners.

Commissioners authorized to erect hospital building.

4. *And be it enacted*, That it shall be the duty of said commissioners to expend out of the aforesaid amount a sum not exceeding ten thousand dollars in erecting a hospital building within the walls of the prison.

Commissioners to give bonds.

5. *And be it enacted*, That the commissioners shall severally give bonds to the state, in the sum of five thousand dollars each, with two sufficient sureties, to be approved by the treasurer, conditioned to the faithful performance of the duties imposed upon them by this act; and the treasurer is hereby authorized, upon the warrant of the

comptroller, to pay to them for such services at the rate of five dollars for every day they may be necessarily and actually engaged therein. Compensation of commissioners.

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

Approved April 14, 1890.

CHAPTER CLV.

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

WHEREAS, As is set forth in the preamble to "A further supplement to 'An act concerning roads' [Revision], approved April sixteenth, one thousand eight hundred and forty-six," which supplement was approved March twenty-seventh, one thousand eight hundred and seventy-four, "changes in public roads are frequently desirable and necessary to accommodate public and private interests by vacating short pieces of such roads and relaying them in other places; and whereas, for small changes proceedings under the present act to which this is a supplement are both expensive and troublesome, and are attended with much delay, so much so that few persons are willing for the public good to incur the expenses attendant on such change;" for remedy whereof Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever ten or more persons, being freeholders, shall think any alteration of any public road necessary in any part of the county wherein they reside, by having such road or a portion thereof vacated, and the same relaid or another road substituted therefor, they may make application in writing to the Proceedings for vacating or altering of any public road.

Consent of owners of lands and township committee to be had.

inferior court of common pleas of such county, or to one of the judges thereof, setting forth in writing the road or portion thereof as aforesaid which it is proposed to have vacated, describing the same by courses and distances, and also describing the road as it is to be relaid, or the road which is to be substituted therefor, to which description there shall be attached a map showing the location of the road or portion of road to be vacated and the road as relaid, or the road which is to be substituted therefor; and if within ten days after such application shall have been made as aforesaid, or if at the time of making such application there shall be presented to said court or judge the consent in writing of the owners of all the lands intersected by such old road or portion thereof proposed to be vacated, and of all the property intersected by the road as proposed to be relaid, or by the road which it is proposed to substitute therefor, and also the written consent of the township committee of the township wherein such road or roads do lie, that said application shall be granted, then it shall be lawful for said court or judge to cause said application, with the accompanying survey, map and return, and the written consents of the owners of lands as aforesaid, and of the township committee, to be filed with the clerk of the county, to be by him recorded in the book of roads for said county; and when said application and other papers shall have been so filed, such old road or portion thereof shall thereupon and thereby be deemed to be vacated, and the road as relaid, or the new road substituted therefor, shall thereupon and thereby be deemed and taken to be a public road.

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

Approved April 14, 1890.

CHAPTER CLVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any deed or deeds of conveyance heretofore made and delivered by any administrators or administrator with the will annexed, or by any administrators or administrator de bonis non with the will annexed, or by the survivors or survivor, or successors or successor of them, him or her, of or for any lands, tenements, hereditaments or real estate sold pursuant to the power, permission or direction in the said will annexed, given to or vested in the executors or executor named in the said will annexed, is and are hereby confirmed, validated, legalized and declared to be, and is and are and shall be as good, legal, valid and effectual, and the record thereof admissible in evidence, as fully and completely as if the said deed or deeds of conveyance had been or was, or were, made and delivered by the executors or executor named in the said will (although the terms of the said sale have not been submitted to the orphans' court of the county in which the said lands or real estate lie, or have not been approved by said court, or the second section of the act entitled "A supplement to an act entitled 'An act concerning executors and administration of intestates' estates' [Revision], approved March twenty-seventh, one thousand eight hundred and ^{Conveyances validated and confirmed.}

seventy-four, regulating the sale of lands by administrators with the will annexed, or by administrators de bonis non with the will annexed, and defining their powers," approved April sixth, one thousand eight hundred and eighty-eight, or any part of said second section has not been complied with), except where such will has expressly confided the exercise of said power of sale to some other persons or person named therein other than the executors or executor named in said will.

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

Approved April 14, 1890.

CHAPTER CLVII.

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.

Fees for auditing
and reporting
accounts.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fees of surrogates for auditing and reporting the accounts of executors, administrators, guardians, trustees and assignees shall be as follows, namely, on estates not exceeding fifty thousand dollars as heretofore; on estates exceeding fifty thousand dollars at the rate of one-tenth of one per centum; *provided, however*, that such further fees may be allowed in any case as the court shall think reasonable.

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

Passed April 14, 1890.

CHAPTER CLVIII.

A Supplement to an act entitled "An act for the formation and government of boroughs," approved March twelfth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any borough incorporated under the provisions of the act to which this is a supplement, may extend its corporate boundaries in the following manner: upon a petition being presented to the borough council of such borough, setting forth the boundaries of the land so to be included within the limits of such borough, and signed by persons owning at least nine-tenths of the land described in said petition, and petitioning the borough council to extend the limits of said borough so as to include said land, the borough council may pass an ordinance enacting and ordaining that the boundaries of the borough shall be extended so that the land described in said petition may be included therein, which said ordinance shall set forth specifically the boundaries of the land so to be added to said borough.

2. *And be it enacted*, That after said ordinance shall have been passed, approved by the mayor of said borough, and advertised according to law, a copy of the same shall be forthwith transmitted by the borough clerk of such borough to the county clerk of the county in which such borough is situated, and also a copy of the same transmitted to the secretary of state; and upon said copies of said ordinance being filed in said offices of said county clerk and secretary of state, the land so set forth in said petition and ordinance shall form a part of said borough and become subject to all the laws and ordinances regulating and governing the same.

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

Passed April 14, 1890.

Corporate boundaries, how extended.

Copies of ordinances extending boundaries to be filed in offices of secretary of state and county clerk.

CHAPTER CLIX.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

Justice of
supreme court to
appoint com-
missioners to
examine and
appraise lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any tract, lot or parcel of land necessary or proper to be taken in the construction of any railroad by any company organized under the act to which this is a supplement, shall be intersected by the boundary line between two counties, so that a part of said tract, lot or parcel of land shall lie in one of said counties and part in the other, and it shall be or shall have been necessary to appoint commissioners to examine and appraise such land and to assess the damages, it shall be lawful for the justice of the supreme court to whom application is made to appoint as commissioners three disinterested, impartial and judicious freeholders resident in either of the counties in which such lands lie.

Report of com-
missioners, with
description of
lands, &c., to be
filed.

2. *And be it enacted*, That the report of such commissioners shall be filed, together with a description of the lands and the appointment and oaths or affirmations of said commissioners, in the office of the clerk of the county in which the owner of such lands resides if he reside in either of such counties, and if such owner does not reside in either of said counties, then said report, description, appointment, oaths or affirmations shall be filed in the office of the clerk of such of said counties as shall be directed by the justice of the supreme court making such appointment, and a certified copy thereof may be filed in any other county wherein said lands may lie.

Repealer.

3. *And be it enacted*, That this act shall apply to appointments heretofore made or which shall be hereafter made, and that it shall take effect immediately.

Approved April 14, 1890.

CHAPTER CLX.

An Act to provide for sewage and drainage in incorporated townships in which there is a public water supply.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any incorporated township in this state in which a supply of water for public and domestic use is furnished, or shall be furnished, from water works, it shall be lawful for the board of township committee or other governing body of such township to provide for, obtain and cause to be constructed a system of sewage and drainage, or both. Authorized to construct a system of sewage and drainage.
2. *And be it enacted*, That it shall be lawful for the said board of township committee or other governing body of such township to cause to be made surveys, plans and estimates by competent engineers and mechanics, sufficient to demonstrate a practicable and efficient system of sewage and drainage for such township, including the disposition of house sewage and waste. Surveys, plans and estimates to be made
3. *And be it enacted*, That it shall be lawful for the said board of township committee or other governing body of such township, whenever in their opinion the public good demands it, by ordinance or ordinances to cause sewers and drains to be constructed from time to time in such township, or any part thereof, as they may designate in the ordinance or ordinances which the said board of township committee or other governing body may for that purpose adopt and pass. May cause sewers and drains to be constructed.
4. *And be it enacted*, That it shall be lawful for the said board of township committee or other governing body of such township, if necessary, to take and appropriate for the purpose of constructing any sewer or sewers, drain or drains, authorized by any ordinance or ordinances passed and adopted by such board of township committee or other governing body of such township, under and by virtue of the provisions of this act, any lands and real Authorized to take and appropriate lands, &c.

estate, upon making compensation to the owner or owners thereof as hereinafter mentioned and provided.

Authorized to deodorize and dispose of sewage, and purchase lands, erect buildings, &c.

5. *And be it enacted*, That in case the board of township committee or other governing body of such township shall deem it practicable and expedient to collect the sewage of such township, and to deodorize, utilize, consume or dispose of the same by sale or otherwise, wholly or in part, it shall be lawful for said board of township committee or other governing body of such township to purchase lands in the corporate name of said board of township committee or other governing body of such township, and erect all necessary buildings, works and machinery thereon, and to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners as hereinafter mentioned and provided.

May treat with owners and purchase lands, &c.

6. *And be it enacted*, That whenever the board of township committee or other governing body of such township shall determine by ordinance to make and construct any sewer or sewers, drain or drains, or any sewage receptacle, or works or place for treating or disposing of sewage, and shall deem it necessary to take and appropriate for any such purpose any lands and real estate within said township, they are hereby authorized to treat with the owner or owners thereof for the same and they may purchase said lands and real estate from the owners of the same, and make such compensation therefor as they may deem reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the said board of township committee or other governing body of such township.

Proceedings in case no agreement can be made with owners, &c.

7. *And be it enacted*, That when the board of township committee or other governing body of such township cannot agree as to the price or compensation with the owner or owners of any lands and real estate which they may deem it necessary to take and acquire, or when, by the absence or legal incapacity of such owner or owners, or from any other cause, no such agreement can be made, it shall be lawful for the circuit court of the county in which such lands and real estate are situated, on application in writing, made on behalf of such board of township committee or other governing body of such township,

and after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county, to appoint three disinterested commissioners, who shall ^{Appointment of} make an ^{commissioners.} estimate and assessment of the damages that any such owner or owners will sustain, as well for the taking of his, her or their lands and real estate, with the appurtenances, as for the injury to the owner or owners by reason of the intended improvement; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall be sworn to make a just and impartial estimate and assessment, and shall present, without delay, to the said court, a report, ^{To make report.} in writing, of such estimate and assessment, which shall be sufficient, if signed by a majority of said commissioners; the circuit court shall direct notice to be given, by advertisement in some newspaper circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way, and to revise and to confirm said report <sup>Court may re-
vise and confirm
report.</sup> with or without alteration; said report, when confirmed by the court, or a copy thereof duly certified by the county clerk, shall at all times be plenary evidence of the right of the said board of township committee or other governing body of such township to enter upon, take and use the said land and real estate, with the appurtenances, the said board of township committee or other governing body of such township first tendering to the owner or owners thereof, if resident in this state, the amount so awarded to them; and if any owner is not a resident of this state, or on due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or is for any other cause incapacitated to receive the amount awarded, or will not receive the same and sign a proper voucher or receipt therefor when tendered, then affidavit shall be made of the facts and filed in the office of the county clerk, and the amount awarded to any such owner shall be deposited in said circuit court before said board of township committee or other governing body of such

Court to settle and determine compensation of commissioners.

township shall have the right to take and use the said lands and real estate; the court shall settle and determine the compensation to be paid to the said commissioners, and the costs and expenses of the application and report, which shall be paid by the board of township committee or other governing body of such township in behalf of which the application has been made.

Costs, damages and expenses to be assessed upon lands benefited.

8. *And be it enacted*, That the costs, damages and expenses incurred for making any improvement or performing any work under and by virtue of the provisions of this act, shall be assessed upon the lands and real estate specially benefited in proportion to the benefits received thereby, but not exceeding the amount of such benefits; when such work is completed the said board of township committee or other governing body of such township, shall apply to the circuit court of the county in which such township is situate, and on application in writing, made by or on behalf of said board of township committee or other governing body, and after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county, the circuit court shall appoint three disinterested commissioners, who shall make an estimate and assessment of the benefits that any lands and real estate will specially receive by the making such improvements or public works; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall be sworn to make a just and impartial estimate and assessment, and they shall assess upon the several lots or parcels of land benefited by such improvement a sum in proportion to the benefit received by each of said lots and parcels of land, and no lot or parcel shall be assessed more than it is benefited, except that where any sewers may be constructed under the provisions of this act forming a trunk line into which lateral sewers may discharge, and through which the surface drainage and sewage of a district may be carried to tide water or other receptacle, it shall and may be lawful in assessing the benefits which have been or may be conferred upon property by the construction of such trunk line of sewers, for the commissioners appointed to

Upon application court to appoint commissioners.

Commissioners to be sworn and to make assessment.

assess such benefits, to assess the same as follows: such assessments may be made upon all the property benefited and to be benefited within the entire drainage district, and where a direct tapping benefit is or may be secured, either by connecting with the trunk line or lateral sewers already constructed, the assessments, when finally confirmed, shall be collectible at once, and where the benefit is prospective, and depends upon the construction of lateral and connecting sewers not yet built, in every such case the assessments made upon such property shall constitute a first lien thereon at and from the time when the lateral sewer is constructed connecting the property assessed with such trunk line, and shall be collectible at the same time the benefits assessed thereon for the construction of such connecting lateral sewer is or may be by law collectible, and shall draw interest only from the time the assessment for benefits made upon property along the line of such lateral sewers for the construction thereof may draw interest, and at the same rate; and they shall present without delay to the said court a report in writing of said estimate and assessment, which shall be sufficient, if signed by a majority of said commissioners; the circuit court shall direct notice to be given by advertisement in some newspaper circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way, and to revise and to confirm said report with or without alteration; said report, when confirmed by the court or a copy thereof duly certified by the county clerk, shall be plenary evidence of said assessment and of the amount thereof upon each and every lot and parcel of land embraced therein; if the total cost and expense of such improvement exceed the aggregate amount of assessable benefits, then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed, and the remainder of such costs and expenses shall be borne and paid by the township at large; the court shall settle and determine the compensation to be paid to the commissioners, and the costs and expenses of the application and report, which shall be paid by the

Assessments,
how made.

To make report.

Notice to be
given.

Court to deter-
mine compensa-
tion of commis-
sioners.

board of township committee or other governing body of the township in behalf of which the application has been made.

Assessments for benefits to be a lien on lands, &c.

9. *And be it enacted*, That the said assessments for benefits shall be a lien upon the lots and parcels of land respectively assessed from the date of the confirmation of the report thereof, except the assessments for prospective benefits, which shall only become a lien as hereinabove provided; that it shall be the duty of the board of township committee or other governing body of such township in which such improvement shall have been made, to cause a copy of the report of the commissioners making such assessment, duly certified by the clerk of the county in which said township is situated, to be prepared and delivered to the township collector of such township, who shall enter the same in a book to be kept in his office for that purpose; and said collector shall give notice for four weeks in some newspaper circulating in said township that said report has been delivered to him and requiring payment of the several sums assessed against any owners of lands and real estate for such improvement within thirty days from and after the confirmation of said report by the circuit court of said county; and, in case said assessment shall remain unpaid at the expiration of thirty days from and after the first publication of said notice, the said assessment shall draw interest thereupon, from and after that time, at the rate of one per centum per month, except the assessments for prospective benefits, which shall draw interest only as in the manner hereinabove provided; and the said board of township committee or other governing body of such township, shall have the same remedies and rights to enforce the payment of said assessments as they have to enforce the collection of taxes in such township and by like proceedings.

Collector to give notice of payment.

Assessments unpaid to draw interest.

Township committee may borrow money and issue notes or improvement certificates.

10. *And be it enacted*, That in order to meet the expenses for the improvements and public works, and of the proceedings in relation thereto, as mentioned in this act, the board of township committee or other governing body of such township may borrow the money necessary therefor, temporarily, upon the promissory notes of such corporation, or may issue temporary improvement certificates, from time to time, as the work progresses, in such form

as the board of township committee or other governing body of such township may prescribe; said notes and certificates shall bear interest at a rate not exceeding six per centum per annum, and shall be payable at the expiration of not more than two years from the date of issue; all receipts from assessments made against property benefited by such improvements shall be paid to the treasurer of the township, and shall be applied to the payment of such improvements or to the payment of any temporary indebtedness incurred by the township therefor.

11. *And be it enacted*, That in order to provide for so much of the cost of such improvement as shall be required to be paid by the township, and the notes or certificates of indebtedness issued therefor, it shall and may be lawful for incorporated townships to issue bonds to run for a period not to exceed ten years, and to bear interest not exceeding six per centum per annum, which said bonds shall be styled improvement bonds, shall be issued in such denominations as the board of township committee or other governing body of such township may determine, and be executed under the corporate seal of said township, signed by the chairman of said board of township committee or other governing body of such township, and countersigned by the clerk thereof; coupons signed by the chairman for every half year's interest shall be attached to each bond and numbered to correspond thereto, or the said bonds may be registered, at the option of the holder; they shall be sold for not less than their par or face value and the proceeds thereof shall be used to pay the portion of the costs, damages and expenses of said improvements and public works required to be paid by such township as aforesaid, and to take up and pay off such temporary notes or certificates as have been given in payment of such costs and expenses; *provided*, that in order to meet the interest on said bonds and redeem the same at maturity, it shall be the duty of the board of township committee or other governing body of such township to order the interest thereon, together with a sinking fund of not less than five per centum of the total amount of said issue, to be raised in the annual tax levy.

Interest and when payable.

Incorporated townships may issue bonds.

How and by whom issued.

Proceeds of sale of bonds, how applied.

Proviso.

To establish regulations, &c., for use of sewers and drains.

12. *And be it enacted*, That it shall and may be lawful for the said board of township committee or other governing body of such township to keep the sewers, drains and other works which may be constructed under the provisions of this act, in repair and working order, and to make, establish and enforce regulations and conditions as to the management and use of the same and as to connections therewith, and they shall have the power to enter into agreements with private persons or corporations for the use of said sewers and drains under such restrictions as said board of township committee or other governing body of such township may impose, and to establish a price to be paid for such use and to collect the same; *provided*, that all moneys derived from the use of said sewers and drains shall be applied to the payment of the debt incurred in building the same and the interest thereon.

Proviso.

Repealer.

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

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

Passed April 14, 1890.

CHAPTER CLXI.

A Supplement to an act entitled "An act concerning the appointment of commissioners of assessment of taxes in certain cities," approved April third, one thousand eight hundred and eighty-nine.

Annual salaries of commissioners of assessment may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state wherein the commissioners of assessment of taxes that have been or may hereafter be appointed under the act

to which this is a supplement the board of aldermen or other legislative body of any such city may increase the annual salary of such commissioners, including those now in office, to an amount not exceeding fifteen hundred dollars. ^{Amount.}

2. *And be it enacted*, That the said commissioners of assessment of taxes shall have the power to appoint a clerk, to hold office for a term not less than one or more than five years, to be fixed at the time of appointment, and who shall receive a salary of not more than ten hundred dollars per annum, to be fixed and determined at the time of appointment of said officer by said commissioners, the said salary to be provided in the same manner as that of other city officers; said officer shall, before he enters upon the duties of his said office, make oath before the recorder or other police justice of such city faithfully and impartially to discharge the duties of his office, and he shall perform such duties in the way of procuring information, data, statistics and such other clerical duties as may be required of him by the board of commissioners; the said board shall file in the office of the city clerk a certificate of the appointment of such clerk with the date thereof. ^{Commissioners authorized to appoint a clerk.} ^{Salary and term of office.} ^{To take oath.}

3. *And be it enacted*, That all acts, general and special, so far as they conflict herewith, be and the same are hereby repealed, and that this act shall take effect immediately. ^{Repealer.}

Passed April 15, 1890.

CHAPTER CLXII.

Amendment to an act entitled "An act concerning elections in villages," approved March twenty-second, one thousand eight hundred and eighty-two, and providing for the appointment, term of office, compensation and duties of a village treasurer and village clerk.

Board of trustees to appoint village officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That annually, at the first meeting of the board of trustees elected in pursuance of the act entitled "An act concerning elections in villages," approved March twenty-second, one thousand eight hundred and eighty-two, or as soon thereafter as possible, the board shall appoint one of its members as village treasurer, and one of its members as village clerk, each of whom shall hold office for the term of one year from the date of the said first annual meeting of said board and until their successors are elected, and each of whom shall receive such compensation for their services as the board of trustees shall by a majority vote fix and determine.

Duties of village treasurer.

2. *And be it enacted*, That it shall be the duty of the village treasurer to receive all moneys belonging to the village and safely keep the same, and disburse the same when directed by resolution of the board of trustees, or governing authority, of said village so to do; to keep full and detailed accounts of his receipts and expenditures in books provided by the board of trustees, or governing authority, for that purpose; to submit to the board of trustees of the village at the last regular meeting in each fiscal year, and oftener when directed by resolution of the board of trustees so to do, a detail report in writing showing the financial condition of the village, and to perform such other duties appertaining to his office as the trustees, or other governing authorities, shall from time to time prescribe; that it shall be the duty of the

Duties of village clerks.

village clerk to act as clerk of the board of trustees, or

governing authorities, at all meetings and keep the minutes of the meetings; he shall have the custody of the books, papers, documents, seal and other personal property belonging to the village, and shall perform such other duties appertaining to his office as the trustees, or other governing authorities, shall from time to time prescribe.

3. *And be it enacted*, That the village treasurer shall, before he enters upon the duties of his office, enter into bonds to the inhabitants of said village in their corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders and resident in the county in which said village is situate, to be approved by the board of trustees, or governing authorities, of said village, in such sum as to the said board of trustees, or governing authorities, shall direct, conditioned for the faithful performance of all the duties of said office of treasurer of said village according to law. Treasurer to give bonds.

4. *And be it enacted*, That the persons qualified to vote in any village shall meet in each year on the first Tuesday of the month preceding the day of holding the annual village election, and shall then and there elect one judge and two inspectors of election, as hereinafter provided, who shall hold office for the term of one year and until their successors are elected. Voters to meet and elect election officers.

5. *And be it enacted*, That each of said qualified voters shall vote for one person as judge, and also one person as inspector of elections, and the person having the greatest number of votes for judge shall be publicly declared to be elected judge; and the two persons having the greatest number of votes for inspector shall, in like manner, be declared elected inspectors of election. Election for judge and inspectors.

6. *And be it enacted*, That the said judge and inspectors so elected shall constitute the election board of said village, and the decision of a majority of such board on any question shall be deemed and taken to be the decision of such board and final. Who to constitute the election board.

7. *And be it enacted*, That the judge and inspectors of election of such village shall meet at the time and place when and where any such election is appointed to be held therein, and shall, at the hour of six o'clock on the morning of the day thereof, organize themselves as a Officers of elections.

board of election for the purpose of presiding at and conducting such election, and the clerk of such village shall meet with such board and be the clerk thereof.

Not to be elected to any other office.

8. *And be it enacted*, That no such judge, inspector or clerk shall be elected to any office to be filled at the election in which he shall serve except it be to fill the office of judge, inspector or clerk, and if any such judge, inspector or clerk shall be voted for in any such election, except as aforesaid, the person or persons to the number to be elected therein, who shall by law be qualified for the office or offices to be filled upon the election, for whom the greatest number of votes shall have been given therein other than such judge, inspectors or clerk shall be deemed and taken to be elected, and the vote which shall be given to such judge, inspector or clerk shall be deemed and taken to be null and void.

Voters to elect election officers in case of absence or refusal to act.

9. *And be it enacted*, That if at the hour of six o'clock on the morning of the day of any such election the judge, or one or both of the inspectors of election of such village shall be absent from the office when such election shall be appointed to be held, or shall be disqualified, or shall neglect or refuse to serve, it shall be lawful for the persons then and there present, who shall be entitled to vote at such election in such village, by a majority of voice or on a division by a majority of polls, forthwith to choose one or more of the persons then and there present, who shall be qualified to vote at such election in such village, to fill the place or places in such board of the person or persons so absent, disqualified, neglecting or refusing, and every person so chosen shall be deemed and taken to be in all respects a judge or inspector of election as the case may be.

Board of election to appoint a clerk on refusal of person elected to serve, &c.

10. *And be it enacted*, That if at the hour of seven o'clock on the morning of the day of such election, or at any other time during such election, the clerk of such village shall be absent from the office or where such election shall be appointed to be held, or shall be disqualified, or shall neglect or refuse to serve as clerk of the board of election, it shall be the duty of such board to appoint some other person qualified to vote in such election in such village, who shall be then and there present, to be

such clerk, and the person so appointed shall be deemed and taken to be, in all respects, the clerk of such board.

11. *And be it enacted*, That any person who may be appointed to fill the office of judge or one of the inspectors of election, in consequence of the absence, disqualification, neglect or refusal to serve of such judge or inspector, and any person who may in like manner be appointed clerk of the board in place of the clerk of the village, shall be taken to be, in all respects, a true clerk of such board with respect to all matters appertaining to the election, but his powers under such appointment shall not extend to any subsequent election.

Persons appointed election officers to have same powers.

12. *And be it enacted*, That when such board of election shall have been organized, and before they shall receive any vote, it shall be the duty of the judge and each inspector of election to take an oath or affirmation, to be administered by the clerk of the board, that they will faithfully and impartially execute the duties required of them by law.

Judge and inspectors to take oath.

13. *And be it enacted*, That when the judge and inspectors of election shall have been sworn or affirmed, as provided in the preceding section of this act, it shall be the duty of the judge of election, in an open and public manner, to administer to the clerk of such board and of such clerk to take an oath or affirmation that he will faithfully and impartially execute the duties required of him by law; and a like oath or affirmation shall be administered to and taken by any person who may be appointed clerk of such board at any time during such election.

Clerk to take oath.

14. *And be it enacted*, That the mode of conducting such election shall be the same and shall be governed by the same laws as govern township elections in this state.

General election law to apply to all elections.

15. *And be it enacted*, That the compensation to be paid the judge, inspectors and clerk for their service at each village election shall be the sum of three dollars each, and no more.

Compensation of election officers.

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

Repealer.

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

Approved April 15, 1890.

CHAPTER CLXIII.

An Act to authorize the levying and collection of a tax for certain municipal purposes when authorized by the governing authorities of any village by a vote of the inhabitants at a meeting.

Power and
authority of
trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees, or by whatever name the governing authority in any village may be called, shall have the power to lay out, open, work, grade, regulate, pave, macadamize, sewer and light any sidewalks, streets or roads in said village, to maintain a fire department and police force, to contract for water supplies, license peddlers, hackmen and drivers, to plant shade trees, and to sell and strike off lands, tenements and hereditaments and real estate for taxes for the shortest term for which any person or persons will take the same, and to execute and deliver to the purchaser or purchasers at any such sale a deed or deeds for the same for the term for which the same was purchased, which said last mentioned deeds shall be signed by the president of the board of trustees or presiding officer of the governing authority, and attested by the secretary and the seal of the village; that for the foregoing purposes the said trustees or governing authorities may use any money collected therefor as authorized in this act.

Assessor to
assess amount of
money required
by the trustees.

2. *And be it enacted*, That the assessor of any township in which any such village shall be located shall, upon requisition of the trustees or other governing authority of any village in said township, assess upon the ratable land, chattels, effects, assets and certainties of such village, in addition to the other taxes which he may be authorized or directed by law to assess, such sum of money as the trustees or other governing authority of said village have made requisition upon him to assess for the purposes mentioned in their requisition, which, however,

must be confined to one or more of the purposes mentioned in section one of this act; the evidence to the assessor of his authority to levy the taxes authorized by this act shall be a certificate, signed by the trustees, or by whatever name the governing authority of such village may be called, certifying that they make such requisition, and that the same has been ratified by a majority vote of the inhabitants of the village present at a village meeting duly called for that purpose; for which service as aforesaid the said assessor shall receive from the trustees or other governing authorities of the village, or its financial officer, the sum of five cents for each name assessed by him as aforesaid, and no more.

3. *And be it enacted*, That the collector of the township shall collect said money so assessed, as prescribed in this act, the same as he collects the township taxes, and he shall pay over the same, as collected, to the trustees or other governing authorities of such village, to be used for the purposes set forth in the requisition of the trustees upon the assessor; *provided, however*, that no requisition shall be made by the trustees until a majority of the inhabitants present at any village meeting, to be called for that purpose, shall by a vote as aforesaid have approved of the appropriation of said sum of money for all or some of said purposes, for which services as aforesaid the said collector shall receive from the trustees or other governing authorities of said village, or its financial officers, five cents for each name assessed by the assessor, and whose tax is collected by him and paid over to the trustees as aforesaid, and no more.

4. *And be it enacted*, That any and all meetings of the inhabitants of the village called under the provisions of this act by the trustees or other governing authorities of said village shall be presided over by the president of the trustees, and a clerk of the meeting shall be elected by the inhabitants present; that ten days' notice of said meeting shall be given by publication thereof in five conspicuous places within the village limits, and an advertisement in a newspaper published within the township limits on one day of the week preceding the date fixed for the meeting.

Certificate of trustees authority for assessor.

Collector to collect taxes.

Proviso.

President to preside at all meetings of inhabitants.

Notice of meeting to be published.

Trustees authorized to borrow money in anticipation of taxes and issue certificates of indebtedness.

5. *And be it enacted*, That the trustees or other governing authority of any village are hereby authorized to borrow money for any of the uses of such village set forth in this act, in anticipation of the tax to be levied during the then current year, and to issue proper certificates of indebtedness therefor, which shall bear interest on the principal thereof at a rate not exceeding five per centum per annum, such certificates to be signed by the president or chairman of the board of trustees or other governing authority of such village and attested by the clerk of the village, and it is hereby made the duty of said president or chairman of the board of trustees or other governing authority to sign, and of said clerk to attest and seal with the corporate seal, such certificates of indebtedness, the issue of which may be ordered under the provisions of this section; *provided*, that no such money shall be borrowed or certificates of indebtedness issued until after a sum not less than the amount of said certificates has been voted by a majority of the inhabitants of the village for the expenses of the improvement for which the certificates are issued.

Proviso.

Action of meeting of inhabitants to be written out and signed.

6. *And be it enacted*, That the action taken by the inhabitants of the village at such meeting shall be written out at length by the clerk and signed by the president or presiding officer and the clerk of the meeting, and shall be delivered to the trustees or other governing authorities of such village, which certificate shall be prima facie evidence of the statements therein contained.

Repealer.

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

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

Approved April 15, 1890.

CHAPTER CLXIV.

An Act concerning the tenure of office of certain public officers in cities of the second class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of the second class of this state wherein certain public officers are prohibited from holding any other office of profit or trust under the charter thereof, it shall hereafter be lawful for any member of the board of health or commissioner of public instruction in such city to hold any other office of profit or trust under the charter or municipal government of such city; *provided, however*, that such officer shall receive no compensation or salary as a member of such board of health or commissioner of public instruction.

Certain officers in cities of the second class may hold other offices.

Proviso.

2. *And be it enacted*, That all acts, general and special, so far as they conflict herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Passed April 21, 1890.

CHAPTER CLXV.

An Act to amend an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

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

Annual election
of trustees.

5. *And be it enacted*, That the annual election for trustees to supply the places of those whose term of office expires shall be holden on the day mentioned in the certificate of incorporation, or at such time and at such hour and place as the trustees shall direct, at which election shall be chosen such number of trustees as will supply the places of those whose term expires; the trustees chosen at any election subsequent to the first shall hold their places for three years and until others shall be chosen to succeed them; the election shall be by ballot, and every person of full age who shall be the owner of a share or certificate of stock shall be entitled to one vote for each share or certificate of stock so held by him, and such trustees shall be chosen from among the share or stockholders, or as the by-laws of the association shall direct.

Term of office
and who entitled
to vote.

Proceeds of sale
applied to im-
provements.

2. *And be it enacted*, That after the payment of the purchase money and the debts contracted therefor and for surveying and laying out the land, the proceeds of sales shall be applied to the improvement and embellishment of such lots or plots in the manner agreed upon in the prospectus or by-laws of such association and for incidental expenses, and for no other purpose, until the terms of the agreement made with the purchasers shall be fully complied with; *provided*, that a sum not less than ten per centum of the amount received from the sale of such lots or plots be retained by the trustees of such association and created into a fund for the permanent care of the ground and maintenance of the embellishments.

Proviso.

Repealer.

3. *And be it enacted*, That all acts and 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 April 21, 1890.

CHAPTER CLXVI.

An Act to authorize the incorporation of associations of
baptist churches.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Baptist churches}
the State of New Jersey, That when any association com- ^{how incorpor-}
posed of representatives from baptist churches which ^{ated.}
shall have heretofore or may hereafter, by a resolution of
such association at a regular meeting thereof, adopt a
name and resolve to become incorporated thereunder,
and the clerk, secretary or person having custody of the
minutes of such association shall make a certificate em- ^{Certificate to be}
bodying such resolution duly verified by oath, and file ^{fi.ed.}
the same in the office of the secretary of state; that there-
upon such association shall be and become a body politic
and corporate in the law, with the same powers and
privileges and subject to the same restrictions as if the
same were incorporated under the act entitled "A Sup-
plement to an act entitled 'An act to incorporate trustees
of religious societies' [Revision], approved April ninth,
one thousand eight hundred and seventy-five," which
supplement was approved March eighth, one thousand
eight hundred and seventy-seven.

2. *And be it enacted,* That this act shall take effect im-
mediately.

Approved April 21, 1890.

CHAPTER CLXVII.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act respecting bridges'" [Revision], approved April tenth, one thousand eight hundred and forty-six, which supplement was approved April eighteenth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act approved April eighteenth, one thousand eight hundred and eighty-nine, entitled "A supplement to an act entitled 'An act respecting bridges'" [Revision], approved April tenth, one thousand eight hundred and forty-six, shall be and the same is hereby amended so as to read as follows:

Boards of freeholders authorized to erect, maintain and keep in repair bridges, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any stream, creek or river shall be the dividing line between any two or more counties of this state, the boards of chosen freeholders of said counties shall erect, rebuild, maintain and keep in repair suitable bridge or bridges across the waters, water-way or water-ways of such streams, creeks or rivers, at the joint expense of such counties, whether the waters of such stream, creek or river shall flow in one or more separate channels or water-ways; *provided, however*, that in case it shall be necessary to erect a bridge or bridges at a point on such stream, creek or river where the same shall flow in two or more channels or water-ways, the place where said stream, creek or river divides shall not be more than five hundred yards from the place where said channels or water-ways shall again join and flow as one channel or water-way; *and provided further*, that this act shall not apply to any bridges over any such stream, creek, river, water-way or channel that has been caused by the

Proviso.

Proviso.

erection of any mill or mills for waste-waters or race-ways from and to the same.

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

Approved April 21, 1890.

CHAPTER CLXVIII.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad corporation chartered under the act to which this is a supplement, which shall in the construction of their railroad cross any street or public highway above grade by a bridge, under the authority of the act to which this is a supplement, to erect piers for the support and safety of such bridge, if the same shall by them be deemed advisable, which piers may be located at the outer edge of the wagon-way so as not to encroach thereon, and extend thence into the sidewalk or space left therefor; *provided*, that from their lands on each side of said road or street, so much shall be added to the sidewalk on that side and thrown open to public use for such purpose as shall be occupied by the pier on that side.

2. *And be it enacted*, That in all instances such bridges shall be erected at sufficient elevation so as not to prevent or impede the use of such roads or highways for ordinary travel.

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

Passed April 24, 1890.

CHAPTER CLXIX.

An Act to authorize the alteration of the grades of streets and highways in townships.

Authorized to
alter grades of
streets, and
highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township of this state in which the township committee or other governing body has power, by ordinance, to open, grade, pave, gutter, fill up, refill, macadamize or otherwise improve any street, road or avenue in said township on application therefor in writing to said township committee or other governing body in such township, it shall be lawful for the said township committee or other governing body, in carrying out any improvement or improvements that may be petitioned for as aforesaid, to change or alter, by ordinance, without any written application therefor, the grade of any street, road or avenue if, in the opinion of said township committee or other governing body of such township, it shall be necessary in order to properly execute and carry out the improvement or improvements petitioned for as aforesaid, and such change or alteration of the grade of any such street, road or avenue shall not invalidate or otherwise affect the legality of any assessment for benefits that may or would be otherwise assessable by law for any such improvement or improvements petitioned for as aforesaid in such township; *provided, however*, that this act shall not be construed to deprive any person of any right of action which he may have at law for damages sustained by reason of altering any such grade.

Proviso.

Repealer.

2. *And be it enacted*, That all acts or parts of acts, whether public, general, special or local, 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 April 28, 1890.

CHAPTER CLXX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That notwithstanding any mistake in the name or names of the owner or owners, or omission to name the real owner of any personal property in this state in assessing the taxes on account thereof, as aforesaid, such assessment shall be valid and effectual in law, and if the owner or owners of such personal property shall fail to pay the taxes assessed as aforesaid within the time required by law, a tax warrant or tax warrants shall be issued, according to the provisions of the act to which this is a supplement, against the person or persons to whom said tax was originally assessed or against the real owner or owners of said personal property at the time of such assessment, and such personal property shall be levied upon and sold, and said tax collected by virtue thereof, in the same manner as taxes assessed upon personal property are now collected; *provided, however*, that no personal property shall be liable to be levied upon and sold for taxes, by virtue hereof, which shall be owned by a bona fide purchaser without notice at the time of the making of such levy.

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

Passed April 28, 1890.

Assessments held valid.

Failure to pay, tax warrants to issue.

Proviso.

CHAPTER CLXXI.

An Act to provide for the deficiencies in appropriations for lighting the streets of cities for the current year.

Authorized to borrow money for lighting of streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state in which the appropriations for lighting the streets for the current year shall be found to be inadequate, the proper authority having charge of the finances thereof shall have the power, in their discretion, to borrow such further sum as may be found necessary for lighting, and such amount shall be provided for in the next annual tax levy in such city.

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

Passed April 28, 1890.

CHAPTER CLXXII.

An Act relating to the disposition of license fees paid for any and all licenses to sell spirituous, vinous, malt and brewed liquors.

License fees to be paid to county clerks for use of cities, towns, &c.

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, all license fees (except court and clerks' fees) paid for any and all licenses to sell spirituous, vinous, malt and brewed liquors, granted by the courts of common pleas of the different counties of this state, shall be received by the clerks of said courts to and for the use of the city, borough, village, town, township or any incor-

porated district governed by a board of commissioners or trustees within any such township within which the license granted is to be exercised and enjoyed; the portion of any township incorporated as aforesaid to be considered a distinct municipality for the purpose of this act, and to be entitled to be paid the license fees received for licenses granted to be exercised and enjoyed within the limits of the incorporated district, whether the municipal powers of such incorporated district and the township of which they are a part co-exist over the same locality or not; and all such fees so received shall, within thirty days after the receipt thereof, be paid by such clerk to the body or person entitled to the legal custody of the funds of any such city, borough, village, town, township or incorporated district governed by a board of commissioners or trustees within any such township, to be by the governing body of any city, borough, village, town, township or incorporated district governed by a board of commissioners or trustees within any such township employed and disbursed for the uses of said city, borough, village, town, township or incorporated district governed by a board of commissioners or trustees; and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

County clerks to pay over fees received.

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

Passed April 28, 1890.

CHAPTER CLXXIII.

An Act relative to an appropriation for the state industrial school for girls, for the purpose of building and furnishing an addition to the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty-five thousand dollars be and the same is hereby appropriated

Appropriation for building, &c.

to the state industrial school for girls, to be used for building an addition to the present structure and for properly furnishing the same when completed, and also for the purpose of erecting a boiler house on the premises for the heating of the institution; and the treasurer of the state is hereby authorized to pay the same to the treasurer of said industrial school, on the warrant of the comptroller, in such installments as may be necessary.

Act when to
take effect.
Proviso.

2. *And be it enacted*, That this act shall take effect immediately; *provided, however*, that no payments shall be made under this act until the plans and specifications for said additional structure shall have been approved by the governor.

Approved April 28, 1890.

CHAPTER CLXXIV.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

Authorized to
acquire, hold,
&c., lands re-
quired for
terminal pur-
poses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That railroad corporations now or hereafter organized under the act to which this is a supplement, may acquire by purchase, and may hold, enjoy, mortgage and sell all the land thus acquired that they may, in the judgment of the directors of such companies, require for terminal purposes; this act shall not enlarge or in any way affect the powers now existing under the laws of this state of such companies to acquire land by condemnation.

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

Approved April 28, 1890.

CHAPTER CLXXV.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all railroad corporations now or hereafter organized under the act to which this is a supplement, whose railroads form connecting lines by means of the intervening line or lines of railroad of any other railroad corporation or corporations also organized or to be organized under said act, and which, if having continuous lines, would have the right under the laws of this state to merge and consolidate their capital stock, franchises and other property, may so merge and consolidate, notwithstanding that their lines are not continuous, but are connected by such intervening line or lines, and notwithstanding such intervening line or lines are not included in such merger and consolidation; *provided*, that there shall be no such merger or consolidation if any such railroads or any of the corporations owning any of the railroads forming such connecting line or lines claim a contract with the state on the subject of taxation, unless such contract is surrendered by a proper instrument, to be approved by the attorney-general and filed in the office of the secretary of state.

Railroad corporations may merge and consolidate.

Proviso.

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

Approved April 28, 1890.

CHAPTER CLXXVI.

A Supplement to an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, anno domini one thousand eight hundred and forty-six, and the supplements thereto.

- Use and occupation of grounds for cultivation of oysters and clams confirmed.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons, citizens of this state, now using or occupying any grounds lying under the tide-waters of this state for the planting or cultivation of oysters thereon, said grounds not being natural clam grounds or natural oyster-seed beds, and the same shall have been so used and occupied since January first, one thousand eight hundred and eighty, shall be confirmed in their right to use such grounds for the purpose of planting and cultivating oysters, and the oysters planted and grown thereon shall be the personal property of the person or persons using or occupying the grounds aforesaid; *provided*, the said grounds shall have been marked by proper stakes, buoys or suitable monuments during the time aforesaid, and oysters shall have been actually planted upon the grounds so marked.
- Persons using grounds authorized to plant and cultivate oysters and clams.
2. *And be it enacted*, That upon the grounds now used or occupied as aforesaid, the person or persons using or occupying the same may plant, cultivate and gather oysters; they may shell or otherwise improve such grounds and gather the oysters that may grow thereon, and all oysters on said grounds shall be deemed and taken to be their personal property, and every person or persons who shall gather, catch or take oysters, clams or shells from any lot of ground used or occupied as aforesaid, or use thereon any tongs, rake or dredge, without the permission of the person or persons using or occupying the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding seventy-five dollars or be confined in the
- Penalty for taking oysters and clams from beds without permission.
- Proviso.

county jail for a period not exceeding thirty days, or both, at the discretion of the court.

3. *And be it enacted*, That no grounds used by the public for clamming purposes shall be occupied and used for the purpose of planting and cultivating oysters. Grounds not to be used for planting of oysters.

4. *And be it enacted*, That all stakes used for the purpose aforesaid shall be elastic and yielding, and shall not impede navigation nor interfere with the drawing of seines in any place now established and customarily used for seine fishing. Stakes to be elastic and not to impede navigation.

5. *And be it enacted*, That any person or persons who shall plant oysters upon any of the natural beds lying under the waters aforesaid, shall be deemed trespassers, and such planted oysters shall be forfeited to the public, who shall have the right and privilege of going upon said beds and taking said planted oysters, and converting the same to their own use, at any time when it is now lawful to take oysters from said natural beds and clams from clam grounds. When persons deemed trespassers.

6. *And be it enacted*, That nothing in this act contained shall give any person or persons the right or title to any of the said lands as against the state, and the state may at any time alter or repeal this law, or the riparian commissioners may make grants the same as if this act had not been passed. Rights of state to lands not affected. Riparian commissioners may make grants.

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

Passed April 28, 1890.

CHAPTER CLXXVII.

An Act providing for the purchase and display of United States flags in connection with the public school buildings of the state.

Purchase and display of United States flags authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education or the board of school trustees in the several cities, towns, townships, boroughs, villages and school districts of this state be authorized to purchase a United States flag, flag-staff and the necessary appliances for displaying said flag upon or near the public building during school hours, and at such other times as the board of education or the board of trustees as aforesaid may direct.

Payment for flags.

2. *And be it enacted*, That it shall be lawful for said board of education or board of trustees to pay for said flag, flag staff and the erection and maintenance of the same, out of any public school moneys subject to their order, not otherwise appropriated.

Legal voters to rate tax to defray expenses incurred.

3. *And be it enacted*, That it shall be lawful, where no surplus school money is available, for the legal voters of the several cities, towns, townships, boroughs, villages and school districts of this state, at any annual school meeting, to vote a special school tax to defray the expense incurred by the purchasing of said flag, flag-staff, appliances and erection; *provided*, that notice of such special school tax and the amount proposed to be assessed shall be included in the public school notice calling the annual meeting; *and provided*, that the amount voted for the above-mentioned purposes to be assessed, shall not exceed fifty dollars, which sum shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law.

Proviso.

Proviso.

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

Approved May 5, 1890.

CHAPTER CLXXVIII.

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 it shall and may be lawful in all counties of the third and fourth classes for the overseer of the poor in any township, when application shall be made to him for the relief of any poor person or persons, to grant such relief as their immediate necessities require, and to report the same to one or more members of the township committee, who then, with the overseer, may continue to grant such poor person or persons such relief from time to time, or cause their removal to the county poor house, according to the act to which this is a supplement. Overseers of the poor may, upon application, grant relief.
2. *And be it enacted*, That when a physician or surgeon shall be called to visit such poor person or persons suddenly taken ill or injured, he may visit the same and render such aid as the case may demand, and shall then report the same to the overseer of the poor, who may then grant such further medicine or surgical relief to the said poor person or persons as he and one or more members of the township committee may deem necessary. Overseers may grant relief for medicine and surgery.
3. *And be it enacted*, That the overseer of the poor of each township shall record all relief granted, together with the names of the poor persons to whom granted, and shall report the same annually to the township committee, who shall include said report, and it shall be published, in the annual township report. Record of relief granted to be kept and reported annually.
4. *And be it enacted*, That the amount of the relief before mentioned shall be paid by the township committee out of the funds assessed for the relief of the poor, or from any funds of the township not otherwise appropriated. Amount of relief, by whom paid.

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

Passed May 5, 1890.

CHAPTER CLXXIX.

An Act in relation to expenditures for public school purposes in cities in this state.

Authorized to incur expenditures in excess of limit.

Proviso.

Proviso.

Authorized to appropriate and expend moneys needed for current expenses and erection of buildings, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state where the board of education is authorized by law to determine the amount required for the current expenses of such board, without the concurrence of any other board, it shall be lawful for such board of education to incur expenditures for such purposes in excess of and beyond any limit now fixed by law; *provided*, that such expenditures shall not exceed, in any one year, the average of fifteen dollars per capita on the average enrollment of pupils in the public schools in such city during the next preceding year; *provided*, that this act shall not be construed so as to decrease the limit of expenditure for the purposes aforesaid in any city where by present law the limit is more than fifteen dollars or where there is no limit.

2. *And be it enacted*, That it shall be lawful for the board of education of any city, with the concurrence of the board of aldermen or other body having charge of the finances of such city, to appropriate and expend such sum and sums of money as in the judgment of such boards shall be needed from time to time for the current expenses of the public schools of such city, or for improving or increasing the school accommodations of such city, by the erection or alteration of school-houses or otherwise, in excess of and notwithstanding any limita-

tion upon any such expenditure in this or any other law of this state, general, special or local, contained.

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

Approved May 5, 1890.

CHAPTER CLXXX.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all sales of land heretofore ^{Sales of lands, &c., declared valid.} made or hereafter to be made for non-payment of taxes, assessments or water rents, adjusted or to be adjusted under the provisions of the act to which this is a supplement, and all past and future notices of such sales by advertisement, and all certificates and declarations of sale issued or to be issued in pursuance thereof, and all tax titles and rights acquired thereunder, although the time at which such sales have been made or advertised for have not or shall not be between the hours prescribed in section one of an act entitled "An act relative to sales of land under a public statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, are and shall be valid and effectual, and the same shall be deemed and

Proviso. taken to be good and effectual in law, and the record thereof admissible as fully and completely as if said sales had been or shall be advertised for and held between the hours mentioned and designated in said section one of the last aforesaid act; *provided, however*, that said sale or sales and the notices thereof shall have been or shall be given in all other respects as required by the act to which this is a supplement.

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

Approved May 5, 1890.

CHAPTER CLXXXI.

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

Preamble. WHEREAS, Owners of real estate have by map or deed made dedication of land for public roads which have neither been opened as public roads by surveyors of the highway or by acceptance of the same by the township committee of the township in which said lands are situate, and which roads are unnecessary,

Upon application of owners, township committee may vacate streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon application of the owners of said lands and of all persons owning lands fronting on said streets or claiming a right of way over the same to other lands belonging to them, by reason of said map or deed, the township committee of the township in which said lands are situate may, by resolution, vacate said street or streets, which resolution, with a map of said street or streets so vacated, shall be filed in the clerk's office of the proper county.

Persons aggrieved may appeal.

2. *And be it enacted*, That any person aggrieved by any such resolution may appeal to the court of common pleas

of said county at any time within thirty days after the filing of such resolution and map, and said court shall have power to review and confirm or annul the same.

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

Passed May 5, 1890.

CHAPTER CLXXXII.

An Act relating to assessments in cities of the third class of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any assessment for benefits from any improvement heretofore made or work heretofore done by order of the corporate authorities of any city of the third class of this state, or any board or department thereof, shall have been heretofore or shall be hereafter ratified and confirmed, it shall be lawful for the board of finance in each city, or in the absence of such board then the board of aldermen, common council or other legislative body of any such city, if by resolution passed by the votes of at least three-fourths of all the members of such board, common council or other legislative body of any such city, it shall determine to accept from the parties so assessed, and in lieu of a cash payment, bonds for the settlement of such assessment, then the parties so assessed may, within thirty days from the passage of such resolution and by paying interest on said assessment from the date of the confirmation thereof to the date of entering into such a bond, or the interest which shall have accrued on said assessment may be included in the principal of such bond, deliver to said city such a bond, made payable to the city treasurer and entered into by the owner or owners of the property assessed, conditioned for the payment of such assessment in five years from the date of said bond by paying twenty per

Authorized to accept bonds for assessments in lieu of cash payments.

Bonds to be delivered to city treasurer.

centum of the amount of said assessment in each and every year, with interest upon the amount of said assessment or such part thereof as may remain unpaid, at the rate of six per centum per annum, payable annually.

Bond to be filed and recorded in office of city treasurer.

2. *And be it enacted,* That the bond entered into as aforesaid shall be forthwith filed in the office of the city treasurer, and when so filed shall be recorded in a book or books of assessment bonds, and the said bond or a certified copy of the record thereof, under the hand and seal of the city treasurer, shall be conclusive evidence in any court of the contents of the same and of the legality of the assessment for which the said bond was given and of all the proceedings in relation thereto up to and including the date thereof.

Assessments to bear interest until paid.

3. *And be it enacted,* That in case the owner or owners of any land or real estate assessed for any improvement shall neglect or fail to pay the amount of the assessment, with interest as aforesaid, or to give the bond required within thirty days from the passage of such resolution as aforesaid, then such assessment shall bear interest at the rate of ten per centum per annum until paid, and said land and real estate shall be sold, as provided for the sale of lands for unpaid assessments, for the amount of such assessment, with interest as above stated, costs and expenses; and in case any installment of a bond which shall have been given for an assessment, as aforesaid, or any interest thereon, shall not be paid according to the terms thereof, the whole amount of said bond unpaid shall become immediately due and payable, and interest shall be charged thereon at the rate of ten per centum per annum from the date of its becoming due until paid; said land and real estate shall be sold in the manner provided for the sale of lands for unpaid assessments for the amount of such assessment, with interest as above stated, costs and expenses, and the amount thus due on the bond for the collection of which the sale has been made, when paid, shall be credited on the bond, which shall be held by the city until the same is paid in full and extinguished; *provided,* that the receiving said bond shall in no way affect or impair the lien of said city upon the land and real estate assessed during the time said obligation shall

Lands, how sold.

Proviso.

continue in force and unpaid, and during said time sale may be made upon default as aforesaid.

4. *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 May 5, 1890.

CHAPTER CLXXXIII.

An Act authorizing the cancellation of certain bonds and obligations of cities of this state held by the commissioners of sinking funds thereof.

1. BE IT ENACTED *by the Senate and General Assembly of* Commissioners authorized to cancel certain bonds or obligations. *the State of New Jersey*, That from and after the passage of this act the commissioners of sinking funds of any city in this state may and they are hereby authorized to cancel any bonds or obligations of the city whereof they may be commissioners as aforesaid, which may be held by them and upon which the interest may be in default and unpaid.

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 May 5, 1890.

CHAPTER CLXXXIV.

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

Changing of ward lines not to affect assessment and collection of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city of this state, maps and books are prepared for the assessment of property by wards, any change made in the ward lines different from those indicated and shown by such maps and books shall in nowise affect the assessment and collection of taxes therein, but for all purposes of taxation the ward lines shall exist as heretofore, until such books and maps may be changed by the officer or officers having charge thereof.

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

Approved May 5, 1890.

CHAPTER CLXXXV.

A Supplement to "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.

Commission authorized to contract for erection of armories.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commission constituted by the act to which this is a supplement be and it is

hereby authorized to enter into contracts, and to cause to be erected armories in cities of the first and second class, in the manner prescribed by the said act, in excess of the limitation in said act prescribed; *provided*, that the excess over and above such limitation shall be secured to be paid in such manner as said commission shall prescribe, and in such a manner that the state of New Jersey shall not be obligated to pay more than seventy-five thousand dollars for the entire cost of erecting and completing such armory as provided by said act. Proviso.

2. *And be it enacted*, That it shall be lawful for said commission in entering into such contracts as aforesaid, to provide therein that not more than twenty-five thousand dollars shall be paid from the state treasury on account thereof in any one year, on account of each armory to be erected. Amount to be paid from state treasury on account of each armory.

3. *And be it enacted*, That it shall be lawful for the board of aldermen or other body having charge of the finances of any city wherein such armory shall be erected under the authority of said act, and for the board of chosen freeholders of any county wherein such armory shall be erected as aforesaid, each to appropriate towards the erection and completion thereof any sum not exceeding twenty-five thousand dollars, to be expended and paid on the order of the state military board, constituting the commission aforesaid, which sum so appropriated may be paid in one or in several annual installments, as the board or body making the same shall provide when making such appropriation. Amount of appropriation for each armory by boards of aldermen and chosen freeholders.

4. *And be it enacted*, That in case of the sale at any time of any armory site purchased or obtained under the provisions of said act, and of the building or buildings thereon erected, the moneys paid for such site by any board of chosen freeholders, and the moneys paid toward the erection of such armory by any such board or body as aforesaid, as by this act authorized, shall be re-imbursed pro rata to such board or body, after the state has been re-imbursed in full for the moneys paid by it for such purpose. Re-imburement how made.

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

Approved May 5, 1890.

CHAPTER CLXXXVI.

An Amendment to an act entitled "An amendment 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," which amendment was approved March eighteenth, 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 the second section of an act entitled "An amendment 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," which amendment was approved March eighteenth, one thousand eight hundred and ninety, be and the same is hereby amended so as to read as follows:

Section amended

2. *And be it enacted*, That the third section of the said 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, be and the same is hereby amended so as to read as follows, viz.:

Authorized to levy a special tax and issue bonds.

3. *And be it enacted*, That it shall be lawful for the board of chosen freeholders to cause a special tax to be levied, which shall not, in any one year, exceed the sum of twenty-five thousand dollars, and to issue bonds of the county, bearing interest at not more than five per centum per annum, to be known as county road bonds, for the purpose of raising money to pay the cost, or any part of the cost, of paving, macadamizing or otherwise improving the said county roads, or any part thereof, in the manner aforesaid, but prior to the issuing of any such bonds the said board shall make an application to the circuit court of the county, in writing, setting forth the

Application to be made to circuit court.

assessed value of the real estate therein for the purpose of taxation in the year next preceding, together with a statement of the entire debt of the county for all purposes, and of the amount of county road bonds which they propose at that time to issue; whereupon the said court shall fix a time to hear such application, whereof such notice by publication shall be given as the court shall direct, and at the time and place so fixed the said court shall proceed in a summary manner to investigate the accuracy of the statements contained in the said application, and shall make a certificate setting forth the assessed value of the real estate in the county for the purpose aforesaid in the year next preceding, and the total amount of the debt of the county for all purposes as found by such investigation, which certificate shall be entered at length on the minutes of the court and filed in the office of the clerk of the county; and no county road bonds shall be issued to such an amount as, in addition to existing debt, shall raise the debt of the county for all purposes above three per centum of the assessed value of the real estate therein, as such debt and assessed value of real estate are shown by such certificate; and in case any such bonds shall be issued in excess of the limit aforesaid, all such bonds so issued in excess shall be void in the hands of any person or party, notwithstanding any recitals therein or any representations that may be made concerning the same; such application must be repeated in case of every other proposed issue of such bonds, but in no case shall any such board issue bonds under this act so that the amount of such bonds outstanding at any one time shall exceed the sum of three hundred thousand dollars.

When issue of
bonds to be void.

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.
Passed May 6, 1890.

CHAPTER CLXXXVII.

A Further Supplement to "An act in relation to the improvement and maintenance of certain roads," approved March third, one thousand eight hundred and eighty-two.

Boards authorized to appropriate and expend, &c., a certain sum for repairing of roads.

When amount to be expended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of chosen freeholders which shall have expended upwards of seventy-five thousand dollars in the improvement and maintenance of roads under the provisions of the act to which this is a supplement, and the acts supplementary thereto, to appropriate, set apart and expend in each year, in addition to the sum or sums now authorized to be expended under said act and acts, a sum not exceeding one-thirtieth of one per centum of the taxable valuation of such county for the next preceding year, which sum, or so much thereof as shall be by such board deemed necessary for the purpose, shall be expended in repairing the roads previously macadamized by such board; and said sum so appropriated shall be available, and shall be expended only between the first day of January and the first day of June in any year.

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

Approved May 12, 1890.

CHAPTER CLXXXVIII.

An Act to regulate processions and parades in cities of the first and second class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all processions and parades are forbidden in, over, upon or through any street, avenue or public thoroughfare of any city of the first or second class in this state, unless written notice of the object, time and route of such procession or parade be given to the police authorities of such city by the chief officer or person or persons in charge of such procession or parade not less than six hours previous to the time of forming such procession or parade, and it may be lawful for said police authorities to designate to such procession or parade which, or how much of any street, avenue or public thoroughfare it can occupy, and when so designated, the chief officer, or person or persons in charge of such procession or parade, shall be responsible that the designation is obeyed; and the police authorities of any such city may furnish such escort as may be necessary to protect persons and property and maintain peace and order.
2. *And be it enacted*, That processions and parades on the Sabbath day, commonly called Sunday, in any street, avenue or public thoroughfare in any city of the first or second class in this state, excepting processions or parades proceeding to or returning from any place of burial, and processions to and from any place of worship in connection with a religious service then celebrated, are forbidden, and in no such excepted case shall there be any music except by consent of the police authorities first had and obtained.
3. *And be it enacted*, That it shall and may be lawful for any body of the national guard of this state, the police or fire department, the grand army of the republic, or other veteran organization, to parade in any public street, avenue or thoroughfare in any city of the first or second

Processions and parades to notify police authorities of route, &c.

Police authorities to designate streets, &c.

Parades on Sunday forbidden.

Music may be played proceeding to or from burials on Sunday.

class in this state, and to cause music to be played while in such procession or parade, and to cause music to be played while proceeding to or returning from any place of burial on the Sabbath day, commonly called Sunday, except that music shall not be played while passing any church or place of worship on the Sabbath day, commonly called Sunday, subject to any police regulation the police authorities may deem necessary for the preservation of the public peace.

Penalty for violation of act.

4. *And be it enacted*, That every person who shall willfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall suffer a penalty not exceeding fifty dollars or imprisonment not exceeding thirty days, or both, at the discretion of the court.

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

Approved May 12, 1890.

CHAPTER CLXXXIX.

An Act to empower cities to acquire land for public parks by condemnation.

Cities authorized to acquire lands for public parks by condemnation.

Proceedings in case city and owners cannot agree as to terms, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the council, or other governing body, of any city of this state shall deem it proper to acquire certain land for a public park in such city, and the said city or its agents cannot agree with the owner or owners and tenant or tenants, or other legal occupant or occupants of such land, as to the price and terms of the purchase thereof, or when, by the legal incapacity or absence of such owner or owners, and tenant or tenants, or other legal occupant or occupants, no agreement can be made for the purchase thereof, a description in writing of the land so desired, with the

name or names of the owner or owners, and tenant or tenants, or other legal occupant or occupants, if known, and their residences, if the same can be ascertained by the said city or its agents, shall be presented to one of the justices of the supreme court of this state, who thereupon shall cause such city to give notice thereof to the persons interested as owners, tenants or other legal occupants, if known and in this state, or if unknown or cannot be found, or if 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 commissioners, as hereinafter provided; at which time, upon satisfactory evidence to him of the service or publication of such notice, he shall appoint, under his hand, three impartial and judicious freeholders, residents in such city, to examine and appraise the said land and to assess the fair market value thereof, upon such notice to be given to the persons interested as owners, tenants or other legal occupants as shall be directed by the justice making such appointment, not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question and to make a true report and appraisal as aforesaid, in writing, 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 land and to make a just and equitable estimate and appraisal of the fair market value of the same as aforesaid, to be paid by the city; which report shall be made under the hands of the said commissioners, or of any two of them, and within fifteen days thereafter, together with the description of the land and the appointment and oaths or affirmations aforesaid, shall be filed in the clerk's office of the county within which such city and land are situated, to remain of record therein; and thereupon, and on payment, or tender of payment, of the amount of the estimate or appraisal so made by the said commissioners of the value of the said land to the party or parties entitled thereto, as owners, tenants or other legal occupants, the

Appointment of
commissioners.

Commissioners
to make report.

said city is hereby empowered to enter upon and take possession of the said land, and all title thereto shall, upon such payment or tender, pass from the said owners, tenants or other legal occupants to the said city, which shall thereafter hold the land by the same right and title which the said owners, tenants or other legal occupants held it; and in case of a dispute between any owner or tenants or other legal occupants as to their respective rights or shares in and to the sum so assessed or ascertained under this act, then the said city is hereby authorized to pay the sum assessed for the said land to the clerk of the county in which said city is situated, to be paid out and distributed between or among the parties entitled to the same by the order of the circuit court of said county upon the application of any one or more of them on due notice to the others; and the said justice shall, upon the application of either party, or on reasonable notice to the others, tax and allow such costs, fees and expenses to the commissioners and other persons performing any legal duty in the premises as he shall think equitable and right, which shall be paid by the said city; and if any or all of the said owners, tenants or other legal occupants shall be absent from this state, or under any legal incapacity that disqualifies them from receiving legal payment of the money awarded him, her or them, then it shall be the duty of the city to pay the amount awarded to such person or persons to the clerk of the county in which such city and lands are situated; and it shall be the duty of the said clerk to receive the same, to be paid to the parties entitled thereto by the order of the judge of the circuit court of the said county, upon his, her or their application for the same, and every and all of such payments to the clerk, as to the city, shall be equivalent to payment to the parties entitled thereto, and shall operate to transfer the title to said lands to said city as if made to the said parties; *provided, always,* that should the city or the owner or owners, tenant or tenants, or other legal occupant or occupants of the land feel aggrieved by the report and award of the said commissioners, he, she or they may appeal from the said appraisalment and award in respect to his, her or their interest therein to the next circuit

Justice to tax
and allow fees,
costs and ex-
penses.

Proviso.

court in the county wherein the said city and land are situated.

2. *And be it enacted*, That every appeal from the appraisement and award of the commissioners shall be made in the form of a petition to the said court, and notice thereof shall be given to the other parties, within fifteen days after the filing of the commissioners' report and award, which proceeding shall vest in the circuit court full authority, power and jurisdiction to hear and determine the question of the fair market value of the land, and thereupon the said court shall direct a proper issue to be framed between the parties for the trial of the said question, and order a jury of twelve men to be struck for the trial of the same and a view of the premises to be had by them; and the said issue shall be tried upon the like notice and in the same manner as other issues of fact in said court are tried; and it shall be the duty of the said jury to assess the fair market value of the land in question; and the party or parties appealing shall recover costs if he, she or they shall succeed at the trial on appeal in changing the valuation or assessment of the land in question in his, her, its or their favor, and shall pay costs if he, she or they shall fail so to do; but no appeal shall prevent the city from taking the land upon filing the commissioners' report and award and payment or tender to the parties of the amount thereof as hereinbefore provided; but a party accepting from the city the amount of the award of the commissioners in his favor shall not have any appeal; that upon the verdict of the jury fixing the value of the land, the court shall enter judgment for the amount thereof, with or without interest and costs, according to the provisions of this act and the principle of law applicable to the trial of similar issues in other cases; and the judgment so entered shall be the sum which the owner or owners, tenant or tenants or other legal occupants are entitled to have from the city for the said land, and may be enforced by execution out of said court in manner and form similar to other cases in which judgment is pronounced in said court; and when the commissioners' award is paid by the city into court, as hereinbefore provided, and an appeal is taken and judgment is afterwards pro-

Proceedings in case of appeal.

Market value of land to be assessed.

Court to enter judgment for amount and how enforced.

nounced on the verdict, it shall be the duty of the court to order the money so paid into court applied to the payment of the said judgment, and the surplus, if any, repaid to the city.

Approved May 12, 1890.

CHAPTER CXC.

An Act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof.

Appointment,
term of office
and number of
members of
state board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall appoint a board of examiners, to be known as the state board of medical examiners; said board shall consist of nine members; the appointees shall be persons of recognized professional ability and honor; the terms of office of said board shall be three years, or until their successors are appointed; *provided, however*, that the members of the board first appointed shall be divided into three classes, each class to consist of three persons; the first-class shall hold office under said appointment for one year, the second for two years, and the third for three years from the date of their appointment, and thereafter each member of said board shall be appointed for a term of three years; *and provided further*, that said board shall consist of five old school, three homeopathic and one eclectic; *it is further provided*, that no member of said board shall serve more than two terms in succession; no member of any college or university having a medical department shall be appointed to serve as a member of said board.

Proviso.

Proviso

Proviso.

Organization of
state board.

2. *And be it enacted*, That said board of medical examiners shall elect a president, a secretary and a treasurer; it shall have a common seal, and the president and sec-

retary shall be empowered to administer oaths in taking testimony upon any matter pertaining to the duties of said board; said board shall hold meetings for examinations at the capitol building of this state, the second Thursday of January, April, July and October of each year, and at such other times and places as the board shall deem expedient; said board shall keep an official record of all its meetings, also an official register of all applicants for examination for a license to practice medicine and surgery in this state; said register for license shall show the name, age and last place of residence of each candidate, the time he or she has spent in medical study in or out of medical school, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine; said register shall also show whether such applicant was rejected or licensed under this act; said register shall be prima facie evidence of all matters therein contained.

3. *And be it enacted*, That all persons hereafter commencing the practice of medicine or surgery, in any of its branches, in this state, shall apply to said board of medical examiners for a license so to do; applicants for examination shall be divided into three classes, to wit: first, persons graduated from a legally chartered medical school not less than five years before the date of application for a license; second, all other persons graduated from a legally chartered medical school, and third, medical students taking a regular course of medical instruction; applicants of the first class shall submit to examination upon the following named branches, to wit: materia medica and therapeutics, obstetrics and gynecology, practice of medicine, surgery and surgical anatomy; those of the second and third classes shall submit to examination upon anatomy, physiology, chemistry, materia medica and therapeutics, histology and pathology, hygiene, practice of medicine, surgery, obstetrics and gynecology, diseases of the eye and ear, medical jurisprudence and such other branches as the board may deem advisable; the questions for examination of applicants of the first and second classes shall be the same in branches common to both; said board shall not license applicants of the sec-

Time and place
of meetings for
examinations.

Register to be
kept.

Persons practic-
ing to apply to
board.

Applicants for
examination
divided into
classes.

Branches upon
which applicants
are to be ex-
amined.

Questions for
examination of
applicants of
first and second
classes.

When board not to license applicants of certain classes.

When examination satisfactory members may issue certificate.

Examinations.

If examination satisfactory, license to issue, &c.

On refusal of board to issue license applicants may appeal.

Committee of review.

second and third classes after January first, one thousand eight hundred and ninety-two, until satisfactory proof is furnished that the applicant has studied medicine and surgery three years, is of good moral character and over twenty-one years of age; applicants of the third class, after they shall have studied medicine and surgery at least two years, can be examined upon the following named branches, to wit: anatomy, physiology, chemistry, histology and pathology, and materia medica and therapeutics; if said examination is satisfactory to all the members of said board, it may issue a certificate that the applicant has passed a final examination in these branches, and such certificate, if presented by the applicant when he or she shall make application for license to practice, shall be accepted by said board in lieu of an examination in those branches; all examinations shall be both scientific and practical, but of sufficient severity to test the candidates' fitness to practice medicine and surgery.

4. *And be it enacted*, That all examinations shall be in writing; in all examinations the questions and answers must be, except in materia medica and therapeutics, such as can be answered in common by all schools of practice; and if the applicant intends to practice homeopathy or eclecticism the member or members of said board of those schools shall examine said applicant in materia medica and therapeutics; if said examination is satisfactory, the board shall issue a license entitling the applicant to practice medicine in this state; the votes of all examiners shall be by yes or no and written, with their signatures, upon the backs of the examination papers of each candidate for the respective branches; a license shall not issue in any case unless the applicant passes an examination satisfactory to all the members of said board; said examination papers shall be kept on file by the secretary of said board, and shall be prima facie evidence of all matters therein contained; any applicant refused a license by said board for failure on examination may appeal from the decision of said board to the appointing power thereof, who may thereupon appoint a medical committee of review consisting of three members, one from each school of medicine, who shall examine the examination papers of the said applicant and from them determine whether

a license should issue, and their decision shall be final; if said commission by an unanimous vote reverse the determination of the board the board shall thereupon issue a license to the applicant; the expense of said appeal shall be borne by the applicant; all licenses shall be signed by the president and secretary of said board, and shall be attested by the seal thereof; the fee for examination shall be fifteen dollars for each applicant of the first and second classes and twenty dollars for each applicant of the third class; it shall be paid to the treasurer of the board and applied towards defraying the expenses thereof.

Expense, by whom paid.

Licenses, by whom signed, and fee for examination.

5. *And be it enacted*, That the board may, by a unanimous vote, refuse to grant, or may revoke a license for the following named causes, to wit, chronic and persistent inebriety, the practice of criminal abortion, conviction of crime involving moral turpitude or for publicly advertising special ability to treat or cure diseases which, in the opinion of said board, it is impossible to cure; in complaints for violating the provisions of this section, the accused person shall be furnished with a copy of the complaint, and given a hearing before said board, in person or by attorney.

Board authorized to refuse, grant or revoke licenses.

6. *And be it enacted*, That the person so receiving said license shall file the same, or a certified copy thereof, with the clerk of the county in which he or she resides, and said clerk shall file said certificate or copy thereof and enter a memorandum thereof, giving the date of said license 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 fifty cents; in case a person so licensed shall move into another county of this state, he or she shall procure from the said clerk a certified copy of said license and then file the same with the clerk in the county to which he or she shall so remove; said clerk shall file and enter the same with like effect as if the same was the original license, and for which registry the said county clerk shall be entitled to demand and receive the sum of fifty cents.

License or certified copy to be filed with clerk of the county.

7. *And be it enacted*, That this act shall not apply to commissioned surgeons of the United States army, navy

Act, to whom not to apply.

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 person now entitled to practice medicine in this state.

Who regarded
as practicing
medicine or
surgery.

8. *And be it enacted*, That any person shall be regarded as practicing medicine or surgery, within the meaning of this act, who shall append the letters M. D. or M. B. to his or her name, or prescribe, for the use of any person or persons, any drug or medicine or other agency for the treatment, cure or relief of any bodily injury, infirmity or disease; this act shall not apply to dentists in the legitimate practice of their profession.

Penalty for
practicing with-
out license.

9. *And be it enacted*, That any person hereafter commencing the practice of medicine or surgery in this state without first having obtained the license herein provided for, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars or more than one hundred dollars, or by imprisonment in the county jail for a period of not less than ten or more than ninety days, or by both fine and imprisonment; it shall be the duty of the respective county attorneys to prosecute violations of the provisions of this act.

Expenses of
board, how paid.

10. *And be it enacted*, That the expenses of said board and of the examinations shall be paid from the license fees above provided for, and if any surplus remain, the same may be distributed among the members of said board as a compensation for their services as members, but otherwise they shall receive no compensation whatever.

Repealer.

11. *And be it enacted*, That all acts or parts of acts, general or special, now existing, not in accordance with the provisions of this act, or inconsistent therewith, are hereby repealed.

Approved May 12, 1890.

CHAPTER CXCI.

An Act to amend an act entitled "An act providing for 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 section seventeen of said act be changed to be numbered eighteen, and that a certain section to be called seventeen read as follows:

17. *And be it enacted*, That any town, township, village or corporation, or other municipality, or any owner of real estate within, or partly within, an area which may be drained through said sewer, who may desire to use said sewer, shall be permitted, upon consent of the parties constructing said sewer, to do so upon first paying to the parties originally constructing the same such sum as shall be agreed upon by said parties, and in case of failure to agree as to such compensation, the amount may, by the consent of said parties constructing said sewer, be fixed by commissioners to be appointed by the circuit court, upon application of all parties interested in the matter, the procedure therein and of said commissioners in fixing said compensation, and the fixing of the compensation of said commissioners and the costs and expenses incurred to be regulated by the provisions contained in sections fourteen and twelve of said act, so far as the same may be applicable.

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

Approved May 12, 1890.

CHAPTER CXCI.

A Supplement to 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.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourteenth section of the supplement of the act to which this is a supplement, which was approved March fifth, one thousand eight hundred and eighty-four, be and the same is hereby amended so as to read as follows:

Authorized to appoint military store-keeper.

14. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to appoint and commission a military store-keeper, with the rank of captain, who shall have charge of the state arsenal, to repair and keep in good and proper order the arms and equipments belonging to this state that now are or may hereafter be placed under his charge, and the said military store-keeper shall be responsible to the quartermaster-general for the safe keeping of the said arms and equipments.

Section to be amended.

2. *And be it enacted*, That the twenty-third section of the supplement of the act to which this is a supplement, which was approved March fourteenth, one thousand eight hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Annual inspections.

23. *And be it enacted*, That the annual inspection of each company of the national guard shall be made by the inspector of brigade between the first day of May and the thirty-first day of May, at which inspection there shall be furnished by each company commandant to the inspecting officer muster rolls in triplicate of the company, which rolls shall have endorsed thereon a certificate of the commanding officer of the average present at all company drills and parades throughout the year,

which muster rolls shall then be examined by the inspecting officer and by him certified.

3. *And be it enacted*, That the governor and commander-in-chief is hereby authorized to confer upon such citizens of this state as shall have faithfully served as commissioned officers in the active militia and national guard for a period of twenty years and wish to resign, a brevet rank of not more than one grade higher than the highest rank held by them during their term of service; *provided*, that the governor shall nominate the same to the senate, and the rank shall be conferred by and with the advice and consent of the senate.

Governor authorized to confer brevet rank.

Proviso.

4. *And be it enacted*, That the quartermaster-general is hereby authorized to issue to each commissioned officer who does not bear arms a rifle for use in rifle practice, and provided that said officer or non-commissioned officer shall give good and sufficient bonds therefor.

Quartermaster-general authorized to issue a rifle to each commissioned officer.

5. *And be it enacted*, That the quartermaster-general is hereby authorized to enlist, from time to time, for the purpose of performing service as clerks, mechanics, teamsters and laborers in the quartermaster-general's department, for such term of service as he may deem proper, not exceeding twenty-five men, who shall be furnished with a fatigue uniform and be paid when on duty such pay as the quartermaster-general may direct, approved by the governor.

Quartermaster-general authorized to enlist clerks, mechanics, &c.

6. *And be it enacted*, That the fifteenth section and the sixteenth section of the supplement of the act to which this is a supplement which was approved March fifteenth, one thousand eight hundred and seventy-eight, which read as follows:

Sections repealed.

"15. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to appoint and commission at his discretion, as in his judgment the public service may require, one assistant quartermaster-general, with the rank of colonel of cavalry, and two deputy quartermasters, with the rank of major of cavalry.

Section repealed.

"16. *And be it enacted*, That in addition to their duties in the field it shall be the duty of the assistant quartermaster-general and deputy quartermasters, whenever directed by the quartermaster-general, to purchase quartermaster and commissary stores and other articles requi-

Section repealed.

site for the national guard when on active service, and generally to procure and provide means of transportation for the troops, their stores, artillery and camp equipage," be and the same are hereby repealed, and the officers now holding commissions under these acts are hereby placed on the retired list.

Governor
authorized to
appoint deputy
quartermaster-
generals.

7. *And be it enacted*, That the governor and commander-in-chief is hereby authorized to appoint and commission at his discretion, as in his judgment the public service may require, three deputy quartermaster-generals, with the rank of lieutenant-colonel, and it shall be the duty of the deputy quartermaster-generals to perform such military duties as may be required of them by law and by the quartermaster-general.

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

Approved May 12, 1890.

CHAPTER CXCIH.

An Act to amend an act entitled "An act for the formation of borough commissioners," approved March seventh, one thousand eight hundred and eighty-two.

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

Expenses of ad-
vertising, by
whom paid.

11. *And be it enacted*, That the expenses of advertising and holding the first election, mentioned in section two of this act, shall be defrayed and borne by the petitioners for said borough commission; the freeholder calling said election shall, for his services, be entitled to the sum of two dollars; and the judge, inspectors and clerk holding such election, or any subsequent election, shall be entitled to receive the same fees as are allowed for like duties at

Fees of free-
holder and
officers of elec-
tion.

state elections; the costs of all subsequent elections to be paid by said board.

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

Approved May 12, 1890.

CHAPTER CXCIV.

Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons not less than seven may associate and form an incorporated company for the purpose of making insurance upon the lives of horses, cattle and other live stock. Formation of companies authorized.

2. *And be it enacted*, That no joint stock insurance company formed under this act shall be organized with a smaller capital than ten thousand dollars, or entitled to commence business until said sum is actually paid in cash; nor shall any mutual insurance company be entitled to commence business until agreements have been entered into for insurance and notes received to the amount of ten thousand dollars; such notes shall be considered a part of the capital stock of such mutual insurance company, and shall be valid and collectible for paying any losses which may accrue or any other lawful use or purpose. Amount of capital required for stock companies. Mutual companies not to commence business until agreements and notes have been entered into and received.

3. *And be it enacted*, That companies organized under and by virtue of the preceding sections shall be subject to the provisions of the act to which this is a supplement so far as the same shall apply to companies organized in this state. Companies organized subject to provisions of insurance act.

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

Approved May 12, 1890.

CHAPTER CXCIV.

An Act to authorize towns and villages to construct sewers and drains, and to provide for the payment of the cost thereof.

Authorized to construct sewers and drains and provide and maintain a system of sewerage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful in any town or village in this state which has been incorporated under any general or special law of this state, whether the powers granted have been vested in a board of commissioners having, among other powers, the charge and control of the public streets of such town or village, or in any other governing body or board, for the board of commissioners, or other governing body or board, of any such town or village, to order and cause, by contract or otherwise, sewers and drains to be constructed in any part of such town or village, and to provide, maintain and alter a general system of sewerage and drainage for such town or village, or any part thereof, conformably to which all sewers and drains shall be constructed, and to establish and maintain one or more outlets or places of deposit, within or without such town or village, for sewerage and drainage from such town or village, and to repair and cleanse such sewers and drains.

Upon petition board may adopt resolution of intention to construct sewer.

2. *And be it enacted*, That whenever a petition in writing of any owners of property interested, not less than ten, shall be presented to the board of commissioners or other governing body or board of such town or village, asking for the construction of a sewer or drain in the whole or any particular section of such town or village, it shall be lawful for such board to adopt a resolution declaring its intention to cause such sewers or drains to be constructed; and the said board shall forthwith cause public notice of such intention to be given by its president or designated officer, in two or more newspapers printed or circulating in such town or village, for

Notice to be advertised.

the space of ten days, briefly describing the proposed work and the section or part of such town or village to be affected, and requesting such persons as may object thereto to present their objections in writing, at or before the expiration of ten days from the date of such notice, to the officers signing the same; and if persons owning or representing more than one-half of the lineal frontage of land along the streets through which it is proposed to construct any sewer or drain, shall so present their objections in writing, then such proceedings shall cease, but otherwise, and after the expiration of said ten days, it shall be lawful for such board to adopt any ordinance for the construction of such sewers or drains, to award contracts for the same, or for any part or section thereof, and to take all necessary steps for properly carrying into effect the desired improvement.

When owners of majority of lineal frontage object proceedings to cease.

Board may adopt ordinances for construction of sewers, &c.

3. *And be it enacted*, That if, in the judgment of the said board of commissioners or other governing body or board, the construction of such sewer or drain is likely to benefit and increase the value of any lands and real estate in the vicinity thereof, the said board shall apply to the judge of the circuit court of the county wherein such town or village is situate, for the appointment of commissioners to estimate and assess such benefits, of the time and place of which application notice shall be given by ten days' publication in two newspapers printed within the county and circulating in such town or village, at which time and place, or at such other time and place as the said judge shall designate, said judge shall, without unnecessary delay, appoint three commissioners, who shall be freeholders of such town or village making the application, to estimate and assess the said benefits; the said judge 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; the said commissioners, before entering upon the execution of 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 estimates and assessments required of them fairly, legally and equitably, according to the best of their skill and understanding, which oath or

Board may apply to judge for appointment of commissioners to estimate and assess benefits.

Vacancies, how filled.

Commissioners to take oath.

affirmation shall be attached to the report that they are hereinafter required to make.

Commissioners
to meet and give
notice.

4. *And be it enacted*, That the said commissioners, having thus qualified, shall give notice, under the direction of the said judge, of the time and place when and where they will hear any persons in interest 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 power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises that they may deem necessary, and to adjourn from time to time in their discretion, or as directed by the judge of said court; they shall use diligent effort to ascertain the names of the owners of the lands and real estate benefited by the construction of such sewer or drain as aforesaid, and shall state the same in the report hereinafter mentioned, but the failure to ascertain the name of any such owner or to state the same correctly, or the omission of any such name from the said report, shall not be deemed to invalidate the said assessment, nor to be a bar to the collection of the same.

May examine
witnesses, &c.

Assessments not
invalidated for
failure to ascertain
names of
owners.

Commissioners
to make report.

5. *And be it enacted*, That after having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises likely, in their judgment, to be benefited by the construction of such sewer or drain, the said commissioners shall make a report in writing of their estimates and assessments to the judge of said court, accompanied by a survey and map to be prepared under their direction by a civil engineer, to be appointed by the board of commissioners or other governing body or board of such town or village, showing the lots or parcels of land and real estate peculiarly benefited by such sewer or drain; the said report shall state the cost of the whole work, including in such cost all necessary expenditure for engineers, plans, salaries, legal fees and charges and such other incidental expenses as in the proper prosecution of the work may be necessarily incurred; the portion, if any, assessed upon the town or village at large, and shall give the names, so far as ascertained, of the

owners of said lots or parcels of land and real estate and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the said benefits; which assessment shall, in each case, be in proportion, as near as may be, to the advantage which each of such owners shall be deemed to have acquired by the construction of such sewer or drain; in case the costs and expenses of such work shall exceed the amount of benefits, the expense thereof shall be paid by the town or village at large and raised by general tax; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from the construction of such sewer or drain.

Property owners not to be assessed beyond benefits received.

6. *And be it enacted*, That upon the coming in of any such report, signed by the said commissioners, or any two of them, the judge of said court shall cause such notice to be given as it shall deem proper of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the judge of said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by him, forthwith to reconsider the subject-matter thereof; and the said commissioners to whom such report shall be referred by the court shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the judge of said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; such report, when so confirmed, shall be final and conclusive, as well upon the said town or village as upon the owners of any lands and real estate affected thereby; the said court shall thereupon cause a certified copy of such report and the accompanying map to be filed in the office of the clerk of the county in which said town or village shall be located, and said clerk shall transmit a certified copy of the report and rule or order of said court confirming the same, and also a certified copy of the map

Notice to be given of hearing objections to report.

Judge may confirm, reject or refer report to commissioners for revision and correction.

Confirmation of report final and conclusive.

Copy to be filed.

accompanying the same, to the treasurer of such town or village.

No writ of certiorari to be allowed.

7. *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 assessments made by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessments; the court shall designate what notice, if any, shall be given, by publication or otherwise, of the confirmation of the report of said commissioners.

Assessments a first lien.

8. *And be it enacted*, That all assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this state, and shall bear interest at the rate of six per centum per annum.

Board authorized to issue temporary improvement certificates.

9. *And be it enacted*, That the board of commissioners, or other governing body or board, may pay the expenses of any such improvement by the issue of temporary improvement certificates from time to time as the work progresses, in such form as the board may prescribe; said certificates shall bear interest at a rate not exceeding six per centum per annum, to be fixed by the board, and shall be payable at the expiration of not more than three years from the date of their issue.

Board to furnish assessor a statement of amount required to be paid by town or village.

10. *And be it enacted*, That it shall be the duty of the board of commissioners, or other governing body or board, of any such town or village where the general taxes levied and collected within the town or village are assessed, levied and collected by the township officers of the township within the limits of which such town or village is located, to furnish yearly, before the twentieth day of August in each year, to the tax assessor of such township, a statement in writing signed by the president or treasurer of such board, or other governing body, setting forth, first, the amount required to be paid by such town or village at large, on account of any such improvement in the next preceding fiscal year, over and above the total amount of the assessment made against the land

and real estate particularly benefited; and the said assessor shall assess such amount against the real and personal estate of the resident and non-resident property owners within the limits of such town or village, in the same manner that the general township taxes are levied and collected, and the same when levied and assessed shall be collected by the township collector, and as fast as collected shall be paid over by the collector of the said township to the treasurer of the said board of commissioners, or other governing body or board, who shall apply the same exclusively to the payment of the amount required to be paid by the town or village at large for such improvement, or to the payment of any temporary indebtedness incurred by the said town or village therefor; the said written statement to be furnished by the said president or treasurer shall, in the second place, show the names of the persons and a short description of the lands against which an assessment for benefits has been made by the commissioners appointed for that purpose, and also the amount that will be required to be collected from each of the said parcels or lots of land, respectively, to provide for the payment of the assessment bonds issued under this act and maturing during the succeeding year, or to provide for the payments of any certificates, temporary or otherwise, issued by the said board of commissioners or other governing body or board under this act; and upon receiving this statement, it shall be the duty of the said assessor to levy the respective amounts contained in such statement upon the lands respectively mentioned therein, and the assessment may be made against said lands in the name of the owner thereof if the same can be ascertained; and if default be made by any person so assessed, either generally or specially, as provided in this section, it shall be the duty of the collector of the township to return such unpaid taxes or assessment to the office of the clerk of said county, in the same manner that other general taxes are returned, and the same proceedings may be taken to enforce the collection of the same as are now provided by law for the collection of general taxes; *provided, however,* that when any lands shall be sold against which an assessment for benefits may be returned, the same shall be sold free and

Assessor to assess amount.

Duties of collector.

What statement to contain.

Duties of assessor and collector.

Proviso.

clear of all incumbrances, and the title thereto shall become an absolute title in fee simple to any purchaser after the expiration of two years from the date of the certificate of such sale issued by the collector of said township, in the same manner that certificates of sales are now issued where lands are sold to raise and pay taxes assessed and levied under the general laws of this state; and all proceedings under this act to sell lands to pay such assessments shall be carried on in the same manner and subject to the same rules observed and provided in this state for making the general taxes a first lien upon real estate and providing for the sale of the same, except as herein otherwise provided.

Amount required to be paid to be incorporated in annual tax levy.

11. *And be it enacted,* That in all towns or villages of this state having, by their act of incorporation, power to levy and collect the annual taxes, it shall be the duty of the board of commissioners or other governing body or board of any such town or village to incorporate in the annual tax levy, in each year, such amount as shall be required to be paid by such town or village at large, or on account of any such improvement made, in the next preceding fiscal year, over and above the total amount of the assessment made against the lands and real estate peculiarly benefited; and the same shall be raised by general taxes, and the moneys received for assessments, and the moneys so raised by the general tax for the purpose aforesaid, shall be raised for and exclusively applied to the payment for such improvement, or to the payment of any temporary indebtedness incurred by the said town or village therefor, or for any bonds or certificates that may be issued as in this act provided.

Moneys raised, how applied.

Election to be held to determine the issue of bonds.

12. *And be it enacted,* That the board of commissioners or other governing body or board of any such town or village shall order an election to determine whether bonds shall be issued to procure money for the payment of the cost and expenses of the proposed improvement, and shall designate the time and place for holding the same, and appoint judges and inspectors thereof; the polls shall be open from ten o'clock in the forenoon until three o'clock in the afternoon, and every person who is now authorized to vote at the corporate election in such town or village, by its act of incorporation, may vote at such election; on

the tickets voted at such election shall be printed or written, "for the issue of bonds," or "against the issue of bonds," and the judge and inspectors shall certify the result of said election to the clerk of the county in which such town or village is situated. Form of ballot.

13. *And be it enacted*, That if there shall be a majority of votes cast in favor of the issue of bonds it shall then be lawful for the board of commissioners or other governing body or board of such town or village to issue registered or coupon bonds of said town or village, such issue being hereby expressly authorized for the purpose of providing funds to pay for such improvements; the bonds may be made payable at times to be therein specified, not more than twenty years after date, but so that an equal amount shall fall due each year after the first, the rate of interest not to exceed six per centum, and the denominations to be fixed by the board of commissioners or other governing body or board issuing the same; the bonds shall be of two classes, namely, "assessment bonds," which shall be paid out of assessments for benefits, made by the commissioners appointed for that purpose, against lands benefited, and "sewer bonds," which shall represent the cost of the improvement above the amount assessed for benefits. Board authorized to issue bonds.

14. *And be it enacted*, That any land owner whose lands may be subject to an assessment for benefits derived from the construction of such sewer may have his lands released at any time by paying to the treasurer of such board of commissioners, or other governing body or board, the full amount assessed against his property, with interest at six per centum; it shall be the duty of the county clerk to file in his office the receipt of the treasurer of the board of commissioners, or other governing body or board, for any such payment; and also to enter upon the assessment list and map a short memorandum, showing that the assessment against such landowner and lands has been paid, and thereafter such lands shall be free from the lien of such assessment and shall not be liable to any assessment or tax to raise money to provide for the payment of the assessments against any other property, or the bonds mentioned in this act as "assessment bonds," but shall remain liable for any tax Owners may have lands released upon payment of assessment. Duties of county clerk.

that shall be levied to provide for the payment of that part of the cost which is charged to the town or village at large, or for the payment of any certificates or bonds issued therefor.

Board author-
ized to issue cer-
tificates for costs
of work.

15. *And be it enacted*, That if a majority shall at such election vote against the issue of bonds, then the said board of commissioners, or other governing body or board, shall have power to issue certificates to pay for the cost of such work; such certificates shall bind the land assessed for benefits, and be a lien upon the same to the extent that each lot or parcel may be assessed as hereinbefore provided; and the same shall be a paramount lien upon said lands, respectively, until the amounts due from each of the respective owners shall be paid, and the record of the assessment canceled as herein provided; in issuing such certificates the board of commissioners, or other governing body or board, may also include the amount of any damages assessed against the town at large, but such certificates shall be distinguished from those issued to represent the amount assessed for benefits; and the whole issue of certificates shall be divided into three classes: one-third to mature in one year, one-third in two years, and one-third in three years; and to provide for their payment it shall be the duty of the township assessor to assess and levy the tax for the same in the manner herein provided, for the payment of bonds, certificates or other indebtedness incurred for such improvement.

Certificates
divided into
classes.

Payment of cer-
tificates.

Compensation of
commissioners.

16. *And be it enacted*, That there shall be paid to each commissioner of assessment three dollars for every day he shall be actually engaged in the performance of the duties herein required of him; and they shall also have authority to employ a secretary at a cost of not over two dollars for each day he may be employed.

Acceptance or
rejection of this
act may be sub-
mitted to voters.

17. *And be it enacted*, That the board of commissioners, or other governing body or board, of any town or village in this state, shall, by resolution, submit the question of the acceptance or rejection of this act to the vote of any such town or village at a special election to be held for that purpose, whereof at least ten days' previous notice shall be given by public advertisement in at least two of the newspapers published and circulating in said town,

if there be so many; the resolution shall fix the time and place for holding such election, and the said board or governing body shall appoint inspectors of the election, who shall hold the same as provided by said resolution, and return the result thereof to the said board; each ballot deposited by those who favor the acceptance of this act shall contain the words "the sewer act accepted," written or printed thereon, and those opposed shall each deposit a ballot with the words "the sewer act rejected," written or printed thereon, and if a majority of the ballots so cast shall be found to be for the acceptance of this act, it shall then (but not otherwise) go into effect and be binding upon said town or village; those persons who are qualified to vote at the annual municipal, town or village election for the election of the officers of any such town shall be qualified to vote at the election provided for in this section.

Form of ballot.

Who entitled to vote.

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

Approved May 12, 1890.

CHAPTER CXCVI.

An Act relative to deposits of securities by certain corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all deposits of securities now required or permitted by law to be made with the comptroller or the treasurer of this state by insurance, banking, trust, guarantee, safe deposit and indemnity corporations shall hereafter be made with the secretary of state; *provided*, that in other respects the obligations of such corporations in regard to deposits shall in no wise be affected.

Deposit of securities to be made with secretary of state.

Proviso.

Deposits with
comptroller and
treasurer to be
delivered to sec-
retary of state.

2. *And be it enacted*, That the deposits hitherto made by any such corporation with the comptroller or the state treasurer, and remaining in their possession, shall be by them delivered to the secretary of state, within ten days after the approval of this act.

Secretary of
state invested
with certain
powers and
duties.

3. *And be it enacted*, That the secretary of state shall be invested with all the powers and duties relative to such deposits now conferred by law upon the comptroller and the state treasurer.

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 that this act shall take effect immediately.

Approved May 12, 1890.

CHAPTER CXCVII.

An Act to provide for the payment of representatives of this state to the national prison reform congress of the United States.

Preamble.

WHEREAS, The governors of this state have appointed certain persons to represent the state of New Jersey at the annual sessions of the national prison reform congress of the United States each year for three years last past, *and whereas*, there has been no provision made for payment for their services or return to them of their expenses in attending conventions in different parts of the United States,

Compensation
and expenses of
representatives.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That persons heretofore or hereafter being designated to represent the state of New Jersey in the national prison reform congress conventions by the governors of this state shall be paid their reasonable expenses and such further compensation, not exceeding five dollars a day, for such time actually going to, attend-

ing upon and returning from the said national prison reform congress.

2. *And be it enacted*, That the comptroller of this state shall pay all such moneys on the order of the governor in the premises, from the prison incidental funds. How and by whom paid.

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

Approved May 12, 1890.

CHAPTER CXCVIII.

A Further Supplement to the 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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands heretofore made by any executor or executors, administrator or administrators under the said act mentioned in the title of this supplemental act, and now confirmed or unconfirmed by the proper court or courts, shall be invalidated or held void by reason of an adjournment of said sale for more than one week, not having been advertised in one or two newspapers in which the notice of such sale was originally advertised, but all such sales shall be as valid and effectual in law as though such adjournment had been regularly advertised in both said newspapers publishing the notice of such sale originally, and any court or courts to which the report of any such sale has been or may be made is hereby authorized to confirm any such sale heretofore made the same as though the adjournment thereof had been regularly advertised in the two newspapers pub-

Proviso.

lishing the original notice of sale; *provided*, said adjournment so failed to be advertised was not for a longer period than two weeks, and such sale has in all other respects been made in accordance with law.

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

Approved May 12, 1890.

CHAPTER CXCIX.

A Supplement to an act entitled "An act to complete the geological survey of this state," approved March thirtieth, one thousand eight hundred and sixty-four.

Annual appropriation continued for five years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual appropriation of eight thousand dollars per annum for the completion of the geological survey of this state, made in the supplement to this act, which was approved May second, one thousand eight hundred and eighty-five, be further continued for five years.

Appointment of state geologist.

2. *And be it enacted*, That whereas, the office of state geologist, formerly held by George H. Cook under this act, is now vacant, said office shall henceforth, from time to time, be filled by the appointment thereto of a competent person by the board of managers of the geological survey, who shall hold office during the pleasure of the board, such appointment to be subject to the approval of the governor; and the person so appointed state geologist, and his assistants, shall have the same authority and perform the same duties as if he had been named and appointed in this act, subject at all times to the direction of the board.

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

Approved May 12, 1890.

CHAPTER CC.

A Supplement to an act entitled "An act to amend an act entitled 'An act to authorize cities in this state located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof,' approved April fourth, one thousand eight hundred and eighty-nine," which said amendatory act was passed April second, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the said act ^{Title of act amended.} passed April second, one thousand eight hundred and ninety, to which this act is a supplement, be and the same hereby is amended so to read as follows: "An act to amend an act entitled 'An act to authorize cities in this state located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof,' approved April sixth, one thousand eight hundred and eighty-nine."

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

Approved May 12, 1890.

CHAPTER CCI.

An Act concerning mills and mill dams.

Height of dam
may be raised
upon compensa-
tion to persons
damaged.

Proviso.
Proviso.

Upon petition,
justice of
supreme court to
appoint commis-
sioners to assess
damages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person owning a water mill which has been used as a public grist mill, saw mill or manufactory for the period of twenty years or upwards, desiring to raise the height of the dam used for working said mill for the more effective working of the same, and the raising of the said dam would cause an overflow or damage to the lands of another, and compensation for such damages cannot be agreed upon by the parties interested, he or they may raise such dam to a height not exceeding two feet; *provided*, the raising thereof will only overflow marsh land which is not cultivated; *provided*, compensation is first made to the person or persons so damaged thereby in the manner hereinafter provided.

2. *And be it enacted*, That the person or persons proposing to raise such dam may apply to one of the justices of the supreme court of this state by petition setting out the title of the petitioner or petitioners to said water mill and dam, the user of such mill as a public mill aforesaid for the said period, the height to which the said dam is proposed to be raised and the title and description of the lands which would be overflowed or damaged thereby; and the said justice, being satisfied of the truth of the facts contained in said petition, after reasonable notice to all persons interested, shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of the county in which such damages arise, commissioners to determine in relation to the matters set forth in said petition, and assess the damages, upon such notice to be given to the person interested as shall be directed by justice making such appointment, to be expressed therein, not less than ten days.

3. *And be it enacted*, That it shall be the duty of said commissioners (having first taken and subscribed an oath

or affirmation before some person duly authorized to administer 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 to hear the parties and view the premises, and if they shall be of the opinion that the said mill is a public mill or of use and benefit to the people of this state, and that the raising of the said dam to the height proposed is necessary for the use or more efficient working of the said mill, then they shall estimate the damages to be paid by the party proposing to raise the height of said dam, and shall make report in writing under the hands and seals of said commissioners or any two of them, which report, together with the petition and appointment, shall, within ten days, be filed in the clerk's office of the county in which said damages may arise, to remain of record therein; and the payment or tender of the amount so awarded shall vest in the said person or persons so owning such water mill and dam the right to raise and maintain the said dam to the height proposed; and the said justice of the supreme court shall, upon the application of either party, and on reasonable notice to the other, and allow all costs, fees and expenses as he shall think just, to be paid by the said person or persons proposing to raise such dam; *provided, always,* that either party may appeal from the decision of the said commissioners to the next circuit court in the county wherein such damages would arise.

4. *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 form of a petition to said court and filed with the clerk of said circuit court, 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 said circuit court full 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 like notices and in like manner as other issues in the said court are tried; and it shall be the duty

Commissioners
to take oath and
estimate dam-
ages.

To make report.

Costs, fees and
expenses, by
whom paid.
Proviso.

Proceedings in
case of appeal
from decision of
commissioners.

of the jury to determine whether the said mill is of use and benefit to the people of this state, and that the raising of said dam to the height proposed is necessary for the effective working of said mill for which said dam is designed, and if they shall so determine, then they shall assess the damages to be paid by the party so raising or proposing to raise such dam; and the said court shall render judgment upon the verdict of such jury, and if damages are assessed shall render judgment for such damages with seventy-five per centum thereof to be added thereto, and said court may award costs to either party, at its discretion; *provided, however*, if the jury shall be applied for by the owner of the land so damaged or proposed to be damaged, and shall assess a less sum than was awarded by the commissioners, then the costs shall be paid by the said applicant or applicants, and either deducted out of the sum awarded or execution issued therefor, as the court may direct.

Provis.

No right to raise dam until award is paid.

5. *And be it enacted*, That no person or persons shall derive any right to raise said dam until he has paid or tendered to the person or persons likely to be damaged thereby the amount of such adverse award or judgment.

Provisions of act not to affect persons, or mill dams lawfully erected.

6. *And be it enacted*, That the provisions of this act shall in no way affect any mill of other persons on which a mill dam has been lawfully erected and used, nor the right of any owner of such mill or mill site, unless the right to maintain on such last-mentioned site shall have been lost or defeated by abandonment or otherwise; neither shall they affect the right of any town, township, borough or city in any highway or bridge which such town, township, or borough or city may by law be liable to keep in repair, nor shall said provisions be applicable to any navigable waters in this state, nor in any way interfere with any right or privilege heretofore granted to any person or corporations by any act of the legislature of this state; this act shall not take away the right of any person injured by the raising of said dam to sue the party raising said dam, or maintaining it thus raised, for any damage suffered thereby.

Act not applicable to navigable waters, &c.

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

Passed May 12, 1890.

CHAPTER CCII.

An Act to provide for a board of assessors in cities of the third class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the third class of this state, it shall and may be lawful for the common council or other governing board of such city to pass ordinances or resolutions to take effect therein, for the following purposes, to wit: to provide for a board of assessment of taxes, to consist of five members, which board shall be created as follows, viz.: by the appointment of four of its members by the city council or other governing board of such city upon the nomination of the mayor thereof, no more than two of whom shall belong to the same political party, and the fifth member to be elected by the legal voters on a general ticket, at the annual charter election of such city, in the same manner as other officers thereof are elected, whereof at least two days' public notice shall be given; and no two of which members so appointed shall be selected from the same ward of such city, and shall hold their office for the period of two years, and until their successors are appointed; and the elected member shall hold his office for three years from the date of election; the first appointments to be two for one year, and the other two for two years; and the said appointments to be so made that the time of one member of each political party shall expire at the same time, and all appointments made to fill vacancies to be for the unexpired term only; and in case of the death, resignation or disability of the elected member, such vacancy shall be filled by the city council or other governing body, in the same manner as the original appointments are made, until the next charter or annual election, when such vacancy shall be filled by the legal voters; such assessors shall receive such salary as the city council or other governing board of such city

Authorized to pass ordinance to provide a board of assessment.

Number and appointment of members.

Term of office.

Vacancies, how filled.

Salary.

shall, by ordinance, prescribe, and shall each give a bond in such an amount as the said city council or other governing board may direct, for the faithful performance of their duties; and the said board of assessors shall select one of their number to be clerk thereof, and he shall receive such additional compensation as the city council or other governing board may, by ordinance, prescribe, which board shall perform the duties now devolving or which may hereafter devolve by law upon assessors of taxes or boards for the assessment of taxes, and the offices of such assessors and such boards now existing in such cities shall be abolished upon the appointment and election of assessors under this act; the said city council or other governing board shall provide an office for said board, which shall be open during such hours for the transaction of business as the said council or other governing board may direct; such assessors may be removed by the mayor or other chief magistrate for cause, and the cause of such removal shall be specified in writing and filed in the office of the city clerk before the removal shall take effect, and any justice of the supreme court may, at chambers, upon application by any assessor so removed, made within thirty days from the time of filing the cause of removal, review in a summary manner the action of such mayor or other chief magistrate in making such removal; *provided*, that in cities having three wards or less no more than two such assessors shall be appointed from the same ward.

2. *And be it enacted*, That such board of assessment of taxes shall also have exclusive control and charge of all awards for damages in the taking, injuring or damaging of lands for public improvements in such city, and shall make all assessments for benefits acquired by any land or lands by reason of such improvement, or by reason of the laying out or opening of any street, road, highway, alley, public park or square within such city, or the causing any street, road, highway or alley already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered, widened or extended, or by reason of the laying or constructing of sewers or drains, or the grading, graveling, paving, flagging, macadamizing, planting of shade trees, or otherwise in the improving

Office of assessors
and existing
boards abolished

Assessors, how
removed.

Proviso.

Duties and
powers of boards
of assessment.

and regulating of any street or section of a street in such city.

3. *And be it enacted*, That whenever the city council or other governing board of such city shall determine, by ordinance, to lay out and open any street, road, highway, alley, public park or square within such city, or to alter, widen, straighten or extend any street, road, highway or alley, or to make any sewer or drain in any part of such city, and to take and appropriate for such purpose any lands and real estate, the said board of assessment of taxes shall make an assessment of the damages that any such owner or owners will sustain by the taking and appropriating, in the manner aforesaid, such lands and real estate, and in estimating and assessing such damages the said board shall have due regard both to the value of the lands and real estate and to the injury to the owner or owners thereof by making such improvement as aforesaid, and after such award shall be made the remaining lands and real estate of any such owner or owners shall be liable to assessment for the payment thereof, to be levied and imposed in the manner hereinafter provided.

Board of assessment to make assessment of damages for laying out and opening of streets, &c.

4. *And be it enacted*, That the said board shall have power to issue writs of subpoena ad testificandum to and to examine witnesses under oath, to be administered by any one of them, to enter upon and view the premises if they shall deem it necessary, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and sign a report of such estimate and assessment, and deposit the same in the office of the city clerk for examination by all parties interested therein; and the said board shall give ten days' notice, by publication in at least two newspapers printed and published or circulating in such city, that such report has been deposited as aforesaid, and also of the time and place when and where the parties interested can be heard by the said board; and after hearing the parties the said board shall proceed and complete the report and sign the same, and file the said report, with all objections in writing which shall be presented to and left with them by any of the parties interested, in the office of the city clerk of such city; and upon the filing of such report, signed by the members of said board, or a majority of them, application

Board may issue writs, &c., and make report of estimate and assessment.

Report, where deposited.

Notice to be published.

On filing report application may be made to court for confirmation.

shall be made to the circuit court of the county in which such city is located for confirmation of such report ; and the said court shall direct a time and place of hearing any objections that may be made to the assessments so fixed and certified by the said board, and after hearing any matter that may be alleged against the same, the said court shall, by rule or order, either confirm the said report or refer it to the same board to reconsider the subject-matter thereof, and the said board to whom the said report may be so referred, shall return the same, corrected and revised, or a new report to be made by them in the premises to the said court without unnecessary delay, and the same, on being so returned, shall be confirmed or again referred by the said court, in the manner aforesaid, as right and justice may require, and so from time to time until a report shall be made or returned in the premises which said court shall confirm ; any member of such board who shall refuse to sign such report shall file with the same a statement of his reasons for so refusing, for the information of the court ; said report, upon being so confirmed, shall be final and conclusive upon the said city and upon all persons owning or having any interest in or lien upon the said lands, and against all persons whomsoever.

Confirmation of report final and conclusive.

Assessment for improvements to be made upon owners of lands benefited.

Proviso.

5. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of executing any of the improvements herein mentioned, or in the laying of sewers or drains, or grading, graveling, paving, flagging, widening, planting of shade trees, or otherwise improving and regulating any street or section of a street in said city, the city council or other governing board thereof shall ascertain the whole amount of costs, damages and expenses thereof, and the said board shall cause to be made a just and equitable assessment thereof upon the owners of the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire ; *provided*, that no owner or owners shall be assessed beyond the benefits received by his or their lands and real estate ; and in cases where such cost, damages and expenses exceed the benefits, the excess shall be paid out of the city treasury ; and the said board shall make a report in writing of the assessment so

made, and the excess, if any, of the costs over benefits, to be paid out of the city treasury; and before proceeding to sign said report shall deposit the same in the office of the city clerk of such city for examination, and shall give the same public notice and proceed to the confirmation thereof in the same manner as hereinbefore provided for the assessment of damages.

6. *And be it enacted*, That such award of damages and assessments of benefits shall be paid and collected in the same manner as is now provided by law for the paying and collecting of any awards or assessments in such city. Award of damages and assessments, how collected.

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

Passed May 12, 1890.

CHAPTER CCIII.

An Act fixing the compensation of commissioners of the sinking fund in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state that have accepted by popular vote the provisions of "An act concerning the government of cities of this state," approved April sixth, one thousand eight hundred and eighty-nine, the commissioners of the sinking fund in said cities shall be entitled to and they shall be paid a compensation of five hundred dollars each per annum, to be paid in the manner in which all expenses are prescribed by said act to be paid; *provided*, the board having charge and control of the finances in any such city shall concur in the payment of the salaries provided for by this act. Compensation of commissioners of sinking fund. Proviso.

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

Passed May 12, 1890.

CHAPTER CCIV.

An Act to provide for the preservation of the early history of the colony of New Jersey.

Public schools furnished with copy of history.

Who entitled to receive copies.

Copies, how furnished and distributed.

Volumes printed to be approved by commission.

Cost not to exceed certain amount.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be furnished to each public school in this state one copy of the early history of New Jersey, entitled and known as "The history of Nova Cæsarea," which history was first published in the year one thousand seven hundred and sixty-five; that all persons who are now entitled to receive the law and equity reports of this state, shall receive the same number of copies of said history as they are now entitled to receive of said reports; that one copy shall be furnished to the Farnum preparatory school at Beverly, one copy to the state industrial school for girls, two copies to the state reform school for boys, two copies to the New Jersey school for deaf-mutes, three copies to the state normal school, three copies to the state model school, two copies to the librarian of the New Jersey historical society, for the use of the society, one copy to the state prison, one copy to each of the state lunatic asylums, one copy to the Newark technical school, two copies to the New Jersey home for disabled soldiers, and one copy to each college and library incorporated under the laws of this state.

2. *And be it enacted*, That all copies to be distributed under the provisions of this act to public schools shall be furnished on the requisition of the state superintendent of public instruction, and that all other copies herein provided for shall be distributed in the same manner as the law and equity reports are now distributed.

3. *And be it enacted*, That the volumes of said history shall be printed and bound in a style to be approved by a commission hereby appointed for that purpose, consisting of the state superintendent of public instruction, the state treasurer and the state comptroller; that the cost shall not exceed three dollars and fifty cents per copy,

and that the expense incurred in carrying out the provisions of this act shall be paid, so far as regards the copies distributed to the public schools, from the income of the school fund, and as far as regards the carrying out of the other provisions of the act, from any moneys in the state treasury not otherwise appropriated.

4. *And be it enacted*, That the appropriation under this act shall not exceed four thousand dollars, and if said sum will not supply all those named in the first section of the act as entitled thereto, then the state board of education shall designate those who shall receive, under section one of this act, copies of said history within the limit of this appropriation. Appropriation not to exceed certain amount.

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

Passed May 12, 1890.

CHAPTER CCV.

An Act concerning religious societies.

WHEREAS, in times past, before the institution of the present system of public schools, sums of money have been given and bequeathed for the purpose of supporting schools built upon property of religious societies in this state, or for the support of poor people as scholars in such schools, which schools have long since ceased to exist by reason of the system of free schools now established by law in this state, and there is no further and other disposition of the income from said funds; therefore, Preamble.

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 chancellor, summarily upon petition of any person or persons or body corporate, holding any funds or sum of money which may have been given for the Chancellor may, upon petition, order payment of income of funds, &c.

purpose of either maintaining schools or the support of poor people as scholars in schools formerly maintained on the property of religious societies, which schools have now ceased to exist, to inquire into the merits of such application, and if it be found impossible to fully carry out and comply with the provisions of such trust, to order payment of the income from such funds to the maintenance of the property of such religious society, or for any other purpose nearest akin to the trust.

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

Passed May 12, 1890.

CHAPTER CCVI.

An Act relative to the bureau of statistics of labor and industries.

Compensation to
acting secretary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to Goldsmith P. Hall a compensation at the rate of one hundred dollars per month, for services rendered by him as acting secretary of the bureau of labor and industries from June first, one thousand eight hundred and eighty-eight, to January tenth, one thousand eight hundred and eighty-nine, and also such expenses as he shall have incurred under the direction of the chief of said bureau during said term, not exceeding eighty-one dollars; the said compensation to be paid by the treasurer of the state on the warrant of the comptroller.

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

Passed May 12, 1890.

CHAPTER CCVII.

A Supplement to "An act for the punishment of crimes"
[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 if any person shall sell, pledge, pawn or secrete any property which he has borrowed, hired, leased or purchased under an agreement in writing where the title of such property is not to pass until the agreement is fulfilled, he or she shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than three hundred dollars or imprisonment not to exceed one year, or both, in the discretion of the court.

Penalty for
pledging, pawn-
ing, &c., prop-
erty borrowed,
hired, leased,
&c.

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

Approved May 19, 1890.

CHAPTER CCVIII.

A Supplement to an act entitled "A supplement to an act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement became a law during the present session of the legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be guilty of a misdemeanor under the act to which this is a supple-

When deemed
not guilty of
misdemeanor.

ment who shall sell, pledge, pawn or secrete any property which he has borrowed, hired leased or purchased under an agreement in writing where the title of such property is not to pass until the agreement is fulfilled, unless the person so charged therewith does said act or acts with intent to cheat and defraud the owner of the property purchased as aforesaid.

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

Approved May 19, 1890.

CHAPTER CCIX.

An Act to extend the time for completing certain railroads incorporated under an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

Time for completion railroad extended.

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 railroad authorized to be constructed under the act referred to in the title of this act, shall expire during the year one thousand eight hundred and ninety-one, such time shall be and the same is hereby extended for a further period of two years; *provided, however*, that this act shall not apply unless money has actually been expended in surveys for 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 shall first, and as a 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 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 the further agreement to be bound by any general law of this state now in existence, or that may hereafter be 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 the state, if any there exist, to take the property of such corporation under any existing law of the state, agreeing further that all laws affecting such corporations 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.

Passed May 19, 1890.

CHAPTER CCX.

An Act to amend "A supplement to an act entitled 'An act concerning inns and taverns,' approved April seventeenth, one thousand eight hundred and forty-six," which supplement was approved April eleventh, 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 one of the above mentioned act 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 the inferior courts of common pleas in and for the several counties of this state shall be and hereby are authorized and empowered in their discretion to transfer any license granted by them Courts authorized to transfer licenses.

Licenses transferred for unexpired term.

Proviso.

Proviso.

under and by virtue of the act to which this is a supplement; and in case of transfer the license so transferred shall only be good or effective for the unexpired term thereof at either the place or premises mentioned in the original license, or else at the place or premises to which the person or persons named in the original license shall remove and locate within the corporate limits of any city, town, township or borough for which the original license may have been granted; *provided, however*, that the applicant for such transfer shall, if the transfer sought is from one person to another person and not from one place to another place, at the time of the making of said application present to the court a petition signed by at least twelve freeholders of the city, town, township or borough in which the original license was granted, requesting the inferior courts of common pleas to grant such transfer, and which said petition shall set forth that the person requesting such transfer is a person of good repute for honesty and temperance and is known to the freeholders requesting such transfer to have at least two spare beds more than are necessary for the family use, and that the place proposed to be licensed is well provided with house room, stabling and provender; and if the transfer sought is from one place to another place the same kind of application in this proviso stated shall be made, with the same certificate, but it shall be presented in open court on the first day of a regular term thereof at the usual hour or time set by the court for the presentation of license applications; *and provided, further*, that the applicant seeking such transfer of license shall file with the clerk of said court a notice of such proposed application at least ten days before making such application; and in case of transfer, the license so transferred shall only be good for the unexpired term thereof.

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

Approved May 19, 1890.

CHAPTER CCXI.

A Further Supplement to an act entitled "An act to provide for the compilation and publication of an index of all the public laws of this state," approved April third, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Hood, of Camden, be and he is hereby authorized to compile and publish a complete index of the public and private laws of this state, including laws passed at the present session of the legislature and those passed by the colonial government, so far as the same can be ascertained in the state library and office of the secretary of state, to be arranged and printed in the same manner as Hood's index to laws of New Jersey, published in one thousand eight hundred and seventy-seven.

2. *And be it enacted*, That the state treasurer be and he is hereby authorized and directed to purchase from said John Hood one thousand copies of said index, to be well printed on good paper and bound in good law sheep, at the price of five dollars per copy.

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

Passed May 19, 1890.

CHAPTER CCXII.

An Act to authorize the building and repairing of sidewalks in certain cases.

Authorized to prescribe by ordinance method of repairing sidewalks, &c.

Notice to be given to owners.

Failure of owner to comply, council may order work done.

Duty of collector

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 governing body of any city of the fourth class in this state to prescribe by ordinance or otherwise the method in which, and the materials with which any sidewalk in said city shall be built or repaired, and to authorize a notice in writing to be served upon the owners or occupants of the land abutting on said sidewalk, requiring the necessary specified work to said sidewalk to be done by said owners or occupants within a period of not less than thirty days from the date of service of such notice; whenever any lands are unoccupied and the owner cannot be found within the city the same may be mailed, postage prepaid, to his or her post office address if the same can be ascertained; in case such owner is a non-resident of the city, and his or her post office address cannot be ascertained, then the notice may be inserted for four weeks, once a week, in some newspaper in such city; in case the owner or occupant of such land shall not comply with the requirements of such notice it shall be lawful for the common council, due proof of the service, mailing or publication of such notice having been made, to cause the required work to be done and paid for out of the moneys of the city appropriated for the construction and repair of streets; the cost of such work shall be certified by the person or persons having charge thereof to the person having charge of the collection of taxes in such city.

2. *And be it enacted*, That the said collector shall forthwith, upon receiving such certificate, serve notice of said assessment upon the owners of the said land and demand payment thereof, together with interest at the rate of one half per centum per month till paid; and in case the

said owner or owners shall fail or neglect to make such payment on demand, the amount of said assessment shall be added to the annual tax assessed on said lands, and shall be part of the same and be collected by said collector, with interest as aforesaid, in the same manner as said other taxes are collected, and as part thereof at the time of the annual collection of taxes succeeding the receipt of such certificate, and payment thereof may be enforced by sale of the lands described in such certificate, in the same manner as payment of other taxes are enforced.

3. *And be it enacted*, That all moneys recovered or paid to the city under the provisions of the last preceding section shall be credited to the account out of which the cost of such work was paid. Moneys paid, how credited.

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

Passed May 19, 1890.

CHAPTER CCXIII.

Supplement to "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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands heretofore made by any officer or other person, under the provisions of the act to which this is a supplement or of the supplements thereto, shall be held to be invalid by reason of any failure to comply with the provisions of said acts relating to the publishing of advertisements in two newspapers at least four weeks successively, once a week, next preceding the time appointed for selling the same, Sales of lands not invalidated by failure to publish, &c.

Proviso. but all such sales may be confirmed; *provided*, the said sale or sales shall have been advertised at least four weeks successively, once a week, next preceding the same, in at least one newspaper printed and published at the county seat of the county in which said lands are situate, and also at least four weeks successively, once a week, although not next preceding such sale, in one other newspaper printed and published at the county seat of the county in which the said lands are situate; *and*

Proviso. *provided*, that all the other provisions of said last-mentioned acts in relation to the publication of advertisements of sales of land shall have been complied with.

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

Approved May 19, 1890.

CHAPTER CCXIV.

An Act relating to the salaries of the officers of the senate and general assembly of the state of New Jersey, for the session of the legislature for the year one thousand eight hundred and ninety.

Salaries of
officers and
pages increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salaries of the officers and pages of the senate and general assembly that are now ascertained and fixed by law be and the same are hereby increased for the session of the legislature for the year one thousand eight hundred and ninety, twenty-five per centum above the amounts now fixed by law.

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

Approved May 23, 1890.

CHAPTER CCXV.

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 the cities of this state," approved April eighth, 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 forty-five thousand dollars, provided for in the act to which this is a supplement, as the limit of expenditure for the purpose of carrying out the provisions of said act, be insufficient to acquire the additional accommodation for precinct station houses or police station houses, for the use of the police department of any such city, as contemplated by said act, 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 eighty thousand dollars, including the said sum of forty-five thousand dollars mentioned as the limit of expenditure provided for in said act. ^{Appropriation may be increased} ^{Not to exceed certain amount.}

2. *And be it enacted*, That so much of the act to which this is a supplement as conflicts or is inconsistent with this act be and the same is hereby repealed. ^{Repealer.}

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

Passed May 23, 1890.

CHAPTER CCXVI.

An Act for the promulgation of laws.

Copies of laws
to be furnished
several depart-
ments and
county clerks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a bill or joint resolution of the senate and general assembly of the state of New Jersey becomes, in due form of law, effective, it shall be the duty of the secretary of state, as soon as possible after such bill or joint resolution shall have become a law, to forward a true copy of such law to the several departments of the state affected thereby, and to the clerks of the respective counties of this state, to be kept by such clerks in their offices for inspection by the public.

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

Approved May 23, 1890.

CHAPTER CCXVII.

An Act concerning corporations.

Corporations not
deemed dis-
solved on failure
to file reports or
statements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any association, corporation or company hitherto created under or by virtue of any law of this state, shall have deemed it advisable to suspend its ordinary business (except in case of insolvency or for want of funds to carry on the same), and is not now transacting business, or may have omitted to file some of the reports or statements of its condition or management required by law to be filed, such corporation or company shall not be deemed dissolved, nor liable to be

dissolved, by reason thereof; *provided*, that such corporation or company has maintained and still continues its corporate organization and has an appointed place or office in this state where its books of account, and stock and transfer books, are kept in charge of the cashier, secretary or other appointed officer of such company, and that a majority of its stock is held by residents of this state; *and provided further*, that such corporation or company shall, on resuming business, pay into the department of state all fees and taxes remaining due and unpaid, and shall file therein a certificate, in the form prescribed by law, giving a full statement of its condition and affairs, and shall pay to the secretary of state, for the use of the state, the sum of money provided by law to be paid on the filing of such certificate.

2. *And be it enacted*, That this act shall not apply to any corporation or company against which any legal proceedings for dissolution are pending.

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

Passed May 23, 1890.

CHAPTER CCXVIII.

An Act for the collection of charges for detention of railroad cars and for use of railroad tracks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the consignee or consignees, owner or owners of any goods, wares or merchandise transported by any railroad to any point in this state are unknown, cannot be found, or refuse to receive and remove from the possession of the company operating such railroad, such goods, wares or merchandise, it shall and may be lawful for such company to make and collect from the consignors a reasonable charge per

Railroad companies authorized to collect charges for detention of cars.

Proviso. day for the detention of any railroad car containing such goods, wares or merchandise, or for the use of railroad track occupied by such car, or for both such detention and use after such railroad car has been held twenty-four hours for unloading at the place of destination; *provided*, notice for forty-eight hours is given to the shipper in cases where the consignee or owner cannot be found upon whom to serve such notice; and to add such charge to the charge for transportation of such goods, wares or merchandise; and such company shall have a lien upon such goods, wares or merchandise for the charges for such detention or use, or both.

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

Approved May 23, 1890.

CHAPTER CCXIX.

An Act to prevent the spread of fungous diseases of plants.

Preamble. WHEREAS, The officers of the state agriculture experiment station have discovered certain new fungous growth that threaten serious injury to important agricultural interests of the state; therefore,

Officers of state agricultural experiment station authorized to enter upon lands to destroy fungous growth. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the officers of the state agricultural experiment station shall discover any new fungous growth which is doing injury to plants or vines, and while the same is confined to limited areas, they are hereby authorized and empowered to enter upon any lands bearing vines or plants so affected, and destroy the same by fire or otherwise, as they shall deem best.

Damages to be paid. 2. *And be it enacted*, That any damage to private property, resulting from the operation of destroying the said fungous growth by the officers of the state, shall be certified to by them, and the amount of damage paid to the

owners thereof, from the same fund and in the same manner as is paid to owners of diseased animals killed by order of the state board of health.

3. *And be it enacted*, That expenditures under this act shall not exceed one thousand dollars in any one year. Expenditures not to exceed \$1,000 a year.

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

Approved May 23, 1890.

CHAPTER CCXX.

A Supplement to an act entitled "A further supplement to the act entitled 'An act to incorporate societies for the promotion of learning' [Revision], approved April ninth, one thousand eight hundred and seventy-five," which further supplement was approved March second, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any society incorporated under the act to which this is a supplement, desiring to extend its operations by assisting young women of baptist churches in their preparation for home and foreign mission work, and shall pass a resolution to that effect at any of the regular meetings of the board of managers of said society, shall have such additional right and privilege upon filing a certificate in the office of the secretary of state, containing a copy of said resolution with the date when adopted, which certificate shall be signed by the officers and managers of said society and acknowledged before some person or persons authorized by the laws of the state of New Jersey to take acknowledgments of deeds. Societies for the promotion of learning authorized to assist young women of baptist churches in preparing for mission work.

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

Approved May 23, 1890.

CHAPTER CCXXI.

A Supplement to an act entitled "An act to provide for the establishment of a home for the care and training of feeble-minded women," approved March twenty-seventh, one thousand eight hundred and eighty-eight.

Managers of home for feeble-minded women authorized to erect and furnish buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers of the home for feeble-minded women be and they are hereby authorized to erect upon the grounds of the said institution at Vineland, a suitable building or buildings, or such addition to the present building, as the said board of managers may deem proper for providing the necessary additional accommodations for inmates of the said home, and are hereby authorized to procure, for the care and comfort of the same, such furniture and equipment as in the judgment of the said board of managers may be necessary; that the erection and furnishing of the said building or buildings shall be done by contract or otherwise as the board of managers shall deem for the best interests of the state, and that the total cost of which shall not exceed the sum of twelve thousand dollars.

By contract or otherwise.

\$12,000 appropriated.

2. *And be it enacted*, That the sum of twelve thousand dollars is hereby appropriated from the revenues of the state to carry out the provisions of this act.

The whole or a part of this sum to be expended.

3. *And be it enacted*, That said board of managers are hereby empowered and authorized to expend the whole or any part of the said sum of twelve thousand dollars for the purposes contemplated in this act, as in their judgment and with the approval of the governor may be necessary, and that the amount needed for such expenditures shall, upon requisition of the said board of managers, approved by the governor, be paid by the treasurer of the state, on the warrant of the comptroller, to the said board or to such officer as they may designate.

4. *And be it enacted*, That the said board of managers ^{Report to be made.} shall make to the legislature at its next session, and at each succeeding session until the said building or buildings are completed, a full and detailed report of their proceedings and expenditures under this act.

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

Approved May 23, 1890.

CHAPTER CCXXII.

An Act to provide for the establishment of a museum of the geological survey of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a museum for the reception and exhibition of collections of the natural products and mineral staples of the state, and of classified collections of specimens illustrating the structural and economic geology, physical geography and natural history of the state, be and hereby is established. ^{Museum of the geological survey established.}

2. *And be it enacted*, That the direction and management of said museum shall be committed to the board of managers of the geological survey, who shall appoint a curator therefor. ^{Board of managers and curator.}

3. *And be it enacted*, That the officers in charge of the state house are hereby authorized and directed to provide a suitable room or rooms therein for the permanent location of said museum, and in connection therewith, suitable and convenient office room for the geological survey of the state, such rooms to be furnished and provided with all necessary appliances. ^{Suitable rooms.}

4. *And be it enacted*, That the museum hereby established shall be known as the museum of the geological survey. ^{Name.}

Approved May 23, 1890.

CHAPTER CCXXIII.

A Further Supplement to the act entitled "An act to establish and organize the state reform school for juvenile offenders," approved April sixth, one thousand eight hundred and sixty-five.

\$8,000 appropriated for erecting and furnishing new family building for the reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of eight thousand dollars is hereby appropriated, to be used exclusively in the erection of a new family building and for furnishing the same, to the end that better accommodations may be had for the increasing number of boys committed to said institution.

Section to be amended.

2. *And be it enacted*, That the second section of the supplement to the act to which this is a further supplement, which supplement was approved April second, one thousand eight hundred and sixty-eight, be and the same is hereby amended to read as follows:

Three years' services substituted for one year's service.

2. *And be it enacted*, That every commitment to the said reform school, except such as shall be made on complaint of any parent or guardian, shall be until the boy attains the age of twenty-one years, and no longer; but the trustees, in their discretion, may, at any time after three years' service, by their order, discharge a boy from said school as a reward of good conduct, and upon satisfactory evidence of his reformation.

Boys discharged as a reward.

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

Approved May 23, 1890.

CHAPTER CCXXIV.

An Act ceding to the United States jurisdiction over a lot of land situate in Atlantic county, and exempting the land from taxation.

WHEREAS, the United States are about to purchase a lot ^{Preamble.} of land situate in Atlantic county, near Absecom inlet, for a site for a buoy depot; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Ceding lot of land and appurtenances in Atlantic county to the United States.} *the State of New Jersey,* That jurisdiction of the said lot of land and its appurtenances, when it shall have been purchased for the said purpose, is hereby ceded to the United States of America; *provided,* that all civil and criminal ^{Proviso.} process, lawfully issued in this state may be executed on said land in the same manner as if jurisdiction had not been ceded as aforesaid.

2. *And be it enacted,* That the said lot of land, with its ^{Land exempted from taxes.} appurtenances and the buildings thereon, shall hereafter be exempted from all taxes so long as it shall remain the property of the United States.

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

Approved May 23, 1890.

CHAPTER CCXXV.

An Act ceding to the United States jurisdiction over a lot of land situate in Cape May city, and exempting the same from taxation.

Preamble.

WHEREAS, The United States is about to purchase a lot of land situate in Cape May city, for a site for a boat house; therefore,

Ceding lot of land and appurtenances in Cape May city to the United States.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That jurisdiction of the said lot of land and its appurtenances, when it shall have been purchased for the said purpose, is hereby ceded to the United States of America; *provided*, that all civil and criminal process lawfully issued in this state may be executed on said land in the same manner as if jurisdiction had not been ceded as aforesaid.

Proviso.

2. *And be it enacted*, That the said lot of land, with its appurtenances and the buildings thereon, shall hereafter be exempt from all taxes so long as it shall remain the property of the United States.

Land exempted from taxes.

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

Approved May 23, 1890.

CHAPTER CCXXVI.

A Further Supplement to an act entitled "An act to regulate the practice of courts 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 any unincorporated company, stock company or association consisting of two or more persons, united together for business purposes, and having a recognized name, may be sued by such recognized name in any of the courts of this state in any action affecting the common property or the joint rights and liabilities of such company or association; all process or other papers in such suit shall be served on the president or on any officer for the time being of such company or association, or on the agent or manager of such company or association, or upon any person being in charge of the business of such company or association; and such suit shall have the same force and effect as regards the joint rights, property and effects of such company or association, as if it were prosecuted in the names of all the members or associates in the manner provided by law; such suit shall not abate by reason of the death, resignation, removal, withdrawal or legal incapacity of any officer or officers of such company or association, or by reason of any change in the membership thereof.

2. *And be it enacted*, That when judgment shall be obtained against the defendant in such suit, execution may issue thereon in the same manner that executions now issue upon judgments against corporations; and the sheriff or other officer may, by virtue of such execution, levy upon and expose to sale all the common property of such company or association, not by law exempt from sale under execution, whether the same be held in the name of such company or association, or by the directors, stock-

holders or trustees thereof, in trust for such company or association.

Personal liability
of members.

3. *And be it enacted*, That nothing in this act contained shall be so construed as to prevent any person having any cause of action against any such company or association, for which the members thereof, or any of them, are or may be personally liable, from proceeding against the members so personally liable as heretofore; nor shall any judgment obtained against any such association or company by virtue of the provisions of this act, after execution issued thereon, and returned, in whole or in part, unsatisfied, be a bar to any action to recover the residue thereof against such member or members as may be personally liable therefor.

Unsatisfied
judgment not a
bar to action to
recover residue.

No powers given
except as herein
set out.

4. *And be it enacted*, That nothing in this act contained shall be so construed as to give such companies or associations any of the powers or liabilities of corporations, except as herein set out.

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

Approved May 23, 1890.

CHAPTER CCXXVII.

An Act to amend an act entitled "An act to provide for the erection or purchase of armories for the national guard in incorporated towns, boroughs or police, sanitary and improvement commissions in this state," 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 the act to which this is amendatory 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 all townships, towns, incorporated towns, boroughs, or police, sanitary and improvement commissions of this state, not now having an armory for the use of the national guard, and in which there may be any regularly organized and enrolled regiment or company, are hereby authorized to build and erect or purchase in said towns, boroughs or commissions a suitable armory for the use of the national guard, at a cost not exceeding the sum of ten or less than five thousand dollars, but that in towns or townships not incorporated the legal voters of such towns or townships may, by a vote of a majority of those voting at any spring election or annual town meeting or at any special election, to be called for that purpose, determine what amount of money shall be raised, and that in said towns or townships a sum less than five thousand dollars may be voted and appropriated.

Townships,
towns inserted.

The remainder of
this section after
the words five
thousand dollars
has been added.

2. *And be it enacted*, That for the purpose of procuring a site and providing for its erection, or for the purchase of a suitable building already erected, the mayor or president of the governing body of any such town, township, incorporated town, borough, or police, sanitary and improvement commission shall nominate and appoint, with the advice and consent of the town committee, common council, board of commissioners or other governing body, three commissioners, who shall be residents and freeholders in said town, borough or commission; that said commissioners shall have power to purchase a proper site or building already erected for said armory and to alter or remodel the same; and in case a building already erected is not purchased, to have plans and specifications prepared for the erection of said armory, advertise for proposals for the erection of the same, and award the contract or contracts for the erection thereof, and generally superintend the same during its course of erection or remodeling; and said commission shall serve without compensation; and that the payments for the site purchase, remodeling or cost of erection of said armory shall be paid by the municipal authorities of said town, borough or police, sanitary and improvement commission having the management and control of the finances of

Town, township
inserted.

The words town
committee in-
serted before the
words common
council.

Commissioners
to purchase sites
or buildings.

To contract for
erection of build-
ings.

Serve without
compensation.

Costs paid by
municipal
authorities.

such town, borough or commission, upon the certificate of said commissioners, from time to time given to and filed with such last-named financial boards.

A; appropriation for armory to be collected by taxation.

3. *And be it enacted*, That the municipal board of any such town, borough or police, sanitary and improvement commission, having the management and control of the finances of such town, borough or commission, shall appropriate and put in the tax levy of such town, borough or commission, not less than one-half the sum appropriated for said armory at the time of making the next annual appropriation and assessment after the passage of this act, and the balance of said appropriation shall be placed in the next annual appropriation thereafter.

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

Approved May 23, 1890.

CHAPTER CCXXVIII.

A Further Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

Sales apportioned between separate and distinct tracts.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That if any parcel of lands has been or shall hereafter be sold, under the provisions or any of the provisions of the act to which this is a supplement, or under the provisions or any of the provisions of

any supplement to the said act, and it shall appear that separate and distinct portions of such parcel so sold are owned by different persons, or that any separate and distinct portion thereof is subject to any mortgage or other lien or encumbrance which does not affect the other portions of such parcel, it shall be lawful for the court by which the report of the commissioners charging and assessing the tax, assessment and lien on such lands was confirmed, upon application made by any person interested therein as owner, mortgagee or other lienor or encumbrancer of any such separate and distinct portion, and describing the same, to cause a proper and equitable apportionment of the confirmed tax, assessment and lien to be made among and upon the several separate and distinct tracts composing the parcel so assessed or sold, and for that purpose the court may refer the said application to the said commissioners, who shall, after making apportionment as aforesaid, report the same to the said court for confirmation, and when confirmed, the tax, assessment and lien so apportioned as to each separate and distinct portion shall stand in lieu and instead of the former tax, assessment and lien upon the whole tract, as of and from the date of the confirmation of the original report thereof; and the said court shall have power to order and regulate the practice and procedure under this act and to fix any fees and expenses which the said court may deem proper to be allowed in and about such apportionment, and which said fees and expenses shall be paid by the person so making application, or, in the discretion of the court, may be added, in equitable proportions to be determined by the said court, to the amounts so apportioned.

Court to regulate practice

2. *And be it enacted*, That any person having a mortgage or other lien or encumbrance upon any lands assessed under the act to which this is a supplement, or under any supplement to the said act, and who has redeemed or may hereafter redeem any such lands heretofore sold or that may hereafter be sold under the provisions of the said act to which this is a supplement, or of any supplement thereto, and who has acquired or may acquire, by such redemption, the first lien provided and given in and by the eighth section of the supplement to said act, which was approved April eighteenth, one thousand eight hun-

Mortgage redeeming lands sold to have a first lien.

dred and eighty-nine, or the heirs, legal representatives or assigns of any such person so redeeming or having redeemed, may, by any appropriate proceeding at law or in equity, enforce against the lands and premises redeemed such first lien and payment of the amount paid for the redemption, together with lawful interest thereon, and the costs of the proceedings, and, also, and as a part of such first lien, any and all sums paid by such redeeming mortgagee or encumbrancer for taxes, assessments and water rates or water rents levied and imposed upon the premises redeemed subsequent to such redemption, with lawful interest thereon; and such proceedings may be instituted and maintained either independently of and before, or in connection with, proceedings to enforce payment of the mortgage or other lien or encumbrance held by the person so redeeming or having redeemed, his heirs, legal representatives or assigns.

Proceedings in
stituted.

Repealer.

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 immediately.

Approved May 23, 1890.

CHAPTER CCXXIX.

An Act providing for the erection of public halls in towns and boroughs in this state.

Legislative
bodies em-
powered to pur-
chase lands and
erect buildings
for a public hall.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners or other legislative body of any borough having a population of three thousand inhabitants or over to purchase a suitable lot or tract of land and erect a building for a public hall for the use of the people thereof, to hold their public meetings and have their public offices located therein, the cost of which said lot and building shall not exceed the sum of twenty-five

thousand dollars; *provided, however*, that two-thirds of the legal voters in said borough at any public election shall be in favor of the same; those in favor of having a public hall shall each deposit a ballot containing the words "for a public hall," and those who are opposed shall each deposit a ballot with the words "against a public hall"; ten days' public notice shall be given before the day of election in a newspaper circulating in said borough by the clerks thereof, which notice shall definitely state the purpose of said election. Proviso.

2. *And be it enacted*, That if two-thirds of the legal voters in said borough should be in favor of a public hall, then it shall be lawful for the governing body thereof to raise money by the issuing of bonds for the purpose of erecting, providing and properly furnishing a suitable lot and building for the uses and purposes of said borough as aforesaid. Authorized to issue bonds.

3. *And be it enacted*, That the said bonds shall state upon their face the purpose for which they were issued, and the term for which such bonds shall run shall not be longer than thirty years, and they shall be redeemable any time after the expiration of five years, at the option of the said borough, and shall be of denomination of not less than five hundred dollars, and shall bear a rate of interest not exceeding four per centum per annum, payable semi-annually, and said bonds shall not be subject to municipal or borough tax. Bonds, when payable, &c.

4. *And be it enacted*, That the amount necessary for the payment of the interest of said bonds shall be placed in the appropriation tax levy to be assessed and raised by taxation as other moneys are raised for the uses and purposes of the borough, together with the sum of one thousand dollars in each and every year, which sum when collected shall be deposited in the sinking fund of the borough, for the liquidation of the principal of the said bonds when due. Money to be raised by assessment and taxation.

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

Approved May 23, 1890.

CHAPTER CCXXX.

An Act concerning the granting of licenses for shows, circuses and athletic exhibitions in cities.

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 incorporated city of this state to pass ordinances for the following purposes: to license, regulate and prohibit traveling and other shows, circuses and menageries, also athletic and scientific exhibitions, also theatrical and variety performances and plays, also plays, singing or performances of any kind in any place where liquors are sold, and to revoke any of said licenses, and to fix and prescribe penalties for the violation of any such ordinance or ordinances, and that the license fees to be charged for such purposes shall be as follows, to wit: for a license for a circus, with or without a menagerie, charging twenty-five cents or more for one admission, the sum of not exceeding five hundred dollars for each day; for a license for a circus, with or without a menagerie, charging from ten to twenty-five cents for a single admission, the sum of not exceeding one hundred dollars for the first week, and the sum of not exceeding fifty dollars for each week thereafter the same shall continue; for a license for a concert or entertainment charging fifty cents or more for a single admission, the sum of not exceeding twenty-five dollars for each concert; but this provision shall not apply to a concert or entertainment given for charitable or benevolent purposes; for a license for an athletic or scientific exhibition, the sum of not exceeding one hundred dollars for each exhibition; for a license for a theatre, or for a theatrical or variety performance or play, the sum of not exceeding and at the rate of three hundred and fifty dollars a year; for a license to permit plays singing or performances of any kind in any place where liquors are sold, the sum of not exceeding and at the rate of twenty-five dollars a month.

Authorized to pass ordinances.

To license and prohibit traveling and other shows.

Fees for circus charging twenty-five cents or more.

Circus charging from ten to twenty five cents.

Concert charging fifty cents or more.

Athletic or scientific exhibition.

Theatre or variety performance.

Plays, singing or performance where liquors are sold.

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

Approved May 28, 1890.

CHAPTER CCXXXI.

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* County boards of
the State of New Jersey, That there shall be in each of the registration, how
counties of this state a county board of registration, to constituted and
consist of four persons, to be appointed by the governor appointed.
yearly and every year, and who shall be legal voters
within the counties for which they are respectively ap-
pointed; no more than two members of any such board No more than
shall belong to the same political party; said board shall two members to
be of the same
be appointed not sooner than thirty nor more than sixty political party.
days after the approval of this act; before the expiration When appointed
of said thirty days the chairmen of the state committees
of the two political parties, or either of them, which at
the last preceding election for members of the general
assembly cast the largest and next largest number of
votes in the state, may, in writing, nominate two mem-
bers of his own party in each county, qualified as afore-
said, for members of the county board of registration in
and for such county, and if such nominations be made
before the expiration of said thirty days, the governor
shall appoint such nominees; the members of said county
boards of registration shall continue in office for one Term of office,
and when suc-
cessors ap-
pointed.
year from the date of their appointment, and within
thirty days next succeeding the expiration of their terms,
the chairman of either of said state committees may, in

manner aforesaid, nominate members of his own political party to be members of said county boards of registration, and such nominees shall be appointed by the governor; in case of death or disability of any member of any of said boards, the governor shall be forthwith notified thereof, by the county clerk of the county for which such member was appointed, and if such member was nominated by either of said chairmen, the governor shall cause notice of such death or disability to be given the chairman of the state committee of the political party from which such member was appointed, and such chairman shall, within six days thereafter, nominate a successor, who shall thereupon be appointed by the governor; all appointments to fill any vacancies occurring in said boards shall be for the unexpired term only; if, in any case, either of said chairmen shall fail to make nominations to the governor within the times aforesaid, the governor shall make such appointments of his own selection from such political party; members of the county boards of registration shall serve without compensation.

2. *And be it enacted*, That said county boards of registration shall cause to be made a complete registration of all the legal voters in their respective counties, and for that purpose they shall, within two weeks after their appointment, meet at the court houses in their several counties and organize by electing one of their number to be chairman and one to be secretary, but the chairman and secretary shall not both belong to the same political party; in case of failure to elect such chairman for three ballots or viva voce votes, then the oldest member (in years) of such board shall be the chairman thereof; and on failure to elect such secretary for three ballots or viva voce votes the member of the board next oldest (in years) to the chairman of such board, and not of the same political party, shall be the secretary; within forty, but not sooner than thirty days after the organization of any of said county boards of registration as aforesaid, such board shall (except as hereinafter provided) appoint, within each and every election district or voting precinct of its respective county, four persons, legal voters, and residents within the election district for which they are appointed, to be the "board of registry

How successor appointed in case of death or disability.

Governor to give notice.

Vacancies filled for the unexpired term.

When governor to select nominees.

Members to serve without compensation.

County boards to cause registration of voters to be made, and when to organize for that purpose.

Officers not to be of the same political party. Proceedings on failure to elect president or secretary.

When to appoint the boards of registry and election.

and election," as hereinafter provided, in and for such election district or voting precinct; not more than two of such appointees shall belong to the same political party, nor shall either or any of such appointees hold any public office, except as herein provided; prior to the expiration of said thirty days in this section mentioned, the chairman of the county committee of either or both of the two political parties in any county that at the last preceding election for members of the general assembly cast the largest and next largest number of votes in said county, may, in writing, nominate to said county board of registration two members of his own political party for each election district or voting precinct in his county, and such nominees shall be by said county board of registration appointed members of the board of registry and election in and for the election districts or voting precincts for which they are respectively nominated; the members of such boards of registry and election first appointed under this section shall hold their offices until the first day of June, one thousand eight hundred and ninety-one; within thirty days next succeeding June first, one thousand eight hundred and ninety-one, and yearly thereafter, the successors of said boards of registry and election shall be appointed, so that after the year one thousand eight hundred and ninety-one the terms of the members of such boards of registry and election shall commence in June of one year, and end in June of the year next succeeding; within thirty days next preceding June first, one thousand eight hundred and ninety-one, and of every year thereafter, the chairmen of the county committees of the said political parties of any county may, in manner aforesaid, nominate persons to the county board of registration to be members of the boards of registry and election, and such persons so nominated shall be appointed; should any vacancy occur in any of said boards of registry and election, such vacancy shall be filled by appointment, made pursuant to this act, by the board of registration of the county wherein the vacancy occurs, but such appointments shall be for the unexpired term only; each board of registry and election shall appoint two registry or poll clerks, not of the same political party, neither of whom shall hold any public

Qualifications of members of boards of registry and election.

When and by whom nominated

Term of office of first appointees.

When successors appointed.

When terms to commence and terminate.

When and how members nominated.

How vacancies filled.

Appointment of registry or poll clerks.

office other than that herein provided for, and whose duties shall be as hereinafter prescribed; the terms of office of such registry or poll clerks shall expire with those of the members of the board appointing them; if either of said registry or poll clerks shall die, resign or become incapable of acting, the board of registry and election shall fill such vacancies, but for the unexpired term only.

3. *And be it enacted*, That the members of said boards of registry and election, and said registry or poll clerks, shall, before entering upon the performance of their duties, each severally take and subscribe an oath or affirmation, in writing, before a duly qualified officer, faithfully and impartially to discharge all their duties as such officers, under this or any other law of this state, to the best of their skill and ability, which oaths or affirmations shall be forthwith forwarded to the county clerk and by him filed in his office.

4. *And be it enacted*, That said boards of registry and election shall meet annually, on the Tuesday four weeks next preceding the annual election for members of the general assembly, at ten o'clock in the forenoon, at places within their respective election districts to be designated by the members of such board or a majority thereof; said boards of registry and election, when met as aforesaid, shall organize by choosing one of their number to be chairman; in case of failure to choose said chairman for three ballots, the oldest member (in years) of such board shall be the chairman thereof; when the chairman shall have been designated, each member of the board shall take and subscribe the oath prescribed in the next preceding section hereof; such oath may be administered by the chairman to the other three members of the board, and any member thereof may then administer the oath to the chairman; said boards of registry and election having taken and subscribed the oath aforesaid, shall, on the same day, proceed to ascertain, and truly and accurately enter in canvassing books to be provided for that purpose, the names and residences and street numbers, if any, of all legal voters residing within their respective election districts entitled to vote therein at the next election, by making actual inquiry at every dwelling house or habita-

Term of office.

Board to fill vacancies.

Members and clerks of board of registry and election to take oath.

Filed with county clerk.

When boards to meet and organize.

Who to act in case of failure to choose chairman

Each member to take oath.

Boards to make enumeration of voters.

By inquiry at every dwelling house, etc.

tion, or of the head of every family residing therein, and shall continue such enumeration of voters from day to day thereafter, on successive days, until the same be completed; *provided*, that such enumeration shall terminate on or before the Saturday next succeeding; the name of every such voter, as aforesaid, whose place of abode shall be in any family or habitation, or who may be casually or temporarily absent therefrom when such enumeration is made, shall be entered in said canvassing books; in making such enumeration the said boards of registry and election may divide their election districts into subdivisions, and any two of their number, not of the same political party, designated by the chairman, together and in company may make the enumeration in such subdivisions; no name shall be entered on such canvassing books without the concurrence of both said members, or if said enumeration be made by the entire board, without the concurrence of a majority thereof.

5. *And be it enacted*, That on the Tuesday three weeks next preceeding the election for members of the general assembly said boards of registration and election shall meet at the places in their respective election districts where the next election will be held, at seven o'clock in the morning and continue in session until nine o'clock in the evening, but may take a recess from one to two o'clock during said time; said last mentioned meeting shall be attended by the said registry or poll clerks appointed for such election district, who shall take and subscribe the oath hereinbefore prescribed to be administered by the chairman or any member of the board; when met, as in this section provided, said board of registry and election, and said clerks, shall proceed to transcribe and make up from said canvassing books two lists or registers, alphabetically, of the names, residences and street numbers, if any, of all persons in their respective election districts entitled to the right of suffrage therein at the next election, or who shall personally appear before them for that purpose, or who shall be shown, to the satisfaction of such board of registry and election, to have legally voted in that election district at the last preceding election therein for members of the general assembly, or who shall be shown, by the affidavit in writing of some voter

Proviso

How enumeration may be made.

When names not to be entered.

When boards to make registers of voters.

Registry clerks not to attend.

Take oath.

Two registers of voters to be made.

in that election district, to be a legal voter therein; *provided*, that no naturalized citizen shall be registered if his right is challenged, unless he shall, by affidavit or otherwise, prove to the satisfaction of a majority of such board that he is entitled to vote in that election district at the next election therein, or shall produce a legal certificate of naturalization entitling him to the right of suffrage, or shall have been duly registered at a previous election in such election district, which certificate shall thereupon be endorsed with the date of the exhibition.

Board to certify registers and announce number of names thereon. 6. *And be it enacted*, That when on the day of their meeting, as provided in the next preceding section, the board of registry and election shall have completed said two registers, they shall certify on each of them, and announce publicly, the number of names entered thereon; that on the day succeeding such meeting a correct list of the names entered on said registers, with residences and street numbers, if any, shall be posted by each of said clerks, in hand-bill form, in some conspicuous public place within such election district; both of said lists shall be certified by the board of registry and election, or a majority thereof, to be correct copies of the original registers.

Correct list of names on register to be posted.

Lists to be certified as correct.

When board to meet and revise registers. 7. *And be it enacted*, That the board of registry and election shall also meet on Tuesday next preceding the day of election for members of the general assembly, at the same hour and place of their former meeting, and remain in session until nine o'clock in the evening (except that they may take a recess as aforesaid), for the purpose of revising and correcting the original registers, of adding thereto the names of all persons entitled to the right of suffrage in that election district at the next election, who shall appear in person before them, or shall be shown by the written affidavit of some voter in such election district to be a legal voter therein, and of erasing therefrom the name of any person who, after a fair opportunity to be heard, shall be shown not to be entitled to vote therein by reason of non-residence or otherwise; and upon the final completion of said registers the said board of registry and election shall publicly announce and certify on each register the number of names entered thereon, and on the next succeeding day each of said clerks shall cause

When registers completed board to announce and certify number of names thereon

a certified copy of the full list of the names on said registers, with residences and street number, if any, to be posted in conspicuous places within said election district; and one of said clerks, to be designated by the chairman of said board of registry and election, shall prepare an additional copy of the names, residences and street numbers, if any, on such completed register, which additional copy, after being certified as aforesaid, shall be by said clerk, within two days after the said last mentioned Tuesday, filed with the clerk of the city, township or other municipality, within which such election precinct may be situate; *and provided further*, that no name shall be entered on said registers, or either of them, from said canvassing books, or stricken therefrom, without the concurrence of a majority of all the members of said boards of registry and election.

Clerks to post certified copy of list.

Clerk to prepare additional copy and file with clerk of municipality.

Proviso.

8. *And be it enacted*, That on the day succeeding the final completion of said registers, one thereof shall be forwarded to and filed with the county clerk.

One register filed with county clerk.

9. *And be it enacted*, That at least two weeks preceding the meeting of the said boards of registry and election on the third Tuesday before election, as hereinbefore provided, the county clerk of each county shall cause a notice to be published in such and so many of the newspapers of his county as he and the presiding judge of the court of common pleas of his county shall previously have designated for that purpose, not exceeding six in all, setting forth that the boards of registry and election in and for each and every election district or voting precinct in his county will meet on the days and between the hours aforesaid for the purpose of making said registration of voters; said publication shall be published, as nearly as may be, equally in newspapers of the different political parties, and so as to afford the widest possible information to all voters of every political party, and such notice shall be continued in such newspapers at least once a week for at least four weeks successively; *provided*, that such publication shall not be made in any daily newspaper more than twice in any one week.

County clerk to publish notice of the meeting of the boards of registry to make the registration of voters.

How published.

Proviso.

10. *And be it enacted*, That in the registers made as aforesaid the names shall be arranged in the alphabetical order of surnames, in such manner as to show the names

How names etc., of voters to be arranged on registers.

at full length, the residence by the street number (if there be a number), and the name of the street, court, alley or other location of the dwelling place of the voter.

Proceedings of boards open to the public.

11. *And be it enacted*, That the proceedings of the boards of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation to the revision and correction of the registers.

Boards of election to consist of the boards of registry appointed under this act.

12. *And be it enacted*, That hereafter, except as in this act otherwise provided, in each and every of the election districts or voting precincts of this state, the boards of election shall be composed of the four members of the board of registry appointed as aforesaid in and for such election district or voting precinct, and there shall be two election or poll clerks to said board of election, instead of one as heretofore, which clerks shall be said two registry or poll clerks appointed as aforesaid, anything in any existing law to the contrary notwithstanding.

And the two registry or poll clerks shall be the clerks of election.

Register not filed with county clerk to be preserved by board of registry for use as the board of election.

13. *And be it enacted*, That the original register not filed with the county clerk, as hereinbefore provided, shall be carefully preserved by the board of registry for use by them as the board of election on the day of election, and no person, except as hereinafter provided, shall be allowed to vote unless his name shall be found on the register; and if any member of the board of registry and election shall willfully refuse to enter in the canvassing books or upon the registers any person legally entitled to vote, or shall at the meeting of the board of registry, on the Tuesday three weeks preceding the election, register the name of any person, except those on the canvassing books, who shall not have appeared before the board to require the registry of his name, or be shown to have voted in that election district at the last preceding election for members of the general assembly, or who shall be shown, by the affidavit in writing of some voter in that election district, to be a legal voter therein, or shall at the meeting of said board one week before the election, as hereinbefore provided, register the name of any person who shall not have appeared before said board to require it, or be shown by affidavit to be a legal voter therein, as herein provided, or if, when acting as a member of said board of election, on the day of election, shall

No person allowed to vote unless name on register.

Penalty for refusing to enter name of person entitled to vote.

Or if register- ing name not on canvassing books, etc.

receive the vote of any person whose name shall not appear on the revised and corrected registers, unless such name shall have been ordered added thereto in the manner hereinafter provided, such member shall be punished, on conviction, by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.

14. *And be it enacted*, That on the day of election each of said registry or poll clerks shall keep a poll list in form now required by law, and one of the board of election shall check or erase from the register the name of the person voting, and that after the canvass of the votes the register so kept and checked and one of the poll lists shall be attached together and filed with the clerk of the county within one day thereafter, and the other shall be deposited in the ballot box as now required by law.

15. *And be it enacted*, That any person who shall cause or procure his name to be registered in more than one election district, or shall cause or procure his name or that of any other person to be registered, knowing that he, or the person whose name he has procured to be registered, is not entitled to vote in the election district or ward wherein said registry is made at the next election to be held therein, or who shall falsely personate any registered voter, shall be punished for each and every offense by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding five years, or both, at the discretion of the court.

16. *And be it enacted*, That said boards of registry and election shall place or cause to be placed upon said registers the name of any person who shall appear before them and satisfy them by an affidavit in writing, to be filed with them and by them forwarded within two days to the county clerk, and by him filed in his office, that such person will, on the day of the next ensuing election, be entitled, under the constitution and laws of this state, to exercise the right of suffrage in that election district; and any person swearing falsely in any such affidavit as is mentioned in this section shall be guilty of perjury, and incur the penalty thereof.

17. *And be it enacted*, That if any person shall, after being registered in one election precinct, move into

Registration of persons removing from one election precinct into another.

Proviso.

Courts of common pleas to meet and revise registers.

County clerk to produce registers

Court to proceed in a summary manner.

Proviso.

another election precinct in the same county, he may apply to the board of registry and election, on election day, to have his name erased from the register and a certificate given him to that effect, which certificate shall be signed by said board or a majority thereof and attested by the poll clerks, and on presentation of such certificate to the board of election of the precinct where he then resides, his name and residence shall be placed on the register of such precinct, and he shall then be allowed to vote; *provided*, that said latter board may require him to make a statement, under oath, to satisfy themselves of his right to vote; the presentation of such certificate shall be noted on the register and the certificate preserved, and at the close of election attached to the register and filed therewith with the county clerk.

18. *And be it enacted*, That on the Thursday next preceding the annual election for members of the general assembly, and from day to day thereafter as may be necessary, the courts of common pleas of the several counties of the state shall be in session at the court houses in their respective counties for the purpose of revising and correcting the registers of voters so as aforesaid on the day succeeding the final completion thereof, to be filed with the county clerk, and the clerk shall produce such of said registers as may be required at the sessions of the court; said court in the revision and correction of said registers shall proceed in a summary manner, and shall order erased therefrom the name of any person who shall be shown to the satisfaction of the court, for any cause, not to be entitled to vote at the next election in the election district wherein he is registered; *provided*, that no name shall be ordered erased from any such register in the absence of a person to be affected thereby, unless it shall appear to the court, by affidavit of some qualified voter of the same election precinct wherein said person is registered, that notice has been given such person either personally or by leaving the same at his assigned place of residence with some person above the age of fourteen years, at least two entire days before such session of the court, that at such session of the court application would be made to have the name of such registered person stricken from the register, and

the grounds on which said application would be based; said court may also order added to said registers the name or names of any person who shall prove to its satisfaction by affidavit or affidavits or otherwise, his right to vote at the ensuing election, but whose name, through absence, sickness, inadvertence or other sufficient cause, has been omitted therefrom; when any name shall be stricken from any register filed with the county clerk, a certificate under the seal of the court and attested by the county clerk, stating the name erased and the cause therefor, and from what election district, shall be given to the person applying to have the name of such person erased, and on the delivery of such certificate to the board of registry the name of such person shall be erased from the register in their possession, and his vote not received if he presents the same; to any person whose name shall be ordered added to the registry of any election precinct shall be given a certificate under the seal of the court and attested by the clerk that such person is entitled to vote in that precinct at said election, and on the delivery of such certificate to the board of election of the proper precinct, the name of said person shall be added to the registry and his vote received; the receipt of said certificate shall be noted on the register and the certificates forwarded with such register to the county clerk.

19. *And be it enacted*, That the boards of registry and election and said registry or poll clerks appointed as hereinbefore provided for, shall, in their respective election districts, hold and conduct the next and all succeeding annual elections to be held on the first Tuesday after the first Monday in November in any year, and also the annual "town meetings" hereafter to be held throughout this state, and the foregoing provisions of this act shall apply to said town meetings, except that the said boards of registry and election at such town meetings shall procure and use thereat the certified copy of the register of voters filed with the township or other clerk pursuant to section seven of this act; said board of registry and election and said poll clerks shall meet to revise and correct said register in the manner hereinbefore provided, on the Tuesday preceding town meet-

Court may order
names added.

When names
stricken from
register certifi-
cate to be given.

Board of registry
to erase name.

Certificate given
when name
added.

Board to add
name.
Receipt of cer-
tificate noted
and forwarded to
county clerk.

Boards to con-
duct general
elections and
town meetings.

Certified copy of
register to be
used at town
meetings.

When boards to
meet and revise
register.

ing; and each of said registry or poll clerks of each election district shall cause at least three notices of the time and place of such meeting to revise and correct said register to be conspicuously posted in public places within their respective election districts, at least one week before such meeting.

Clerks to give notice of meeting.

Appointment of boards of registry and election in municipalities where elections are held on other than general election days.

To be equally divided politically.

Proviso.

Vacancies, how filled.

20. *And be it enacted*, That in all the municipalities of this state wherein elections for public officers are or may be held on days other than the days on which the annual town meetings aforesaid or the annual elections for members of the general assembly are held, the governing body of every such municipality, by whatever name called, shall, on or before the first day of September in each and every year, appoint four persons for each election district or precinct within their several municipalities, who shall be and constitute the boards of registry and election within and for such respective election districts or precincts; in making said appointments of such boards, the members of the political party in the majority in such governing bodies shall appoint two of the members thereof, and the member or members of the political party in the minority in such governing bodies shall appoint the other two members of such boards of registry and election; and in case any of said governing bodies shall be composed unanimously of members of one political party, such governing body shall appoint said four members, but not more than two members of any such board of registry and election shall belong to the same political party, nor shall any of them hold any public office except as herein provided; *provided*, that if more than two political parties shall be represented in any such governing body as aforesaid, the political party which shall be next in number of members to the political party in the majority shall appoint the two members of such boards of registry and election which, under this section, are to be appointed by the members of the political party in the minority; if any vacancy shall occur in any of said boards of registry and election by death, resignation, inability or otherwise, such vacancy shall be filled, in manner aforesaid, by the members of the governing body who made the original appointment.

21. *And be it enacted*, That it shall be the duty of said boards of registry and election provided for in the next preceding section hereof to make, alter or revise, as the case may require, the registry of voters within and for their respective election districts or precincts, and also to hold and conduct all elections, other than said town meetings and said annual elections for members of the general assembly as are or may be required by law to be held therein during their term of office; each of said boards shall appoint two registry or poll clerks, not of the same political party, neither of whom shall hold public office except as herein provided for, and who shall perform duties similar to those which are or may be required by law of other registry or poll clerks.

Boards to make registry of voters and conduct elections

Appoint clerks.

Duties of.

22. *And be it enacted*, That in all cases where the territorial limits and boundaries of the election districts or precincts within any such municipality as is mentioned and referred to in sections twenty and twenty-one hereof shall be the same in all elections held therein, whether for members of the general assembly or other officers, the registration of voters for all elections whatsoever, held within such municipalities, shall be the same registration provided for in the first nineteen sections of this act; but such registration shall and may be revised, corrected or altered by said boards of registry and election provided for in section twenty hereof, at such times and in such manner as the governing bodies of such municipalities may respectively order and direct; *provided*, that no name shall be stricken from or added to said registry by any of said boards of registry and election without the concurrence of a majority of all the members of said board.

Where boundaries of election districts are the same in all elections registration to be the same.

Registration to be revised.

Proviso.

23. *And be it enacted*, That when in any election for public officers to be held within any of the municipalities of this state, the territorial limits and boundaries of the election districts shall not be the same as at the annual election for members of the general assembly, then and in such cases it shall be the duty of the said boards of registry and election provided for in section twenty hereof to make a complete registration of all the legal voters within their respective election districts; and in the making of such registration said boards of registry and election shall conform as nearly as may be to the directions and re-

When boundaries of election districts not the same as at general elections, boards to make registration of voters.

How made.

Previ-o.

quirements contained in section four hereof; *provided*, that the governing body of such municipality shall and may designate the time when such boards of registry and election shall begin canvassing for such registry and the day or days on which said boards shall meet for transferring the names from the canvassing books to the register, and for altering, revising and correcting such registry.

How elections conducted in municipalities.

24. *And be it enacted*, That all elections held within any of said municipalities by the boards of registry and election provided for in section twenty hereof shall, except as herein otherwise provided, be held and conducted and the votes cast thereat canvassed and returned as now is or hereafter may be required by law.

Ballots printed at public expense, and none others counted.

25. *And be it enacted*, That all ballots cast at any election for any public officer or officers hereafter held with any municipality of this state shall (except as herein otherwise provided) be printed and distributed at public expense, and no ballots shall be cast or counted at any such election except such as are by this act provided for.

By whom candidates may be nominated.

26. *And be it enacted*, That any convention of delegates or nominating body of a political party as hereinafter defined, and also individual voters by petition, to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be printed, written or placed upon the ballots as hereinafter provided and directed; a "convention of delegates" or "nominating body of a political party" within the meaning of this act is an organized assemblage of delegates or voters, representing a political party which, at the election for members of the general assembly next preceding the holding of such convention or nominating body polled at least five per centum of the total vote cast in the state, county or other division or district in and for which the nomination is made.

Terms defined.

How nominations certified.

27. *And be it enacted*, That all nominations made by any such convention of delegates or nominating body shall be certified in a written or printed, or partly written and partly printed "certificate of nomination" as follows: such certificate of nomination shall contain the name of each person nominated, his residence and post office address, the office for which he is named, and shall desig-

nate, in not more than three words, the title or name of the party or principles which such convention or nominating body represented; said certificate shall be signed by the presiding officer and secretary of such convention or nominating body, who shall add to their signatures their respective places of residence and post office address, and severally make oath before an officer qualified to administer the same, that the affiants were respectively such officers of such convention or nominating body, and that said certificate and the statements therein contained are true as they verily believe; and a certificate that such oath has been taken shall be made and signed by the officer administering the same and endorsed upon or attached to such certificate of nomination; in case of a division in any party and claim by two or more factions to the same party name or title, the secretary of state or the county or municipal clerk, as the case may be, shall give the preference of name or title to the convention of delegates or nominating body held at the time and place designated in the call of the regularly constituted party authorities, and if the other faction shall present no other party, name or title, the secretary of state or county or municipal clerk, as the case may require, shall select a name or title and place the same at the head of the list of candidates of said faction on the ballot; if two or more conventions be called by authorities or bodies claiming to be the regularly constituted authority or body of any party, the secretary of state or county or municipal clerk, as the case may require, shall select suitable names or titles to distinguish the several factions, and the ballots shall be printed accordingly.

28. *And be it enacted*, That besides the nomination of candidates by a convention of delegates or nominating body of a political party, as hereinbefore provided, candidates for public office may also be nominated by "petition" in manner following: such petition shall be addressed to the secretary of state or clerk of such county, city or other municipality as may be proper, pursuant to the requirements of this act hereinafter contained, and shall set forth the name or names and places of residence and post office addresses of the candidates for the offices to be filled, the office for which each candidate is

Officers to sign certificate of nomination.

And make oaths to the same.

Certificate as to oath to be attached.

Secretary of state or clerk to give preference in case of division, etc.

How preference given when two or more conventions called.

Nominations may also be made by petition

Petition to be addressed to the secretary of state or clerk.

What to set forth.

named, that such candidates are legally qualified to hold such offices, and that the petitioners desire and are legally qualified to vote for such candidates; said petition may also designate, in not more than three words, the title of the party or principle which the candidates therein named represent, and shall be signed by legally qualified voters of the state, residing within the district or political division in and for which the officer or officers nominated are to be elected, equal in number to at least one per centum of the entire vote cast at the last preceding election for members of the general assembly, in the state, county, district or other division in and for which the nominations are made; *provided*, that when the nomination is for an office to be filled by the voters of the entire state, the number of such signatures shall not be less than eight hundred in the aggregate for each candidate nominated in said petition; when the nomination by such petition is for an office to be filled by the voters of a district, county, city, township or other division less than the entire state, the petition shall be signed by qualified voters of such district, county, city, town or other division not less in number than five for every one hundred votes cast in such district, county, city, town or other division at the next preceding election for members of the general assembly; *provided, however*, that not more than two hundred signatures shall be required to any petition for any officers to be elected, save only such as are to be voted for by the voters of the state at large; in case of a first election to be held in a newly-established election district, division, county, city or ward, the number of fifty signatures to a petition shall be sufficient to nominate a candidate to be voted for only in such election district or division, county, city or ward; every voter signing a petition shall add to his signature his place of residence, post-office address and street number, if any, and shall, before an officer duly authorized to take acknowledgments and proof of deeds, acknowledge his signature, and that he is an elector, and that he has truly stated his residence and post-office address; such voter may sign one petition for each officer and no more, but all the names need not be signed to one petition; before any petition shall be filed as hereinafter provided,

What number of voters must sign petition.

Proviso.

Proviso.

Voter signing petition must add residence, etc.

May sign one petition for each officer.

at least five of the voters signing the same shall make oath before a duly qualified officer that the said petition is made in good faith, that the affiants verily believe all the signatures thereto to be genuine and those of duly qualified voters, and a certificate that such oath has been taken shall be endorsed upon or annexed to the petition by the officer before whom the same is made.

Before petition filed five voters to make affidavit thereto.

29. *And be it enacted*, That when electors for president and vice-president of the United States are to be voted for, the names of the candidates for president and vice-president, for whom the electors named in any certificate or petition are nominated to vote, may be included in such certificate or petition, and when so included the names of such presidential and vice-presidential candidates, together with the party names and political appellations, names of other candidates for any offices, if any, designated in the certificate or petition, shall be printed upon the ballots in the manner hereinafter directed.

Names of candidates for president or vice-president may be included in certificate or petition.

Names to be printed on ballots.

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 forty days previous to the 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 twenty days prior to the election at which the candidates nominated are to be voted for; all other certificates and petitions shall be filed with the clerks of the respective municipalities wherein the candidates nominated are to be chosen, at least fifteen days before the election whereat they are to be voted for; all certificates 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 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

Certificates of nomination and petitions, when filed with secretary of state.

When filed with county clerk.

With clerks of municipalities.

Certificates open for inspection, and to be preserved one year.

How nomination must be accepted

same person be named for the same office in more than one petition, then annexed to one of such petitions; the name of any candidate who shall fail in such manner to signify his acceptance of the nomination shall not be printed upon the ballots.

If otherwise accepted, name of candidate not to be printed on ballots.

Secretary of state to certify and forward statement of candidates nominated to county clerks.

What statement to contain.

When certified as independent candidates.

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

When provided by county clerk.

When ballots provided by clerk of municipality.

31. *And be it enacted*, That it shall be the duty of the secretary of state, at least twenty 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 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.

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 ten 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 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.

How ballots printed.

When clerks not required to print name.

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

To contain but one name for each office.

33. *And be it enacted*, That on the back of each of the said ballots to be provided by the county or municipal clerks shall be printed the words, "Official ballot for _____," after the word "for" in each case shall follow the designation of the election district or voting precinct for which the ballot is prepared, the date of the election and a fac-simile of the signature of the county or municipal clerk; the county or municipal clerk shall provide for each political party, for each election district or voting precinct in his county or municipality, two hundred and fifty ballots for every fifty or fraction of fifty votes cast therein by such party at the last preceding election for members of the general assembly; in cases of independent nominations, or of nominations by any party, organization or petitioners, that cast no votes for any candidate or candidates at the last preceding election for members of the general assembly, the number of ballots to be provided and furnished at public expense shall be equal in number to one-half of the total number of votes cast in the election district or precinct at the last preceding elec-

What to be printed on back of ballots.

Number of ballots to be provided.

tion for members of the general assembly; when an election district shall be divided, or the boundaries changed or a new district created, the county or municipal clerk shall ascertain as nearly as possible the number of voters in the new district or districts and shall provide therefor a sufficient number of ballots in the above proportion.

Clerks to provide official envelopes for ballots.

Envelopes to be of same quality of paper, size, etc.

What printed on back.

No other mark placed on envelope.

Printing to be in black ink, etc.

Number of envelopes to be provided.

Where distributed.

How envelopes opened and votes counted.

34. *And be it enacted*, That it shall be the duty of said county and municipal clerks in all cases in which, under this act, they are required to provide and furnish the official ballots, as aforesaid, for any election, to also provide and furnish for such election official envelopes, of the size, kind and description hereinafter prescribed, wherein the ballots to be voted at such election shall be inclosed and voted, as hereinafter directed; all such envelopes provided by any county or municipal clerk shall be of the same quality of plain white paper, three and one-half inches in length by two inches in width, with the flap thereof unglummed; on the back of each of said envelopes shall be printed the words, "Official envelope for _____," after the word "for" in each case shall follow the designation of the election district or voting precinct for which the envelope is prepared; the date of the election and a fac-simile of the signature of the county or municipal clerk by whom the said envelopes are provided and furnished; there shall be no mark, word, figure or device of any kind placed on said envelopes, except as herein directed; all printing on said envelopes shall be with black ink, in type of the same style and description, so that one envelope cannot be distinguished from another; there shall be provided and furnished for each election district or voting precinct so many official envelopes as will be equal to double the number of all the votes cast in such election district or voting precinct at the last preceding election therein for members of the general assembly; the distribution and use of such official envelopes shall be confined exclusively to the polling room, in the manner hereinafter directed; in counting the votes cast at any election the envelopes containing the ballots shall be opened and the ballot shall then be removed from the envelope and the names on the ballot counted and recorded, as now required by law; the ballot shall then, before another envelope is opened, be returned to the

envelope wherefrom it was taken, and envelope and ballot shall then be numbered as one ticket and strung, as now required by law; if on opening any envelope it shall be found to contain more than one ballot, none of the ballots contained therein shall be counted for any candidate, and all such ballots shall be returned to the envelope wherein they were found, and on the face of such envelope shall be written the words, "rejected ballots," and such envelope and ballots shall be strung on the string of rejected ballots, as now provided by law; should any voter to whom any official envelope has been furnished as hereinafter provided, spoil or render the same unfit for use, he may obtain another from the board of election on returning the one so spoiled or unfitted for use; but no more than two official envelopes, one at a time, as herein provided, shall be furnished any voter; at the close of the election all unused, and all spoiled and returned official envelopes shall be tied up in one package by the board of election and deposited in the ballot-box and delivered, with said ballot-box, to the proper custodian thereof; when an election district shall be divided, or the boundaries changed or a new district created, the county or municipal clerk shall ascertain as nearly as possible the number of voters in the new district or districts and provide therefor official envelopes on the basis above prescribed.

35. *And be it enacted*, That the county clerks of the various counties in the state shall, three days prior to any election wherefor they are required by this act to provide the ballots, cause to be delivered to the clerk of each township, city or other municipality within his county, as may be required, the proper number of ballots and envelopes, as hereinbefore required provided for the use of the voters for each and every election district or voting precinct within his township, city or municipality at such election; the same shall be sent in sealed packages, one for each election district of said township, city or other municipality, with marks or directions on the outside of each clearly stating the election district or voting precinct for which it is intended, together with the number of ballots and envelopes inclosed; receipts for ballots and envelopes thus delivered shall be given by the clerk re-

Ballot and envelope numbered and strung.

What ballots to be rejected.

Voter rendering ballot unfit for use may obtain another.

No more than two furnished any voter.

Unused and spoiled envelopes to be deposited in ballot box.

How envelopes provided for new districts.

County clerks to cause ballots and envelopes to be delivered to the clerks of municipalities.

How sent.

Receipts to be given and filed, and record kept.

ceiving the same and filed with the county clerk, who shall also keep a record of the time when and the manner in which each of said packages was sent; the said township or other clerk shall, on the day preceding any such election (but on the Saturday preceding when such election occurs on a Monday), deliver to one of the clerks of each election district or voting precinct within his township, city or other municipality the ballots and envelopes by him received from the county clerk for such election district or voting precinct, and take the receipt of such election clerk therefor, which last mentioned receipt the clerk of such township, city or municipality shall file and preserve with other papers entrusted to his keeping; said election clerk shall, on the morning of election and before proclamation of the opening of the polls, deliver the packages of ballots and envelopes by them received to the election boards of their respective election districts or voting precincts, with the seals thereof unbroken, and shall take receipts therefor from said election board, which receipts said election clerks shall carefully preserve for at least one year; in cases of elections within and for a single municipality of any county, where, under this act, the ballots and envelopes are required to be provided by the clerks of such municipalities, the duties by this section imposed upon the county clerks, with reference to the delivery of the ballots and envelopes, shall, the necessary changes being made, devolve upon and be performed by the clerks of such municipalities.

36. *And be it enacted*, That if at any election the ballots to be furnished therefor as herein provided shall not be delivered at the time above mentioned, or if after delivery they should be destroyed or stolen and other official ballots cannot be obtained in time for such election, it shall be the duty of the clerk of such township, city or other municipality, or of the clerk or board of election, as the case may require, to cause other ballots to be prepared as nearly in the form prescribed in section thirty-three hereof as practicable, but without the endorsement or mark on the back thereof; and upon receipt of ballots thus prepared from the clerk of such township, city or municipality, accompanied by a statement, under oath, of the persons preparing the same, that the same have

Clerks of municipalities to deliver ballots and envelopes to clerks of election districts.

Take and file receipt.

Election clerk to deliver ballots and envelopes to election board, and take receipt.

When delivered by clerks of municipalities.

When ballots not delivered in time or are destroyed or stolen, how prepared.

been so prepared and furnished because the original ballots have so failed to be received or have been destroyed or stolen, and that other official ballots could not be obtained in time for such election; or where such board of election has caused such unofficial ballots to be prepared, the board of election shall cause the ballots so substituted to be used at the election; if from any cause neither the official ballots nor ballots otherwise prepared as herein prescribed shall be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots, made as nearly as possible in the form of the official ballot, may be used; where unofficial ballots are used in pursuance of this section they shall be inclosed in the official envelope, if such envelopes are to be had, otherwise no envelopes shall be used; should the official envelopes provided for any election district be lost, stolen or destroyed, the official ballots, if such are being used at such election, shall be voted by folding the same so as to disclose the official stamp on the back thereof without inclosing the ballot in any envelope; where the use of the official ballots and envelopes, or either of them, is, for any of the reasons aforesaid, dispensed with, the mode and manner of voting shall, nevertheless, in all respects, conform as near as possible to the directions and requirements of section forty-seven hereof.

37. *And be it enacted*, That if any duly qualified voter residing in any county or municipality of this state shall, at least ten 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 hereinbefore 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 five days before the election at which said ballots are intended to be used;

When unofficial ballots may be used.

To be inclosed in official envelopes.

How official ballots voted when envelopes are lost, etc.

How voting done when official ballots and envelopes are not used.

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

Provido. *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 paying for the ballots printed at the request of such voter.

How ballots distributed and voted. 38. *And be it enacted*, That such ballots so as aforesaid printed for and delivered to any such voter, may be distributed before election day, and the same may be voted by any voter desiring so to do under the restrictions and regulations hereinafter prescribed.

Ballot bearing any mark, etc., other than permitted by this act to be void. 39. *And be it enacted*, That if any ballot voted at any election shall have thereon, either on its face or back, any mark, sign, designation or device other than is permitted by this act, whereby such ballot can or may be identified or distinguished from other ballots cast at such election, such ballot shall be absolutely void and shall not be canvassed or counted for any candidate named thereon; and if, on the face or back of any envelope inclosing any ballot, there shall be any mark, sign, designation or device whatsoever, other than is permitted by this act, whereby such envelope can or may be identified or distinguished from any other official envelope used at such election, the ballot inclosed in such envelope shall be absolutely void and shall not be counted for any candidate named thereon.

And so as to envelope. 40. *And be it enacted*, That nothing in this act contained shall prevent any voter from erasing from his ballot any name or names thereon printed, or from writing or pasting thereon the name or names of any person or persons for whom he desires to vote for any office; the ink or lead pencil to be used in writing any name or names upon the ballots shall be black in color, and the use of any other colored ink or pencil shall invalidate the entire ballot; and all pasters used shall be printed on white paper only, and pasters printed on other than white paper shall invalidate the entire ballot; the ballots shall be printed and in possession of the county or municipal clerk at

Voter not prevented from erasing or adding names on ballot.

Ink or lead pencil used to be black in color or ballot void.

Pasters printed on white paper only.

least five days before the election and subject to inspection and examination by the candidates and their agents; if any mistake is discovered it shall be the duty of the county or municipal clerk to correct the same without delay, by causing new ballots to be immediately printed in place of those found to be inaccurate or incomplete, and those found to be inaccurate or incomplete shall be immediately destroyed.

When ballots to be printed and open for inspection.

How mistakes corrected.

41. *And be it enacted*, That whenever any person nominated for public office by any of the modes in this act provided, shall, at least ten days before the day of election, in a writing signed by him and duly acknowledged, notify the officer with whom the original certificate of his nomination was filed that he declines such nomination, the same shall be void and his name shall not be printed upon the ballots; the officer to whom such notification is given shall forthwith inform, by mail or otherwise, the chairman and secretary whose names are attached to the original certificate of nomination, if the nomination was by certificate, that such nomination has been declined; or if the nomination was by petition, then the officer to whom the notification or declination is given shall forthwith, by mail or otherwise, inform at least five of the persons who signed the petition nominating such candidate that such nomination has been declined.

When notice of declination given nomination to be void.

Officer to inform parties of declination.

42. *And be it enacted*, That should any person so nominated die before election day, or decline the nomination as in this act provided, or should any certificate of nomination be insufficient or inoperative, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations; if the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same; the chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an orig-

Vacancies may be filled in same manner as original nominations.

Vacancies may be filled by delegated committee of party convention.

Chairman and secretary thereof to make and file certificate.

How executed,
etc.

inal certificate of nomination; the certificate so made shall be executed, acknowledged and sworn to by the chairman and secretary of such committee in the manner prescribed for the original certificate of nomination, and shall, upon being filed at least eight days before election, have the same force and effect as an original certificate of nomination; when such certificate shall be filed with the secretary of state, he shall, in certifying the nominations to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee, and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted.

Secretary of
state to certify
to county clerks
the names of
persons nomi-
nated to fill
vacancies.

When question
or proposition
to be voted on,
same must be
printed on offi-
cial ballot.

43. *And be it enacted,* That whenever a question or proposition is to be submitted to the people of the state or any subdivision thereof at any election, such proposition or other question to be submitted shall be printed upon each official ballot beneath the list of candidates thereon; if such question or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same; if it be not marked off or defaced it shall be counted as a vote in favor thereof.

How ballots
counted.

Certificates of
nomination valid
unless objection
made within five
days after filing.

44. *And be it enacted,* That all certificates of nomination which are in apparent conformity with the provisions of this act shall be deemed to be valid, unless objection thereto shall be duly made in writing within five days after the filing of the same; in case such objection is made, notice thereof shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence, as given in the certificate of nomination; the officer with whom the original certificate was filed shall, in the first instance, pass upon the validity of such objection, unless an order shall be made in the matter by a court of competent jurisdiction.

When made
notice to be
given to all can-
didates affected.

Officer to pass
upon validity of
objection unless
order made by
court.

Proceedings
when error or
omission has
occurred in
printing ballots.

45. *And be it enacted,* That whenever it shall appear that any error or omission has occurred in the printing of the ballots by any county or municipal clerk, any voter

resident in the county where the error or omission occurs may present to the justice of the supreme court holding the circuit court in and for said county, a verified statement setting forth such error or omission, and such justice being satisfied thereof shall thereupon summarily, by his order, require the county or municipal clerk to correct such error or show cause before said justice, at the shortest possible day, why such error should not be corrected

46. *And be it enacted,* That it shall be the duty of the clerks of the several townships, cities and municipalities of the state, at least thirty days before any election to be held under the provisions of this act, to provide for and secure in each election district or voting precinct of their respective townships, cities and municipalities a suitable room in which to hold the election, and immediately upon procuring such room said township or other clerk shall notify the election or poll clerks and the board of registry and election of the precinct or voting district that such room has been procured and where the same is located; and it shall be the duty of the clerk procuring such room to have constructed therein and ready for use before election day, booths or compartments with swinging doors so arranged that some part of the person of a voter standing in said booths or compartments may be seen from the outside of the compartments when the door is closed, in which booths or compartments voters may, if they so desire, procure and prepare their ballots secretly and screened from the observation of others; each booth or compartment shall contain a counter or shelf suitably placed to enable voters to place their ballots thereon while preparing the same for voting; the number of such booths or compartments shall not be less than one for every seventy-five votes cast at the next preceding election held in such district or precinct for members of the general assembly, and not less than five such booths or compartments shall be provided in any polling place; said booths or compartments shall be erected within a railed enclosure separating the same from the remainder of the room, and not more than one person, except as hereinafter provided, shall be permitted to enter or be in the same booth or compartment at one time; the said booths or compartments shall be so arranged and con-

Duty of clerks of townships, cities, etc., to provide a room in each election district in which to hold the election.

Notify election clerks and board of registry and election.

And have booths or compartments constructed

How doors of compartments arranged.

To contain counter or shelf

Number of booths or compartments to be provided.

To be erected within a railed enclosure.

How arranged

Each compartment to be kept provided with supply of ballots and lead pencils.

How ballot boxes arranged.

Enclosure provided with single entrance and exit.

Compartments to be well lighted.

What persons allowed within railed enclosure.

What persons allowed in polling room outside of enclosure.

Arrangement of polling place, location of compartments, etc., to be same shown by Schedule A annexed to this act.

On entering enclosure voter to be furnished with one of each of the official ballots used and one envelope, by a member of the election board.

structed that all the officers conducting the election can see whether more than one person enters or is in any of such booths or compartments at the same time; each compartment shall be kept provided by said election board with a sufficient supply of official ballots of each party, organization or set of petitioners, and with lead pencils; the ballot boxes at every polling place shall be within said railed enclosure and so placed that the voter may deliver his ballot to the election officers after emerging from the compartment, before leaving the railed enclosure within which the compartments and ballot boxes are placed; such railed enclosure shall be provided with a single entrance by which voters shall enter, and a single exit by which they shall leave the same; said compartments shall be at all hours well and sufficiently lighted to enable voters to read and prepare their ballots with ease; except as in this act otherwise provided, no person shall be allowed within said railed enclosure while the election is in progress, other than the election officers and poll clerks and voters entering the same for the purpose of preparing their ballots and voting at such election, and the agents of the parties or candidates when a person is challenged; and no person shall be allowed or permitted to be present in the polling room outside such railed enclosure during the progress of the election, except the officers connected with the election, the several candidates or either of them, the duly authorized agents of the candidates or political parties as hereinafter specified, such voters as are actually present for the purpose of voting, and such officers as may be duly authorized to be present pursuant to this act, for preserving the peace or enforcing the provisions thereof; the arrangement of such polling place shall, as to said railed enclosure, and the entrance thereto and exit therefrom, and the location of the compartments and ballot box within such enclosure, be substantially as shown in and by schedule A to this act annexed and forming part hereof.

47. *And be it enacted*, That immediately on entering said railed enclosure each voter shall be furnished by a member of the board of election, to be stationed in close proximity to the entrance of said railed enclosure, with at least one of each of the official ballots provided for use

in the polling room at said election, and with one, and only one, of the official envelopes provided for such election; it shall be the duty of the board of election to see that at least one official ballot of each party, organization or set of petitioners, and one official envelope, is delivered to each voter as he enters said railed enclosure and before his entry into any compartment; *provided*, that in those cases where, by the provisions of this act, a sufficient number of official ballots for that purpose shall not have been delivered to the board of election by the county or municipal clerk for any organization, party or group of petitioners, it shall and may be lawful for such organization, party or group of petitioners to deliver to the board of election official ballots, in number sufficient to furnish one of such ballots to each voter, and it shall then be the duty of such board of election to provide each voter with such ballots in the manner provided for in this section; no person shall be permitted to vote at said election until after he shall have received said ballots and envelope, in manner aforesaid, and carried the same with him into one of the compartments; having obtained said ballots and envelope, the voter shall, with the same in his possession, without delay and without leaving said railed enclosure, retire alone to one of said booths or compartments, and enter the same and close the door thereof, and remain therein such length of time, not exceeding five minutes, until he shall have inclosed in said official envelope the ballot he intends voting in such manner as to conceal all printing, writing or pasters on the face of said ballot, whether said ballot was procured from said election officer or within said compartment or elsewhere; on leaving the booth or compartment the voter shall, forthwith and before leaving said railed enclosure, deliver his ballot, inclosed in said envelope as aforesaid; unsealed, but with the flap thereof turned down so as to conceal the ballot therein, to a member of the election board at the ballot box, who shall immediately deposit the same in the ballot box, in the presence of the voter, after which the voter shall, without unnecessary delay, leave the polling room; and no ballot, (except as in this act otherwise provided), shall be counted, unless

Proviso.

No person permitted to vote until ballot and envelope are received and carried into a compartment.

Voter to enter compartment and enclose the ballot he intends voting in the official envelope

So as to conceal printing, etc.

How ballot voted.

No other ballot to be counted.

the same shall be enclosed in an unsealed official envelope, in the manner therein provided.

Voter afflicted with blindness or other disability may select person to assist in preparing his ballot.

48. *And be it enacted*, That any voter who declares under oath, and establishes to the satisfaction of a majority of all the members of the board of election, that, by reason of blindness or other physical disability, he is unable to enter and remain in a booth or compartment, or to prepare his ballot therein for voting as aforesaid, without assistance, shall be permitted to bring with him to such booth or compartment a person of his own selection, who may retire with such disabled voter to the booth or compartment and assist him in the preparation of his ballot, and inclosing and sealing the same in said envelope, as the disabled voter shall direct, in order that it may be cast by such disabled voter as his ballot; the poll clerks shall make a memorandum on the poll lists of every instance when an oath was administered to a voter as herein provided, stating briefly what facts were sworn to, and the name of the person or persons who aided the voter in preparing his ballot; no voter shall divulge to anyone within the polling place the name of any candidate for whom he intends to vote, nor shall he ask for and receive the assistance of any person within the polling place in the preparation of his ballot, except as prescribed in this section; no person who assists a voter in the preparation of his ballot, as herein provided, shall reveal to another the name of any candidate for whom the voter has voted, or anything that took place while he was assisting such voter in preparing said ballot for voting.

Poll clerks to make memorandum on poll list.

No voter to divulge name of candidate for whom he intends to vote, etc.

Person who assists voter in preparing ballot not to reveal name of candidate voted for, etc.

Chairman of committee of political party nominating candidates may appoint two agents for each polling place.

49. *And be it enacted*, That the chairman of the county committee of any political party that has duly nominated any candidate for public office to be voted for at any election by all the voters within said county or any subdivision thereof greater than a single municipality only, or where the election is within and for a single municipality only, or any subdivision thereof, then the chairman of the committee of the political party making such nomination within and for such single municipality or such division thereof may appoint under his hand two agents for each polling place in his county or municipality, as the case may be; and any candidate duly nominated by petition

for any office, whose name may appear upon the ballot to be used in any election, may likewise appoint under his own hand two agents for each polling place; *provided, however,* that only two agents shall be allowed for each polling place to represent all the candidates nominated in and by the same petition or group of petitioners; such agents shall be the authorized agents in section forty-six of this act mentioned; they may act as challengers for their respective parties and candidates; the appointment of agents shall be made in writing, under the hand of the person making the appointment, and shall specify the names and residences of the agents and the election districts for which they are severally appointed; such appointment papers shall be filed with the respective clerks of the cities, townships and municipalities within which the respective election districts are situate, five days before the election, and the clerks shall thereupon issue, under their hands, to the persons named in such appointment papers, permits for them to act as agents of their respective parties or candidates at the election district specified; such permits shall be presented by the person named therein to the board of election in the district named therein, as their authority to be present in the polling place; said agents may also be present inside said railed enclosure while the votes cast at any election at which they were agents are being counted, and hear and see said ballots counted; the counting of all ballots at any election shall be open and public, but not to the extent that the number present shall hinder, delay or inconvenience the election officers in counting the ballots and ascertaining the result.

50. *And be it enacted,* That none of the provisions of this act, from and including section twenty thereof to and including section forty-nine thereof, shall apply to or in anywise affect the "town meetings" hereafter to be held in this state or any subdivision thereof.

51. *And be it enacted,* That except as herein otherwise directed, the boards of election, in counting, canvassing, certifying and returning the votes cast at any election, shall proceed as now required by law.

52. *And be it enacted,* That whenever, within twenty days next succeeding any election in any election district

Candidate nominated by petition may also appoint agents. Proviso.

Agents may act as challengers.

How appointed.

Where appointment filed.

Clerks to issue permits to agents

Permits presented to the board of election

Agents may be present when votes are counted.

Counting to be open and public.

Provisions of act not to apply to town meetings.

Boards of election to proceed as now required by law in canvassing votes.

When petition presented alleging bribery or illegal practices at election sufficient to affect result.

Or that by reason of death or resignation of any candidate, or non supply of ballots, etc., the voters have been deprived of a fair opportunity to express their choice.

Duty of justice of supreme court to investigate the truth thereof.

Justice to proceed in a summary manner.

When petition dismissed.

When sustained justice to make order setting election aside.

or voting precinct in any county of this state, a petition duly certified as to signatures, legal qualifications as voters and residences of the signers thereto, and establishing prima facie, by affidavits thereto annexed, to the satisfaction of the justice to whom the same is presented, the material allegations and statements therein contained, shall be presented to the justice of the supreme court holding the circuit court in and for said county, signed by at least twenty-five legal voters resident in said election district or voting precinct, setting forth that at the last preceding election in such election district or voting precinct fraud or bribery or other illegal practices were resorted to and prevailed sufficiently to affect the result of such election, or that by reason of the death or resignation of any candidate to be voted for at such election, or that by reason of non-supply or an insufficient supply of ballots at such election (such non-supply or insufficient supply of ballots occurring through no fault of the petitioners or any of them), or for any other good and sufficient cause, stated and set forth in said petition, the voters of such election district or voting precinct have been deprived of a fair opportunity to express their choice for any candidate or candidates at such election, it shall be the duty of such justice, in a summary way, to investigate the truth of the statements and allegations in such petition contained, and to that end and for that purpose it shall be the duty of such justice to appoint a time and place within said county, not later than ten days thereafter, when and where he will proceed to hear and determine said matter, of which time and place so appointed the petitioners shall cause at least six days' notice to be given to all such persons as said justice shall direct; at such time and place so appointed said justice shall proceed in a summary manner to hear and determine said matter, unless it be adjourned for good cause shown; if, on such hearing, it shall be determined that the allegations of such petition are not sustained, or if sustained should not invalidate said election in whole or in part, such petition shall be dismissed; if the allegations of the petition be sustained, and the said justice shall be of the opinion that at such election fraud, bribery or other illegal practices were resorted to and prevailed

to such an extent as to affect the result of such election, or that by reason of the death or resignation of any candidate voted for at such election, or that by reason of a non-supply or an insufficient supply of ballots at such election, or that for any other good and sufficient legal cause the voters of such election district or voting precinct were deprived of a fair opportunity to express their choice for any candidate or candidates at such election, it shall be the duty of said justice to make an order setting aside and nullifying said election as to such candidate or candidates, and such order shall forthwith be filed in the office of the county clerk; when said justice shall make any such order as last aforesaid he shall also, at the same time, make another order, wherein and whereby he shall order a new election to be held within such election district or voting precinct to fill the office or offices in respect to which the former election was nullified and set aside at the earliest possible day; if the mode and manner of holding and conducting such new election be not provided for by law, such justice shall, in and by his order last aforesaid, prescribe and determine the mode and manner, and the regulations under and in pursuance of which the same shall be held and conducted; said last mentioned order shall be forthwith filed in the office of the county clerk, and copies thereof, within two days thereafter, served upon the election officers of the election district or voting precinct affected thereby; said election officers shall proceed and hold said new election pursuant to said last mentioned order, and shall certify the result thereof to such justice, and said justice shall thereupon make and sign a certificate declaring the result and the name or names of the persons elected, and shall file such certificate, together with the result certified to him by such election officers, in the office of the county clerk, and such certificate of such justice shall, within constitutional limits, be final and conclusive on all persons and parties; copies of the said certificate, certified by the county clerk, shall be evidence and equally conclusive as the original signed by said justice.

53. *And be it enacted*, That for the duties and services imposed upon and required of them by this act, the county clerks of the several counties and the clerks of differ-

And order a new election to be held.

When not otherwise provided for justice may prescribe by order the mode of election.

Order filed and copies served upon election officers.

Result to be certified to justice, who shall make a certificate declaring the names of the persons elected.

Certificate conclusive.

Copies evidence.

Compensation of county and municipal clerks, how paid.

ent municipalities shall be paid out of the county funds of their respective counties or the funds of their respective municipalities, as the case may be, a fair and reasonable compensation, to be ascertained and determined, in the cases of the county clerks, by the boards of chosen freeholders of their respective counties, and in case of said municipal clerks, by the governing bodies of their respective cities, townships or municipalities.

Costs and expenses of county and municipal clerks, how defrayed.

54. *And be it enacted*, That all costs, charges and expenses incurred by the county and municipal clerks in carrying out the provisions of this act, except for ballots provided for and furnished to individuals, as hereinbefore provided, shall be borne and defrayed by the respective counties and municipalities in the same manner as other county and municipal expenses are borne and defrayed; but all bills made or incurred by any county or municipal clerk in carrying out the provisions of this act shall be itemized, and before being paid shall be verified by the oath of the claimant and audited and approved by the county or municipal clerk as correct.

Bills to be itemized and verified by oath, etc.

Charges and expenses for polling places defrayed by county or municipality.

55. *And be it enacted*, That the charges and expenses incurred for rooms for polling places, and fitting up and arranging the same, as in and by this act required, shall be borne and defrayed by the respective counties and municipalities as may be proper under this act, out of county or municipal funds, as other county and municipal expenses are paid and defrayed; but all such bills, before being paid, shall be itemized and verified by the oath of the claimant and audited and approved by the clerk of the township, city or municipality who contracted the bill charged for; the services rendered and expenses incurred by any other officer or person in carrying out the provisions of this act, and not herein provided for, shall be regarded as election expenses, and be paid and defrayed by the respective counties and municipalities in the same manner as other election services and expenses are now paid for and discharged.

Bills to be itemized and verified by oath, etc.

Services and expenses of any other officer to be paid as other election expenses.

Duty of boards of election to preserve the peace in polling places.

56. *And be it enacted*, That it shall be the duty of the boards of election of each and every election district or voting precinct in this state to preserve the peace and maintain good order in their respective polling places during the progress of all elections and the counting of

the votes cast thereat, and to that end and for that purpose each member of every election board, not including poll clerks, during the progress of any election and the counting and canvassing of the votes, shall be and hereby are invested and charged with all the powers and duties of constables in this state in criminal matters; said boards of election may also, when in their opinion or the opinion of a majority of them it shall be necessary so to do, appoint by writing, under their hands, a suitable person as special officer to assist in preserving the peace and good order in and about the polling place during the progress of any election and the counting of the votes cast thereat; said special officer shall be and hereby is, for and during said election and the counting of the votes cast thereat, clothed and invested with all the powers and duties of constables of this state in criminal cases; said special officers, so appointed, shall be paid the sum of three dollars for their services as such special officer, the same to be paid as other election expenses now are or hereafter may be by law paid; said election boards, or a majority of them, may also, by writing under their hands, whenever in their opinion it shall be necessary so to do, request the municipal authority of any municipality within which their election district or voting precinct is situate, or the body or officer having charge and direction of the police force in such municipality, to detail one or more policemen to assist in preserving the peace and good order in and about such polling place, which request of said board of election shall forthwith be complied with, as far as possible, by the body or officer to whom the same is made.

Vested with powers and duties of constables.

May appoint special officer.

Officer vested with powers and duties of constables.

Compensation.

Election boards may also request municipal authorities, etc., to detail policemen to assist in preserving the peace.

57. *And be it enacted*, That for the services and duties required and imposed upon them under and by this act, the members of the boards of registry and election and the election or poll clerks shall receive the sum of three dollars per day, to be paid as other election expenses are now paid; and in determining the amount of such compensation eight hours shall constitute a day's work.

Compensation of members and clerks of boards of registry and election, how paid.

Eight hours a day's work.

58. *And be it enacted*, That immediately upon the appointment by the county boards of registration of the boards of registry and election, as provided for in this act, the term or terms of office of all judges and inspectors

When boards of registry and election appointed, terms of officers heretofore appointed to cease.

of election and all poll clerks and clerks of election heretofore appointed or elected shall cease and determine, and hereafter no such judge, inspector or clerk of election shall exercise or assume any of the duties of an election officer under or by virtue of such prior appointment or election; *provided*, that the provisions of this section shall not apply to any of the election officers heretofore appointed or elected within and for any municipality wherein the elections are to be held and conducted in pursuance of sections twenty and twenty-one of this act.

Proviso.

Secretary of state to provide canvassing books, poll and registry books, etc., in certain cases.

59. *And be it enacted*, That it shall be the duty of the secretary of state, at the expense of the state, in all cases where the ballots are provided and furnished by the county clerks for any election, to provide proper and sufficient canvassing books, poll books, registry books, cards or pamphlets of instructions for election officers and voters, blanks for the official oaths and for election returns, for the proper carrying into effect the provisions of this act, and to furnish a sufficient supply of the same to the clerks of the different counties of the state, for use in such counties, at least ten days before the same shall be required for use; and the said county clerks shall cause the same to be delivered to the different boards of registry and election in their respective counties, at such times and in such quantity, as will enable the provisions of this act to be fully carried out.

And furnish supply of same to county clerks.

Clerks to deliver same to boards of registry and election.

Penalty for falsely making or destroying certificate of nomination or petition, etc.

60. *And be it enacted*, That no person shall falsely make, or make oath to, or fraudulently deface, or fraudulently destroy any certificate of nomination or petition, or any part thereof, or file, or receive for filing, any certificate of nomination or petition, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or petition which has been duly filed, or any part thereof, or forge or falsely make the official indorsement of any ballot or official envelope; every person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in state prison not less than one year nor more than five years.

Penalty for hindering or delaying election, etc.

61. *And be it enacted*, That no person shall, during the election, with intent to hinder or delay said election, or

to hinder or delay any voter in the preparation of his ballot, remove or destroy any of the ballots or pencils placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, nor on any pretext carry any official envelope from the polling room during the election, nor shall any person, prior to or on the day of election, deface or destroy any list of candidates posted in accordance with the provisions of this act; any person willfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars, and imprisonment until such fine and the costs of conviction are paid.

62. *And be it enacted*, That every public officer upon whom any duty is imposed by this act who willfully or negligently violates his said duty, or who neglects or willfully omits to perform the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for a term of not less than six months and not more than three years, or by a fine of not less than two hundred and fifty dollars and not more than three thousand dollars, or both such fine and imprisonment; any person charged with the care of official ballots or envelopes under this act, who shall willfully destroy them, or either of them, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in state prison not less than one year nor more than five years; any person who has undertaken to deliver official ballots and envelopes to the clerk of any city, township or municipality, and willfully or negligently neglects or refuses so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

63. *And be it enacted*, That no person shall do any electioneering on election day within any polling place, or publicly within one hundred feet of any polling place; no person shall within the polling room show his ballot after it is prepared for voting to any person in such a way as to reveal the contents, nor shall any person within the polling place or within a hundred feet thereof solicit the voter to show the same; no voter shall knowingly vote

Penalty for violation of duty by public officer.

Penalty for destroying official ballots or envelopes.

Penalty for neglecting or refusing to deliver official ballots or envelopes.

No person to electioneer with in polling place or publicly within 100 feet, etc.

None but official ballots to be voted.

Penalty.

Penalty for marking ballot for identification

Penalty for falsely printing, appropriation or delivering ballots or envelopes

Penalty for placing distinguishing mark on ballot or envelope.

or offer to vote any ballot except an official ballot inclosed and sealed in an official envelope, as by this act required; any person violating any of the foregoing provisions of this section shall incur a penalty of twenty-five dollars for each and every offense, to be recovered by action of tort, before any court of competent jurisdiction, by any person who bona fide shall first bring suit therefor; no voter shall place or permit to be placed any mark upon the face or back of his ballot or official envelope by which the ballot or envelope may afterwards be identified by any other person as the one voted by him; whoever shall violate this last-mentioned provision of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding one year, or both at the discretion of the court.

64. *And be it enacted,* That if any printer employed by any county or municipal clerk to print the official ballots and envelopes, or either or any of them, for such clerks, or any person engaged in printing the same, shall appropriate to himself or give or deliver or knowingly permit to be taken any of said ballots or envelopes by any other person than such county or municipal clerk or his duly authorized agent, or shall print or cause to be printed any official ballot or envelope in any other form than that prescribed by such county or municipal clerk, or with any other names thereon, or with the names spelled or the names or printing thereon arranged in any other way than that authorized and directed by this act, such person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one thousand dollars or imprisonment not exceeding five years, at the discretion of the court before which conviction is had.

65. *And be it enacted,* That if any person shall write, paste or otherwise place upon any official ballot or envelope any mark, sign or device of any kind as a distinguishing mark whereby to indicate to any member of any election board or other person how any voter has voted at any election, or if any person shall induce or attempt to induce any voter to write, paste or otherwise place on his ballot or envelope any mark, sign or device

of any kind as a distinguishing mark by which to indicate to any member of any election board or other person how such voter has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce voters or any voter to so place any distinguishing mark, sign or device on his ballot or envelope, whether or not said act be committed or attempted to be committed, such person or persons so offending shall be guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding five hundred dollars or imprisonment not exceeding one year, or both, at the discretion of the court.

66. *And be it enacted*, That if any member of any board of election or any clerk of election have knowledge how any person has voted and shall reveal such knowledge to any other person, or shall disclose what other candidates were voted for on any ballot bearing a name not printed thereon, or give any information concerning the appearance of any ballot or envelope voted, such person so offending shall be guilty of misdemeanor, and on conviction thereof shall be punished by fine not exceeding two thousand dollars or imprisonment not exceeding five years.

Penalty for revealing knowledge as to how person voted, etc.

67. *And be it enacted*, That if any person shall, directly or indirectly, by himself or by any other person in his behalf, give, lend or agree to give or lend, or shall offer, promise or promise to procure or to endeavor to procure any money or other valuable consideration or thing to or for any voter, or to or for any person in order to induce any voter to vote or refrain from registering for any election, or shall corruptly do or commit any of the acts in this section mentioned on account of any such voter having voted or refrained from voting at an election, or registered or refrained from registering for an election, such person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment, or both, at the discretion of the court, the fine not to exceed two thousand dollars, and the imprisonment not to exceed five years.

Penalty for bribing voter by offer of money or other valuable consideration.

68. *And be it enacted*, That any person who shall directly or indirectly, by himself or by any other person in his behalf, give or procure, or agree to give or pro-

Penalty for bribing voter by offer of office or employment.

cure, or offer or promise to procure, or endeavor to procure any office, place or employment to or for any voter, or to or for any person on behalf of such voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or to register or refrain from registering, or shall corruptly do any act as aforesaid on account of any voter having voted or refrained from voting, or having registered or refrained from registering for any election, shall be guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding two thousand dollars, or imprisonment not exceeding five years, at the discretion of the court.

Penalty for advancing money, etc., for bribery of voters.

69. *And be it enacted*, That any person who shall give, advance or pay, or cause to be given, advanced or paid any money or other valuable thing to any other person, or to the use of any other person, with the intent that such money or other valuable thing, or any part thereof, shall be expended or used for bribery of voters, or for any other unlawful purpose at any election, or who shall knowingly pay or cause to be paid any money to any person wholly or in part expended in bribery of votes at any election, shall be guilty of a misdemeanor, and on conviction thereof shall pay such fine not exceeding two thousand dollars, or undergo such imprisonment not exceeding ten years, as the court in its discretion may impose.

Penalty for receiving or agreeing to accept bribe for voting or registering.

70. *And be it enacted*, That any voter who shall directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election, or for registering or agreeing to register, or for refraining or for agreeing to refrain from registering for any election, shall be guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding one thousand dollars, or imprisonment for not longer than one year, at the discretion of the court before which conviction is had.

Penalty for intimidating workmen.

71. *And be it enacted*, That any employer of any workmen, or any agent, superintendent or overseer of any company or corporation employing workmen, or any

person whomsoever, who shall directly or indirectly, by himself or by any other person in his behalf or by his direction, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict by himself or by any other person any injury, damage, harm or loss against any person or persons in his employ, in order to induce or compel such employee or employees to vote or refrain from voting for any particular candidate or candidates at any election, or on account of such employee or employees having voted or refrained from voting for any particular candidate or candidates at any election, or who shall by any sort of duress, constraint or improper influence or by any fraudulent or improper device, contrivance or scheme, impede, hinder or prevent the free exercise of the franchise of any voter at any election, or shall thereby compel, induce or prevail upon any voter to vote for or against any particular candidate or candidates at any election, shall be guilty of a misdemeanor, and being thereof convicted shall be punished by a fine not exceeding two thousand dollars, or imprisonment not exceeding five years, or both, at the discretion of the court before which conviction is had.

72. *And be it enacted*, That on the trial of any indictment against any person or persons for violation of any of the provisions of this act, all witnesses sworn on any such trial shall truly answer all questions put to them which the court shall decide to be proper and pertinent to the issue involved; and no witness shall be excused from answering any such question on the ground that to answer the same might or would incriminate him, or might or would tend to criminate him; but no answer or answers made by any witness to any such question shall be used or admitted in evidence in any proceeding against said witness, except in case of a criminal proceeding for perjury in respect to his answers to such questions.

73. *And be it enacted*, That in addition to the penalties hereinbefore provided for violations of any of the provisions of this act, the court imposing such penalties may add thereto that such offender be thenceforth disfranchised as a voter and disqualified to hold any office of trust or profit within this state for such length of time as such court may deem proper.

Repealer.

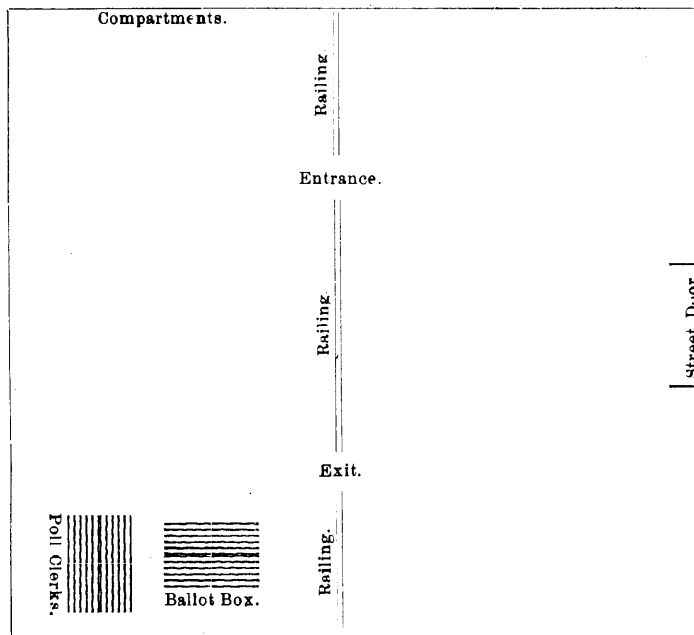
Proviso.

74. *And be it enacted*, That so much and such parts of all acts and parts of acts as are inconsistent herewith or repugnant hereto be and the same are hereby repealed; *provided, nevertheless*, that nothing in this act contained shall be held or construed to in anywise absolve or relieve any person or persons from any liability, penalty, prosecution, indictment or punishment for or on account of any violation of any law now in being.

Approved May 28, 1890.

SCHEDULE A.

POLLING ROOM.



CHAPTER CCXXXII.

A Supplement to "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, organized for that purpose under and in pursuance of any law of this state, to build and own dredges and to contract for dredging, to deepen channels, and to construct basins and docks, bulkheads, wharves and piers, and reclaim lands within and without this state; to construct, build, equip and use any railway track or tracks, tunnel or tunnels, necessary to connect the constructions of any company with the track or tracks of any railroad corporation in this state, or like foreign corporations now in existence or which may hereafter be created at the state lines, with the necessary elevators and terminal facilities for receiving, storing, or for shipping or reshipping grain, merchandise, coal, ores or other property by water or rail received from any source whatever; and the authority is hereby given to construct and use any tunnel under the lands or waters of this state, or bridge or bridges, for the use of any company, and may make and operate connections and consolidations with other corporations; subject in all matters, however, to the rights of riparian and other property owners and the interests of the state, to be ascertained and compensated for as provided by the laws of the state of New Jersey.

To contract for dredging and constructions, basins, &c.

To construct, build and equip tracks and tunnels.

To construct and use tunnels under lands or waters of this state.

Subject to rights of riparian and other property owners.

Approved May 28, 1890.

CHAPTER CCXXXIII.

A Supplement to an 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.

Cities empowered to expend a sum not to exceed two dollars for each inhabitant.

Proviso.

Commissioners to acquire title by appraisement and condemnation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purchase of lands and the acquirement of title thereto, and the erection and furnishing of a city hall, and for the other purposes of this act and the act to which this is a supplement, the commissioners provided for and authorized therein to be appointed shall have power to expend a sum not to exceed the sum of two dollars for each inhabitant of any city, in addition to the amounts realized by the sale of any lands and buildings, said sums to be raised by the issue of bonds, as provided in the act to which this is a supplement; and the principal and interest of said bonds shall be provided for and paid as provided in said act; *provided*, that the power and authority conferred by this act shall not be exercised or used in any city where, within the three years next preceding the passage of this act, any sum exceeding twenty thousand dollars has been expended in enlarging or increasing the accommodations of the building now used therein as a city hall.

2. *And be it enacted*, That whenever the commissioners so appointed shall have selected lands suitable, in their judgment, for the purposes of this act and of the act to which this is a supplement, but shall be unable, for any cause whatever, to agree with the owner or owners of any property so selected and intended to be taken for said purposes, then in every such case they may proceed to acquire title to such property, in behalf of the city, by appraisement and condemnation in manner following,

that is to say: the said commissioners shall, under oath, according to their best judgment, appraise the value of such property and fix and determine what, in their opinion, would be a fair and reasonable price to be paid by the city for the same, and after making a statement, in writing, of such valuation and appraisement, describing said property and the price to be paid for the same, to which shall be appended a notice that if the owner or owners do not, within ten days after the service thereof, or after the same shall be published as hereinafter directed, make objection, in writing, to such valuation and appraisement, and appeal to the judge of the circuit court of the county in which such property may be situate, then the value so fixed and determined will be taken as the true value of said property and the amount to be paid by the city for the same; the commissioners shall serve a copy of the same upon the owner or owners of such property, if to be found within this state, but if such owner or owners cannot be found within this state, then the said commissioners shall publish the same in one or more of the official newspapers of the city in which said property is situate, for the period of two weeks, successively, at least once in each week; and in case the owner or owners of said property shall not, within ten days after the service of said valuation and appraisement, or within ten days after the time mentioned in the notice appended to the same in case of publication, as hereinbefore directed, give to said commissioners written notice of their objection to the same and of an appeal to the judge of said circuit court, then in such case the sum so fixed and determined by said commissioners shall be taken and held to be the true value of said property, to be paid by the city for the appropriation and use of the same.

Commissioners
to give notice.

If owners do not
object, the sum
determined shall
be held as the
true value.

3. *And be it enacted*, That if any owner of such property shall give notice in writing of objection to such valuation and appraisement, and of appeal to the judge of said circuit court, as in this act is provided, the said judge, upon a copy of all of said papers being laid before him, shall appoint a time and place when and where he will hear all of the parties interested, a copy of which appointment shall be served upon said owners, if resident in this state, or mailed to their address if not resident in this state, if

Proceedings in
case of objection.

their address be known, at least five days before the time so appointed; and at the time and place so appointed, or at such other time and place to which the hearing of said matter may, for good cause, be adjourned; the said judge shall proceed, in a summary way, to hear said parties and the evidence which they may offer in regard to the value of said property, and the price which the city should pay for the same, and upon due consideration of the matters so submitted to him, he shall fix and determine the value of said property and the price which the city should pay for the same, either by confirming the valuation and appraisement made by said commissioners, or by adding to or diminishing the amount so fixed and determined by them; and the amount so fixed and determined by said judge shall be deemed and taken to be the true value of said property and the price which the city should pay for the same; and upon filing a copy of said appraisement and valuation, and the certificate of said judge, in the office of the clerk of the county where said property may be situate, also in the office of the register, where there may be a register, to be recorded as deeds and conveyances of land are required to be recorded; and upon payment by the city of the amount of said valuation and appraisement, or depositing the same with the clerk of such county for the benefit of the parties entitled to the same, the title to said property shall immediately become absolutely vested in the city, and the city may forthwith enter and take possession and use, occupy and enjoy the same.

Judge to determine

Appraisement to be filed.

Cities to pay the valuation and appraisement.

Judge to determine in case of infant or person of unsound mind.

4. *And be it enacted*, That in case the owner of said property, or any person interested in the same, shall be an infant or person of unsound mind, and so not competent to contract with said city for the sale of such property, then in every such case the valuation and appraisement of said commissioners shall be submitted to the judge of the circuit court of the county where such property is situate, whether any objections shall be made by or in behalf of such infant or person of unsound mind or not, together with such additional evidence of its value as he may require, and he shall thereupon fix and determine the value thereof and the price to be paid by the city for the same, as hereinbefore directed.

5. *And be it enacted*, That whenever the commissioners appointed under the provisions of the act to which this is a supplement, shall have selected lands, suitable for the erection and furnishing of a city hall and for the other purposes mentioned in this act, and the act to which this is a supplement, they shall file with the city clerk of any such city a map showing the location of such lands together with the price proposed to be paid therefor; and the question of the acceptance or rejection of the lands so selected shall be submitted to a vote of the legal voters of any such city at the general or charter election held in such city next after the filing of the map and price of said lands as aforesaid; such submission shall be made by the city clerk by publishing a notice in the official papers of any such city, every day for at least ten days next preceding such election, which notice shall give a description of the location of said lands and the amount proposed to be paid therefor; persons voting at any election at which this act shall be submitted as aforesaid shall express their assent to or rejection of the purchase and location of such lands 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 purchase and location of such lands shall each deposit a ballot containing the words "for proposed city hall grounds" written or printed thereon, and those who are opposed thereto shall each deposit a ballot with the words "against proposed city hall grounds" written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the candidates for ward, city, county or state officers, and the election officers in the several precincts, wards and districts of such city; and the board of canvassers of such city shall, in 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 the rejection of the proposed purchase and location of the city hall grounds, 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 proposed city hall grounds" or the words "against city hall

Map to be filed.

Acceptance or rejection to be submitted to a vote of the legal voters.

City clerk to publish notice.

Form of ballots.

Votes can be polled on ticket with names of officers.

Judges to count and canvass.

Majority to decide.

grounds" are in favor of the acceptance of the lands selected by the commissioners appointed under the provisions of this act and the act to which this is a supplement, then such commissioners shall be and are hereby authorized to proceed under the provisions of this act and the act to which this is a supplement.

Repealer.

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

Approved May 28, 1890.

CHAPTER CCXXXIV.

An Act to provide means to increase the fish production of the waters of this state.

§2500 appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work of stocking the waters of this state with food fishes, there is hereby appropriated the sum of two thousand five hundred dollars, which shall be paid by the state treasurer, on the warrant of the comptroller, to the commissioners of fisheries of this state upon their requisition, to be by them expended in defraying the cost of procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as they may deem advisable to restore and increase the fish production of the waters of this state; *provided*, that five hundred dollars of this appropriation be expended for the propagation of shad in the Delaware river.

Proviso.

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

Approved June 3, 1890.

CHAPTER CCXXXV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the justice of the supreme court to whom a judicial district has been or may be assigned is authorized to appoint a suitable person as sergeant-at-arms of the courts within the county having a population within their territorial limits exceeding seventy thousand and under one hundred and fifty thousand inhabitants, who shall receive and be paid an annual compensation or salary of nine hundred dollars in lieu of any per diem compensation, such annual compensation or salary to be paid monthly by the county collector upon the certificate of the county clerk of such county, said sergeant-at-arms to hold office during the pleasure of said justice, whose duty it shall be to attend daily upon the said courts in the county wherein appointed during the several terms thereof.

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 June 3, 1890.

CHAPTER CCXXXVI.

An Act to regulate the sale of baled hay and straw in the state of New Jersey.

Unlawful to sell with more than ten per centum of weight in wood.

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 in the state of New Jersey to sell or offer for sale baled hay or straw with more than ten per centum of the weight thereof in wood to the bale.

Gross weight to be marked.

2. *And be it enacted*, That the gross weight shall be plainly marked on each bale of hay or straw, and no person shall sell or offer for sale such hay or straw so marked which shall weigh less than such gross weight after deducting ten pounds from each bale for shrinkage.

Penalty.

3. *And be it enacted*, That any person or persons violating the provisions of the preceding sections of, or either of them, shall be deemed guilty of a misdemeanor or criminal offense, which shall be prosecuted according to the ordinary course of procedure in criminal accusations, before any justice of the peace of the town or before any magistrate of the city in which such person or persons shall make the sale or deliver the same, and upon conviction thereof shall be punished by a fine not exceeding one dollar for each and every bale so sold and the costs of the proceedings, and stand committed until said fine is paid; *provided*, nothing in this act shall be construed to apply to baled salt hay.

Proviso.

Approved June 3, 1890.

CHAPTER CCXXXVII.

An Act to authorize the purchase of lands and the erection of school houses thereon, 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 and may be lawful for any city of the second class in this state, from time to time, to purchase lands for school purposes and to erect school houses thereon, and to raise the money required for such purposes on the credit of such city by the sale of its bonds; *provided*, that the total amount of outstanding and unpaid bonds issued by any such city for school purposes, under any general, public, special or local law or laws whatever, shall not at any one time exceed the sum of fifteen dollars for each child between five and eighteen years of age, within such city as shown by the last school census of such city.

Power to purchase lands and erect school houses.
2. *And be it enacted*, That said bonds shall bear interest at a rate not exceeding five per centum per annum, shall not be sold below their par value, and shall be made payable in not more than twenty years.

Bonds.
3. *And be it enacted*, That before any moneys shall be raised under the provisions of this act, authority therefor shall be given by an ordinance of the common council, board of aldermen or other governing body of the city desiring to raise moneys for the purposes aforesaid, which shall distinctly specify and provide the ways and means of paying the principal of said bonds and the interest thereon, and also the time within which said principal shall be paid, and when the interest thereon shall be paid.

Authority to be given by ordinance.
4. *And be it enacted*, That this act shall take effect immediately.

Approved June 3, 1890.

CHAPTER CCXXXVIII.

An act to authorize the common council of incorporated towns and boroughs of this state to sell and convey lands in certain cases.

Common council
may order lands
sold.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the common council of any incorporated town or borough shall have become the owner of any lands, not exceeding in value five hundred dollars, which were purchased in order to have any street entirely opened which had been partially opened and dedicated to the public by the owners of the lands as a public street, the common council of such incorporated town or borough may, by resolution, order such lands as shall not be required to entirely open such street to be sold in such manner as will bring the best price and be the least expense to the said town or borough.

Deeds, how
made.

2. *And be it enacted*, That any deed made under the provisions of this act, shall be made and executed in the corporate name of such town or borough, and under its corporate seal, and shall be signed by the mayor and clerk of such town or borough, and be acknowledged as deeds made by corporations are acknowledged and proved, and such deed so made, executed and acknowledged, shall convey to the purchaser all the estate in fee simple that was conveyed to the town or borough.

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

Approved June 3, 1890.

CHAPTER CCXXXIX.

An Act to provide for the incorporation of associations for the erection and maintenance of schools and institutions for educational purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any three or more persons of full age, a majority of whom shall be residents within this state, who shall desire to associate themselves together for the purpose of the care, nurture, education or instruction of children, may make, record and file a certificate in writing, in manner hereinafter mentioned.

Association,
how organized.

2. *And be it enacted*, That such certificate in writing shall set forth, first, the name or title assumed to designate such association; second, the place or places in this state where the purposes of such association are to be carried out; third, the purposes for which the association shall be formed; and fourth, the names of the governors or directors who shall manage its affairs for the first year of its existence.

Certificate of
name and title,
places of busi-
ness, the pur-
poses and names
of directors.

3. *And be it enacted*, That such certificate shall be proved, or acknowledged and recorded, as required of deeds of real estate, in a book to be kept for the recording of certificates of incorporation in the office of the clerk of the county where the principal purposes of such association are to be carried out, and after being so recorded shall be filed in the office of the secretary of state; the said certificate or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places.

Certificate to be
recorded.

And be evidence

4. *And be it enacted*, That upon making such certificate and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall, by virtue of this act, be a body politic and corporate, in fact and in law, by the name stated in such certificate, and by that name they and their succes-

Rights and
privileges of
association.

sors shall have perpetual succession, and power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to alter at pleasure, and to purchase and take, have, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, and any goods, chattels or property of any description, real or personal, and whether aquired by gift, grant, devise, bequest or otherwise, and the same to grant, convey, assign, sell, or otherwise dispose of, for the purposes of said association.

To make by-laws.

5. *And be it enacted*, That the governors or directors of such association shall have power, from time to time, to make, alter and amend by-laws, not inconsistent with the constitution or laws of the United States or of this state, fixing and altering the number of its governors or directors for the management of its property and the regulation and government of its affairs, and providing for the classification of and the mode of increasing or perpetuating the governors or directors of the association, and the mode of filling vacancies in and removing any member from their number, and prescribing qualifications for membership of the association, and to appoint one or more superintendents or managers, and such other agents and officers as shall in their judgment tend to promote or advance any purpose of the association, and to prescribe their expected duties.

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

Approved June 3, 1890.

CHAPTER CCXL.

An Act to provide a method for appointing commissioners in the place of other commissioners who have deceased or who shall fail to act in certain cases touching the organization of companies, and providing for the organization of companies in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where acts of incorporation have heretofore been passed, in which certain commissioners therein named, or a majority of them, are authorized to receive subscriptions to the capital stock of any company, and to do certain things mentioned in said acts of incorporation, and where a majority of said commissioners are now living, and it appears by a newspaper published in the county where the principal place of business of said company is to be situated, that the company has heretofore organized, but the records of such organization, if it were organized, shall, by affidavit of any competent person, appear to have been lost or destroyed, that a majority of the survivors of the persons named as commissioners in any such act or acts of incorporation shall have the power and authority to receive subscriptions to the capital stock of such company or companies, and to perform all the duties which would have devolved upon the incorporators named in said act in regard to the organization of such company or companies, the same as if the commissioners had regularly acted under their charter.

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

Approved June 6, 1890.

CHAPTER CCXLI.

An Act concerning cities of the first class.

Salaries of
deputy city col-
lector and chief
clerk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the deputy city collector, in cities of the first class, shall be twenty-five hundred dollars per annum, and the salary of the chief clerk to the city collector in such cities shall be eighteen hundred dollars per annum, subject to approval by concurrence of a majority of the board having charge and control of the finances of and in such cities.

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

Approved June 9, 1890.

CHAPTER CCXLII.

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.

Police district
becoming a body
corporate to
possess lands,
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the inhabitants of any police district in this state shall have heretofore become a body corporate in fact and in law, in the manner provided by the act to which this is a supplement, and such corporation shall embrace the whole of such police district; that the mayor and common council of such borough so incorporated as aforesaid, shall, by virtue of this act, become and be absolutely and completely vested with, possess, enjoy and control all the lands, tenements,

hereditaments, property, rights, causes of action and estates whatsoever, both in law and in equity, in possession, reversion or remainder, which at the time of such incorporation as aforesaid were vested in or belonged to any such police district as aforesaid, according to such estate and interest, as any police district at the time of the formation of such borough had or might have, or of right ought to have in the same.

2. *And be it enacted*, That all acts and parts of acts ^{Repealer.} 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 June 9, 1890.

CHAPTER CCXLIII.

A Supplement to an act respecting conveyances, approved the twenty-seventh day of March, 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 deed or conveyance, heretofore or hereafter recorded in any office in this state, shall not have been recorded within ten years after date thereof, such record or any copy thereof duly certified shall be evidence in any court or proceeding, and shall have the same force and effect as if the original deed were produced; *provided*, that such original deed ^{Deeds not recorded for ten years copy shall be evidence.} has been destroyed or lost, or taken out of the office of the clerk, where by law the same was required to be kept. ^{Proviso.}

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

Approved June 9, 1890.

CHAPTER CCXLIV.

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

Preamble.

WHEREAS, Commissioners of deeds in and for this state in some instances have, through inadvertence or mistake, continued to take acknowledgments and proofs of deeds, mortgages and other writings after their term of office had expired, or after their commissions had become void by reason of removal out of the township, ward or district in which they resided at the time of their appointment, and innocent persons may be subject to loss or injury thereby; therefore,

Deeds confirmed though acknowledgment irregular.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and proofs of deeds, mortgages and other writings, and the certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this state, whose term of office had expired, or whose office had been vacated, or whose commission had become void at the time of taking such acknowledgment or proof, and the records of such deeds, mortgages and other writings, are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such acknowledgment or proof had not expired, nor his office been vacated, nor his commission become void as aforesaid.

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

Approved June 9, 1890.

CHAPTER CCXLV.

An Act to provide for the election of trustees of institutions of learning.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Trustees, how} *the State of New Jersey,* That it shall and may be lawful ^{elected.} for any body composed of representatives from churches or religious societies now having power to elect trustees of institutions of learning by the charter of such institutions, by resolution of such body duly adopted at a regular meeting thereof to abandon or surrender such power, and to provide for the election of such trustees by the members of the board of trustees, in a manner to be provided in such resolution; *provided,* ^{Proviso.} that a certificate of such action be made and signed by the presiding officer and clerk or secretary of such body, duly verified by their oaths or affirmations, recorded and filed in the office of the clerk of the county wherever such institution is located; and thereafter such trustees shall be elected in the manner provided in such resolutions, the same as if such power had been contained in the said charter.

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

Approved June 9, 1890.

CHAPTER CCXLVI.

A Supplement to an act entitled "An act to encourage the establishment of mutual loan, homestead and building associations" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

Name may be changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association incorporated under the provisions of the act to which this is a supplement, or otherwise lawfully existing in this state, to change the name set forth in its original certificate of incorporation, by a two-thirds vote of the board of directors of such association; *provided*, that a certificate under the hands of the president and the secretary of such association, setting forth such proposed new name, and that the same was adopted by a two-thirds vote of the board of directors of such association, at a meeting regularly held on a date specified in said certificate, shall be delivered to the clerk of the county where such association is or shall be located, to be by him filed and recorded.

Proviso.

Certificate of change to be filed.

2. *And be it enacted*, That the name so certified to have been adopted shall, from the time of filing such certificate of change, be the true and proper corporate title of such association instead of the name set forth in the original certificate of incorporation; and all deeds, mortgages, contracts, actions, judgments, transactions and proceedings whatsoever heretofore or hereafter made, received, entered into, carried on or done by said association before the adoption or certification as aforesaid of such change of name, but wherein the said association shall have been called by the name so subsequently adopted, are hereby declared to be as good, valid and effectual in law as though said association were called therein by the name set forth in its original certificate of incorporation.

Deeds in former name valid.

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

Approved June 9, 1890.

CHAPTER CCXLVII.

A Further Supplement to an act entitled "An act to authorize the purchase of steam fire engines in incorporated towns, and providing means for the payment of the same," 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 all municipalities in this state which have issued or may hereafter issue bonds for the purchase of one or more steam fire engines and the necessary appliances to use the same, under and by virtue of the provisions of the act to which this is a supplement, be and the same are hereby authorized and empowered to levy a special tax and to collect the same with the regular annual taxes collected by said municipalities, for the payment of the principal and interest of the said bonds; *provided*, that the amount so raised shall not exceed the sum of one thousand dollars in any one year.

Bonds to be paid
by special tax.

Proviso.

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

Approved June 9, 1890.

CHAPTER CCXLVIII.

An Act authorizing cities to renew maturing bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by any incorporated city in this state

Cities may
renew maturing
bonds.

under authority of law, shall at any time or times hereafter prior to the first day of January, one thousand eight hundred and ninety-four, become due, the board of aldermen, common council or other board having charge and control of the finances of such city, with the approval of the mayor of such city, may renew said indebtedness or any part thereof by the issuing of the bonds of said city for that purpose; *provided, however*, that no such bonds shall be renewed in cases where there are moneys or securities in any sinking fund of such city specifically appropriated for the redemption of said maturing bonds until after the moneys and securities of said sinking fund so specifically appropriated shall have been exhausted in the payment of maturing bonds.

Proviso.

Bonds payable
at thirty years.

2. *And be it enacted*, That the bonds to be issued under the provisions of this act shall be made payable at periods not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest not exceeding five per centum per annum, and be in such sums as the board having charge and control of the finances of said city shall determine, which bonds shall be executed under the corporate seal of said city, and the signature of the mayor, comptroller or other proper financial officer thereof, and may be either registered or coupon bonds, as said board may direct; *provided*, that in order to redeem the bonds issued under the provisions of this act at maturity, it shall be the duty of the board having charge and control of the finances of such city to establish a sinking fund, which shall be created either by a special tax of not less than two per centum on the issues herein provided for, to be raised in each annual tax levy, or from collections of assessments for improvements in cases where the bonds hereby authorized to be re-issued were originally issued to pay for street and sewer improvements in such city, or from the collection of water rents in cases where the bonds hereby authorized to be re-issued were originally issued for the water department of such city, or by taxation and from such collections at the option of said financial board.

Proviso.

Special tax to be
annually levied.

3. *And be it enacted*, That the interest on the bonds hereby authorized to be issued from time to time shall be raised and paid by a special tax or appropriation, to

be annually levied and collected as other taxes in such city are now or may hereafter be levied and collected, and the whole of each year's interest shall be so raised, levied, collected and paid within each year; *provided*, ^{Proviso.} that the interest on all bonds re-issued in place of maturing water bonds shall be paid out of the collections for water rents in such city for said year.

4. *And be it enacted*, That the board of aldermen, common council or other board having charge and control of the finances of such city, may dispose of the bonds hereby authorized at public sale for the best prices that can be obtained for the same, but for not less than par, which issues and sales may be made in anticipation of the retirement of said maturing bonds, and the said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of the said maturing bonds; *and provided*, that no increase in the bonded indebtedness of such city shall be made under this act. ^{Disposition of bonds.}

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

Approved June 9, 1890.

CHAPTER CCXLIX.

An Act to amend an act entitled "An act to enable certain municipal corporations of this state to erect buildings and structures for municipal uses and purposes," approved April tenth, anno domini eighteen hundred and eighty-nine.

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

Authorized to erect buildings for municipal purposes.

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 city, town or other municipal corporation of this state, incorporated or existing under or by virtue of any special act of incorporation and supplements thereto, to build upon land already owned by such corporation, or to purchase land and build thereon a building or buildings, structure or structures, for municipal uses and purposes; *provided*, that the cost and expense of any such building or buildings, structure or structures, shall not, in the aggregate, exceed the sum of ten thousand dollars, unless the common council or other governing body of any such city, town or other municipal corporation shall submit the amount in excess of ten thousand dollars necessary for the erection and completion of such building or buildings, structure or structures, aforesaid, to the legal voters thereof for their approval, at any general or special election called for that purpose; *provided, however*, that such excess shall not exceed the sum of forty thousand dollars.

Proviso.

Amount in excess of \$10,000 to be submitted to the legal voters.

Proviso.

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

Approved June 9, 1890.

CHAPTER CCL.

An Act to authorize the issue of bonds to provide moneys for the erection of county lunatic asylum buildings in counties of this state.

Bonds, how and when issued.

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 one hundred and fifty thousand dollars.

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 are 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 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 their 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.

3. *And be it enacted*, That the board of chosen freeholders of such county shall provide for the payment of the principal and interest of said bonds by taxation, as follows: every year after the issue thereof, said board shall, by tax, in the manner hereinafter directed for the payment of the principal, raise and provide moneys sufficient to pay the interest thereon as the same shall accrue; yearly and every year, commencing with and including the year one thousand eight hundred and ninety-five, until said bonds shall be redeemed and paid off, such board shall order and cause to be assessed and collected by tax, at the same time and in the same manner that other county taxes in such county are assessed and collected, a sum, in addition to the amount required for interest, of not less than ten thousand dollars, to pay the principal of said bonds; and provision for the redemption and payment thereof, in accordance with this section

How signed.

Shall state purpose.

Denomination.

Shall not be sold for less than par value.

Bonds may be exchanged.

All property liable for payment.

Chosen freeholders to provide for payment

Every year.

By assessment and taxation.

And make provision for redemption.

tion, shall be made at the time of the direction for and issue of the bonds as aforesaid.

Work to be done
by contract.

4. *And be it enacted*, That the work done and the materials which may be required to be furnished by virtue of this act, shall be done and furnished only under a contract or contracts in writing, which shall be awarded upon bids duly advertised for according to law, for at least ten days previously, and the lowest bidder only shall be entitled to the contract; and such bidder shall

Contractors to
enter into bond.

be required to enter into bond, with such sureties as such board may determine by resolution at the time the bids are ordered to be invited, for the faithful performance of the contract, which sureties shall not be less than two in any case, and they shall be residents and freeholders in the county, seized of real property therein, over and above all their debts and above all liens and encumbrance on the property of the value of not less than sixty per centum of the contract to be secured by their bond;

When new bids
may be advertised for.

in case of the rejection of any bid for any reason, as well as in a case where the lowest bidder may for any unforeseen reason fail to enter into contract as above specified, new bids shall be advertised for, and the contract to be made shall be made with the lowest bidder; all bids

All bids to be
accompanied by
offers of sureties.

must be accompanied by offer of sureties qualified as aforesaid, who shall make oath to the same, and who shall specify therein that each of them is ready and willing to enter into bond for the faithful performance of the

Proviso.

contract as above provided; *provided, however*, that the erection of the building and the work to be done under or by virtue of this act shall be carried out and completed under the direct supervision of a competent architect to be, and who is hereby authorized and required to be, appointed by the circuit court of such county, who shall hold office only and be removable at its pleasure, and who may be succeeded at any time by the appointment of a successor, in the manner aforesaid; such architect shall and hereby is required to prepare or approve of the plans, specifications and contracts to be made for such building and work; he is required to certify to the correctness of, or approve in writing under his hand, of all payments of money to be made for or on account of the erection of such building under this act, before the same or any

of them shall be made; from time to time, during the progress of the work, he shall make report of the same, in writing, to said court and to the board of chosen freeholders of the county; and such court or board may, at any time, require him to make report to it, in writing or otherwise, of the condition of said work, or any portion thereof; and such board may direct the attention of such court to any part of the work which may be complained of; the compensation of such architect shall be fixed by such court at its pleasure, and the same shall be paid by said board, from time to time, in accordance with the order of said court.

5. *And be it enacted*, That the moneys realized by or from the sale of bonds, as herein provided, shall be used only for the erection of a county lunatic asylum building, as aforesaid, and for the acquiring and purchase of lands or grounds therefor, and for no other purpose whatever, except that any balance of such moneys remaining after the erection is paid for or payment is provided for, shall be turned over to and deposited in the sinking fund for the redemption of county bonds.

Money to be used only for the erection of a county lunatic asylum.

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

Repealer.

Approved June 10, 1890.

CHAPTER CCLI.

An Act relative to banking, savings, trust, guarantee, safe deposit, indemnity, mortgage, investment, loan and building corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every banking, savings, trust, guarantee, safe deposit, indemnity, mortgage, investment, loan and building corporation or association

Shall file copy of charter and statement of officers.

organized under the laws of other states or foreign governments, on application for authority to transact business in this state, shall file in the department of state a duly authenticated copy of its charter or certificate of organization or incorporation, and a report of its condition at the close of business on the thirty-first day of December last preceding, in such form as may be prescribed by the board of bank commissioners, constituted by "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six, which shall be verified by the affidavits of the president or vice-president, and the treasurer or cashier or secretary of such corporation, and it shall be the duty of the secretary of state to furnish blank forms for the report required, and the said board shall call for like reports at such other times as may seem to them expedient.

Must have at least \$100,000 paid in capital.

2. *And be it enacted*, That if it shall appear by the report aforesaid that such corporation is possessed of an actually paid in, well invested and unimpaired capital stock of at least one hundred thousand dollars, it may be admitted to transact business in this state upon a certificate of authority to be issued by the secretary of state, under the direction of the said board, which certificate shall only be issued when such corporation shall have complied with the further requirements of this act.

Deposit of \$30,000 required.

3. *And be it enacted*, That the bank commissioners, before directing the issue of the certificate of authority as aforesaid, shall require every such corporation to deposit with the secretary of state such securities as they may prescribe, amounting to at least thirty thousand dollars, which securities shall be held by the secretary of state in trust, for the benefit of the creditors of such corporation within this state, and the bank commissioners shall have authority to order a change of such securities or any part thereof at any time, and no change or transfer of the same shall be made without their assent; such deposit shall be maintained intact in the full sum of thirty thousand dollars at all times, but the corporation shall be at liberty to receive the dividends or interest on the securities deposited; *provided*, that if any such corporation shall have and keep a deposit of at least one hundred thousand dollars with any department or officer of the

Deposit to be maintained intact.

Proviso.

state where organized, it may be admitted to the state without making the deposit herein required.

4. *And be it enacted*, That every such corporation shall file a like report in January, annually, and if such corporation shall fail to file such annual report prior to the fifteenth day of February, or to furnish such additional reports or information as may be called for by the bank commissioners, within five days after notice to do so, it shall be liable in a penalty of two hundred and fifty dollars and costs of action, to be sued for and collected in the name and for the benefit of the state.

Annual report to be filed under penalty.

5. *And be it enacted*, That every such corporation shall pay for filing a certified copy of its charter or certificate of organization or incorporation, twenty dollars; for filing original and annual reports, twenty dollars; for certificate of authority, annually, two hundred and fifty dollars; for certificate for each agency, five dollars, and shall defray all expenses incurred in making any examination of its affairs as herein provided for; and the bank commissioners may maintain an action, in the name of the state, against such corporation, for the recovery of such expenses, in any court of competent jurisdiction.

Fee for filing copy of charter or certificate of organization.

For original and annual reports.

For certificate of annual authority.

For certificate for each agency.

Commissioners may maintain an action for recovery of expenses incurred in making examinations.

6. *And be it enacted*, That if any such corporation or association itself, or by agents, attorneys, solicitors, surveyors, canvassers, collectors or other representatives of whatever designation, or any agent, attorney, solicitor, surveyor, canvasser, collector or other representative, or any individual or firm, whether on behalf of such corporation or not, shall solicit, negotiate or in anywise transact any business in this state, except in the enforcement of contracts by legal process, without having complied with the requirements of this act, they shall be liable in a penalty of two hundred and fifty dollars and all costs of suit, to be sued for and collected on complaint, in the name and for the benefit of the state, by the bank commissioners; the first process against any corporation or person complained of may be by *capias ad respondendum*, and the person or persons against whom judgment may be obtained shall be committed to any county jail until such penalty and costs are paid, and the necessary expenses incurred by the bank commissioners in carrying out the provisions of this act, when not other-

Or Penalties for non-compliance.

Procedure.

wise provided for, shall be paid by them out of the fees and taxes collected as herein provided for.

Examinations may be made whenever deemed necessary.

7. *And be it enacted*, That the bank commissioners shall have authority themselves, or by such person or persons as they may designate, to examine the affairs of any such corporation whenever they may deem it expedient, and it shall be the duty of the officers and employees of every such corporation to exhibit its books, securities, records and accounts for such examination, and to otherwise facilitate the same so far as it may be in their power to do, and the bank commissioners, or any examiner appointed by them, shall have power to examine, under oath or affirmation, the officers and employees of any such corporation relative to its business and affairs, and for that purpose any such examiner shall have power to administer oaths and affirmations.

Certificates may be canceled.

8. *And be it enacted*, That whenever it shall appear, as the result of examination or otherwise, that the affairs of any such corporation are in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority, or in violation of law, or for any other reason which may seem to them satisfactory, the bank commissioners shall have power to cancel the authority of any such corporation of another state to transact business in this state, and as to such corporations of this state it shall be the duty of the attorney-general, on notice by the bank commissioners, to apply forthwith, by petition or bill of complaint or information, to the chancellor for an injunction restraining such corporation from the transaction of further business, or the transfer of any portion of its assets in any manner whatsoever, and for such other relief and assistance as may be appropriate to the case, and the chancellor, being satisfied of the sufficiency of such application, or that the interests of the people so require, may order an injunction, and make other appropriate orders in a summary way, and thereafter proceed in said cause according to law and the practice of the court of chancery.

Not to be established until the law has been complied with.

9. *And be it enacted*, That no such corporation, excepting building loan associations, shall hereafter be established under any law of this state without a certificate of

authority by the bank commissioners, which shall not be issued in any case except after due inquiry and information, from which the commissioners shall be satisfied that the establishment of such a corporation will be of public service; and no such corporation, except as aforesaid, shall be organized or authorized to commence business until it has a capital stock of at least fifty thousand dollars, And capital stock of at least \$50,000 paid in. actually paid in cash, or securities to be approved by the bank commissioners, nor until they are satisfied that such corporation has complied with all requirements of law; *provided*, that savings banks may be organized without Proviso. capital stock; the charge for filing all reports by such fee for filing. corporations of this state shall be twenty dollars.

10. *And be it enacted*, That in all suits or actions brought in any court of this state against any such corporation, not organized under the laws of this state, process served upon the secretary of state shall be good and valid to all intents and purposes, and on service of such process in duplicate it shall be the duty of the secretary of state to notify such corporation immediately. Legal service may be made upon the secretary of state.

11. *And be it enacted*, That the board of bank commissioners shall make annual report to the legislature, which shall embrace a statement of proceedings taken under this act and a summary of the annual report made by each corporation. Commissioners to report annually.

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

Approved June 10, 1890.

CHAPTER CCLII.

An Act relative to safe deposit and trust companies.

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 safe deposit and trust company organized under How safe deposit and trust companies may receive money on deposit

any law of this state, to receive money on deposit to be repaid on demand or otherwise, as may be agreed upon by and between the depositor and the company, and with or without interest as they agree.

Act not to impair right of company now or hereafter incorporated under safe deposit act.

Or under special acts of incorporation.

2. *And be it enacted*, That nothing in this act contained shall be so construed as to prevent or in anywise affect or impair the right of any company now incorporated, or hereafter to be incorporated, under the act entitled "An act for the incorporation of safe deposit and trust companies," approved April twentieth, eighteen hundred and eighty-five, and the various supplements thereto, or under any special act of incorporation, receiving deposits of money as a part of its business, from taking and receiving deposits of money to be repaid on demand or otherwise, as may be agreed upon, with or without interest, notwithstanding such deposit is less than five hundred dollars.

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

Approved June 10, 1890.

CHAPTER CCLIII.

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

Compensation of sergeant-at-arms.)

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the compensation to be paid to any sergeant-at-arms heretofore or hereafter appointed in accordance with the provisions of the act to which this is a supplement, shall be the same as is now paid to constables in attendance upon the courts, to be paid by the county collector of the county on the certificate of the presiding judge; *provided, however*, that he shall not, for the same time, receive a per diem compen-

sation as a constable or as a crier of the courts in the county; *and provided, further,* that this act shall only apply ^{Proviso.} to counties of the second class.

2. *And be it enacted,* That all acts and parts of acts in- ^{Repealer.} consistent with the terms of this act, be and the same are hereby repealed.

Approved June 10, 1890.

CHAPTER CCLIV.

An Act concerning insane prisoners in county jails, penitentiaries, workhouses and like places of confinement in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That if any person confined in any county jail, penitentiary, workhouse, or like county prison or institution of any county in this state, under any sentence of imprisonment, shall appear to be insane, the judge of the circuit court of the county, or in his absence the presiding or law judge of the court of common pleas of the county in which such place of imprisonment is situated, shall, upon information of the fact from the county physician of such county or from any other physician whose official duty it shall be to visit such place of imprisonment, cause by his order to be instituted a careful inquiry into the case by at least two reputable physicians; request the prosecutor of the pleas of the county to aid in the inquiry at his discretion; and if such judge shall think it necessary in any such case, he shall call a jury, and for this purpose he is hereby fully empowered to compel the attendance of jurors and also witnesses before such physicians to aid in the inquiry; and if it satisfactorily appear to such physicians upon the verdict of such jury, in any case where a jury shall be called, or in any other case without the aid of such jury,

Judge to send to
asylum.

To be remanded
upon recovery.
To serve out the
unexpired term
of imprisonment

Judge to certify
fees and sums.

To be paid by
county collector.

that such person is insane, and such physicians, or a majority of them, shall certify in writing to such judge that such is the fact, such judge may, if the report or certification shall satisfy him, order such insane person, in safe custody, to be removed to the county lunatic asylum, if there be such asylum in such county, or to the state lunatic asylum, where he or she shall remain at the expense of the county until restored to his or her right mind; and then, if the term of imprisonment of such person shall not have expired, the superintendent or head officer of such asylum shall inform the said judge and said prosecutor of the restoration of the mind of such person; whereupon he shall be remanded, in safe custody, to the aforesaid jail, penitentiary, workhouse or prison, to serve out the unexpired portion of his term of imprisonment.

2. *And be it enacted*, That the said judge shall certify to and order to be paid for the duties and services imposed by this act, such fees and sum or sums of money as to him shall seem proper, having regard to the duty and service performed; and the same shall be paid by the county collector of such county.

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

Approved June 10, 1890.

CHAPTER CCLV.

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.

Notice of
monthly meet-
ings of township
boards to be
given.

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 boards of health to appoint, on the day of their

organization, a place, day and hour for monthly meetings for the hearing of complaints, reports and general business, and to cause to be published in the township newspaper, or paper circulating in the township, notice of the same.

2. *And be it enacted*, That at said organizing meeting the township physician shall be appointed health inspector, and among his duties shall be that of the inspection of public schools, which shall be done quarterly, monthly or oftener, as and when in his judgment deemed necessary, as in the case of epidemic of contagious or infectious character, or for the prevention of the same, by the detection of any sporadic case and the ascertainment whether it be by import from other township, town or state or of home origin; he shall have immediate power to order executed such proceedings as tend to remove the cause, whether by correcting unsanitary condition of school property or by withdrawing and isolating patient, or in such other manner as directed in code of the township board of health, or by the general laws applicable to such cases.

3. *And be it enacted*, That it shall be the duty of the teacher of each and every public school, or of the officer in charge thereof, or of any parent or guardian, or other person having reason to suspect the presence of contagious or infectious sickness, to immediately notify the health inspector, and any physician or attendant, having professional or other charge of patient, showing or suspected of suffering from small pox or other communicable and dangerous disease, shall promptly so report to the health inspector, who shall instruct him how often to report and how patient is to be prevented from communicating disease to the public; and during the prevalence of epidemic all private schools or seminaries, unless in charge of some reporting physician or officer, shall be open to inspection and direction by the health inspector.

4. *And be it enacted*, That the health inspector shall render school and other reports to the township board of health at each monthly meeting, unless they be required at some special meeting called by the presiding officer for the hearing of and action upon the same.

Reports of second health inspector, where appointed, to be submitted to first health inspector.

5. *And be it enacted*, That in the event of the area and population increase of township, necessitating the appointment of a second health inspector, as in act contemplated, his reports shall be submitted to the first health inspector, viz., the township physician, who shall act as executive officer during the time between the monthly meetings, unless action by the township board of health be had at special meeting as aforesaid.

Compensation of township physician independent of pay for services in attendance of meetings.

6. *And be it enacted*, That the compensation of the township physician for inspection duty be independent of pay for services in attendance of meetings of the township board of health, for which latter service each member shall receive from their treasurer the usual fee for attendance of township meetings by the members of the township board.

Repealer.

7. *And be it enacted*, That all acts and parts of acts which in anywise conflict with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved June 10, 1890.

CHAPTER CCLVI.

An Act to repeal section three of an act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight, be and the same is hereby repealed.

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

Approved June 10, 1890.

CHAPTER CCLVII.

A Supplement to the 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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the presiding officer, known as the director-at-large, of any board of chosen freeholders, provided for in the act to which this is a supplement, shall absent himself from any regular or other duly appointed meeting thereof, the board may, at the appointed hour, after being called to order by the clerk, elect one of its members to preside over the meeting, and the member thus chosen to preside shall have the same power to certify, sign and attest any action, resolution, warrant or order adopted or ordered at such meeting which the said director-at-large would have if present thereat.

In absence of director at large board may appoint one of its members, who shall have power

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

Approved June 10, 1890.

CHAPTER CCLVIII.

A Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

Raise money for
assessor's map.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the qualified voters of any township of this state may, at their annual or other meeting, vote, grant and raise such sum or sums of money as they may deem proper for the preparation and completion of an assessor's map of their township, which said map shall show the location and width of each street, road or avenue, to have said streets or avenues permanently established by the location of stone monuments in the center or side lines thereof, and the dimensions and ownership of each individual lot of land or premises situated in said township.

Action to be
taken at annual
meeting unless
notice has been
given.

2. *And be it enacted*, That no such action as is authorized by the first section of this act shall be taken at any meeting other than the annual meeting unless notice of such meeting and of the purpose thereof shall have first been given in the manner required by law for giving notice of the holding of special town meetings.

How money is
collected.

3. *And be it enacted*, That the money that may be voted and granted by virtue of the first section of this act, and for the purposes herein expressed, shall be assessed, levied and collected by the same persons, in the same manner and under the same fees, fines and penalties as the money raised in such township by the board of chosen freeholders of the county shall be assessed, levied and collected.

Authorized to
enter into con-
tracts.

4. *And be it enacted*, That the township committee of any such township, or a majority of them, shall have authority on behalf of said township to enter into contracts with suitable person or persons for the work neces-

sary to the preparation and completion of the map in the first section of this act mentioned, and out of the sum or sums that may be voted and granted shall determine how much shall be expended for each portion of said work.

5. *And be it enacted*, That the township committee of any such township, or a majority of them, may borrow money from time to time in anticipation of the collection of the sum or sums voted and granted for the purposes in the first section of this act mentioned, and may secure the payment thereof by note or otherwise, in the name of said township. May borrow money on note.

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

Approved June 13, 1890.

CHAPTER CCLIX.

A Supplement to the act entitled "An act concerning marriages, births and deaths" [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 the chief justice and each and every associate justice of the supreme court of this state, and the chancellor and each and every vice-chancellor of this state, are each hereby authorized to solemnize marriages between all such persons as may lawfully enter into the matrimonial relation, and that he may thereby join together all such persons as if the marriage were solemnized by a stated and ordained minister of the gospel. Chief justice, justice of the supreme court, chancellor and vice-chancellor may solemnize marriages.

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

Approved June 13, 1890.

CHAPTER CCLX.

A Supplement to an act entitled "An act incorporating inhabitants of townships, designating their powers and regulating their meetings" [Revision], approved March twenty-seventh, one thousand eight hundred and [seventy]-four.

Township committee to sell abandoned real estate.

Proviso.

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 in this state, in the inhabitants of which in their corporate capacity there is vested any estate in fee simple absolute or otherwise, to any unimproved real estate, or any real estate, the public use of which has been abandoned, to sell said real estate either at public or private sale, and to convey the same to the purchaser thereof by deed signed by the township committee and sealed with the corporate seal of such township, and appropriate the moneys arising from the sale of such real estate for any township purpose authorized by law; *provided*, that this act shall not apply to lands acquired by the township under sales for taxes or assessments.

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

Approved June 13, 1890.

CHAPTER CCLXI.

An Act relating to mutual loan, homestead and building associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every mutual loan, homestead and building association organized under the laws of this state, or doing business therein, shall furnish, through its secretary or other appropriate agent, to the chief of the bureau of statistics of labor and industries an annual statement of its business and condition, according to the form required, and on blanks furnished by said chief, which said statement shall be duly attested, under oath or affirmation, by the treasurer and an auditing committee of the stockholders or board of directors of said association; and the said board of directors are authorized to appropriate from the current income of said association a sufficient remuneration to the secretary thereof for preparing the statement aforesaid. ^{Annual statement to be made}

2. *And be it enacted*, That on any failure to make such statement, the said chief, or his authorized agent, with the approval of the governor, may make an investigation of the books, securities and accounts of any delinquent associations, which books, securities and accounts shall at all times be open to the inspection of the said chief or his duly authorized agent, as aforesaid. ^{Chief of bureau may make investigation.}

3. *And be it enacted*, That it shall be the duty of said chief of the bureau of statistics of labor and industries to publish annually a concise report on the standing and condition of all the said associations doing business in this state, and to furnish each of said associations with one or more copies of such reports. ^{Annual report to be published.}

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

Approved June 13, 1890.

CHAPTER CCLXII.

An Act to authorize societies, clubs or associations having for its object the promotion of artistic taste in general, and of vocal music in particular, to take, hold, purchase, transfer, mortgage and convey real and personal estate.

Associations can hold real and personal estate.

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 club, association or society heretofore incorporated or which may be hereafter incorporated under the laws of this state, having for its object the promotion of artistic taste in general, and of vocal music in particular, by the practice and performance of sacred and secular music, to take by purchase, devise or otherwise, and to hold, transfer, mortgage and convey such real and personal estate as shall be necessary or useful for the purposes of the corporation; *provided*, that no such corporation shall at any time hold real property, the value of which shall exceed one hundred thousand dollars.

Proviso.

Repealer.

2. *And be it enacted*, That all acts or parts of acts, general, special, public or private, 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 June 13, 1890.

CHAPTER CCLXIII.

A 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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any action of replevin if the plaintiff does not require the immediate delivery to him of the property in question, the officer to whom the process shall issue shall, if so directed by the plaintiff or his attorney, serve the process and other papers given him as in other cases without taking possession of or delivering the property in question, and upon the process being returned into court the cause shall be put at issue and brought on for trial or judgment by default may be entered as in other cases, and upon judgment being entered awarding the possession of the property in question to the plaintiff an order may be made by the court as a part of the judgment, directing the proper officer to take possession of and deliver the property in question in accordance with such judgment, and it shall thereupon be the duty of the officer so directed to execute such order and deliver the property to the party to whom it has been so awarded.

If immediate delivery of property is not required, judgment may be given, and officer to take possession in accordance with such judgment.

2. *And be it enacted*, That in any proceeding under the above section no bond shall be required of the plaintiff unless ordered by the court, and the order of the court shall be a justification of the officer for the delivery as directed hereby.

Bond not required unless ordered by the court.

3. *And be it enacted*, That if in any such action it shall appear to the court that parties not before the court have some ownership in the property replevied the court may require a bond or other security for their protection before awarding the property to the plaintiff.

Bond required for protection of parties having some ownership in the property.

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

Approved June 13, 1890.

CHAPTER CCLXIV.

An Act to incorporate state leagues, divisions, clubs, or associations of bicycle or athletic clubs and associations.

Associations,
how incorpor-
ated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association of persons of not less than one hundred in number, who may belong to any state league, division, club or association, whose object it is to engage in and promote the general interest of cycling and athletic sports, may, pursuant to the constitution and by-laws of such state league, division, club or association, elect, by ballot, or in the manner provided for in its constitution and by-laws, such number of representatives or trustees as may, by such constitution and by-laws, be provided for, who shall have power and authority to select and assume a corporate name for such state league, division, club or association, and to file a certificate of incorporation in the manner hereinafter provided for, and thereupon the trustees or representatives so chosen as aforesaid, shall immediately certify such corporate name, if any assumed by them, under their hands, and file such certificate in the office of the secretary of state, who shall be entitled to receive the sum of one dollar for the filing thereof, and thereupon such state league, division, club or association shall be, and hereby are constituted a body politic and corporate in law, by whatever name shall be so assumed, and by such name shall have succession and continuance, and be capable in law of suing and being sued, defending and being defended in all courts and places whatever, and may have and use a common seal, alter and renew the same, and under their common seal may make and enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of said corporation.

2. *And be it enacted*, That the estate and property of ^{Trustees or representatives.} whatsoever kind the same may be, of such state league, division, club or association shall be vested in the trustees or representatives thereof as a corporation, whether such trustees or representatives shall continue to be of the number named in the certificate of incorporation or increased in number by subsequent elections, and by their corporate name the trustees or representatives of such state league, division, club or association shall be able to purchase, receive, take, hold and convey, for the use and benefit of such corporation, and for the purpose of affecting the objects of its incorporation, any lands, tenements and hereditaments and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies politic and corporate.

3. *And be it enacted*, That incorporations under this act shall be authorized to make, adopt and use and from ^{Constitution and by-laws authorized.} time to time alter, amend or change such general form of a constitution and such by-laws for their government as to them shall seem proper and right.

4. *And be it enacted*, That the trustees, representatives ^{Election of trustees, &c.} and officers of any such incorporation shall be elected or appointed in such manner, at such times, and in such places as the said corporation shall by their constitution and by-laws provide; the trustees or representatives shall ^{Treasurer.} appoint a treasurer, who shall give bonds for the faithful discharge of the duties of his office, in such sum and with such sureties as the trustees or representatives may determine.

5. *And be it enacted*, That the objects of incorporations ^{Objects.} under this act shall be to engage in, promote and encourage the general interests of cycling and athletic sports, and to ascertain, defend and protect the rights of its members.

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

Approved June 13, 1890.

CHAPTER CCLXV.

A Supplement to an act entitled "An act for the formation and government of boroughs," approved March twelfth, one thousand eight hundred and ninety.

Marshal and
superintendent
of public roads
annually elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the elective officers named in the fifth section of the act to which this is a supplement, there shall be elected annually, in boroughs incorporated under said act, one borough marshal and one superintendent of public roads.

Approved June 13, 1890.

CHAPTER CCLXVI.

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

Special deputy
sheriffs, special
constables,
marshals, police-
men and other
peace officers
must be citizens
of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sheriff of a county, mayor of a city, or other person authorized by law to appoint special deputy sheriffs, special constables, marshals, policemen or other peace officers in this state, to preserve the public peace and prevent or quell public disturbance, shall hereafter appoint as such special deputy, special constable, marshal, policemen or other peace officer, any person who shall not be a citizen of the state of New Jersey, and no person shall assume or exercise the functions, powers, duties or privileges incident and belonging to the

office of special deputy sheriff, special constable, marshal or policeman or other peace officer without having first received his appointment in writing from the lawfully constituted authorities of the state.

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 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; *provided*, this act shall not apply in times of riot or unusual disturbance.

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

Approved June 13, 1890.

CHAPTER CCLXVII.

A Supplement to an act entitled "An act for the formation and government of boroughs," approved March twelfth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in event of any two or more persons who shall be candidates for the same office or offices provided for in section five of the act to which this is a supplement, receiving the highest and an equal number of votes, then and in such case it shall be the duty of any judge of the court of common pleas of the county in which the borough is situate, on petition presented to him signed by five freeholders of said borough, for that purpose, to appoint in writing under his hand, a day when shall be held an election to fill said office or offices not

Order for election to be published.

filled at the last preceding election by reason of said tie vote; copies of said order shall be posted in five or more of the most public places in said borough at least ten days before said election, and published in one newspaper in said county, at least one week before said election.

Election conducted by election officers conducting previous election.

2. *And be it enacted*, That on the day appointed, notice thereof having been first given as provided in section one of this act, an election shall be held in said borough for the election of such officer or officers as were not elected at the last preceding election, by reason of the tie vote in the first section mentioned, and said election shall be conducted by the election officers who conducted the last preceding borough election, and in the same manner as borough elections are now conducted.

Judge and inspectors to canvass votes.

3. *And be it enacted*, That it shall be the duty of the judge and inspectors of said election, at the closing of the polls, to canvass the votes cast and forthwith certify the result, with the number of votes cast for each candidate, to the clerk of the county wherein said borough is situate, and shall also deliver a copy of said certificate, under their hands, to the clerk of the borough.

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

Approved June 13, 1890.

CHAPTER CCLXVIII.

An Act respecting townships.

Townships to arrest peddlers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township of this state it shall be lawful for any constable or police officer thereof to summarily arrest, without warrant, any person hawking, peddling or selling anything whatsoever in such township without a license, where it is required to obtain a license therefor by any ordinance of such township.

2. *And be it enacted*, That it shall be lawful to carry such person so arrested before any justice of the peace of said township, before whom violations of ordinances are hereby made triable, whereupon such justice of the peace shall determine whether the person so arrested has been guilty of the violation complained of, and the said justice may adjourn the hearing of said complaint for a period not longer than five days, and may take the defendant's bond for his appearance at such adjourned hearing.

Authorized to carry such arrested person before a justice of the peace.

3. *And be it enacted*, That on conviction of such violation, it shall be lawful for the said justice of the peace to impose a fine on such person, not exceeding twenty dollars and costs, which costs are to be taxed the same as in cases of disorderly persons, which fine and costs shall be paid forthwith, and upon failure to pay such fine and costs he shall commit such person to the county jail of the county in which such township is located, there to be detained by the sheriff of the county or keeper of said jail until the fine and costs are paid; *provided*, no person shall, under this act, be detained in jail for a longer period than ten days for any one offense.

Fine.

Proviso.

4. *And be it enacted*, That in addition to the penalties heretofore imposed in this act, the penalties prescribed by any township committee of any township of this state, by virtue of any general law for the violation of any ordinance of said township, shall be recoverable before any justice of the peace of said township in an action on contract in the name of the inhabitants of said township, and for the use of said township, which suit shall be conducted in the same manner as other suits in actions of contract now triable before justices of the peace are conducted, and when judgment is given, executions thereon shall issue in the same manner, and shall be subject to appeal to the court of common pleas of the county on the same terms.

Additional penalties.

Approved June 13, 1890.

CHAPTER CCLXIX.

A Further Supplement to an act entitled "An act for the restoration of the state house," approved April seventh, one thousand eight hundred and eighty-five.

Commissioners
for restoration of
state house to
inquire into and
investigate
claims.

To adjust and
approve such
claims.

To complete un-
finished portion.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commission constituted by the act to which this is a supplement, shall have power to inquire into and investigate all claims presented by any contractor or contractors for work done and materials furnished, which were not included in their respective contracts made under the said act or a supplement thereto, approved April twenty-seventh, one thousand eight hundred and eighty-six, or in the original plans and specifications, and in making such inquiry the said commission shall have power to employ experts and to take testimony under oath; they shall have power to adjust and approve all such claims as shall be shown to them to be proper and well founded, and certify the same to the comptroller for payment; they shall have power to order the completion of any unfinished portion or portions of the work begun under the said contracts or authorized by the said act and supplement, and to approve and certify to the comptroller for payment all bills for expenses incurred therefor, and for all expenses incurred in carrying out the provisions of this act, and the treasurer is hereby authorized to pay upon the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, all sums so approved and certified by the said commission.

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

Approved June 13, 1890.

CHAPTER CCLXX.

An Act to authorize the improvement of roads, streets and highways in boroughs and incorporated villages in this state, and to provide for the payment thereof.

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 governing body of any borough or incorporated village within this state to issue bonds to an amount not exceeding thirty thousand dollars in any one year, in their corporate name, of such denomination as to them may seem fit, bearing interest not exceeding the legal rate, payable semi-annually, and redeemable in twenty years from the date thereof, for the purpose of paying the costs and expenses of improving the roads, streets and highways in such borough or incorporated village, either in whole or in part, and in such manner as they may deem most advisable, under the supervision of such person or persons as they shall designate for that purpose, not being a contractor or contractors for the said work; *provided, however*, that no common council or other governing body of any such borough or incorporated village shall issue any such bonds unless the question of the issue of such bonds shall have been submitted to the voters of such borough or incorporated village at the last annual borough, village or charter election, or at a special election called for the purpose by the mayor, president or other executive officer thereof by proclamation, giving thirty days' notice of the time and place for holding the same, and a majority of the votes cast in relation thereto at such election shall declare in favor of issuing of such bonds.

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

Approved June 13, 1890.

CHAPTER CCLXXI.

An Act to extend the time for the completion of railroads whose charters shall expire by limitation during the year one thousand eight hundred and ninety, where work has been performed on said railroads or money expended thereon.

Time extended. 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 railroad authorized to be constructed within this state, under special acts, shall expire during the year one thousand eight hundred and ninety, such time shall be and the same is extended for a further period of two years; *provided, however*, that this act shall not apply unless money has been actually expended in surveys or locations 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 shall first, and as a condition precedent to the exercise of any powers granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and the 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 the further agreement to be bound by any general law of this state now in existence, or that may hereafter be 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 the state (if any there exist) to take the property of such corporation under any existing law of the state; and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

Proviso.

Proviso.

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

Approved June 13, 1890.

CHAPTER CCLXXII.

An Act granting the consent of the state of New Jersey to the purchase or condemnation by the United States of certain lands for the purpose of erecting public buildings in the city of Newark, county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the state of New Jersey is hereby given to the purchase or condemnation by the United States of one or more pieces of land situated in the city of Newark, county of Essex, not exceeding two acres in quantity, on which to erect buildings for post offices and other public purposes; and the said United States shall have, hold, use, occupy and own the said land or lands when purchased or condemned, and exercise jurisdiction and control over the same, and every part thereof, subject to the restrictions hereinafter mentioned.

2. *And be it enacted*, That the jurisdiction of the state of New Jersey, in and over the said land or lands mentioned in the foregoing section, when purchased or condemned by the United States, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands.

3. *And be it enacted*, That the said consent is given, and the said jurisdiction ceded, upon the express condition that the state of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and

such criminal or other process as may issue under the laws or authority of the state of New Jersey against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if said consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Jurisdiction not
vested until title
is acquired.

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

Exonerated from
taxes.

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

Approved June 13, 1890.

CHAPTER CCLXXIII.

An Act relative to the court of common pleas, the orphans' court and the court of general quarter sessions of the peace in the several counties of this state.

Successor to
president
judge to sign
decrees of his
predecessor

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the president judge of any court of common pleas, orphans' court or court of general quarter sessions of the peace of any county of this state, by which any judgment, order or decree has been or shall be rendered, made or pronounced, or by which any matter or cause has been or shall be heard and determined, or in which any proceeding or proceedings

have been or shall be taken and determined, has died or shall die, or has gone out of office or shall go out of office, and some other person has been or shall be appointed president judge, before the judgment, order or decree therein has been or shall have been signed, then it shall be the duty of his successor in office, or the president judge for the time being, together with at least one of the other judges of the said court, to sign such judgment, order or decree, and all judgments, orders and decrees so signed shall be as good and effectual in law, to all intents and purposes, as if the same had been duly signed by the judges of the said court when such judgment, order or decree was rendered, made or pronounced.

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

Approved June 13, 1890.

CHAPTER CCLXXV.

A Further Supplement to the act entitled "An act respecting conveyances," 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 where any executor, administrator with the will annexed or trustee is required to obtain the written consent of any person or persons to the execution by such executor, administrator with the will annexed or trustee, of a power for the sale, conveyance, acquittance or release of any lands, tenements or hereditaments in this state, such consent, if the making and execution thereof be acknowledged or proved, and such acknowledgment or proof be certified in the manner prescribed for the acknowledgment and proof of

Proof of acknowledgment of consent for sale by executors &c., received in evidence.

Consent to be recorded.

deeds of conveyance of lands, tenements and hereditaments, shall be received in evidence in any court of this state as if the same were then and there produced and proved; and every such consent, being so acknowledged or proved and certified, shall and may be recorded in the same manner as deeds of conveyance of lands, and the record of any such consent made and executed, and acknowledged or proved and certified and recorded as aforesaid, and the transcript thereof, duly certified by the proper officer, shall be received in evidence in any court of this state, and have the same effect as if the original consent were then and there produced and proved.

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

Approved June 13, 1890.

CHAPTER CCLXXVI.

An Act to enable boards of education of cities of the second class to appoint city superintendents of schools.

Board of education to appoint city superintendent of school.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any board of education of cities of the second class in this state shall have power to appoint a person of suitable attainments to be city superintendent of schools, define his duties, and fix his term of office, not to exceed three years, and his compensation, which shall not be changed during his term of office.

Term of office.

2. *And be it enacted*, That the city superintendent of schools shall hold office for the said term, and until his successor is appointed, subject to removal by the board of education on complaint for cause stated.

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

Approved June 13, 1890.

CHAPTER CCLXXVII.

An Act for the construction, maintenance and operation of systems of sewerage in cities, towns and boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than seven, a majority of whom shall reside in this state, may form a company for the purpose of constructing, maintaining and operating a system of sewerage in any city, town or borough in this state, for the purpose of supplying said city, town or borough and the inhabitants thereof with an adequate means of disposing of sewerage. Corporations to construct system of sewerage.

2. *And be it enacted*, That such persons desirous of forming a company for such purpose shall make, sign and acknowledge, before some officer authorized to take such acknowledgment of deeds, a certificate in writing, which shall state the corporate name adopted by the company, the amount of the capital stock, the term of its existence, the number of directors, the names of those who shall manage the affairs of the company for the first year, or until their successors are elected and qualified, and the name of the city, town or borough in or for which such sewerage system is to be constructed and the business of the company carried on; such certificate shall be filed in the office of the secretary of state, together with the consent in writing of, and the terms and condition or conditions upon which the consent has been granted by, the corporate authorities, if any, of the city, town or borough in which such sewerage system is to be constructed; *provided, however*, that the corporate authorities of any city, town or borough shall not give said written consent unless a petition shall have been presented requesting the granting of such consent, which petition shall have been signed by the owners of real estate in said city, town or borough, to the number of at least one-half of the number of persons who shall have been assessed as owners of real estate in such city, town or Certificate to be made. And filed. Proviso.

borough in the last preceding municipal assessment for taxes.

Become a corporation when certificate is filed

3. *And be it enacted,* That when such certificate, conditions and consent shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, and shall have power as such to build, erect, alter, repair, enlarge and maintain all necessary works and apparatus within or without said city, town or borough, and to lay down all such pipes and conduits for sewerage at such times and in such places as shall be necessary and proper to enable said corporation to carry into effect the purposes of its incorporation.

To enter upon lands.

4. *And be it enacted,* That it shall be lawful for such corporation to enter upon any and all lands in the neighborhood of the borough, town or city which it is intended to supply with such system of sewerage, and to make all such preliminary examinations, explorations, measurements and levelings as may be necessary and proper for its corporate purposes, doing thereby as little damage as possible to the owner or owners.

Commissioners to be appointed.

5. *And be it enacted,* That in case said corporation cannot agree with the owner or owners or other persons interested in any lands which said corporation may desire to take, use and occupy, as to the amount of compensation to be paid to such owner or owners for such taking, use or occupation, it shall be lawful for any justice of the supreme court of this state, upon application by said corporation, and upon two weeks' previous notice, served in person or by leaving at the dwelling-house or usual place of abode of such owner or owners, or in case of absence from the state or legal disability, published in at least two official newspapers published nearest to the lands in question, to appoint three disinterested commissioners, resident of the county in which said lands are situated, to assess and ascertain the value of the lands so proposed to be taken, used and occupied, and the damages to be done to any lands by the laying down of such pipes and erection and maintenance of such works; which commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall cause two weeks' notice thereof

to be given to the parties interested therein, either by personal service or by publication in at least two official newspapers published in the county where such lands may lie; at which time and place the said commissioners shall meet and view the premises and hear the parties interested, and take evidence, if any be offered, and for that purpose shall have power to administer oaths or affirmations, and to adjourn from day to day, and in case of the refusal or failure of either or any of said commissioners to attend and perform their said duties, the said judge shall have power to appoint another or other disinterested person or persons as commissioners to act in the place of such absent commissioner or commissioners; and the said corporation shall make an exhibit to the said commissioners at their meeting aforesaid, for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands by them sought to be taken as aforesaid, and of the use, occupation of and excavations upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to said corporation of the lands, rights and privileges by them sought in the statements and description aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded in the registry of deeds.

6. *And be it enacted*, That before taking possession of any such lands or entering thereon for the purpose of making any excavation or occupation thereof, the said corporation shall pay or tender to such owner or owners, or, in case of absence from the state or legal disability, shall deposit with the clerk of the circuit court of said county the amount of damages so awarded; and the award of said commissioners, and the payment or tender or deposit as aforesaid of such damages, shall vest in said corporation the lands, rights and privileges by them sought, described and set forth in said statement and description, in all respects the same as if the same had

To meet and view premises and hear parties interested.

Corporations to present exhibits and maps.

To assess damages.

To pay or tender amount awarded

Lands vest in corporations upon such payment or tender.

been conveyed to said corporation by said owner or owners under their hands and seals.

Court to hear
and determine.

7. *And be it enacted*, That if either party feel aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof, served upon the opposite party two weeks prior to such term, or published a like space in at least two official newspapers published nearest the lands in question, which petition and notice, so served or published, shall vest in said court full power to hear and determine said appeal, and if required they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the courts, as in other trials by jury, and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such as shall be absolutely taken; and said

Struck jury or
jury of view.

court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal; and, also, to order any jury which may be impaneled and sworn to try any such appeal to view the premises in question during

Right of corpora-
tion not taken
away.

said trial, and the right of said corporation to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the land or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal shall not be waived or lost by the acceptance of the amount so awarded when tendered; and

Right of owner
not lost.

upon the final determination of any such appeal the said court shall render such judgment in favor of the one party and against the other as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and, also, by summary proceedings and attachments for non-payment thereof.

Final determina-
tion.

Board of direc-
tors.

8. *And be it enacted*, That the business of said company shall be managed by a board of directors of not less than five, who shall be stockholders therein, and a ma-

majority of whom shall be residents of this state; and a majority of directors chosen shall be a quorum; and there shall be an election of directors within one year from the filing of the articles of association, and annually thereafter, at such time as shall be fixed by the by-laws of such company; three weeks' notice thereof shall be given by publication in at least two official newspapers, if so many there be, in general circulation in such city, town or borough; the stockholders shall be entitled to vote either in person or by proxy.

Election of directors.

Notice of election.

Stockholders to vote personally or by proxy

Officers.

9. *And be it enacted*, That the officers of such company shall be a president, who shall be one of the directors, a secretary and treasurer, and such other officers, agents and servants as the board of directors shall deem necessary; such officers shall be elected annually by the directors, and shall be required to give bond, with penalty and surety, to be approved of by said board of directors, conditioned for the faithful discharge of their respective duties.

Elected annually

10. *And be it enacted*, That the amount of the capital stock shall be fixed by the company, but may be increased by a vote of the stockholders at any annual meeting, and such capital stock be divided into shares of not more than one hundred dollars each.

Company authorized to fix and increase capital stock.

11. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done any act or acts whatever, thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or anything appertaining to the works of said corporation, whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in anywise impair the rights of action for damages by a civil suit, hereby authorized to be brought for any such injury, as aforesaid, by and in the name of said corporation, in any court of this state having cognizance of the same.

Penalty.

Proviso.

12. *And be it enacted*, That upon application to the corporate authorities of any such city, town or borough for the consent of such authorities as provided in section

Conditions of consent.

two of this act, said authorities may, by ordinance, provide that such consent shall be conditioned upon the prepayment to said city, town or borough of a specified sum of money or upon the quarterly, semi-annual or annual payment to said city, town or borough of specified sums of money, or upon payment of specified quarterly, semi-annual or annual percentage of the gross receipts of the corporation to be formed pursuant to such consent; and said corporate authorities shall annex to such consent the maximum prices or rents that may be charged property owners or others for the use of such sewerage system, and any further or other terms and condition or conditions upon which said consent is granted; if the certificate referred to in section two hereof be filed, there shall be annexed thereto and filed therewith a copy of the terms and condition or conditions upon which such consent is granted, and such filing shall be conclusive evidence that said corporation has assented to said terms and condition or conditions, and the same shall be deemed and taken to be binding and operative upon said corporation, its successors and assigns.

Rents to be charged.

Terms and conditions to be filed.

Authorized to lay pipes.

Proviso.

Proviso.

Proviso.

13. *And be it enacted*, That that such company be and they are hereby fully authorized and empowered to lay their pipes beneath such public roads, streets, avenues and alleys as they may deem necessary for the purposes aforesaid, upon complying with the terms and condition or conditions upon which the consent of the corporate authorities shall have been obtained; *provided*, that the said pipes shall be laid at least three feet below the surface of the said roads, streets, avenues or alleys, and shall not in anywise unnecessarily obstruct or interfere with public travel or damage public or private property; *and provided*, that the consent shall be obtained of the corporate authorities, if any there be, of any city, town or borough through which the same may be laid; *provided, however*, that no consent shall be granted by the corporate authorities, to such company to lay their pipes beneath such public roads, streets, avenues or alleys for the purposes aforesaid until a map and specifications of the proposed system of sewerage shall have been submitted to the State Board of Health and to the corporate authorities of any such city, town or borough in which such

system of sewerage is proposed, and the map and specifications shall have been approved by them.

14. *And be it enacted*, That said company may contract with property owners and others for the use of said system of sewerage for such price or prices, or quarterly or annual rents, and such restrictions as said company may think proper; *provided*, that the same shall in no case exceed the maximum rates which may be named in the terms and condition or conditions on which the consent of the corporate authorities shall have been obtained.

Company
authorized to
contract with
property owners

Proviso.

15. *And be it enacted*, That such company shall commence the construction of the proposed system of sewerage within six months from the date of their organization, and shall complete the same within three years from the date of commencement; *provided*, that pursuant to section twelve of this act, the conditions to be annexed to the consent of the corporate authorities may designate a shorter period for the completion of such works.

Time of com-
mencement and
completion of
construction.

Proviso.

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

Approved June 13, 1890.

CHAPTER CCLXXVIII.

A 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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That writs of replevin may issue out of any district court in this state in all cases where the value of the goods and chattels of which replevin is sought does not exceed the jurisdiction of the court at the time such writs may issue, and the practice in

Writs to issue
out of district
courts.

replevin suits in the district courts shall be that prescribed by the act to which this is a supplement.

Writs declared to be within the jurisdiction of such courts.

2. *And be it enacted*, That all suits of replevin brought in any district court since the twenty-seventh day of March, one thousand eight hundred and eighty-two, in which the value of the goods and chattels sought to be recovered does not exceed the jurisdiction of such court at the time such suits were begun, are hereby declared to have been within the jurisdiction of such court.

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

Approved June 13, 1890.

CHAPTER CCLXXIX.

A Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Penalty for stealing fowl.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall carry away with intent to steal, or unlawfully appropriate, any turkey, goose, duck, chicken or other domestic fowl, by whatever name known or designated, which is the property of another, he shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed one hundred dollars, or imprisonment at hard labor for a term not exceeding three years, or both, at the discretion of the court.

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 June 13, 1890.

CHAPTER CCLXXX.

A Supplement to an act entitled "An act to incorporate benevolent and charitable associations," 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 it shall be lawful for the members of any mutual association or corporation heretofore or hereafter incorporated or organized under the provisions of the act to which this is a supplement, to provide for and create a capital stock of such association or corporation, upon consent in writing of all the members of such association or corporation, and to provide for the payment of such stock, and to fix and prescribe the rights and privileges of the stockholders therein.

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

Approved June 13, 1890.

CHAPTER CCLXXXI.

A Supplement to an act entitled "An act relative to guardians and minors" [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 it shall be made to appear to the chancellor, upon the application of the

guardian of a minor or minors, lunatic, insane or feeble-minded persons, that the lands of, and the interests and estates therein, of such minor or minors, lunatic, insane or feeble-minded persons are incumbered in whole or in part by mortgages, taxes, tax sales, assessments, water rents, judgments and other liens, and that it would be to the advantage of the estate of such minor or minors, lunatic, insane or feeble-minded persons, that the said mortgages, taxes, tax sales, assessments, water rents, judgments and other liens should be paid off, satisfied and redeemed, it shall be lawful for the chancellor, and he is hereby authorized to order and direct that the guardian of such minor or minors, lunatic, insane or feeble-minded persons be authorized to pay the same from the proceeds of the sale of securities and other personal estate belonging to the estate of such minor or minors, lunatic, insane or feeble-minded persons, but in case there shall not be sufficient securities and other personal estate belonging to the estate of such minor or minors, lunatic, insane or feeble-minded persons to pay off, satisfy and redeem the said mortgages, taxes, tax sales, assessments, judgments and other liens, then it shall be lawful for the chancellor to order and direct that the guardian borrow on bond, secured by mortgages on the whole of the lands and of the interests and estates therein of such minor or minors, lunatic, insane or feeble-minded persons, or on such part or parts, portion or portions of said lands, estates and interests as the chancellor may direct, such sum or sums of money as shall be sufficient in amount to pay off, satisfy and redeem said mortgages, taxes, tax sales, assessments, water rents, judgments and other liens, upon such terms and conditions and in such form as the chancellor may determine.

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

Approved June 13, 1890.

CHAPTER CCLXXXII.

An Act to provide for furnishing certain offices in the state capitol.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of thirty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purchase of the necessary furniture, carpets and fixtures for the offices occupied and to be occupied by state officers, clerks of the court of chancery and of the supreme court, and any other departments or bureaus in that part of the state capitol recently erected, the said sum or such portion thereof as may be found necessary, to be expended under the direction of the governor and comptroller, and to be paid by the treasurer of the state on the warrant of the comptroller out of any moneys in the treasury not otherwise appropriated. ^{\$30,000 appropriated.}

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

Approved June 13, 1890.

CHAPTER CCLXXXIII.

A Further Supplement to an act entitled "An act relating to the improvement of streets and the construction of sewers in the cities of this state," passed March twenty-seventh, one thousand eight hundred and eighty-two.

Common council
to issue temporary
loan certificates
to pave streets
in cities of
the first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, in any city of the first class, it shall appear by the certificate of the treasurer and city surveyor that the bonded debt of such city does not exceed fifteen per centum of the assessed value of the real and personal property therein, as shown by the records of such city, and that more than one-half of the streets of such city are unpaved, and that one hundred thousand dollars has been placed in the tax levy for the current year for the paving and repaving of streets in pursuance of this act, which certificate or certificates shall be filed in the office of the city clerk of such city within sixty days after the passage of this act, it shall be the duty of common council or other governing body to issue temporary loan certificates or bonds for a sum not less than three hundred thousand dollars, and not exceeding five hundred thousand dollars, and to negotiate the same at the best allowable price, and place the proceeds of such certificates or bonds in the city treasury as part of the capital fund provided for by the act to which this is a supplement, and to use the same exclusively for paving and repaving of streets in the manner therein provided.

Amount payable
in each year.

2. *And be it enacted*, That the certificates or bonds issued under this act shall be made payable at the rate of one hundred thousand each year from the date of the first issue; and it shall be the duty of the common council or other governing body of such city each year, either by the general tax levy or by an appropriation to that

Common council
required to produce
sum annually.

specific use of a sufficient sum from the license fees received therein, to produce a fund to pay the certificates or bonds so issued falling due in that year and for the interest on those outstanding and unpaid.

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

Approved June 13, 1890.

CHAPTER CCLXXXIV.

An Act in relation to the lien of finishers of silk and other goods of which silk is a component part.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons or corporations engaged in the business of finishing silk or other goods of which silk is a component part, shall be entitled to a lien upon the goods and property of others that may come into their possession for the purpose of being finished and prepared for sale, for the amount of any account that may be due them from the owner of such goods, by reason of any work and labor performed and materials furnished in the finishing and preparing for sale of the same or other goods of such owner.

2. *And be it enacted*, That such lien shall not be waived or impaired by the recovery of any judgment for the moneys so due, and for the work and labor performed and materials furnished; and such lien may be enforced by levy and sale under execution upon said judgment.

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

Approved June 13, 1890.

CHAPTER CCLXXXV.

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

\$20,000 appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the superintendent of the state house and the adjacent public grounds is authorized and empowered to expend a sum not exceeding twenty thousand dollars, which sum is hereby appropriated, for the painting, repairing, furnishing and ventilating that part of the state house consisting of the executive chamber, legislative chambers, court rooms and the rooms now occupied by the attorney-general, state board of assessors, superintendent of public instruction, sinking fund commissioners, superintendent of the state house and adjacent public grounds and the hall leading to the said rooms, and for beautifying and improving the grounds adjacent to the state house, with the approval of the governor and treasurer of the state, to be paid by the said treasurer of the state on the warrant of the comptroller out of the moneys in the treasury not otherwise appropriated.

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

Approved June 13, 1890.

CHAPTER CCLXXXVI.

An Act to amend the first and second sections of the act entitled "A supplement to an act concerning roads, approved March twenty-seventh, one thousand eight hundred and seventy-four," which was approved April ninth, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first and second sections of the act entitled "A supplement to an act concerning roads, which was approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved the ninth day of April, eighteen hundred and eighty-eight, be and the same is hereby amended so as to read as follows:

1. That whenever the legal voters of any of the townships of this state, at their annual township meeting, shall fail or neglect, for any cause whatever, to raise money for opening or improving the public roads and for defraying the costs, charges and expenses of opening, clearing out, making, working, amending, repairing and keeping in good order the public roads, and procuring material for the same, and also the compensation allowed for the services of the overseers thereof, then it shall be the duty of the said overseers in each road district to give notice of an election to be held by the legal voters therein, at any time before the first day of June next ensuing for that purpose; and shall set up at least two notices, in writing, in two of the most public places in each road district, stating the time and place of such election, which shall be between the hours of two and eight o'clock, post meridian, five days before the day fixed for such election, and also stating the object and purpose of such election.

Section to be amended.

When voters of townships fail to raise money for improving roads election for that purpose to be held.

Notices of election to be posted.

Voters to determine sum to be expended in district.

Such sum to be in lieu of all other road taxes.

Inhabitants not to work and repair roads when done by hire.

Repealer.

2. *And be it enacted*, That at the election provided for in the last preceding section, the legal voters then and there assembled may determine by the votes of two-thirds of all the voters voting at such election the sum of money to be raised and expended within such district for the purpose of opening, working and keeping the roads of such district in repair during the ensuing year; and the sum of money so fixed shall be in lieu of all other road taxes and all other means of opening, working and keeping in repair the roads in such district for that year; and that in no township or district where roads are opened, worked and repaired by hire shall the overseers be authorized to call out the inhabitants and compel them to open, work or repair the same by labor.

3. *And be it enacted*, That all acts and 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 June 17, 1890.

CHAPTER CCLXXXVII.

An Act to provide for the payment to Albert Datz of the sum of twelve hundred and sixty-seven dollars and eight cents, for stationery and printing supplied and performed by him to and for the general assembly of New Jersey during the session of one thousand eight hundred and eighty-nine.

Amount to be paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twelve hundred and sixty-seven dollars and eight cents be paid out of the treasury of the state, on the warrant of the state comptroller, to Albert Datz, for printing and stationery done

and furnished by him for and to the general assembly of New Jersey during the last session of the legislature.

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

Approved June 17, 1890.

CHAPTER CCLXXXVIII.

An Act to amend 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 sixteen of an act entitled "An act for the preservation of clams and oysters" [Revision], approved April fourteenth, one thousand eight hundred and forty-six, which section reads as follows, to wit:

"16. *And be it enacted*, That it shall and may be lawful for the owner or owners, or of any person or persons having a license in writing from the owner or owners, of meadow or other lands, which are opposite or contiguous to flats which are at any time bare, or coves, upon or within which flats or coves there have not been heretofore any natural oyster beds along the shores of such parts of the Newark bay and Staten Island sound as lie within the township of Elizabeth, to plant and lay clams, oysters or other shell-fish upon, within or above such flats and coves, and one chain beyond the same; *provided*, the clams and oysters thus planted shall be enclosed and designated by stakes placed beyond them within the prescribed limits, not less than six rods apart, and of such length as to be at least two feet above ordinary high-water; *and provided, also*, that this section shall not be so

Section to be amended.

construed as to take away or in any wise impair the common rights of citizens to any natural oyster beds which may be embraced by the boundary herein specified," be and same is hereby amended so as to read as follows, to wit:

Owners of
meadow lands
may plant.

16. *And be it enacted*, That it shall and may be lawful for the owner or owners, or any person or persons having a license in writing from the owner or owners, of meadow or other lands, which are opposite or contiguous to flats which are at any time bare, or coves, upon or within which flats or coves there have not been heretofore any natural oyster beds along the shores of the tide waters of this state, to plant and lay clams, oysters or other shell-fish upon, within or above such flats and coves, and one chain beyond the same; *provided*, the clams and oysters thus planted shall be enclosed and designated by stakes placed beyond them within the prescribed limits, not less than six rods apart, and of such length as to be at least two feet above ordinary high-water; *and provided, also*, that this section shall not be so construed as to take away or in any wise impair the common right of citizens to any natural oyster beds which may be embraced by the boundary herein specified.

Proviso.

Proviso.

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

Approved June 19, 1890.

CHAPTER CCLXXXIX.

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:

178. *And be it enacted*, That judges of each of said courts shall receive an annual salary as follows: The judges of each of said courts in cities of twenty 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 quarterly installments, which shall be computed from the day of the appointment of said judges; and the clerks of said courts in cities having, according to the census of eighteen hundred and eighty-five, 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.

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

Approved June 19, 1890.

CHAPTER CCXC.

An Act to provide for the drainage of lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township of this state having authority by law to provide by ordinance for the

Salaries of judges.
Of clerks.
When lawful for townships to provide for clearing out, &c., beds of creeks.

construction of sewers, drains and culverts and other necessary passages for water, and in which any meadow, swamp or other lands improved or otherwise are so situate that they cannot be sufficiently drained without clearing out, cutting down or straightening the beds of creeks or natural water courses therein, it shall be lawful for the township committee or other legislative or governing body of such township, on application in writing therefor, to provide for the clearing out, cutting down or straightening the beds of such creeks or natural water courses.

Lands to be taken upon compensation.

2. *And be it enacted*, That it shall be lawful for the township committee or other legislative or governing body of such township, by ordinance, to cause the beds of such creeks or natural water courses to be cleared out, cut down or straightened, and to take and appropriate the lands and real estate necessary therefor, upon making compensation to the owner thereof, in the same manner and in like proceedings as in cases where land is taken for the construction of a sewer, drain or culvert in such township.

Damages to be paid.

3. *And be it enacted*, That if in deepening, straightening or otherwise altering the bed of any creek or natural water course, or removing any dam, flood-gate or other obstruction therefrom, under and by virtue of the provisions of this act, any owner of land or tenant thereof shall sustain damage, compensation therefor shall be made to such owner or tenant, and the same proceedings shall be had in relation to any award for such damage as in cases where lands are taken, and any such award or awards shall form part of the costs, damages and expenses for the making of any improvement herein provided for.

Assessment of costs, damages, &c.

4. *And be it enacted*, That the costs, damages and expenses incurred for making any improvement or performing any work under and by virtue of the provisions of this act, shall be assessed upon the lands specially benefited by such improvement, to the same extent and in the same manner and in like proceedings as in cases where an assessment for the costs, damages and expenses is made for the construction of a sewer, drain or culvert in such township.

5. *And be it enacted*, That for the purpose of meeting any liabilities for the improvements, or any of them, mentioned in this act, that may at any time be contracted for or be in progress, it shall be lawful for the township committee, or other legislative or governing body in such township, to issue either the registered or coupon bonds of such township, to be styled improvement bonds, to such an amount as such committee or governing body shall by ordinance determine, not, however to exceed in the aggregate the whole cost of such improvement; such bonds shall be sealed with the corporate seal of such township, signed by the chairman of said committee or other governing body in such township, and countersigned and registered by the clerk thereof, and made payable in not less than one nor more than ten years from the date thereof, and shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually.

Township committees to issue bonds.

Bonds to bear interest.

6. *And be it enacted*, That any bonds issued under the provisions of this act shall be negotiated or sold at not less than the par or face value thereof, and the proceeds of such negotiations and sales promptly appropriated and applied to the payment and liquidation of the obligations incurred for any improvement for which such bonds are issued, and for no other purpose whatever.

Bonds to be negotiated at par

7. *And be it enacted*, That all moneys collected and received as principal and interest for and on account of assessments for any improvement for which such bonds are issued, are to be pledged and appropriated for the payment of the principal and interest of the bonds hereby authorized to be issued; and all sums of money, or balance over and above the amount necessary to pay the principal and interest of said bonds at maturity as aforesaid, or that cannot be vested in the purchase of said bonds at par before maturity, shall be safely vested in some readily convertible securities and applied to the payment of said bonds when the same shall become due and payable.

Money to pay bonds.

Surplus to be invested.

8. *And be it enacted*, That it shall be the duty of the township committee or other governing body of said township, and such committee or other governing body of said township is hereby authorized and empowered,

Time to determine amount necessary annually.

by resolution, to fix and determine annually, on or before the second Tuesday in May in each year, how much money is necessary to be raised by taxation to pay the interest on such bonds as fall due within one year from the time of adopting such resolution, and to order such sum to be assessed and collected for the purpose aforesaid; a copy of which resolution shall be served by the township clerk on the township assessor of such township, and thereupon the sum so ordered to be raised shall be assessed upon all the ratables and taxable property in such township, and collected in the same manner and at the same time that other township taxes are assessed and collected; and the money so raised shall be applied to the payment of such principal and interest falling due on said bonds and to no other purpose.

Sum to be raised by assessment.

Money to be used in paying bonds.

Repealer.

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

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

Approved June 19, 1890.

CHAPTER CCXCI.

A Supplement to an act entitled "An act concerning the government of cities of this state," approved April sixth, one thousand eight hundred and eighty-nine.

Governing body may grant the right to have covered platforms on sidewalks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any common council or other governing body of any city which shall accept or shall have already accepted the provisions of the act to which this is a supplement, shall hereafter or shall have heretofore granted to any person or corporation the right to have a covered platform on the sidewalk of any

road or street, that it shall be lawful for such person or corporation to have such platform and use the same; *pro-Provido.* *vided*, the said person or corporation owns all the property where said platform is located, and the same is to be used only for trucks and vehicles to unload thereon or load therefrom, and said sidewalk has not been flagged, but such permission to be revocable at any time by said common council or other municipal body.

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

Approved June 19, 1890.

CHAPTER CCXCII.

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.

1. BE IT ENACTED *by the Senate and General Assembly of* Section amended *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:

2. *And be it enacted*, That when any building shall be erected in whole or in part by contract in writing, such Building and lands liable to contractor. 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 Provido. a duplicate thereof, be filed in the office of the clerk of the county in which such building is situate; *and further* Provido. *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 employed in the erecting or construction thereof, and who may have a lien upon such building or lands by virtue of this act, 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 performed or materials furnished for the erection and construction of such building, in accordance with a stipulation to that effect to be inserted in such contract, which release shall have thereunto annexed an affidavit made and subscribed by such contractor, before any public officer of this state authorized to administer oaths and affirmations, setting forth the names and residences of all such materialmen, journeymen and laborers, and the several sums of money due to each of them respectively, for work done or materials furnished in the erection of such building, and further setting forth that such materialmen, journeymen and laborers, and no other person or persons, have any lien upon such building or lands by reason of work done or furnished materials for the erection and construction of such building.

Penalty.

2. *And be it enacted*, That if any one shall falsely swear or affirm in the making of any affidavit or affirmation provided for by this act, he shall be deemed guilty of perjury, and on conviction thereof shall be liable to all the penalties provided by law therefor.

3. *And be it enacted*, That this act shall take effect on September first, one thousand eight hundred and ninety.

Approved June 19, 1890

CHAPTER CCXCIII.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the supplement of the act to which this is a supplement, which was approved May twelfth, one thousand eight hundred and ninety, be and the same is hereby amended so as to read as follows:

4. *And be it enacted*, That the quartermaster-general is hereby authorized to issue to each commissioned officer and non-commissioned officer, who does not bear arms, a rifle for use in rifle practice; *provided*, that said officer or non-commissioned officer shall give good and sufficient bonds therefor.

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

Approved June 19, 1890.

CHAPTER CCXCIV.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the establishment of a weather service being necessary to secure a complete his-

tory of the weather of New Jersey, in order to furnish trustworthy material for study of its climate, to acquaint the people of the state with the physical conditions of every locality, based upon reliable climatic data, and during the growing season to furnish reliable information as to the actual condition of the staple crops, thereby greatly benefiting the agricultural, commercial and municipal interests, there is hereby created at the agricultural experiment station, New Brunswick, a central weather station.

Board of directors. 2. *And be it enacted*, That the director, the senior chemist, the professor of botany and horticulture, and a fourth person, to be appointed by the governor, shall constitute a board of directors and be duly qualified as like officers of the state.

Station in each county. 3. *And be it enacted*, That the director of the state experiment station is hereby appointed president of the board, who, by and with the advice of the directors, shall establish, if practicable, one volunteer weather station in each county of the state, and furnish the same with a set of standard instruments, instrument shelter, rain and snow gauge, and that said director shall supervise the same; he shall receive reports therefrom and reduce the same to tabular form, and report the same monthly for publication as the New Jersey weather report, and shall annually make a report to the governor, which shall contain a detailed statement of all expenditures made during the year and a summary of the observations taken at the various stations.

Reports made. Reports to be printed. 4. *And be it enacted*, That the president of the board shall print, under contract, copies of each monthly report, and such weekly reports during the growing season as may be deemed advisable, the same to be distributed by the board.

Appropriation for expenses. Salaries and rent not to be paid. 5. *And be it enacted*, That there is hereby appropriated for the establishment of said weather stations the sum of one thousand dollars, or so much thereof as may be necessary for the purpose of meeting the actual expenses of carrying out the provisions of this act; no part of said sum shall be paid for salaries of any officer or for office rent.

6. *And be it enacted*, That no money shall be expended except under the order of the president director, by and with the approval of the board. Expenditures made with approval of the board

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

Approved June 19, 1890.

CHAPTER CCXCV.

An Act to provide for submitting proposed amendments to the constitution of this state to the people thereof.

WHEREAS, Certain proposed amendments to the constitution of the state of New Jersey were at the session of the legislature of this state, in the year one thousand eight hundred and eighty-nine, agreed to by a majority of the members elected to each of the two houses thereof, and entered on the journals of each of said houses, with the yeas and nays taken thereon and referred to the legislature then next to be chosen; *and whereas*, the said proposed amendments were published as required by the constitution; *and whereas*, in the legislature then next chosen, being the legislature now in session, such proposed amendments have been agreed to by a majority of all the members elected to each house; *and whereas*, the constitution of this state requires the legislature to submit such proposed amendments as have been agreed to as aforesaid to the people at a special election to be held for that purpose only; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on Tuesday, the thirtieth day of September next, an election shall be held in the several townships and wards of this state, at the place or places in each of said townships or wards where the last Election to be held

election for governor was held, to enable the electors qualified to vote for members of the legislature to vote for or against each of such proposed amendments to the constitution.

Present judges
of election to be
judges of the
election.

2. *And be it enacted*, That the judges of election in the several townships and wards who shall be in office on the thirtieth day of September next, shall be the judges of said election, and the polls shall be opened and closed at the times now fixed by law for opening and closing of polls at the annual election in this state, and the said election shall be conducted by the same officers and in the manner now required by law in conducting the annual elections in this state, unless otherwise directed in this act.

Ballots.

3. *And be it enacted*, That at such election each voter may present a ballot on which shall be written or printed, or partly written or partly printed, in the form following, namely :

For or against.

For all propositions on this ballot which are not canceled with ink or pencil, and against all which are so canceled ;

Regulating the
internal affairs
of towns and
counties.

For the proposed amendment to article four, section seven, clause two, subdivision three, which reads as follows, "regulating the internal affairs of towns and counties, appointing local offices or commissions to regulate municipal affairs" by omitting the words "regulating the internal affairs of towns and counties," and by changing the word "offices" to "officers," so that the same shall read "appointing local officers or commissions to regulate municipal affairs ;"

Judges of the
court of com-
mon pleas shall
hold their
offices for five
years.

For the proposed amendment to article seven, section two, clause two, by omitting the words "shall be appointed by the senate and general assembly in joint meeting; they," so that the same shall read "2. Judges of the court of common pleas shall hold their offices for five years; but when appointed to fill vacancies they shall hold for the unexpired term only."

Vacancies filled
for unexpired
term.

How ballots are
counted

4. *And be it enacted*, That each of said ballots shall be counted as a vote cast for each proposition thereon not canceled with ink or pencil, and against each proposition so canceled, and return thereof shall be made accordingly by the judges of election.

5. *And be it enacted*, That all persons entitled to vote in this state for members of the legislature at the time of said election shall, in their respective townships and wards, be entitled to vote at the poll where they would be entitled to vote for members of the legislature. Who entitled to vote.

6. *And be it enacted*, That after finally closing the polls of such election, the judges of election shall count and canvass the ballots given, relative to each of the said proposed amendments to the constitution, and thereupon shall set down in writing the whole number of votes given for each of the said proposed amendments in the words in which the said proposed amendment is hereinbefore given, and the whole number of votes given against each of the said proposed amendments as hereinbefore given, and shall certify and subscribe a statement of the result of the same, and cause the same certified to be delivered by a messenger appointed by them to the secretary of state of this state within one week after said election, who shall forthwith file the same in his office as an official paper. Judges to count and canvass votes

7. *And be it enacted*, That it shall be the duty of the governor to summon four senators as state canvassers. That it shall be the duty of the governor to summon four senators as state canvassers. day after such election, four or more of the members of the senate, who shall meet on the last named day in the senate chamber, in the city of Trenton, at the hour of two o'clock P.M., and they, with the governor, shall constitute a board of state canvassers to canvass and estimate the votes given for and against each of said amendments, and the said board of state canvassers shall proceed to organize and determine the result according to the provisions of the act entitled "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, so far as they are applicable, and shall determine and declare which of said proposed amendments have been adopted, and shall forthwith deliver a statement of the result as to each amendment to the secretary of state of this state, to be filed in his office as an official paper, and any proposed amendment which by said certificate and determination of the board of state canvassers shall appear to have received in its favor a majority of all the votes cast in the state for and against said proposed amendment shall from the time of filing said certificate

be and become an amendment to and part of the constitution of this state, and it shall be the duty of the governor of this state forthwith, after such determination, to issue a proclamation declaring which of said proposed amendments have been adopted by the people.

When and how
act is to be pub-
lished.

8. *And be it enacted*, That this act, together with the said proposed amendments, shall be published in all the newspapers which were authorized by law, on the first day of January, eighteen hundred and ninety, to publish the laws of this state, and the same shall be published in the said newspapers for four weeks next preceding said election once in each week, and no other publication shall be made in said newspapers, but neglect or failure to publish as aforesaid shall not impair the validity of such election, and the secretary of state shall furnish a copy of this law to each of said newspapers.

Notice of elec-
tion to be given.

9. *And be it enacted*, That the same notice of the election provided for by this act in the townships and wards of the state shall be given as is now required by law in case of the annual election for members of the legislature.

Compensation of
officers of elec-
tion

10. *And be it enacted*, That all officers of election who shall assist in conducting said election shall receive the same compensation and be paid in the same manner as is now provided by law in case of the annual election.

Registry law
not applicable.

11. *And be it enacted*, That no law respecting the registration of voters shall be applicable to the election provided for by this act.

Secretary of
state to prepare
ballots.

12. *And be it enacted*, That it shall be the duty of the secretary of state to prepare and have printed a sufficient number of ballots provided for in this act in the form herein provided for the use of the voters of the state, and shall, at least two weeks before the time fixed herein for said election, transmit to the clerk of each county in this state a sufficient number for the use of the voters of that county, and it shall be the duty of the clerk of each county, at least one week before said election, to transmit to the judges of election in each polling district of his county a sufficient number for the use of the voters of such polling district.

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

Approved June 19, 1890.

CHAPTER CCXCVI.

A Supplement to the act entitled "An act to regulate the practice of courts of law" [Revision], approved March twentieth-seventh, one thousand eight hundred and seventy-four.

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

232. *And be it enacted*, That if the plaintiff reside out of Plaintiff to give
this state he shall, if required at any time before the trial bond.
of the case is actually entered upon, give bond to the defendant in one hundred dollars, with sufficient sureties, being freeholders and residents in this state, with condition to prosecute his action with effect and to pay costs if he discontinue, be non-suited or a judgment pass against him; which bond shall be filed in the clerk's office of the Bond filed.
court in which such action is pending.

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

Approved June 19, 1890.

CHAPTER CCXCVII.

Supplement to an act entitled "An act to authorize the purchase and condemnation of lands, and the erection of market buildings for market purposes in the cities of this state, and other places in which market facilities are or may be required for public use, and to provide therefor," approved April twenty-second, one thousand eight hundred and eighty-six.

Commissioners authorized, in the erection of buildings, to locate on lands purchased or condemned.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement shall be held and construed to include the right on the part of the commissioners appointed thereunder, in the erection and construction of any buildings erected or to be erected, to locate the same or any part thereof wholly or partly on the grounds purchased or condemned, or wholly or partly on other lands owned by such city, devoted to market purposes; *provided*, the consent of the common council or other governing body of such city has been or shall be obtained to the location thereof.

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

Approved June 20, 1890.

CHAPTER CCXCVIII.

An Act to amend an act entitled "A supplement to an act entitled 'An act to incorporate and regulate telegraph companies,'" approved April ninth, one thousand eight hundred and seventy-five, which supplemental act was approved March eleventh, one thousand eight hundred and eighty, and to extend the provisions of said act approved April ninth, one thousand eight hundred and seventy-five, and all supplements to said last mentioned act, to telephone companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "A supplement to an act entitled 'An act to incorporate and regulate telegraph companies,'" approved April ninth, one thousand eight hundred and seventy-five, approved March eleventh, one thousand eight hundred and eighty, be and the same hereby is amended so as to read as follows:

2. *And be it enacted*, That in case any owner or owners of the soil of any road or highway, on or along which any telegraph or telephone company, organized or incorporated under any law of this state, may desire to erect its poles and place its wires or other fixtures, shall refuse to give his, her or their written consent to such use of said road or highway, where consent is required by law, or where, by reason of the legal incapacity or absence of such owner or owners from this state, or because the names or residences of such owner or owners may be unknown, such consent cannot be obtained, it shall be lawful for such company to present its petition to the circuit court of the county in which said road or highways are situate, or to the judge thereof in vacation, setting forth the privilege or right of way desired or sought to be acquired, the names of the owners of the soil if known,

Section amended

Lawful for company to present petition for privilege or right of way.

or if not known or non-resident of the state, that fact shall be stated, and the names of any number of owners or any number of descriptions of the premises desired may be mentioned in one petition, whereupon the said court shall fix the time and place for hearing the matter contained in said petition, and direct notice thereof to be served on the person or persons or corporations interested at least six days prior to said hearing, such service to be made in the same manner as writs of summons issued out of said court are served, or, if the owner be unknown or non-resident in this state, such notice shall be published in a newspaper in said county for the like period, or for such longer period as the court may direct, and in case the post office address of such non-resident owner can be ascertained, a copy of such notice shall be mailed to him or her (postage prepaid) under the direction of said court; at the time mentioned for said hearing the said court (unless good cause to the contrary appear) shall appoint three disinterested freeholders, residents of said county, commissioners to assess and appraise the damages which such owner or owners may sustain by reason of the erection and maintenance of such telegraph or telephone lines; before entering upon such service said commissioners shall severally be sworn faithfully and impartially to perform the duties required of them, and shall, on view, make a just appraisal, in writing, of the damages, if any, sustained by such owner or owners, and file a report thereof in the office of the clerk of said court; if any damages are assessed, the said company shall pay or tender the amount of the same to the party to whom the award is made; if such owner be unknown or cannot be found, they shall pay the same into the said court, and thereupon, or if no damages are found to be sustained, the said company shall have full power to use such road or highway on the line of their route for the purpose of erecting posts or poles on the same to sustain their wires and other fixtures; said commissioners shall receive three dollars for each day's service performed by them, to be paid by said company, and any party aggrieved by the assessment of damages may have the matter determined by a jury; *provided*, an appeal be made to the said court within thirty days from

Commissioners appointed.

Commissioners sworn.

Company to pay damages.

To have power to use road.

Compensation of commissioners.

Proviso.

the time of filing the report by the said commissioners, and said court shall thereupon order a trial by jury, to be conducted as any other case of similar trial; if the jury increase the damages the same and all costs and charges shall be paid by the company, otherwise the costs and charges to be paid by the owner or party interested; and judgment may be entered upon the verdict of said jury and execution issued thereon as in other cases, unless said company shall, within ten days after said verdict is rendered, elect to abandon their proposed route or appropriation of said road or highway by an instrument in writing to that effect, to be filed with the clerk of the said court and entered on the minutes thereof, and as to so much as is thus abandoned the assessment of damages shall be void; *provided*, that upon such abandonment the costs of all proceedings to be taxed by the said court shall be paid by the company to the opposite party; *and provided, also*, that all the provisions of this section shall apply to any telegraph or telephone company specially incorporated; *and provided further*, that nothing in this section contained shall in anywise modify, affect, alter or repeal any of the provisions or requirements of section one of the said act, approved March eleventh, eighteen hundred and eighty.

2. *And be it enacted*, That the provisions of the said act entitled "An act to incorporate and regulate telegraph companies," approved April ninth, one thousand eight hundred and seventy-five, and all supplements thereto, be and the same are hereby declared to extend to all telephone companies heretofore organized within this state, in the manner provided in said last mentioned act for the organization of telegraph companies and the supplements thereto; and telephone companies may be hereafter organized under said act and the supplements thereto and have and exercise all the powers and privileges conferred in and by said last mentioned act and the supplements thereto upon telegraph companies, and such companies shall be subject and liable to all the provisions of said last mentioned act and the supplements thereto, in the same manner and to the same extent that telegraph companies are or may be.

Proviso.

Proviso.

Proviso.

Provisions of certain act extended.

Telephone companies authorized.

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

Approved June 20, 1890.

CHAPTER CCXCIX.

An Act to repeal an act entitled "An act to enable cities in this state to improve and extend their water-supply in said cities, and to issue bonds for the payment thereof" (which act was approved February the twenty-sixth, one thousand eight hundred and ninety).

Sections re-
pealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections one, two, three, four, five, six, seven, eight, nine and ten of the act to which this act is a repealer be and the same are hereby repealed in all their provisions.

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

Approved June 20, 1890.

CHAPTER CCC.

Supplement to an act entitled "An act to provide for the incorporation of associations for the erection and maintenance of hospitals, infirmaries, orphanages, asylums and other charitable institutions," approved March ninth, 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 a supplement, be and the same is hereby amended so that the same shall read as follows: Section amended

7. *And be it enacted*, That the property and effects of any association organized under this act, and held for its purposes to an amount not exceeding ten thousand dollars, shall not be liable to the imposition of any taxes. Property not liable to taxes.

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

Approved June 20, 1890.

CHAPTER CCCI.

An Act to enable cities of the second class to acquire lands, for or without consideration, or by devise, beyond and within three miles of the corporate limits of said cities, for public parks, and to provide for the development and control of said lands for park purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of aldermen or common council of cities of the second class shall have Aldermen or common council authorized to acquire lands for public parks.

power to acquire lands, for or without consideration therefor, or by devise, beyond and within three miles of the corporate limits of said cities, for public parks only and exclusively.

Parks, how managed.

2. *And be it enacted*, That the said lands for public parks, when acquired, shall be under the control and management of a park commission, to be composed of five citizens of said city, who shall be appointed by the mayor, and confirmed by a majority of the board of aldermen or common council, who shall hold their positions for five years and until their successors shall qualify; at least two shall be of the minority party.

How cities may provide for development and improvement of parks.

3. *And be it enacted*, That the boards of aldermen or common council in said cities are hereby empowered to provide, by ordinance, for the proper development and improvement of said public parks acquired as aforesaid, and to make the necessary appropriations therefor.

Lands free from taxation.

4. *And be it enacted*, That all lands acquired as aforesaid, for said parks, shall be free from all assessments or taxation whatsoever.

Repealer.

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

Approved June 20, 1890.

CHAPTER CCCII.

A 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.

Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of an act entitled "An act to regulate the action of replevin" [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 :

6. *And be it enacted*, That every sheriff or coroner before he makes deliverance of any goods or chattels by virtue of any writ of replevin, shall take in his own name from the plaintiff with sufficient surety a bond in double the value of the goods and chattels mentioned in the writ, such value to be ascertained by the oath or affirmation of one or more disinterested witnesses, which oath or affirmation may be made before such sheriff or coroner or before any officer authorized by law to administer oaths, and conditioned for prosecuting the suit with effect and without delay and for duly returning the said goods and chattels in case a return shall be awarded; *provided*, the said sheriff may accept in lieu of such bond a deposit in cash amounting to double the appraised valuation of such goods and chattels; and if any sheriff or coroner shall take security otherwise or neglect to take sufficient security, he shall answer for the value of the goods and chattels.

Sheriff or coroner authorized to take b. nd.

Proviso.

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

Approved June 20, 1890.

CHAPTER CCCIV.

A Supplement to an act entitled "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, which supplement was 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 any person or persons who have or who shall have last resided in any township of

Person legally settled when he has resided in a township ten years.

Proviso.

this state for the period of ten consecutive years shall be considered as legally settled in said township; *provided*, that this act shall not be so construed as to give a legal settlement to any person or persons inmates of any home for feeble-minded, home of old people, or home for the homeless.

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

Approved June 20, 1890.

CHAPTER CCCV.

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

Acknowledg-
ment of deeds
valid when cer-
tificate does not
state that officer
was authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every acknowledgment or proof of any deed or conveyance of lands, tenements or hereditaments lying and being in this state, heretofore made by any grantor or witness thereto, before or by any officers in some other state in the union or territory thereof, authorized at the time of such proof or acknowledgment, by the laws of the state or territory wherein such proof or acknowledgment was made or taken, to take the proofs and acknowledgments of deeds or conveyances of lands, tenements or hereditaments lying or being in such state or territory, shall be good, valid and effectual in law, and the record thereof admissible in evidence and good, valid and effectual in law for all purposes, notwithstanding the certificate accompanying such acknowledgment or proof, under the great seal of such state or territory, or under the seal of a court of record of the county in which it was made, does not certify that the officer before whom such proof or acknowledgment was made was, at the time of the taking thereof, authorized

by the laws of such state or territory to take the acknowledgments and proofs of deeds or conveyances for lands, tenements or hereditaments in such state or territory; *provided*, such certificate, and such acknowledgment or Proviso. proof, and the certificate thereof, in all other respects conforms to the laws of this state.

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

Approved June 20, 1890.

CHAPTER CCCVI.

An Act to authorize the improvement of public roads and streets 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 township committee of any township of this state, on the application in writing to the said township committee by some of the owners of the lands fronting on any public road or street in said township, the grade of which has been theretofore established by ordinance of such township, or any section of such road or street, to proceed to improve such road or street or section thereof not exceeding the limits applied for by grading, paving, macadamizing, flagging, planking, curbing and guttering the same in such manner and with such materials as set forth in such petition and under the supervision of the surveyor therein named; that on the receipt of such petition the said township committee shall immediately thereafter, by resolution, direct the township clerk to advertise the said application or petition for two weeks, once in each week, successively, in one or more newspapers published in such county and circulating in said township, and to post copies of the said petition in five of the most public places in said township, designated by the township committee,

Lawful to grade, pave, &c., roads and streets in townships.

Notice to be given for objections.

Notice to be served on owners.

Proviso.

for ten days; the clerk shall also publish and post as above, a notice, stating that objections in writing to the said proposed improvement may be filed with him, and of the time and place when and where the township committee will meet to consider such objections, which time shall not be less than ten days after the date of the first publication in said newspaper; said clerk shall also serve or cause to be served a like notice on the owners of property residing along the route of said proposed improvement by leaving such notice at such residence with any person thereon, at least five days previous to the meeting of said township committee; *provided*, no assessment shall be set aside or affected by reason of the failure of the township clerk to serve said notice; at the expiration of said time designated for publishing and posting, the township clerk shall file in his office a copy of said petition and notice, with an affidavit annexed showing that the same has been published and posted as required by law; at any time after the expiration of the time named in said notice the township committee may forthwith proceed to pass an ordinance for said improvement unless the owners of a majority of the property along the route of the proposed improvement object thereto, in which case all costs and expenses incurred by the township committee in such proceeding shall be repaid to the township by the petitioners for such improvements; and the township committee may make such regulations touching the receiving any petition and the proceedings thereon, and security for the expenses thereof, as they may deem proper; the ordinance may be introduced and passed at the same meeting, and it shall be valid if it describes in general language the improvements authorized by the township committee, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the township clerk shall publish and post a printed copy of said 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 in like manner at the expiration of the time designated for publishing and posting said ordinance, shall file in his office a copy of

said ordinance, with an affidavit annexed thereto showing that the same has been duly published and posted.

2. *And be it enacted*, That at any time after the passage of said ordinance, the township committee may direct the township clerk to advertise for proposals for said improvements in one or more newspapers to be designated by the township committee, and the township committee may, at any time after the expiration of the time for publishing and posting said ordinance, enter into a contract with any person or persons to furnish the work and materials for said improvement, with such other agreements and covenants therein as shall be approved by the township committee; but the township committee shall be under no obligations to accept the lowest bid, and may reject all bids if they deem it best for the interest of the township; and in case of rejecting all proposals received, these shall again advertise for proposals, and proceed in all things as if no proposals had been offered; the township committee shall require the party or parties who enter into the contract to give a bond, with ample freehold security, for the due performance thereof.

Proposals to be advertised for.

Under no obligations to accept lowest bid.

To again advertise if all bids are rejected.

Parties entering into contract to give bond.

3. *And be it enacted*, That the township committee, upon the written application of the owners of a majority of the lands to be assessed therefor, may appoint an inspector over the work to be done and the materials to be furnished in the making of such improvement, and include in the assessment therefor the amount paid to such inspector for his services as such not exceeding four dollars per day.

May appoint an inspector over work and material.

4. *And be it enacted*, That before the township committee accept any work on any street improvement or the clerk issue any final certificate, they shall notify the property owners to bring in writing any objections they may have; the clerk to publish notices at least ten days before the meeting, in the manner hereinbefore provided for; if the objections are found worthy of consideration, then the township committee shall appoint a committee of two of their board to examine such work, and report thereon to said township committee before the acceptance of the said work by them, and the decision thereof by the township committee shall be final and binding on the owners and contractor.

Committee to notify property owners before work is accepted

Notice to be published.

Objections to be submitted to two members.

5. *And be it enacted*, That three commissioners shall be appointed by resolution or ordinance of said township committee, as soon as possible after the letting of contract for said work; they shall, before they enter upon the performance of their duty, file with the township clerk an affidavit which they may take before said clerk, he being hereby given the same power to administer oaths and affirmations to said commissioners as is now possessed by justices of the peace; in said affidavit they shall swear that they are not interested in said improvement, and do not own any property along the line thereof, that they are freeholders resident in said township, and that they will execute faithfully the duties of their office; after taking said oath the said commissioners may proceed immediately to execute the duties of their office, and they shall examine into the whole matter and shall determine and report in writing to the township committee what real estate fronting upon and adjacent to said improvement ought to be assessed, and what proportion of the expense thereof shall be assessed to each separate parcel or lot of land; and they shall accompany such report with a map containing each lot assessed and the names of owners thereof as far as the same are known to the said commissioners, but no assessment shall be deemed defective by reason of any mistake in the names of said owners or omitting said names or any of them; this report and map shall be filed in the office of the township clerk, and thereafter said clerk shall publish and post a notice in the same way and manner and for the same time as he published and posted the petition for said improvement, stating that the map and report of the commissioners have been filed in his office, and that the township committee will consider any objections to said assessment presented in writing, on or before a day named in said notice, to be fixed by said township committee, which day shall be at least ten days after the first publication, on which day the township committee will meet to consider such objections; in case the objections to the assessment are not sustained by them the township committee may confirm such assessment, or if they refuse to confirm the same, they may return it to the said commissioners for such amendment as may to the commis-

Commissioners to be appointed.

To make affidavit.

To faithfully execute their duties.

Duties of commissioners.

To report with map.

Report and map filed.

Commissioners to confirm or reject assessments.

sioners seem necessary, and the township committee may thereafter without any notice to any person confirm said assessment, and upon said confirmation said assessment shall constitute a first paramount lien on the property assessed for the amount of such assessment, and shall be collected under and by virtue of an ordinance or ordinances made by said township committee for that purpose; and if the persons assessed neglect to pay the township treasurer the amount of their respective assessment within thirty days from the passage of the ordinance to collect the same, then it shall be the duty of the township committee and the collector of taxes in said township to proceed immediately in the collection thereof by enforcing said lien by the sale and conveyance of said land and real estate in the manner and to like effect as prescribed in a certain 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, eighteen hundred and seventy-nine, and any supplement or supplements thereto.

6. *And be it enacted*, That whenever, within the said township, any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the township committee, it shall be lawful for the township committee to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per centum per annum from and after the expiration of thirty days from the time of confirmation of such assessment until the same is paid; no other notice than required by this act need be given to any person interested in any improvement or assessment thereof; the minutes of the township committee and all papers filed in the clerk's office, or certified copies thereof, shall be evidence in all courts and places that the statements therein set forth are true, and that everything therein to have been done has been done and performed as therein stated; *provided*, that if any person or persons whose property shall be liable to any such assessment shall pay the same, or any part thereof, to the township treasurer at any time before the expiration of thirty days from the confirmation thereof, it shall be lawful for the said treasurer to allow and de-

In case of refusal to pay amounts to be collected by sale and conveyance of land and real estate.

Assessments remaining unpaid to have interest added until paid.

No other notice required.

Minutes and papers or copies to be received in evidence.

Proviso.

duct from the amount of assessment so paid, interest thereon, to be computed at the rate of seven per centum per annum from the time of such payment until the expiration of the said thirty days.

Township committee to issue improvement certificates for seventy per cent. before completion of contract.

Twenty per cent. when work is done.

Balance in ninety days.

Power to issue coupon bonds.

For redemption of certificates.

Time of bonds to be redeemed.

Compensation of commissioners.

Costs for certiorari.

7. *And be it enacted*, That the township committee shall have power to issue improvement certificates, payable within one year or less, with interest, to the amount of seventy per centum of the work done on any street improvement, when certified as correct by the surveyor; and when the contract is fully completed and the work accepted by the township committee, they may issue a certificate for an additional twenty per centum of said work done; and in ninety days after the date of that certificate they may issue a final certificate for the balance due, unless some errors or defects in the work shall have appeared, in which case the certificate shall be withheld until the defects or errors are rectified to the satisfaction of the township committee.

8. *And be it enacted*, That in case any certificate heretofore or hereafter given for work on any street shall become due before the assessment for said street improvement is collected, the township committee shall have power to issue coupon bonds, payable in not exceeding five years, for the redemption of said certificate; and also for the paying of interest and redemption of said certificate, and also for the paying of interest and redemption of said bonds, which may at any time be unprovided for; said bonds to be redeemable, at the pleasure of the township committee, by publishing sixty days' notice when and where such bonds shall be redeemed, and all interest thereon shall cease after the date named in said notice.

9. *And be it enacted*, That commissioners appointed by the township committee for making assessments for all street improvements and for all other assessment purposes shall receive for their services a sum fixed by the township committee, but not to exceed five dollars per day.

10. *And be it enacted*, That in cases in which persons shall bring writs of certiorari to remove the proceedings of the township committee, it shall be lawful for the township clerk to charge and receive from the parties bringing certiorari, at the rate of ten cents per folio for

the necessary return thereto, and said parties bringing such certiorari shall pay said sum to said clerk before the return day of such certiorari, and, in default thereof, the court shall dismiss said certiorari; no costs shall be allowed the prosecution in certiorari on setting aside any ordinance, assessment or proceeding of said township committee; that no ordinance, or assessment, or proceeding of the township committee of said township shall be set aside on certiorari by reason of the return of said certiorari failing to show that the requirements of this act have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of said township may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any of said reasons; and the township committee may take proof with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceeding in question the same as if such facts had properly appeared in the minutes, records and proceedings of said township committee.

Costs not allowed prosecution.

Proceeding in certiorari.

Township committee to take proof.

11. *And be it enacted*, That whenever any assessment is set aside the said township committee may appoint new commissioners to make a new assessment, and if it shall appear by the judgment of the court that the assessment heretofore made, or any part thereof, was illegal and uncollectible from the property owners, and that a portion should be assessed on the township at large, then and in that case there shall be five commissioners chosen, two by the township committee and two by property owners interested; the property owners shall be notified by the township clerk to meet for that purpose at such time and place as may be designated by the township committee, which notice shall be published in the official paper of said township, and on the township bulletin, for at least two weeks previous to said meeting, and in default of said choice the town committee to have power to appoint said two commissioners, and the four commissioners to choose the fifth, who shall examine into all details of the matter and proceed and make an assessment which shall be equitable to the property owners and the township,

When assessments are set aside.

Property owners to be notified to meet.

and report thereon to the township committee, which, if the township committee approve, they may confirm, or if they disapprove they may return to the commissioners for their reconsideration; after such reconsideration the commissioners shall bring in their report and file with the township clerk; and the township committee shall confirm the same, and the amount assessed against the township shall be collected as otherwise provided for in this act; said commissioners shall, before they enter upon their duties, subscribe an oath to make an assessment that shall be just and equitable to the property owners and the township at large, that no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said township after the contract thereof shall have been awarded by the township committee of said township; and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said township after thirty days shall have elapsed from the date of the confirmation of said assessment by the township committee of said township; that in case any assessment for any improvement is set aside on certiorari, after a portion of the said assessment has been collected by the corporate authorities of said township, that in that case all sums of money so collected shall be refunded and paid to the then owners of lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment so set aside on certiorari, the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

12. *And be it enacted*, That in case of any injunction, certiorari or other legal proceedings being served on the township committee during the progress of any improvement contemplated in this act, the township committee may proceed with all other portions of said improvement which are not included in the said injunction, certiorari or other legal proceedings, and on the completion thereof the commissioners of assessment may assess that portion of the property which may have been improved for its fair

Report filed.

Township committee to confirm.

Commissioners to take oath.

Setting aside assessments.

Assessments to be refunded when set aside.

New assessments to be made.

To proceed with portions of work when injunction is served.

proportion of the costs and expenses of the said improvement and the township committee shall cause the assessment so made to be collected as though the improvement had been completed, and when the balance of the improvement so included in the injunction, certiorari or other legal proceedings shall be completed, the assessment therefor shall be made and collected by the usual proceedings under street improvements as a separate assessment.

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

Approved June 20, 1890.

CHAPTER CCCVII.

A Supplement to an act entitled "An act concerning executors and the administration of intestates' estates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of* Section amended *the State of New Jersey*, That the ninth section of the act to which this is a supplement, as amended by the act entitled "A supplement to the act entitled 'An act concerning executors and the administration of intestates' estates'" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and approved April twentieth, one thousand eight hundred and eighty-five, be and the same is hereby amended so that the amended section shall be and read as follows:

9. *And be it enacted*, That whenever any person has died or shall die intestate within this state, and has left or shall leave no relations justly entitled to the administration of his or her personal estate, or who, if so entitled, has not claimed or shall not claim the same within fifty days after the death of such person so dying intestate, it shall be lawful for the ordinary or the orphans' court to grant letters of administration on such decedent's estate

Ordinary or orphan's court to grant letters of administration when persons die intestate.

Administrators
to put surplus
out at interest.

Administrator
empowered to
pay principal
and interest to
townships or
cities when
claim is not
made therefor
within seven
years.

Proviso.

to any fit person or persons applying therefor, taking his, her or their bond for the faithful execution of the trust reposed in him, her or them; and such administrator or administrators shall, at the expiration of one year after the death of such intestate, put the surplus of said estate, after payment of debts and necessary expenses, out at interest, and pay the net interest or income thereof annually to the treasurer of the township or city in which said intestate has so died or shall so die, to and for the use of the poor of said township or city, and shall, whenever applied to for that purpose, pay the principal of such personal estate, if thereto required by the judgment or decree of any court of competent jurisdiction within seven years next after the decease of such intestate, to his or her legal representative or representatives applying for the same, by assigning to him, her or them the bond or other security therefor, or by otherwise satisfying him, her or them for the same; and if no person or persons legally entitled to the personal estate of such intestate shall, within the said seven years next after his or her decease, make application as aforesaid to such administrator or administrators for the said principal, he, she or they so entitled shall forever thereafter be debarred from all right, title or claim to such decedent's personal estate, and the said administrator or administrators shall, immediately after the expiration of the said seven years, pay the whole of the said principal, with the interest that may then be due thereon, to the treasurer of the township or city in which said intestate died, to and for the use of the poor of the said township or city; *provided, always,* that the right of foreigners, by treaty or otherwise, shall not be affected by anything in this section contained.

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

Approved June 20, 1890.

CHAPTER CCCVIII.

An Act to amend an act entitled "An act concerning idiots and lunatics," 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 two of said act be amended so as to read as follows: Section amended

2. *And be it enacted*, That when any person residing out of this state hath been or shall be duly found and proved to be an idiot or lunatic, according to the laws of the state, territory, nation or kingdom where such idiot or lunatic shall reside, it shall and may be lawful for the orphans' court of any county in the state in which any property or real estate of such idiot or lunatic may be found or situate, or for the ordinary of this state, upon application made to them for that purpose, and upon exhibiting to the said court and filing in the surrogate's office of such county, or with the register of the prerogative court, an exemplified copy of the proceedings upon such inquest or finding of idiocy or lunacy, or upon proof being made that an inquest has found the said person to be an idiot or lunatic, and that such person is yet an idiot or lunatic, to make an order that cause be shown before the court to whom such application may be made, at a certain time and place therein to be expressed, not less than thirty days nor more than six months from the time of making such order, why a guardian should not be appointed for the said idiot and lunatic, which order shall be served or published in such manner as the said court shall direct; *provided*, that when it shall appear to the court that the person making such application for the appointment of guardian has been appointed guardian, trustee or committee of such idiot or lunatic in the state or kingdom where the said person may have been found by an inquest an idiot or lunatic, in that case the said Orphans' court or ordinary to make an order that cause be shown why non-resident idiots or lunatics should not have guardians appointed.

Proviso.

court may at once appoint the person making the application guardian of such idiot or lunatic, without the order to show cause as above stated.

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

Approved June 20, 1890.

CHAPTER CCCIX.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to remove the fire and police departments in the cities of this state from political control,' approved May second, one thousand eight hundred and eighty-five," which further supplement was approved March thirty-first, one thousand eight hundred and ninety.

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

Compensation for patrolmen. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state that have adopted the provisions of the act to which this act is a further supplement, the police commissioners shall fix the compensation of the patrolmen at the rate of two dollars and seventy-five cents per day, the said compensation to begin on the first day of the next calendar month after this act shall go into effect; *provided, however*, that nothing in this act contained shall apply to the police commissioners of any of the cities of this state other than the cities of the first class.

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

Approved June 20, 1890.

CHAPTER CCCX.

An Act amending "An act to provide for the election of road overseers in their respective districts," approved April twenty-eighth, one thousand eight hundred and eighty-four, as amended by the act approved February twenty-ninth, 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 the act and amendatory act mentioned in the title hereto shall be amended so that henceforth the same shall read as follows: Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all townships of this state where the overseers of roads are not now elected at the annual town meeting therein the overseers of the roads shall be elected in their respective districts by the legal voters residing therein on Thursday following the regular annual town meeting in each and every year, and the overseers in each and every district in the township shall set up at least two written or printed notices in two or more public places in their respective road districts of the election of overseers, stating the time and place of such election (which shall be between the hours of two and seven o'clock post meridian), five days before the date herein fixed for such election; and in case of failure of any overseer to give such notice, then the town committee shall appoint some suitable person to fill any vacancy that may occur by failure of the legal voters to elect, but in no event shall the overseer failing in any year to give such notice of such election be eligible for re-appointment in that year to the office of road overseer by the town committee; said election may be by ballot or otherwise, as the said legal voters, when assembled, may determine. Election of road overseers in certain townships. Failure to give notice of election

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

Approved June 20, 1890.

CHAPTER CCCXI.

An Act to provide for collecting taxes in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any taxes in any city of this state are or shall become delinquent, it shall be lawful for the board or body having charge or control of the finances of such city, by resolution, to authorize and empower the comptroller or other officer charged by law with the duty of collecting taxes in such city, to issue a warrant or warrants, under his hand and seal, for collecting such taxes; such warrant shall contain the name of the person from whom any such taxes are claimed to be due, and the amount of the same; and if such taxes are a lien upon real estate, the warrant shall contain a description thereof, or a reference to the lot and block numbers of such land, as the same are laid down on the tax maps of the city, if any there be, together with a statement of the amount due from each lot or tract of land; all warrants issued in pursuance of this act shall be directed either to a deputy comptroller, or a deputy tax collecting officer, or to a constable of such city, commanding him to make, levy and collect such delinquent taxes, and, for that purpose, to seize and sell any personal property liable to be taken and sold for the purpose of making or collecting any such taxes; such property to be advertised for sale by posting at least four notices, signed by the officer to whom the warrant is issued, and posted for at least five days in four of the most public places in the ward or district of the city in which the property to be sold is situate; and in case no

Warrant to issue for collecting delinquent taxes.

Form of warrant.

To contain a description of real estate.

Who to collect and sell.

Property to be advertised.

personal property can be found in any such city subject to be sold for the purpose aforesaid, it shall be lawful for any such deputy comptroller, collecting officer or constable, by virtue of such warrant, to take the body of any person delinquent for a poll tax, or for any tax levied or assessed on, or on account of, any personal property, if such person can be found in the county in which such city is situate, and deliver him to the sheriff or warden of the jail of the county, to be kept in close and safe custody until payment shall be made of the said taxes, with interests and costs; and a true copy of such warrant, certified by such comptroller or other collecting officer, shall be sufficient authority for such sheriff or warden to receive and keep in custody any person so taken for delinquent taxes, until the same shall be paid, with interest and costs.

Delinquents to be arrested.

Certified copy sufficient to keep delinquents in custody.

2. *And be it enacted*, That any such warrant may contain the name of one person or more, or a description of the delinquent land, by reference to the lot and block number, or otherwise, of one or more lots or tracts of land subject to taxes or assessments, as such comptroller or other collecting officer may determine; and any warrant issued in pursuance of this act shall be made returnable to the constable or other collecting officer who shall issue the same, within ninety days from its date, and alias and pluries warrants may be issued as often as required to collect the delinquent taxes.

Warrants may contain name of more than one person.

Time warrant is made returnable.

3. *And be it enacted*, That the remedy for the collection of delinquent taxes herein provided, shall be construed to be additional or cumulative to all other methods and remedies for collecting such taxes now in force.

Remedy contained herein is additional to other remedies and methods.

4. *And be it enacted*, That the cost for collecting taxes in pursuance of this act shall be as follows, namely: for serving the warrant, fifty cents; for making a levy, seventy-five cents; for advertising sale, fifty cents; for selling, one dollar; for making an arrest, fifty cents, and in addition two per centum on the amount of taxes collected.

Costs.
Serving warrant.
Making levy.
Advertising.
Selling.
Making arrest.

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

Approved June 21, 1890.



Joint Resolutions.



JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution relative to the taxation of property.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That there be appointed a committee of six persons to take into consideration the taxation of property, and prepare and report to the next legislature a bill for that purpose; that two members of the house be appointed by the speaker thereof, and two members of the senate by the president thereof, as members of such committee; that the governor be and he is hereby authorized to appoint as members of such committee two persons, not belonging to the same political party, who shall be paid out of the treasury such compensation for their services as the governor and comptroller shall deem proper; and that such committee shall have power to sit during vacation and employ necessary clerical assistance and legal counsel, not exceeding two in number, who shall belong to different political parties, to be paid for upon approval of the governor and comptroller.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved April 7, 1890.

NUMBER II.

A Joint Resolution to authorize the governor and commander-in-chief to place an officer of the national guard on the retired list.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor and commander-in-chief be and he is hereby authorized to place any officer of the national guard, who may have faithfully served as a commissioned officer over fourteen years in the national guard, as he may designate, upon the retired list of the national guard, with a brevet rank of not more than one grade higher than the highest rank held by him during his term of service, and to issue to him a commission as such.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved June 9, 1890.

NUMBER III.

Joint Resolution authorizing the payment of a pension to Lydia Applegate, widow of Samuel Applegate, a soldier of the war of eighteen hundred and twelve.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the adjutant-general is hereby authorized to place the name of Lydia Applegate, widow of Samuel Applegate, upon the pension roll of the state, and payment to the said Lydia Applegate of the pension allowed by this state to soldiers of the war of eighteen hundred and twelve is hereby authorized from January first, one thousand eight hundred and ninety.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved June 20, 1890.



Proclamations.



PROCLAMATIONS.

PROCLAMATION BY THE GOVERNOR.

In accordance with long-established custom, and in recognition of the manifold blessings which God has vouchsafed to the people of the state during the year now drawing to a close, I, ROBERT S. GREEN, governor of the state of New Jersey, do hereby designate Thursday, the twenty-eighth day of November, instant, as a day of thanksgiving and praise. I recommend that on that day the people of this state, abstaining from all unnecessary secular employment, give thanks to Almighty God for His goodness in the past, and pray for a continuance of His blessings in the future.

[Privy Seal.] Given under my hand and privy seal, this sixth day of November, in the year of our Lord one thousand eight hundred and eighty-nine.

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 21st, 1884, I do hereby set apart Friday, April eighteenth, one thousand eight hundred and ninety, for the planting of forest trees, and recommend that the day be devoted by the people to that purpose.

In testimony whereof, I have hereunto set my hand and caused the great seal of the [Great Seal.] state to be hereto affixed, at Trenton, this tenth day of March, eighteen hundred and ninety.

LEON ABBETT.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

Special Public Acts.



SPECIAL PUBLIC ACTS

PASSED BY THE

One Hundred and Fourteenth Legislature

CHAPTER XXXVIII.

An Act to set over into the city of Bridgeton and into Loder school district certain portions of the school district called the district of Gouldtown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of Gouldtown school district lying south of the Reeves road and between the east line of the city of Bridgeton and the Burlington road be and the same hereby is set over into the city of Bridgeton. Portion of school district set off.

2. *And be it enacted*, That all that portion of Gouldtown school district lying north of the Reeves road and north of the line separating the township of Deerfield from the township of Fairfield, in the county of Cumberland, be and the same hereby is set over into Loder school district. Portion of school district set off.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act, and that so much and such parts of all acts and parts of acts as are inconsistent with the provisions of this act are hereby repealed. Repealer.

Approved March 10, 1890.

CHAPTER XXXIX.

An Act to enlarge the territorial limits of the borough of Rutherford, in the township of Union, in the county of Bergen and state of New Jersey, by annexing thereto parts of said township of Union, and to particularly describe and define the boundaries of said borough as enlarged, and to set off the same from the remaining part of said township, and constituting such borough a separate municipality.

Preamble.

WHEREAS, The mayor and council of the borough of Rutherford, in the township of Union, in the county of Bergen and state of New Jersey, on the twenty-first day of September, one thousand eight hundred and eighty-one, was duly incorporated under the act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, and the supplements thereto; *and whereas*, it is desirable to enlarge the territorial limits of said borough and set the same, as enlarged, off from the said township of Union; now, therefore,

Portion of township set off.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts or portions of the township of Union, in the county of Bergen, contained within the following boundaries, not now within the corporate limits of the borough of Rutherford in said township, be and the same are hereby annexed to and made part of said borough, and that said borough, as so enlarged, be and the same is hereby bounded, described and constituted as follows, to wit:

Boundaries.

Beginning at the point of the intersection of the division line between the counties of Hudson and Bergen with the centre line of the bridge of the New York, Lake Erie and Western railroad spanning the Hackensack river, and running thence (1), northerly and westerly

along the several courses of the centre line of land of the said New York, Lake Erie and Western railroad company (said line being also the westerly boundary line of Boiling Springs township), to the centre of the Passaic river; thence (2), southerly, along the several courses of the centre line of the Passaic river (which centre line is also the division line between the counties of Passaic and Bergen), to the southerly line of the bridge spanning the Passaic river at the foot of Rutherford avenue; thence (3), easterly, along the curb line of said Rutherford avenue, as now laid out, and continuing in same course as if said curb line of said Rutherford avenue were produced, to the centre of Berry's creek; thence (4), southerly, along the several courses of the said centre line of Berry's creek to the centre of the Hackensack river aforesaid (which line is also the division line between the counties of Hudson and Bergen aforesaid); thence (5), northerly, along said line, to the point or place of beginning.

2. *And be it enacted*, That the inhabitants within the territorial limits in the foregoing section described, be and they are hereby constituted a body politic and corporate, in fact and in law, under the name of "The mayor and council of the borough of Rutherford," with the same force, powers and effect, in all things, as provided in and by an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy eight, and the several supplements thereto; and that said borough, as herein and hereby incorporated and defined, shall be taken and forever held to be, in all courts and places, a borough duly and legally organized and incorporated under said act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, and the several supplements thereto; *provided, however*, that this act shall not be construed as altering or in anywise affecting the boundaries of the school districts as at present constituted, unless the same shall be afterwards changed in the manner provided by law.

3. *And be it enacted*, That all the present officers of said borough shall continue in office until their respective terms of office expire, and they shall also do and perform

all the duties of their respective offices throughout the territorial limits of said borough as the same are hereby enlarged, extended and defined.

To constitute
one election dis-
trict.

4. *And be it enacted*, That the said borough shall constitute one election district until subdivided according to law.

Assembly dis-
trict.

5. *And be it enacted*, That the said borough shall be within, and form part of, the second assembly district of the county of Bergen.

Made a district
and separate
municipality.

6. *And be it enacted*, That the hereinbefore described territory, and the inhabitants thereof, be and they are hereby set off from the township of Union, in the county of Bergen, and are hereby made a separate and distinct municipality in all things.

Certified copy of
description to be
filed.

7. *And be it enacted*, That the mayor and council shall, at their first meeting after the passage of this act, cause a duly certified copy of the description of the territory of the said borough of Rutherford, as herein and hereby enlarged and defined, to be filed in the clerk's office of the county of Bergen, which certificate shall be subscribed by the mayor of the borough, attested by the borough clerk, with corporate seal affixed.

Repealer.

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

Passed March 10, 1890.

CHAPTER LXXX.

An Act to amend an act entitled "An act to authorize the building of a bridge over and across the North Shrewsbury river, in the county of Monmouth," 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 section one of the act to which this is amendatory 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 it shall and may be lawful for the board of chosen freeholders in the county of Monmouth to build and construct, or cause to be built and constructed, or to authorize any association of persons to build and construct, a public road bridge across the North Shrewsbury river, in said county of Monmouth, beginning at Ligier's wharf, at the foot of Washington street, Oceanic, known as the steamboat landing at Oceanic, and thence across said river to the public road along the Middletown shore, at a point in said road between Locust Point and Clay Pit Creek, where the dividing line of lands of Howard Potter and Mrs. Reed intersects said road, and to place in said bridge a pivot draw with the center pier thereof in the south edge of the south channel at the northerly end of Ligier's wharf aforesaid, so that the said center pier shall not project beyond the northerly end of said Ligier's wharf, the north opening of said draw to be not less than one hundred feet in the clear, so as to impede as little as possible the navigation of the river, and to place in said bridge, in the south channel, a pivot draw, each opening thereof to be not less than one hundred feet opening, so as to impede as little as possible the navigation of said channel.

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

Passed March 27, 1890.

CHAPTER XCVII.

An Act to confirm a conveyance made by Sarah R. Colwell and others to Egg Harbor City, on the twenty-fifth day of April, anno domini one thousand eight hundred and seventy-one.

Preamble.

WHEREAS, Sarah R. Colwell, widow and devisee, and Samuel Richards Colwell and Charles R. Colwell, executors of the last will of Stephen Colwell, deceased, by deed bearing date the twenty-fifth day of April, one thousand eight hundred and seventy-one, and recorded in the clerk's office of the county of Atlantic, at Mays Landing, in liber 40 of deeds, folio 457, etc., conveyed to Egg Harbor City among other lands the following public places and school-house lots in Egg Harbor City, to wit: blocks number three hundred and twenty, four hundred thirty-four, four hundred thirty-five, four hundred twenty-two, one-half of blocks number one hundred seventy-four, one hundred eighty-six, one hundred ninety-eight, six hundred and two, six hundred and fourteen, lot number four in block number four hundred thirty-nine, lots number twenty-six to thirty in block three hundred and fifty, lots number twenty-one to twenty-five in block number three hundred thirty-one, lots number eleven to fifteen in block four hundred sixteen, with a condition thereto annexed that the said public places and school-house lots were forever to remain public for the purposes they were originally set apart and reserved by the Gloucester farm and town association; *and whereas*, the said public places and school-house lots in said Egg Harbor City are in

such a location and of such a character that they cannot be used by the public for the purposes they were originally set apart and reserved by the said Gloucester farm and town association;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance be and is hereby confirmed, and that the title to the said public places and school-house lots therein described and above mentioned shall be held to be fully vested in fee simple in said Egg Harbor City free of and discharged from the conditions, limitations and restrictions in said deed mentioned.

Deed of conveyance confirmed and discharged from limitations, &c.

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

Passed March 31, 1890.

CHAPTER CXI.

An Act to repeal an act entitled "An act relative to roads in the township of Franklin."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act relative to roads in the township of Franklin," approved April twenty-first, one thousand eight hundred and sixty-eight, be and the same is hereby repealed.

Act repealed

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

Passed March 31, 1890.

CHAPTER CCCIII.

An Act to amend "A supplement to an act entitled 'An act to incorporate the Carlstadt fire department of Bergen county,' approved March eighth, one thousand eight hundred and seventy-two," which supplement was approved April fourth, one thousand eight hundred and seventy-three.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the supplement described in the title of this act, which reads as follows:

Section recited.

"2. *And be it enacted*, That said inhabitants shall have power at any time hereafter to form such, and so many, fire engine, hose and hook and ladder companies as they may deem advisable for the purpose of protecting the property of said district from damage or destruction by fire; *provided*, that no engine company shall be composed of more than sixty men, or hose company of more than twenty-five men, or hook and ladder company of more than forty men; *provided*, not more than one engine company, one hose company, and one hook and ladder company be formed to every three thousand inhabitants of said district,"

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

Section amended

Fire engine, hose and hook and ladder companies to be formed.

Proviso.

2. *And be it enacted*, That said inhabitants shall have power at any time hereafter to form such and so many fire engine, hose, and hook and ladder companies as they may deem advisable for the purpose of protecting the property within said district from damage or destruction by fire; *provided*, that no engine company shall be composed of more than forty men, or hose company of more than twenty-five men, or hook and ladder company of more than thirty men.

2. *And be it enacted*, That the third section of said supplement, which reads as follows: Section to be amended.

“3. *And be it enacted*, That the members of the fire department of said district shall, on the second Saturday in September next, elect, by plurality of voters, from among their members, one president and three commissioners, the president to hold office for one year; the commissioners after their election, at their first meeting, shall decide, by lot, which one shall go out of office at the expiration of the first year, another at the expiration of the second year and another at the expiration of the third year, and annually thereafter there shall be elected by the department one commissioner, to serve three years, in place of the commissioner whose term has expired; there shall also be elected by each company, at their next annual meeting, one trustee, and at their first meeting they shall decide, by lot, which one shall go out of office at the expiration of one year, another at the expiration of the second year and another at the expiration of the third year, and annually there shall be elected a trustee, to serve three years, to represent the company whose trustee's time has expired; and that the present president, commissioners and trustees, elected under an act entitled ‘An act to incorporate the Carlstadt fire department of Bergen county,’ approved March eighth, one thousand eight hundred and seventy-two, shall be the trustees of this corporation until the first election under this act; and the commissioners now elected, or hereafter to be elected, by a majority of their number, shall have power to grant or annul a certificate of membership of either of said fire engine, hook and ladder or hose companies, and that such a certificate shall be necessary to constitute membership of any such company; no certificate shall be given at any time to honorary members,” be and the same is hereby amended so as to read as follows:

3. *And be it enacted*, That the legal voters of said district shall, on the first Monday in July next, elect, by plurality of votes, one president and three commissioners, who shall be residents and legal voters in said district, the president to hold office for one year; the commissioners, at the first meeting after their election, shall decide, by Section amended
Election of commissioners.

Term of office.	lot, which one shall go out of office at the expiration of the first year, another at the expiration of the second year and another at the expiration of the third year, and annually thereafter there shall be elected by the legal voters of said district one commissioner, to serve for the term of three years, in the place of the commissioner
Trustee of each company.	whose term has expired; there shall also be elected by the members of each company, at their first regular meeting following the first Monday in July of each year, one of their members as a trustee to hold office for the term of one year or until his successor is elected; that
Additional trustees.	the president, commissioners and trustees elected under an act entitled "An act to incorporate the Carlstadt fire department of Bergen county," approved March eighth, one thousand eight hundred and seventy-two, and the supplements thereto, shall be the trustees of this corporation until the first election held under the provisions of
Powers of commissioners.	this act; and the commissioners now in office and hereafter elected by a majority of their number shall have power to grant or annul a certificate of membership of either of said fire engine, hook and ladder and hose companies, which certificate shall be necessary to constitute membership of any such company, but no certificate shall
Hours for opening and closing polls.	be given at any time to honorary members; and that at the election held to elect a president and commissioners, the polls shall open and close at the same hour fixed by law for the opening and closing of the polls at elections held for the election of township officers.
Repealer.	<p>3. <i>And be it enacted</i>, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.</p> <p>4. <i>And be it enacted</i>, That this act shall take effect immediately.</p> <p>Approved June 20, 1890.</p>

Private Acts.

PRIVATE ACTS

PASSED BY THE

One Hundred and Fourteenth Legislature

CHAPTER VII.

An Act to release the right, title and interest of the people of the state of New Jersey in and to certain real estate, of which Peter Duff and Thomas Duff died seized in the city of Perth Amboy, to John Olsen.

WHEREAS, Peter Duff, late of the township of Wood-^{Preamble.}bridge, Middlesex county, New Jersey, departed this life anno domini one thousand eight hundred and forty-nine, seized of a certain lot, tract or parcel of land situate, lying and being in the city of Perth Amboy and county of Middlesex, state of New Jersey, known and designated on a map of the Catharine M. Kearney property, made by Francis W. Brinley and filed in the Middlesex clerk's office, as lot number five, which was conveyed to him by James Parker and wife, by deed dated January twenty-seventh, one thousand eight hundred and forty-seven, and recorded in the Middlesex county clerk's office, in book forty-four of deeds for said county, page seventy-two, etc., without having made any will, and leaving him surviving Margaret Duff, his wife, and Thomas Duff, his son, a minor; *and whereas*, the said Thomas Duff, in or about the year anno domini one thousand eight hundred and fifty-five, departed this life intestate and unmarried, and leaving

no lawful heirs; *and whereas*, the said Margaret Duff, supposing the title to said lot or parcel of land vested in her upon the death of her said husband and son, did, on the fourth day of May, anno domini one thousand eight hundred and fifty-eight, sign, seal, execute and deliver to William Inslee, of the township of Woodbridge, in this state, a certain power of attorney empowering said William Inslee to make sale of all the real estate of which the said Peter and Thomas Duff respectively died seized and possessed, which power of attorney was recorded in said clerk's office in book one hundred and five of deeds, page three hundred and thirty-six; and by virtue of said power of attorney, the said William Inslee did, as the attorney in fact of said Margaret Duff, sell and convey said lot or parcel of land to Lewis Rudders, by deed dated February thirteenth, anno domini one thousand eight hundred and sixty-seven, and recorded in book one hundred and five of deeds in said Middlesex county clerk's office, page three hundred and thirty-eight, and said Lewis Rudders and wife afterward sold and conveyed the same to John Olsen, by deed dated March twenty-fifth, one thousand eight hundred and eighty-two, and recorded in said clerk's office in book one hundred and ninety of deeds, page seventy-two; therefore,

Right and title
vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest of the people of the state of New Jersey in, to and upon all the above recited lot or parcel of land whereof the said Peter Duff and Thomas Duff died seized, with the appurtenances thereunto belonging or in anywise appertaining, is hereby released unto and vested in the said John Olsen and his heirs and assigns forever.

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

Passed February 26, 1890.

CHAPTER XXXIII.

An Act to repeal the act entitled "An act to incorporate the Godwinville and Paterson macadamized road company," approved April fourth, one thousand eight hundred and sixty-seven, and the supplements thereto.

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 Godwinville and Paterson macadamized road company," approved April fourth, one thousand eight hundred and sixty-seven, and the supplement thereto entitled "A supplement to an act entitled 'An act to incorporate the Godwinville and Paterson macadamized road company,' approved April fourth, one thousand eight hundred and sixty-seven," which supplement was approved April second, one thousand eight hundred and sixty-eight, and the act entitled "A further supplement to 'An act to incorporate the Godwinville and Paterson macadamized road company,' approved April fourth, one thousand eight hundred and sixty-seven," which said act was approved March fifteenth, one thousand eight hundred and seventy, and the act entitled "A further supplement to 'An act to incorporate the Godwinville and Paterson macadamized road company,' approved April fourth, one thousand eight hundred and sixty-seven, which last act was approved April fourth, one thousand eight hundred and seventy-two, be and the same are hereby repealed. Acts repealed

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

Passed March 5, 1890.

CHAPTER CCLXXIV.

An act to authorize the New Jersey conference of the African methodist episcopal church to sell and convey real estate to "the colored industrial educational association of New Jersey."

Power to sell
real estate.

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 New Jersey conference of the African methodist episcopal church to sell and convey real estate that it now is or may hereafter become possessed of to the "colored industrial educational association of New Jersey."

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

Approved June 13, 1890.

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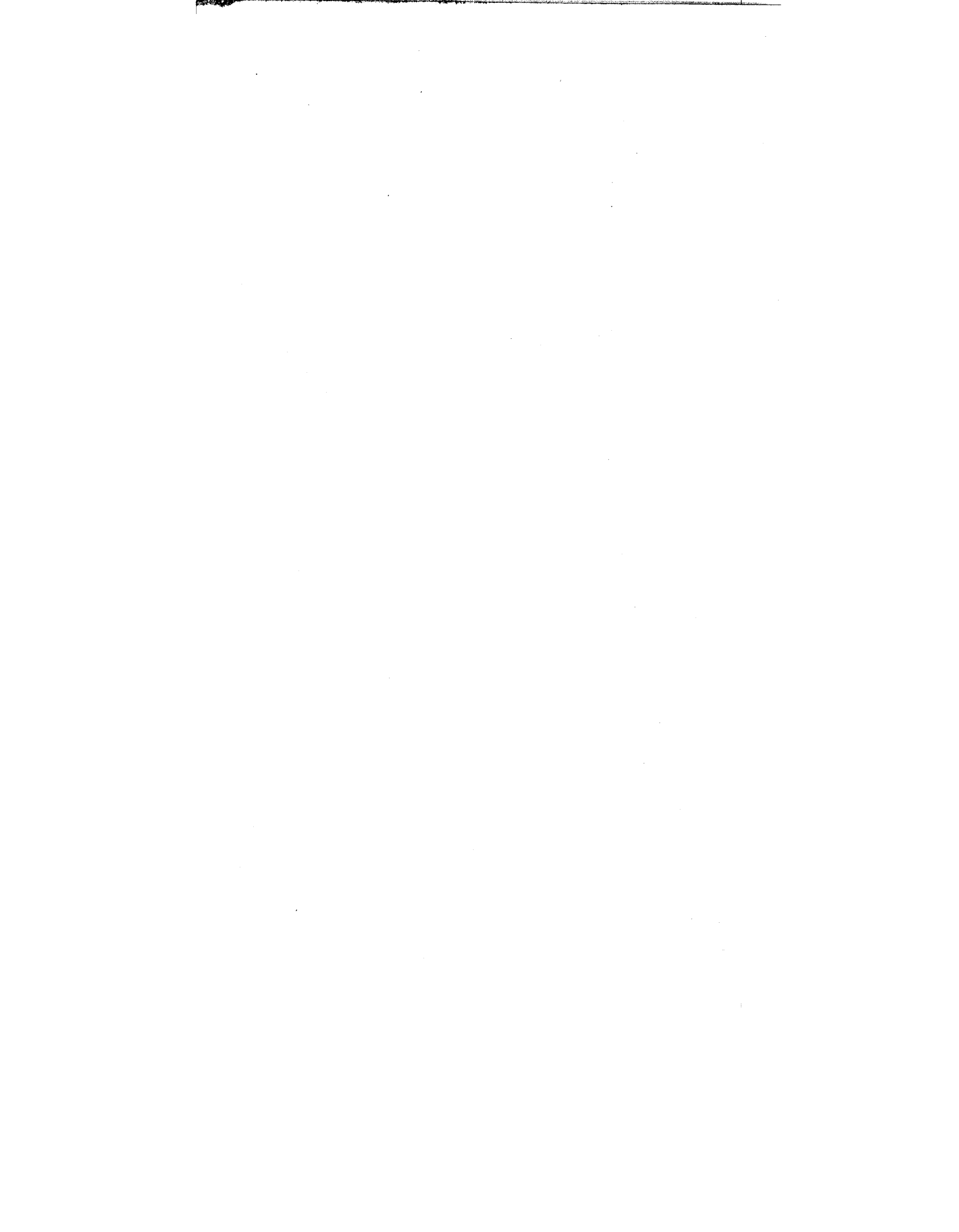
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