ACTS

OF THE

One Hundred and Twenty-Sixth Legislature

OF THE

STATE OF NEW JERSEY

AND

Fifty-Eighth Under the New Constitution.

17



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

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

GEORGE WURTS,

Secretary of State.

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OF THE

One Hundred and Twenty-Sixth Legislature

OF NEW JERSEY.

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	WILLIAM NEWCORN,
	WILLIAM F. HALL.
Warren	WILLIAM R. LAIRE.

LAWS

ACTS

PASSED BY THE

One Hundred and Twenty-Sixth Legislature.

CHAPTER 1.

A Supplement to "An act making appropriations for the support of the state government and for several public purposes, for the fiscal year ending October thirty-first, one thousand nine hundred and two," approved March twenty-second, one thousand nine hundred and one.

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

1. Ten thousand nine hundred and seventy-seven dollars and seventy-four cents is hereby appropriated to defray the incidental expenses incurred by the joint committee of the legislature on the inauguration of the governor. Inaugural expenses.

2. All bills for expenses shall be approved by the committee or a majority thereof, and, when audited by the comptroller, he shall draw his warrants for the amounts on the state treasurer, who is hereby authorized to pay the same. How paid.

3. This act shall take effect immediately.

Approved February 18, 1902.

FRANKLIN MURPHY,
Governor.

C. ASA FRANCIS,
President of the Senate.

WILLIAM J. BRADLEY,
Speaker of the House of Assembly.

CHAPTER 2.

An Act for the incorporation of the borough of Tuckerton, in the county of Ocean, and fix the boundaries thereof.

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

Corporate name.

1. The inhabitants of that portion of the township of Little Egg Harbor, in the county of Ocean, contained within the limits hereinafter set forth, are constituted and declared to be a body politic and corporate in law by the name of "The Borough of Tuckerton," and shall be governed by the general laws of this state relating to boroughs.

Government.

Boundaries.

2. The territorial limits of the said borough shall be as follows, to wit: beginning at the mouth of Jesse's creek, on the west side of Little Egg Harbor bay, and running up the middle of the said creek the several courses thereof through the lands of Nathan B. Atkinson, and continuing in a northerly course to the bridge, crossing the main road and running from thence across said Nathan B. Atkinson's woods to a stone, being the northwest corner of Dr. T. T. Price's land; thence continuing in a westerly direction in the line between said Nathan B. Atkinson's land and others to a stone corner to said Atkinson's land and others in Wood street road; thence in a westerly course to a stone at the northeast corner of Chas. M. Berry's land; thence continuing in a westerly direction in the line of the lands of Chas. M. Berry and others to a stone at the northwest corner of the land of Chas. M. Berry on North Green street; thence down the east side of said street southward until it intersects the laid out road leading from Tuckerton cemetery to Nugentown; thence along said laid out road westwardly to the bridge over Tuckerton mill stream; thence down the mill stream southwardly to the mouth of a stream known as Gifford's branch; thence across said Gifford's stream to the land of Albert Pharo's estate; thence across lands of said Albert Pharo's estate to the old line between the Giffordtown and West Tuckerton school districts; thence down said line through the lands of Albert Pharo's estate to West Main street; thence across

West Main street, between the lands of James Speck and Elkanah Palmer's estate, to Centre street; thence across Centre street and along the line between the lands of William Sawyer and James Andrew's estate; thence in a straight line in a southerly direction to the middle of Sunken bridge in the road leading from Tuckerton to the shore and the islands; thence in a southeasterly direction down the stream from the Sunken bridge, known as Tucker's creek, until it empties into Tuckerton creek; from thence down Tuckerton creek, the several courses thereof till it empties into Little Egg Harbor bay; thence along the bay shore the several courses thereof to the mouth of Thompson's creek; thence up the east bank of said creek to the mouth of Jesse's creek, the place of beginning.

3. This act shall take effect immediately.

Approved February 25, 1902.

CHAPTER 3.

An Act authorizing cities to renew maturing bonds.

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

Renewal of bonds.

1. Whenever any bonds heretofore legally issued by any incorporated city in this state, under authority of law, shall at any time or times hereafter become due, the board of aldermen, common council or other board having charge and control of the finances 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.

Character of bonds.

2. The bonds to be issued under the provisions of this act shall be exempt from taxation, and 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 thereto, 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 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 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.

Proviso.

Interest.

3. 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 and collected and paid within each year; *provided*, 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 such year.

Proviso.

Disposition of bonds.

4. The board, or authority having charge and control of the finances of such city may dispose of the bonds hereby authorized, at a public sale, or private sale, in case a more favorable bid can be obtained than shall have been bid publicly therefor, but in no case for less than par, which issues and sales may be made in anticipation of the retirement of said maturing bonds, and all of the moneys received from the sale of said bonds shall be applied and used for the purposes of this act, and for no other purpose; *provided*, that no increase in the bonded indebtedness of any such city shall be made under this act.

Proviso.

5. This act shall take effect immediately.

Approved March 4, 1902.

CHAPTER 4.

An Act to provide for adjusting the claim of the state college for agriculture and the mechanic arts under "An act to increase the efficiency of the public school system of the state by providing for additional free scholarships at the state agricultural college," passed March thirty-first, one thousand eight hundred and ninety.

Preamble.

WHEREAS, By the act, the title of which is above recited, it was enacted that one student from each assembly district in the state, to be selected by competitive examination under the direction of the city and county superintendents of education, should be sent each year to the state agricultural college for education in the courses of study there pursued, and that a stipulated compensation should be paid therefor to the college out of the public school fund of the state; and

WHEREAS, A large number of qualified students have, in accordance with said act, been received and educated in the college, but the stipulated compensation (except fifteen hundred dollars) has not been paid; and

WHEREAS, The state is under a moral obligation, at least, to compensate the college for the services thus rendered in educating citizens of the state at the instance of the legislature; therefore,

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

Appointment of commission.

1. The governor of the state is hereby authorized to appoint three citizens of New Jersey as a commission to examine into and consider the matters above mentioned, and to report, in writing, to the present or next session of the legislature what compensation ought, in justice and equity, to be paid by the state to said college in full satisfaction for the services rendered, and to be rendered, up to the close of the present collegiate year, under said act of March thirty-first, one thousand eight hundred and ninety.

Continuance of system.

2. The said commission shall also, in a separate report to the present or next session of the legislature,

state whether, in their opinion, the system of education provided for in said act of March thirty-first, one thousand eight hundred and ninety, should be continned after the close of the present collegiate year, or should be modified, or should be wholly discontinued, together with their reasons for such recommendations as they may make in the premises, to the end that the legislature may adopt such course as shall seem best for public interests.

3. This act shall take effect immediately.

Approved March 4, 1902.

CHAPTER 5.

An Act to enable any municipal corporation of this state to acquire property for municipal uses and purposes.

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

Acquire property.

1. It shall be lawful for the governing body of any municipal corporation of this state, whenever authorized by a majority vote cast at an election held for that purpose, as herein provided, to expend such sum as may be authorized by such vote, not exceeding fifty thousand dollars, for the purpose of purchasing land with suitable building already erected thereon, and to remodel the same, for municipal uses and purposes, and to issue bonds therefor in the corporate name of such municipality, in the manner hereinafter provided.

Election to determine.

2. Whenever in the judgment of the governing body of such municipality it shall be deemed advisable to make any expenditure authorized by this act, and to issue bonds therefor, the said governing body may order an election to determine whether bonds shall be issued to procure the money to defray the cost and expense of purchasing such land with building already erected thereon, and remodeling the same, for municipal uses and purposes, and shall designate the time and place for holding such election and appoint judges and inspectors therefor, which election may be at the time and place fixed by law for the election of municipal officers, or may be a special election called for the purpose;

provided, that when a special election shall have been ordered under the provisions of this act, six months shall elapse before any order for another such special election shall be issued; the polls shall be open at least from two o'clock until seven o'clock in the afternoon; notice of the said election and of the amount of bonds proposed to be issued, which amount shall not exceed fifty thousand dollars, shall be given by advertisement set up at five or more public places in said municipality, for at least ten days previous to said election, and published once a week for two successive weeks in three newspapers circulating therein; on the ballots issued at such election shall be written or printed "For the issue of bonds," or "Against the issue of bonds," and the said election officers shall return to the governing body of such municipality a true and correct statement, in writing, under their hands, of the result of such election. Proviso.

3. If, at such election, a majority of the ballots cast shall be "For the issue of bonds," it shall then be lawful for the governing body of such municipality to proceed and purchase such land with building already erected thereon and remodel the same, for municipal uses and purposes, and to incur an expense therefor not exceeding the amount mentioned in the notice of such election, and to issue registered or coupon bonds of such municipality, bearing interest not exceeding five per centum per annum, for the purposes of providing funds to defray the cost and expense of purchasing such land with building already erected thereon, and remodeling the same, such bonds to be issued as occasion may require, but not to exceed, in the aggregate, the amonnt required for that purpose; the bonds may be made payable at times to be therein specified, not more than thirty years after issuing the same, and shall be so issued that an equal portion of the same shall be made payable at such time as may be determined by the governing body issuing the same, and shall be disposed of in such manner as the governing body of such municipality may determine, but in no case shall any of such bonds be issued and sold at less than the par value thereof, nor shall any such municipality issue bonds under this act so that the amount of such bonds outstanding at any one time shall exceed, in the aggregate, the sum of fifty thousand dollars. Issue bonds.

Payment of bonds.

4. It shall be the duty of the governing body of such municipality to cause to be raised, by taxation in each year, the money necessary to pay the amount of interest on said bonds, and also the installment on the principal falling due the subsequent years, which money shall be assessed and collected in the same manner as other taxes are assessed and collected for the uses of such municipality.

May rent portion of building.

5. It shall be lawful for the said municipality to rent out such portion of said building, or buildings, for private purposes, as may not be necessary for municipal uses.

6. This act shall take effect immediately.

Approved March 5, 1902.

CHAPTER 6.

A Further Supplement to "An act to provide for the permanent improvement of public roads in this state," approved March twenty-second, one thousand eight hundred and ninety-five.

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

Appropriation for roads.

1. The sum of two hundred and fifty thousand dollars be and the same is hereby appropriated annually, or so much thereof as may be included in the annual appropriation law, to be paid out of any moneys in the state treasury not otherwise appropriated, for the extension of the benefits and making effective the provisions of the act to which this act is a supplement.

Repealer.

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

Approved March 5, 1902.

CHAPTER 7.

An Act to incorporate the town of Nutley, in the county of Essex.

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

1. That the inhabitants of that portion of the county of Essex contained within the territorial limits heretofore embracing the township of Franklin, in the county of Essex, are constituted and declared to be a body politic and coporate in law by the name of the Town of Nutley, and shall be governed by the general laws of this state relating to towns. Corporate name. Government.

2. That the territorial limits of said town shall be coincident with the territorial limits of the present township of Franklin, in the county of Essex, and which are more particularly defined in the act of the legislature of the state of New Jersey entitled "An act to set off from the township of Belleville, in the county of Essex, a new township to be called the township of Franklin," approved February eighteenth, one thousand eight hundred and seventy-four (Pamphlet Laws 1874, page 191), as follows: beginning at the Passaic river in the division line between lands of William H. Conover and lands of Joseph W. Hancox, and thence running a westerly direction in a direct line to the northeasterly corner of lands belonging to the estate of Thomas Van Winkle, deceased, and thence along the northerly boundary of said land to the Bloomfield township line, thence along the line of Bloomfield to the line between Essex and Passaic counties, thence easterly along the Passaic county line to Passaic river, thence southerly along Passaic river to the place of beginning. Boundaries.

3. This act shall take effect immediately.

Approved March 5, 1902.

CHAPTER 8.

An Act to consolidate with and annex to the city of Newark, in the county of Essex, the territory embraced within the bounds of the township of Clinton, in the county of Essex, provided a majority of the votes cast in the said township upon the question of such annexation and consolidation shall be in favor thereof, and to provide for the submission of the said question to the voters of said township.

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

Annexed to Newark.

1. There shall be and hereby is annexed to and made part of the city of Newark, in the county of Essex, all the territory embraced within the bounds of the township of Clinton, in the county of Essex;

Proviso.

provided, however, that this act shall not operate to effect such annexation and consolidation unless a majority of the votes cast at the next local election held in the said township of Clinton upon the question of such annexation and consolidation shall be in favor thereof; the said question shall be submitted to the voters of the said township in the manner provided by law.

2. This act shall take immediately.

Approved March 5, 1902.

CHAPTER 9.

An Act empowering boards of chosen freeholders of the several counties of this state to acquire additional accommodations for holding the several courts of such county and authorizing sessions of such courts to be held therein.

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

Additional accommodations for county courts.

1. The board of chosen freeholders of any county in this state, upon the written request evidenced in the manner hereinafter set forth, of the justice of the supreme court, presiding in the judicial district of which said county forms a part, may either purchase land and erect a building thereon, or lease such land and building, at any other place in the county other than where the present county seat is now located, such place to be designated in said request, for the purpose of holding therein any of the courts of said county, which the judges of said courts may desire; *provided, however,* that if the said board shall purchase such real estate, it shall not expend a sum exceeding thirty thousand dollars for the purchase thereof, and the entire equipment and furnishing thereof with suitable furniture; and if said board shall acquire such property by lease, such lease shall not exceed the term of twenty years, or the annual rental of twenty-five hundred dollars, which rental shall be payable monthly.

Proviso

Action by justice of supreme court.

2. Before any land or building shall be so acquired, the said justice of the supreme court shall file with the clerk of said county, his request in writing signed by him, in which he shall designate the location of such building, and the building, if he shall deem it advisable, to acquire an existing building; and if he deem it advisable to acquire a building to be thereafter built, he shall also file with and annex to his said request, the plans and specifications of such building, the cost of procuring said plans and specifications to be paid by the said county; in all cases he shall specify in said request the total amount of money to be expended in the acquiring of such property; and in case of leasing shall specify the annual rental and the term of years of such lease.

Powers and jurisdiction.

3. After said board shall acquire such accommodations it shall be lawful to hear, try and determine, either with or without a jury, any motion, causes, actions, proceedings or other business of any kind whatsoever, either civil or criminal, pending in said courts, that the judges of said courts may desire, and that whenever any of said courts are in session at any of said places so to be fur-

nished, they shall have, use, possess and exercise in all respects, and to the full extent the jurisdiction and powers which the said courts now use, possess and exercise when sitting in the court house at the county seat of said county, and the clerk of said court, the sheriff and other officers and the parties, jurors and witnesses shall attend.

Where hearings held.

4. Whenever any statute directs that any notice, application, matter or proceedings of any kind or nature whatsoever shall be heard at the court house at the county seat of said county, or on the first day of any stated term of any of said courts, the same shall be heard at said place and time, unless the court or judge before whom the same is pending shall at such time, or future date, postpone and adjourn the hearing thereof, to the said place so to be acquired by virtue of this act: *provided,* that by and with the consent of all parties interested, such notice, application, matter or proceeding may be originally noticed or brought on for hearing at such acquired place.

Proviso.

Selection of jury.

5. When said courts shall desire to try a case at said place so to be acquired, before the court and a jury, the sheriff of said county shall bring with him for use at said trial, the names of the jurors, written upon the slips of paper prescribed by law, and he shall have in said court room a box for the jurors' names, similar to the one in use in the court house of said county, and that he shall select the jurors of any jury from said box, in the same manner as now prescribed by law.

Production of prisoner.

6. Upon the trial of any defendant in custody under a criminal charge, the sheriff of said county shall cause the said defendant to be brought to the place where such trial is to be held, and keep him there subject to the order of the court, and for so doing, the said sheriff shall be paid the actual amount of the expenses incurred by him for the transportation of himself or other person in charge of said defendant, and the said defendant, and also the further sum of three dollars per day for his services.

If leased; rental.

7. If said board shall lease premises, the amount of

the rent shall be assessed and collected in the same manner as other moneys for the use of said county are assessed and collected.

If purchased; bonds issued.

8. If said board purchase such land and erect a building thereon, it shall raise the necessary funds thereof by the issuance of bonds of said county, pledging the credit, faith and property thereof for the payment thereof, in not less than twenty years from the date thereof, which said bonds shall bear interest at a rate not exceeding four and one-half per centum, payable semi-annually, and in no case shall said bonds be sold at less than par.

Referendum.

9. In the absence of such written request of said justice, the legal voters of every county may, by ballot cast at any general election for members of assembly, or at any election in such county whereat members of the board of chosen freeholders are elected, express their assent or dissent to the acquiring of such additional accommodations; such ballot shall have printed in black ink on it, either the words "For acquiring additional accommodations," or the words "Against acquiring additional accommodations," and no other words, figures or designation; it shall not be an official ballot, and may be furnished by any one interested; if used at an election where official ballots are required by law, they shall be distributed to the voter by the election officers along with all other ballots, and shall be voted and cast in the official envelope with any other ballot the voter may be entitled to vote, and shall be received and counted in the same manner as are other ballots cast at said election; if used at elections where official envelopes are not required, then such ballot may be cast in the same manner as other ballots are cast, and in the same manner as any other ballot may be legally voted at such election; if the number of ballots, having upon them the words "For acquiring additional accommodations," cast at such election exceed the number of ballots having upon them the words "Against acquiring additional accommodations," then the said justice of the supreme court, in addition to the other requirements of this act, may request, in writing, the board of chosen freeholders to

Additional requirements.

provide such additional accommodations; he shall specify the location of the building, and if a building is to be erected, he shall file the plans and specifications thereof, state the maximum cost thereof if the county is to erect the same, and if such building is to be leased he shall state the term of years, not exceeding twenty, and the annual rental, not exceeding two thousand five hundred dollars; and the said board of chosen freeholders shall proceed forthwith, and without delay, to acquire, under the provisions of this act, such additional accommodations; the purchase price or rent to be raised and paid in the manner hereinbefore stated; *provided, however,* that nothing in this act contained shall be taken to repeal, affect or modify any law now in force appertaining to the construction of a new court house or county buildings in any of the counties of this state.

Proviso.

10. This act shall take effect immediately.

Approved March 5, 1902.

CHAPTER 10.

A Further Supplement to an act entitled "A general act relating to boroughs [Revision of 1897]," approved April twenty-fourth, one thousand eight hundred and ninety-seven.

Preamble.

WHEREAS, It has been generally believed that under the provisions of the act, the title whereof is recited in the title to this act, power existed in the council of any borough to change the name thereof from time to time, by resolution; and

WHEREAS, Acting under such belief changes have in good faith been made or attempted to be made in the name of boroughs in this state; and

WHEREAS, Doubts have arisen as to the extent of the power in that respect conferred by the said act, and it is desired to make such power unquestionable and to validate any such change made or attempted in good faith under color of said act; therefore

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

Change of corporate name.

1. Any borough in this state may, by resolution of its council, from time to time, but not oftener than once in ten years hereafter, change its corporate name by adopting another name in the form of "the borough of ———" (as the case may be), and the borough clerk shall then file with the county clerk and with the secretary of state, a copy of each resolution adopting such new name, certified under his hand; after the filing of such certificate with such county clerk, said borough shall be known and designated, until the name thereof shall again be changed, by the name so adopted, but no suit, proceeding or instrument shall abate, or be invalid because said borough shall be therein designated by any former name thereof.

Changes heretofore made validated.

2. In every case where the council of any borough in this state has, by resolution, regularly adopted since the approval of the act entitled "A general act relating to boroughs [Revision of 1897]," approved April twenty-fourth, one thousand eight hundred and ninety-seven, changed or attempted to change, once or more than once, the name of such borough in a manner substantially identical to the manner provided in the preceding section, such change is hereby validated and authorized, to the same extent as if the same had been made after the enactment of this act; and no suit, proceeding or instrument shall abate or be invalid because such borough shall therein be designated by any such name so adopted.

3. This act shall take effect immediately.

Approved March 6, 1902.

CHAPTER 11.

An Act to amend an act entitled "An act to authorize township committees or other governing bodies of townships, villages or boroughs to raise, by taxation, moneys to establish or aid public libraries and free reading rooms," approved March twentieth, one thousand eight hundred and ninety-five.

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

1. That the following sections be added:

May unite with adjoining municipality.

2. At the annual election any township of this state, not otherwise provided with a free public library, the voters may, by a majority vote, authorize the township committee to unite with an adjoining borough, township or city of the second or third class in the support or maintenance of a free public library, the privileges and uses of said library to be open on equal terms to the residents of both the township and city or borough so uniting.

Tax levy.

3. When, at such an election, the majority of the voters of such township authorizes such union the township committee shall levy a tax of not less than one-third of a mill upon the dollar of assessment nor more than a thousand dollars annually, for the support of such union library.

Library trustees.

4. The president or chairman of said township committee shall be ex-officio a member of the board of trustees of such union library, and the township committee may designate two other voters, resident in said township, as joint trustees of said union library, one to hold office for two and the other for a term of three years, and these trustees shall be a part of the board of trustees of the library of said participating borough or city of the second or third class.

Joint control.

5. The council of a city or borough receiving a proposal for union with an adjoining township under this

act is hereby authorized to accept such a proposal of union, and to authorize the admission of the township trustees aforesaid to seats with its own board of trustees of its public library, and jointly these trustees shall have full control and government of said library under the provision of statutes governing the establishment of free public libraries.

Appropriation; how secured.

6. When, in the judgment of the joint board of trustees, it is advisable to purchase lands or to erect buildings thereon, or both, for the purpose of a free public library, the said trustees shall certify the proportion of money for such purposes, based upon the respective assessments of the city and township, to the council and the township committee, and the township committee shall submit to the voters at the next annual election an appropriation to cover its share of such purchase or building, and if approved by a majority of the qualified voters said money may be raised in the township by tax or bonds, and the money thus raised shall be passed to the control of the joint trustees, to be expended according to the statutes governing the purchase of lands and erection of buildings for a free public library in cities of the third or fourth class or other municipalities.

7. This act shall take effect immediately.

Approved March 10, 1902.

CHAPTER 12.

A Supplement to an act entitled "An act to authorize two or more municipalities in this state to jointly construct and maintain outlet or trunk sewers," approved March fifteenth, one thousand eight hundred and ninety-nine.

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

Validating certain ordinances.

1. Ordinances adopted by the governing bodies or boards of two or more municipalities in this state having

power to construct sewers and drains therein, authorizing the execution by such municipalities of a joint contract in writing for the joint construction and maintenance of an outlet or trunk sewer or sewers and appurtenances under the provisions of the act to which this is a supplement, and any joint contract in writing executed by two or more municipalities in this state pursuant to the terms of such ordinances, shall be the valid and binding ordinances, acts and contract of such municipalities so adopting said ordinances and executing said contract, notwithstanding that public notice shall not have been given by the clerk of any of the governing bodies or boards having power to construct sewers and drains in such municipalities of the intention of such municipalities or governing boards or bodies to join in causing such public improvement to be made pursuant to the directions of the act to which this is a supplement; *provided, however,* that the ordinance authorizing the making and execution of such joint contract shall have been regularly adopted by such municipalities or on behalf of such municipalities by the governing bodies or boards having power to construct sewers and drains in such municipalities, by a majority vote thereof, and shall have been publicly advertised after adoption in accordance with law.

Proviso.

Separate municipal action relative to sewerage system.

2. Every municipality which has entered into a joint contract for the construction and maintenance of an outlet or trunk sewer under the provisions of this act or the act to which this is a supplement, shall have power and authority to construct or cause to be constructed any sewer or sewers or to establish a general system of sewers conformably to which all sewers shall be constructed, and to construct or cause to be constructed, trunk sewers, lateral or connecting sewers or a system of sewers within the limits of such municipality connecting with and discharging into such joint outlet or trunk sewer, and the municipal board or body of every such municipality having power to construct sewers or drains therein is hereby authorized and empowered from time to time to provide for and direct by ordinance the construction of

any sewer or sewers, or system of sewerage, trunk, lateral or connecting sewers connecting with and discharging into such joint outlet or trunk sewer, and such ordinances may be passed by such board or body on its own motion as may seem proper to it without any application or petition therefor.

Bond issue.

3. In case it shall be necessary for any municipality which has entered into a joint contract for the construction and maintenance of an outlet or trunk sewer under the provisions of this act or the act to which this is a supplement, to issue its bonds to raise the money necessary to defray its proportion of the cost of such outlet or trunk sewers or any part of such cost, or of any sewer or sewers, system of sewerage, trunk, lateral or connecting sewer connecting with and discharging into such joint outlet or trunk sewer, it shall be lawful for the body or board of such municipality having charge of its finances, from time to time, by resolution, to determine the amount of money necessary to be raised by the issue of such bonds, and thereupon, from time to time, bonds to the amounts so determined upon shall be executed on behalf of said municipality in the manner in which other bonds thereof are executed and issued, which bonds so authorized and issued shall not exceed in amount ten per centum of the taxable property in said municipality as shown on its official books at the date of said issue and shall not be taken to be included within or governed by any limitation fixed by law to the amount of bonds authorized to be issued by any municipality executing such joint contract; such bonds may be registered or coupon bonds, and shall bear interest at a rate not exceeding six per centum per annum and shall not be sold for less than par or face value.

Method of voting.

4. In the joint meeting authorized by the act to which this is a supplement, the vote of each municipality shall be cast and announced as directed by the majority of the members of the municipal body or board having authority to construct sewers and drains therein, present at such joint meeting, whether such members present constitute a quorum of such municipal body or board or

not, and in case of the presence of only one member of such municipal body or board at the joint meeting the vote of his municipality may be cast by him.

Repealer.

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

Approved March 12, 1902.

CHAPTER 13.

A Supplement to an act entitled "An act to authorize two or more municipalities in this state to jointly construct and maintain outlet or trunk sewers," approved March fifteenth, one thousand eight hundred and ninety-nine.

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

Additional contracts for use of sewers.

1. In case the municipalities so jointly contracting, as provided in the act to which this is a supplement, shall, at any time after the execution of said joint contract, deem it expedient to enter into a contract with the authorities of any other municipality or municipalities in this state granting the privilege of connecting the sewers of such other municipality or municipalities, with such joint outlet or trunk sewer, it shall be lawful for the municipalities so having jointly contracted as aforesaid, by resolution of the joint meeting of the governing bodies or boards thereof having power to construct sewers and drains therein, to authorize the execution of a contract with such other municipality or municipalities granting the privilege of connecting the sewers of such other municipality or municipalities with such joint outlet or trunk sewer upon such terms, and for such consideration and length of time as may be mutually agreed upon between said joint meeting and said other municipality or municipalities; and it shall be lawful for the governing body or board of such other municipality or munici-

palities having power to construct sewers and drains therein, by ordinance to authorize the execution of such contract with the municipalities represented in said joint meeting on behalf of such other municipality or municipalities.

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

Approved March 12, 1902.

CHAPTER 14.

A Supplement to an act entitled "An act to authorize two or more municipalities in this state to jointly construct and maintain outlet or trunk sewers," approved March fifteenth, one thousand eight hundred and ninety-nine.

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

1. In case no agreement for the securing of the rights of way or for the purchase of the lands and real estate which it may be necessary to take for the purpose of the construction and maintenance of the joint outlet or trunk sewer and appurtenances can be made between the municipalities contracting for the construction of the same and the owner or owners of said rights of way, lands or real estate, and at any time after the appointment of the commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by the taking and appropriating such rights of way, lands or real estate in the manner directed by the act to which this is a supplement, it shall be lawful for such jointly contracting municipalities and their agents, to enter upon, take and use such rights of way, lands or real estate with the appurtenances for the purposes aforesaid, anything in the act to which this is a supplement to the contrary notwithstanding. Right of entry upon property in case of disagreement with owner.

Repealer.

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

Approved March 12, 1902.

CHAPTER 15.

An Act to authorize any city in this state to convert its city hall or other municipal building into a public school building, and to alter or remodel said city hall in such manner as may be necessary to adapt it for use as a public school building, and to use the same for public school purposes.

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

Municipal building used for school.

1. It shall be lawful for any city in this state to convert its city hall or other municipal building into a public school building, and to alter or remodel said city hall in such manner as may be necessary to adapt it for use as a public school building, and to use the same for public school purposes, and for such purposes any such city may

Bonds issued.

issue bonds to an amount not exceeding twenty thousand dollars, which bonds may be either coupon or registered, and shall bear interest at not more than five per centum per annum, and shall be payable in not less than ten years nor more than thirty years after their date, and shall be sold for not less than par.

Temporary accommodations.

2. It shall be lawful for any such city in this state, so converting such city hall or other municipal building into a public school building, as provided in section one of this act, to vacate forthwith said city hall and to hire temporary quarters elsewhere for the city officials or city departments vacating said city hall.

Payment of bonds.

3. There shall be raised by tax in each year the interest on the whole amount of the bonds issued under or by virtue of this act, together with at least two per centum per annum of the principal of such bonds, for the pur-

pose of a sinking fund, to be paid to the sinking fund commissioners of such city for the purpose of meeting said bonds when they shall become due.

4. This act shall take effect immediately.

Approved March 12, 1902.

CHAPTER 16.

A Further Supplement to an act entitled "An act for the government and regulation of the state prison," passed April twenty-first, one thousand eight hundred and seventy-six.

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

When keeper of state prison may refuse to receive prisoners.

1. Whenever and as often as any prisoner or prisoners confined in the state prison is or are suffering from any contagious or infectious disease of a dangerous character, it shall be the duty of the keeper of the state prison, upon being certified, in writing, by the principal medical officer of said state prison that such prisoner or prisoners, while so suffering from such disease, is or are likely to infect others, to refuse to receive any additional prisoner or prisoners into his or their custody until the medical officer of the state prison shall have certified that all danger of infection has been passed.

Notice to sheriffs.

2. It shall be the duty of the keeper of the state prison, upon being certified by the medical officer thereof as aforesaid, to give immediate notice, in writing, to the sheriffs of the respective counties that the state prison is not safe as a place of custody, and it shall be the duty of each and every sheriff to retain in his custody each and every prisoner sentenced to confinement in the state prison until after he shall have been notified by the keeper of said state prison that the danger of infection or contagion no longer exists, any law, usage or custom to the contrary notwithstanding.

Computation of time.

3. The time during which any prisoner or prisoners is or are retained pursuant to the provisions of this act, shall be calculated and computed as if the said time had been expended in the service of his or her sentence in the state prison.

Repealer.

4. 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, 1902.

CHAPTER 17.

An Act to provide for the establishment of a course in practical and scientific instruction in the art of clay working and ceramics in the state agricultural college.

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

Department of ceramics in state agricultural college.

1. The trustees of the state agricultural college of New Jersey be and they are hereby required to establish in said state agricultural college a department of ceramics, equipped and designed for the education of clay-workers in all branches of the art which exist in this state or which can be profitably introduced and maintained in this state from the mineral resources thereof, including the manufacture of earthenware, stoneware, yellow wares, white wares, china, porcelain and ornamental pottery, also the manufacture of sewer pipe, fire-proofing, terra cotta, sanitary clay wares, electric conduits and specialties, fire bricks and all refractory materials, glazed and enameled bricks, pressed bricks, vitrified paving materials, as well as the most economic and scientific methods in the production of the coarser forms of bricks used for building purposes; also the manufacture of tiles used for paving, flooring, decorative wall paneling, roofing and draining purposes, and all other clay industries represented in our limits.

Subjects taught.

2. Said department shall offer special instruction to

clay-workers on the origin, composition, properties and testing of clays, the selection of materials for different purposes, the mechanical and chemical preparation of clays, the laws of burning clays, the theory and practice of the formation of clay bodies, slips and glazes, and the laws which control the formation and fusion of silicates.

Equipment of laboratory.

3. Said department shall be provided with an efficient laboratory designed for the instruction of clay-workers in the list of subjects enumerated in the second section of this act, and also equipped to investigate into the various troubles and defects which cannot be understood or avoided except by the use of such scientific investigation; said laboratory shall be equipped with the necessary apparatus for chemical analysis, with furnaces and kilns for pyrometric and experimental trials and such apparatus and machinery as may be necessary for the proper preparation of clays for manufacture as is consistent with the character of the department.

Expert employed, duties.

4. Said trustees shall employ to conduct this department of ceramics a competent expert of the necessary education and scientific acquirement, who shall teach the theoretical part of the subject and direct the laboratory for the instruction of students and prosecute such scientific investigations of the various clay industries as may be practicable, and from time to time to publish the results of his investigations in such form that they will be made public and accessible to clay-workers of the state, for the advancement of the art and science of the subject.

Appropriation.

5. There shall be appropriated out of the general revenues of the state the sum of twelve thousand dollars, to be expended in the organization, equipment and maintenance of said department as provided for in the first four sections of this act, for the current year, and then shall be appropriated from the same fund the sum of twenty-five hundred dollars annually hereafter, beginning on the next succeeding year, for the salary, supplies and all other expenses of the maintenance of said department; *provided,* such sum or sums shall first be appropriated in the annual appropriation bill.

Proviso.

Approved March 17, 1902.

CHAPTER 18.

An Act to regulate the practice of veterinary medicine, surgery and dentistry in the state of New Jersey, to license veterinarians and to punish persons violating the provisions thereof.

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

Veterinary examiners.

1. The governor shall appoint a board of examiners to be known as the state board of veterinary medical examiners, said board to consist of five members, who shall be persons of recognized professional ability and honor in the veterinary profession in this state and who shall have practiced veterinary medicine and surgery for at least five years immediately preceding such appointment; the term of office of the members of said board shall be three years, or until their successors are appointed and duly qualified; *provided, however,* that the members of the board first appointed shall serve as follows: one, for one year, two, for two years, and two for the full term of three years, commencing on the first Monday of May, one thousand nine hundred and two; and thereafter each member shall be appointed for the term of three years; each appointee shall, before assuming the duties of the office, and within thirty days after the receipt of his commission, take, subscribe and file, in the office of the secretary of state, the oath or affirmation of office; the governor shall fill vacancies from death or otherwise for unexpired terms, and may remove any member of said board for continued neglect of the duties required by this act, for incompetence, unprofessional or dishonorable conduct.

Proviso.

Vacancies.

Organization, first meeting.

2. The first meeting of the examining board shall be held on the first Monday in May, one thousand nine hundred and two, notice of the time and place of said first meeting being given with a copy of their appointment by the secretary of state, to each of the members thereof specifying the time and place of said first meeting; at the first

meeting of the board an organization shall be effected by the election from their own membership, of a president, a secretary and a treasurer; it shall have a common seal, and its president shall be empowered to issue subpœnas and to administer oaths in taking testimony in any matter pertaining to the duties of said board; it shall make and adopt all necessary rules, regulations and by-laws not inconsistent with the laws of this state or of the United States, whereby to perform the duties and to transact the business required under the provisions of this act.

Examinations.

3. Said board shall hold two or more meetings for examinations at the capitol building of this state each year, due notice of which shall be made public at such time as they shall determine; at all meetings a majority of the members of the board shall constitute a quorum, but the examination of applicants for license may be conducted by a committee of one or more members duly authorized by said board; said board shall examine all diplomas as to their genuineness, and each applicant for a license shall submit to a theoretical and practical examination, said examination to be written, oral, or both; such examination shall include the following subjects: veterinary anatomy, physiology, chemistry, surgery, dentistry, practice of veterinary medicine, obstetrics, pathology, bacteriology, diagnosis, materia medica, therapeutics, pharmacy, zootechnics, sanitary medicine, hygiene, meat and milk inspection, and veterinary jurisprudence.

License.

4. Said board shall issue forthwith to each applicant who has passed such examination successfully, and who shall have been adjudged duly qualified for the practice of veterinary medicine, surgery and dentistry, a license to practice the same in the state of New Jersey; such license issued pursuant to this act shall be subscribed by the president and secretary of the board of veterinary medical examiners; it also shall have affixed to it, by the person authorized to affix the same, its corporate seal; before said license shall be issued it shall be recorded in a book kept in the office which said board shall establish for the purpose of carrying out the provisions of this

act, and the number of the book and the page therein containing said recorded copy shall be noted on the face of said license; such records shall be open to public inspection with proper restrictions as to their preservation.

Cancelation of license.

5. Upon presenting to the board a certified copy of a court record, showing that a practitioner of veterinary medicine, surgery or dentistry has been convicted of a felony or misdemeanor, that fact may be noted upon the record of licenses, and the license and registration shall be marked canceled; any person whose license shall be so canceled shall be deemed as an unlicensed person, and, as such, subject to the penalties prescribed for other unlicensed persons who practice veterinary medicine, surgery or dentistry in this state.

Application for license.

6. From and after the first Monday in May, one thousand nine hundred and two, any person not hereinbefore registered to practice veterinary medicine, surgery and dentistry in this state, or desiring to enter upon such practice, shall deliver to the secretary of the veterinary medical board, upon a payment of a fee of ten dollars, a written application for license, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a competent school education and has received a diploma conferring the degree of veterinary medicine from some legally incorporated veterinary college or university of the United States, or a diploma or license conferring the full right to practice all the branches of veterinary science in some foreign country (which, in the opinion of said board, was in good standing at the time of issuing said diploma); applicants who shall have received their degree in veterinary medicine after the first Monday of May, one thousand nine hundred and two, must have pursued

Qualifications.

the study of veterinary medicine for at least three years including three regular courses of lectures of at least six months each in different years, in some legally incorporated veterinary college or university, prior to the granting of said diploma or foreign license, such proof shall be made, if required, upon affidavits; upon making the said payment and exhibiting the before-named proof,

the examining board, if satisfied with the same, shall issue to such applicant an order for examination; in case of failure at such examination, the candidate, after the expiration of six months and within two years, shall have the privilege of a second examination by the board of veterinary medical examiners, without the payment of an additional fee; *and it is further provided,* that applicants examined and licensed by the state board of veterinary medical examiners of other states, on payment of a fee of ten dollars to the examining board of this state, and on filing in the office of said board a copy of said license, certified by the affidavit of the president or secretary of the board of such other state, showing also that the standard of the examination and other requirements adopted by that state board of veterinary medical examiners is substantially the same as that provided for by this act, shall without further examination, receive a license conferring upon the holder thereof all the rights and privileges provided by sections four and six of this act.

Proviso.

7. From and after the first Monday in May, one thousand nine hundred and two, no person shall enter upon or continue the practice of veterinary medicine, surgery or dentistry in any of their branches in the state of New Jersey, unless he has complied with the provisions of this act, and shall have exhibited to the clerk of the county in which he desires to practice veterinary medicine, surgery or dentistry, a license duly granted to him as hereinbefore provided; whereupon he shall be entitled, upon the payment of one dollar, to be duly registered in the office of the clerk of the court of common pleas in said county; any person using any title or degree appertaining to the veterinary profession or practicing veterinary medicine, surgery or dentistry in any of their branches in this state after the first Monday in May, one thousand nine hundred and two, without being licensed and registered in conformity with the provisions of this act, or otherwise violating any of its provisions, shall be guilty of misdemeanor and, upon conviction thereof, shall be punished for the offense by a fine not less than

Practitioners must have license.

Penalty for violations.

one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days, or by both fine and imprisonment, and for each subsequent offense the punishment shall be double that of the preceding one; and it shall be the duty of the respective district attorneys of the counties of this state to prosecute violations of the provisions of this act.

Legal proceedings.

8. It shall also be lawful for the said board to institute civil proceedings in any court of competent jurisdiction against any person, company or association for the violation of any of the provisions of this act; such proceedings shall be brought in an action on contract and, upon conviction thereunder, the person, company or association so convicted shall be liable to a fine, which shall be the same amount fixed in preceding section of this act, and all fines and penalties collected by any court under the provisions of this section of this act shall be paid over to the treasurer of this board, to be received and disbursed by him in accordance with the provisions of this act.

Exceptions

9. Nothing in this act shall be construed to interfere with or punish veterinarians in the United States army, or in the United States bureau of animal industry, while so commissioned, or any lawfully qualified veterinarian residing in other states or countries meeting registered veterinarians of this state in consultation, or any veterinarian residing on the border of a neighboring state and duly authorized under the laws thereof to practice veterinary medicine or surgery therein whose practice extends into the limits of this state; *provided,* that such practitioner shall not open any office or appoint a place to meet patients or receive calls within the limits of New Jersey; and nothing in this act shall be construed to prohibit the practice of veterinary medicine, surgery or dentistry, by any practitioner who shall have been registered in any county in this state before the first Monday in May, one thousand nine hundred and two, and one such registry shall be sufficient warrant to practice veterinary medicine, surgery or dentistry in any county in this state; nothing in this act shall apply to persons gratuitously

Proviso.

treating animals in cases of emergency; *provided,* they do not represent themselves to be veterinarians or use any title or degree appertaining to the practice thereof. Proviso.

10. The expenses of said board and of the examinations shall be paid from the license fees and fines 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. Expenses. Compensation.

11. All acts or parts of acts, general or special, now existing not in accordance with the provisions of this act or inconsistent herewith be and the same are hereby repealed. Repealer.

12. This act shall take effect immediately.

Approved March 17, 1902.

CHAPTER 19.

An Act to provide for the erection of school-houses in cities of this state.

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

1. Whenever it shall be necessary for the proper accommodation of the school children of any city, in the opinion of the board of education or other such body in charge of the government and direction of schools in any city, to erect an additional school-house or additional school-houses therefor, and such board of education or other such body shall, by resolution, request the board of aldermen, common council or other governing body of such city to purchase a site or sites for the erection of a public school-house or school-houses and to erect such school-house or school-houses thereon, it shall be the duty of such board of aldermen, common council or other governing body, to investigate the necessity for such additional school accommodation, and if, in their judgment, such additional school accommodation shall be necessary, Additional school accommodations.

such board of aldermen, common council or other governing body, shall advertise according to the provisions of its charter for lands for the purpose, and may purchase such lands as may be necessary for the erection of a suitable school-house or school-houses, and thereafter may proceed to advertise according to law and receive bids for the erection and completion thereof; *provided*, the total cost of such land and school-building or buildings, shall not exceed one hundred and fifty thousand dollars.

Proviso.

Bond issue.

2. To provide for the total cost of such land and school-building or school-buildings, it shall be lawful for the common council, board of aldermen or other governing body of such city, to cause bonds of such city to be issued therefor, bearing interest payable semi-annually at a rate not to exceed five per centum per annum, payable in not less than twenty nor more than thirty years from date of issue, properly attested under the city seal and executed by the mayor and the city clerk, and countersigned by the comptroller or other financial officer of such city, pledging the faith and credit of the city for the payment of the same.

Assessments.

3. The assessors of such city shall annually assess of the ratables of such city such sum as will produce by taxation the annual interest on the said bonds and a sum sufficient to retire said bonds at maturity.

4. This act shall take effect immediately.

Approved March 18, 1902.

CHAPTER 20.

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

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

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

2. The said committee, when so appointed, shall have power to acquire by purchase or condemnation, lands which in the judgment of the committee are suitable, and to erect thereon buildings for the use of the courts and the county officers, and for the transaction of the public business of the county, and to furnish the same ready for occupancy and use by such courts and public officers; the title to said premises shall be taken in the name of the board of chosen freeholders of said county and proceedings in condemnation when necessary, shall also be taken in the name of said board of chosen freeholders of said county; said committee shall also have power to employ counsel and architects, to enter into and execute all necessary and appropriate contracts and agreements in the name of and on behalf of said board of chosen freeholders for the purposes aforesaid, and to incur any proper and necessary expense in carrying out the provisions of this act, but all contracts and agreements for the doing of any work or the furnishing of any materials exceeding five hundred dollars in amount, shall be awarded only after public advertisement, and to the lowest responsible bidder. Powers and duties.

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

4. It shall be lawful for the board of chosen freeholders of such county to issue and sell the bonds of such county corporation for the purpose of raising money to pay the costs of lands and buildings and furnishing the same, according to the provisions of this act, to an aggregate amount not to exceed one and one-half per centum of the total assessed value of the real and personal property in such county; such bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, with such provisions as to registration and payment of interest or coupons as may be found expedient; shall be payable at a time not exceeding forty years from their date, and shall not be sold at either public or private sales for less than par; Bonds; amount, rate, &c.

Sinking fund. it shall be the duty of such board of chosen freeholders to establish a sinking fund to be raised by taxation from year to year, sufficient to pay off and discharge said bonds at maturity, and also to include in the annual county tax levy a sum sufficient to pay the interest on such bonds from year to year.

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

Approved March 18, 1902.

CHAPTER 21.

An Act to provide for the construction and maintenance of speedways in counties of this state.

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

Construct speedways. 1. The boards of chosen freeholders of the several counties are hereby authorized to lay out, construct and maintain roads, or ways to be called speedways, for exercising and driving horses to light vehicles, and to that end they are hereby authorized to acquire lands by purchase, condemnation, gift or otherwise, and to appropriate the necessary moneys therefor, and in case such board shall determine to acquire lands by condemnation, the proceedings shall be had under the general law applicable thereto.

Rules and regulations. 2. The said boards of chosen freeholders, or the committee thereof appointed for the purpose, are authorized to make rules and regulations for the government of the said speedways, and may prescribe the manner in which the same shall be used and the kinds of vehicles that shall be used thereon.

Future crossways. 3. After the location of such speedways shall have been determined upon, no public streets or highways shall be laid across or intersect the same at grade without the consent of the board of freeholders of the proper county.

4. After the construction of such speedways shall have been finished, the said boards of freeholders are authorized to appropriate such moneys as may be necessary for the proper maintenance thereof. Maintenance.

5. This act shall take effect immediately.

Approved March 19, 1902.

CHAPTER 22.

A Supplement to an act entitled "An act providing for the licensing of dogs," approved March fifteenth, one thousand eight hundred and ninety-three.

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

1. Any governing body of a municipality which has fixed a license fee for dogs in pursuance of the act to which this is a supplement, may, by resolution, authorize the board of health of such municipality to collect the same annually; and any board of health so authorized shall collect said fees, register each dog licensed and issue a license tag therefor. Collection of license fee.

2. All fees so collected shall be paid to the treasurer of said municipality, who shall apply one-half thereof to the uses of the said board of health and shall pay monthly one-half thereof to the district society for the prevention of cruelty to animals of the county in which said municipality is located. Disposition of fees.

3. Any such society receiving money as aforesaid shall maintain a shelter or other place for caring for animals, and shall seize, care for and dispose of any dog found at large in said municipality and not carrying a license tag issued as herein provided; but any dog so seized shall be returned to its owner upon proof of a license granted therefor and payment of one dollar to said society for feeding and keeping same, within three days after such seizure. Disposition of dogs seized.

Repealer.

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

Approved March 19, 1902.

CHAPTER 23.

An Act concerning the appointment of a clerk to the city street commissioner in cities of the second class in this state, and fixing their tenure of office.

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

Term of office.

1. In all cities of the second class in this state in which the board of aldermen, common council, or other governing body, appoint a clerk to the city street commissioner for a term of one year, the said board of aldermen, common council or other governing body, may appoint said clerk to hold office hereafter for a term of three years.

Repealer.

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

Approved March 20, 1902.

CHAPTER 24.

A Supplement to an act entitled "A general act relating to boroughs [Revision of 1897]," approved April twenty-fourth, one thousand eight hundred and ninety-seven.

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

Re-assessments.

1. In all cases where any assessment incident to the construction, relaying, repairing or keeping in repair

the sidewalks on any streets, roads or public places within any borough in this state may have been heretofore or shall hereafter be reversed or set aside by certiorari or other process, and such construction, relaying, repairing or keeping in repair the sidewalks on any streets, roads or public places within any borough, shall have been actually made and completed, it shall be lawful for the borough council to make a new assessment of the cost of such construction, relaying, repairing or keeping in repair such sidewalks, together with interest, in the same way and manner provided for the original assessment of cost in the act to which this act is a supplement; all such new assessments of cost and interest shall become a lien upon the lot or lots of land in front of which such sidewalks shall have been so constructed, relaid or repaired in the same manner and with like effect and shall be enforceable in the same way as in the case of an original assessment for cost, as provided in the act to which this act is a supplement; *provided, however,* that any limitation of time prescribed for the collection of any original assessment by sale or otherwise in the act to which this act is a supplement, shall commence at the date of such new assessment.

Such assessments a lien.

Proviso.

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

Repealer.

3. This act shall take effect immediately.

Approved March 20, 1902.

CHAPTER 25.

An Act to amend an act entitled "An act concerning county roads," approved March twentieth, one thousand nine hundred.

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

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

Section amended.

Agreement with railways relative to improvements.

1. Whenever, in any county of this state, any county road is not built and improved to the authorized or full width thereof and in the judgment of the board of chosen freeholders of such county it is desirable that such road should be so built and improved, for the accommodation of public travel, such board may, upon the affirmative vote of at least three-fourths of all its members, so build and improve the same; and if any street railway company has its rails laid on said road or any part thereof, said board may enter into an agreement with such street railway company, whereby said company, in consideration of the work being undertaken, will bear and pay a portion of the cost thereof; and in the event of said road being crossed by a steam railroad at grade, it shall and may be lawful for such board to enter into an agreement with the railway company owning or operating said steam railroad and the street railway company using said road, to change the grade of the road or tracks of the steam railroad and abolish such grade-crossing, in the manner provided by law, and the funds for these purposes shall and may be raised by such board in the manner provided by the fifth section of the act amended hereby.

2. This act shall take effect immediately.

Approved March 20, 1902.

CHAPTER 26.

An Act to provide suitable accommodations for "the manual training and industrial school for colored youth."

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

Site and building.

1. The state board of education shall purchase a suitably located site for "the manual training and industrial school for colored youth," and shall erect thereon a building or buildings for the use of said school.

2. The erection and furnishing of said building or buildings shall be done by contract or otherwise, as the said board shall deem for the best interests of the state; said board may employ architects, superintendents and mechanics, advertise for proposals, make a contract or contracts for the whole or any part of said work, and incur all necessary expenses to carry out the provisions of this section. Erection and furnishing.

3. For the purchase of said site and the erection and furnishing of said building or buildings the sum of thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, the sum to be paid by the state treasurer on the warrant of the state comptroller, from time to time as said payments shall become due, said payments to be made on proper vouchers approved and duly certified by the said board, or such officers thereof as may be designated for that purpose; *provided,* that no expense shall be incurred or moneys expended as authorized by this act, nor shall said appropriation become available, until an appropriation therefor shall have been made by the legislature in the annual appropriation act. Appropriation. Proviso.

4. This act shall take effect immediately.

Approved March 20, 1902.

CHAPTER 27.

An Act respecting the burial of the bodies of honorably discharged soldiers, sailors and marines, the marking of their graves with suitable headstones and the care and preservation of their graves.

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

1. It shall be the duty of the board of chosen freeholders in each of the counties of this state to designate some proper authority other than that designated by law for the care of paupers and the custody of criminals, Burial of indigent veterans.

who shall cause to be interred the bodies of all honorably discharged soldiers, sailors or marines (hereinafter throughout this act called "veterans") who served in the army or navy of the United States during any war in which the United States have been engaged, who shall hereafter die without leaving means sufficient to defray funeral expenses, but the expense of such funeral shall not exceed, in any case, the sum of thirty-five dollars.

Expense.

Where buried; tombstone.

2. Any interment provided for by the provisions of this act shall not be made in any cemetery or plot used exclusively for the burial of pauper dead; the graves of any such deceased veterans shall be marked by a headstone, containing the name of the deceased, and, if possible, the organization to which he belonged or in which he served; such headstone shall cost not more than fifteen dollars, and shall be of such design and material as shall be approved by the governor, adjutant-general and quartermaster-general of the state.

Who bears expense.

Proviso.

3. The expense of such burial and headstones shall be borne and paid by the county in which the deceased shall be resident at the time of his death; *provided, however,* that if in any county in this state there is located a home or other institution for the use, care, shelter and maintenance of such veterans not supported by the county, such county shall not be liable for the burial expenses and headstones aforesaid of the deceased, unless the deceased was a bona fide resident of such county at the time of his admission to such home or institution, but the county in which he was resident at the time of his admission to such home or institution shall defray, bear and pay the cost of such burial and headstones.

Sum in tax levy.

4. The board of chosen freeholders of the several counties of this state shall annually place in the tax levy a sum sufficient for the purposes aforesaid.

Burial plots and headstones.

5. If in any of the counties in this state the graves of such veterans are now in a state of dilapidation or decay, or are not marked with headstones as provided in this act, or such county or any county does not now own burial lots or plots in which the bodies of such

veterans may be interred, or such board has not funds sufficient to pay for the burial of such veterans who have heretofore died, then it shall and may be lawful for the board of chosen freeholders of any such county to place in the tax levy a sum sufficient to repair and place in decent condition such graves, to place suitable headstones thereon, to purchase burial lots or plots and to pay the cost of the burials in this section mentioned; *provided, however,* that if the amount required for the purposes mentioned in this section, if placed in the tax levy for one fiscal year, in the judgment of any such board, would be too burdensome on the taxpayers of such county, such board may issue temporary loan bond or bonds, to be payable not more than five years from the date or dates thereof, and thereby raise the funds wherewith to accomplish the purposes aforesaid; said bond or bonds to be executed in such form as county bonds are usually executed, to bear interest at not more than five per centum per annum, to be payable semi-annually, and to be sold at public or private sale, in the discretion of such board, but for not less than par and accrued interest; and such board shall annually place in the tax levy a sum sufficient to pay the principal and interest thereof at maturity; *provided further,* that no board shall issue temporary loan bond or bonds in excess of fifteen thousand dollars, for the purposes aforesaid.

Proviso.

Bond issue.

Proviso.

6. This act shall take effect immediately.

Approved March 20, 1902.

CHAPTER 28.

A Supplement to "An act concerning banks and banking [Revision of 1899]," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Surrender of state charter.

1. That when two-thirds in interest of the stockholders of any bank, incorporated or organized by authority of this state, shall give their consent, in writing, to become an association for carrying on the business of banking under the laws of the United States, and the directors of said bank shall file in the department of banking and insurance a certificate under their hands that such consent has been so given, and that said directors intend to act in pursuance thereof, said bank shall be deemed and taken to have surrendered its charter; *provided, nevertheless,* that every such bank shall be continued a body corporate for the term of three years after the time of such surrender, for the purpose of prosecuting and defending suits by or against it, and closing its concerns, but not for any other business or purposes whatsoever; the board of directors for the time being of said new or national bank shall act as and be deemed and taken to be the directors of such corporation while closing its concerns during said last-named period.

Proviso.

In case of non-consent of stockholder.

2. When any bank shall in the manner aforesaid have signified its purpose to become such banking association under the laws of the United States, any stockholder who may not consent to become a stockholder in such national bank shall be entitled to and receive from said original bank the full value at the time of the stock held by him or her; and in case the board of directors of such bank, after attempt made, either by its officers, agent or attorney, cannot agree with such stockholder for the price to be paid him or her for such stock, and cannot procure from such stockholder such consent aforesaid, it shall be lawful for such bank, upon ten days' notice, in writing, to such stockholder, to make application to any justice of the supreme court for the appointment of three disinterested and impartial commissioners to make an estimate and appraisement of the value of such stock; and such commissioners having taken an oath or affirmation fairly and honestly to make such appraisement according to the best of their skill and understanding, and having caused notice, in writing, to be given to such stockholder, for at least five days, of the time and

place of their meeting to make said appraisement, shall proceed to make the same; and when so made, in writing, and signed by said commissioners, or a majority of them, the same shall be conclusive and final; and the amount so appraised shall be deemed a debt due from said bank to said stockholder, and shall draw interest until paid or tendered to said stockholder, or to his or her lawful representatives; and the stock so appraised shall, upon such appraisement being made and signed as aforesaid, become the property of said bank, to be sold or disposed of, or held, as the board of directors may elect.

Application of act.

3. All the provisions of this act shall apply to stock held or legally owned by one or more persons as trustee, guardian or other legal representative; and in case the legal owner, or owners, of any stock cannot be found in this state, or shall be under age, or of any legal disability to transfer the same, said commissioners may be appointed as aforesaid by said justice upon the application of said bank, notice of such application having been first given for the space of three weeks, in one or more newspapers published in the county in which said bank is located; and the appraisement and valuation of such commissioners shall be of the same force and effect as for other cases is hereinbefore provided.

Property and assets, how vested.

4. When the charter of any such bank shall be surrendered to the state, as hereinbefore provided, and any such bank shall have been organized as a banking association under the laws of the United States, or have become capable in law as such national bank to take and hold property, all the assets, real and personal, of any such bank shall immediately, by act of law and without any conveyance or transfer, be vested in and become the property of the said association, formed as aforesaid under the laws of the United States, to be held by said association or its stockholders in as ample and beneficial manner for all purposes as the same can, by virtue of the laws of the United States, be held and enjoyed; but nothing in this section shall be so construed as to impair the obligation existing in the first section of this act.

Extent of act.

5. The authority conferred by this act may be exer-

cised by the stockholders of any bank incorporated or organized by the authority of this state, notwithstanding said bank may have been converted into a national banking association under the laws of the United States prior to the passage of this supplement.

6. This act shall take effect immediately.

Approved March 24, 1902.

CHAPTER 29.

An Act to regulate the practice of architecture.

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

Board of architects.

1. Within sixty days after the passage of this act the governor of the state of New Jersey shall appoint five persons, at least four of whom shall be, at the time of this appointment, architects residing in the state of New Jersey, and who have been engaged in the practice of their profession for at least ten years; the said five persons shall constitute the New Jersey state board of architects, two of whom shall be appointed to hold office for one year and three of whom shall be appointed to hold office two years.

Succession of board.

2. Upon the expiration of the term of each member, the governor shall appoint his successor for a term of two years, in like manner as the previous appointments; each member shall hold over after the expiration of his term until his successor shall have been duly appointed and qualified.

Vacancies; compensation.

3. Any vacancy occurring in the membership of the state board of architects shall be filled for the balance of the unexpired term in like manner; the members of the board shall serve without compensation for their services, except as hereinafter provided.

Organization; oath.

4. The members of the New Jersey state board of architects shall, before entering upon the discharge of their duties, and within thirty days after their appointment, take and subscribe an oath before any officer

authorized to administer oaths in the state, for the faithful performance of duty, and file the same with the secretary of state; they shall annually elect from their number a president and a secretary, who shall also be treasurer, each of whom shall hold office for one year and until their successors shall have been duly elected and qualified; the secretary and treasurer shall receive such compensation for his services as may be determined by the board.

Rules records, etc.

5. The board may adopt all necessary rules, regulations and by-laws to govern its proceedings, not inconsistent with the laws of this state or of the United States; the board may adopt a seal, and the secretary shall have the care and custody thereof, and shall keep a record of all the proceedings of the board, which shall be open to public examination.

Quorum.

6. Three members of the board shall constitute a quorum.

Special meetings; examinations.

7. Special meetings of the board shall be called by the secretary upon the request of any two members by giving at least five days' written notice of the meeting to each member; the New Jersey state board of architects may adopt rules and regulations for the examination and registration of applicants desiring to practice architecture in accordance with the provisions of this act, and may amend, modify and repeal such regulations from time to time.

Public notice of changes.

8. The board shall immediately upon the election of each officer thereof, and upon the adoption, repeal or modification of the rules and regulations for the registration of applicants, file with the secretary of state and publish in at least one daily newspaper in the state, the name and post-office address of each officer, and a copy of such rules and regulations or the amendment, repeal or modification thereof.

Semi-annual examinations; applicants.

9. Provision shall be made by the state board of architects for holding examinations at least twice a year of applicants, for registration to practice architecture, if there shall be any such applicants; any person over twenty-one years of age, upon payment of a fee of five

dollars to the board, shall be entitled to enter any examination to determine the qualification for such registration.

Who may be licensed.

10. If the examination of any applicant for registration shall be satisfactory to the majority of the board, and upon the payment of an additional fee of fifteen dollars to the said board, a certificate shall be issued to the applicant, authorizing him to practice the profession of architecture; any person who shall at the time of the passage of this act be engaged in the practice of architecture in this state, and who shall present to the state board an affidavit to that effect, or a certificate from a similarly constituted board of another state, and any person who is a member of the American institute of architects, shall be entitled to receive such certificate, upon the payment to the said board of a regular fee of five dollars; each person licensed shall cause such license to be recorded in the secretary of state's office.

Revocation of license.

11. Any certificate granted by the said board or obtained by affidavit, as above provided, may be revoked by the said board of architects, for gross ignorance, recklessness, incompetency, dishonest practices, or other good and sufficient reasons; but before any certificate shall be revoked, the holder shall be entitled to at least twenty days' notice of the charge against him, and of the time and place, within the county of his residence, of the meeting of the board, for the hearing and determining of such charge; for such purpose the board shall have the powers of a court of record, sitting in the county in which its meeting shall be held, to issue subpœnas, and to compel the attendance and testimony of witnesses; witnesses shall be entitled to the same fee as a witness is allowed in the circuit courts of this state, to be paid in like manner; the accused shall be entitled to the subpœna of the board for his witnesses, and a reasonable opportunity to produce his witnesses, and to be heard in person, or by counsel, in open public trial; the members of the board shall have power to administer oaths and conduct such examination of witnesses under oath; and no certificate shall be revoked, except upon

the unanimous vote of all the members of the board; and any such revocation of certificates shall be certified in writing by the said state board of architects, under the hand of its president, or its president for the time being, and attested by the secretary, with the official seal of said board affixed thereto, and such certificate shall be filed in the office of the secretary of state, who shall be paid the usual fee for filing similar documents in his office.

Certified copy in evidence.

12. A copy of any certificate granted by the said board, or any revocation of the same, as by this act provided, certified by the secretary of state where the original certificate or revocation thereof is required to be filed by the provisions of this act, to be a true copy of the original filed in his office under the hand and seal of the said secretary of state, shall be competent and plenary evidence to prove the facts contained in the said certificate, to the same extent as if the original document had been produced and proved in any court of civil or criminal jurisdiction whatsoever; any person whose certificate shall be refused or revoked by said state board shall have the right to appeal by certiorari to the supreme court for a review of such action, and the supreme court is hereby authorized and empowered to review and correct the action of said state board, and the state board shall forthwith carry out the judgment of the supreme court on such review.

Refusal of certificate reviewable by court.

Penalty for practicing without license.

13. If any person shall pursue the practice of architecture in this state, or shall engage in this state in the business of preparing plans, specifications and preliminary data for the erection or alterations of buildings, or shall advertise or put out any sign, card or drawing, designating himself as an architect, having an office and doing business within this state without a certificate thereof, in accordance with the provisions of this act, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars and not more than five hundred dollars for each offense, or imprisonment in the county jail for a period of not less than one month.

Exceptions.

14. But nothing herein contained shall be construed to prohibit students or employes of licensed architects from acting upon the authority of such licensed architects, or to prohibit any person in this state from acting as designer of any building that is to be constructed by himself or his employes, or to prevent any person from employing another person to prepare plans and specifications for the erection of any building with the full knowledge upon the part of said owner that said person is not a regularly registered architect according to the provisions of this act.

Expense of board.

15. The expense of said board, and of the officers thereof, and of the examinations held by said board, and of any other matter in connection with the provisions of this act, shall be paid from the registration fees above provided for, and not otherwise; in no case shall any of such expense be paid by the state of New Jersey or be a charge against the said state.

Annual report.

16. An itemized account of all receipts and expenditures of the said board shall be kept by its secretary, and a detailed report thereof, each year ending with the thirtieth day of September, duly verified by the affidavit of the said secretary, shall be filed with the secretary of state within sixty days thereafter; the said secretary of state to be paid such fees therefor as are now paid for filing similar papers in his office.

Expenses met.

17. The members of the board shall be entitled to reimbursement for their traveling and hotel expenses, incurred in pursuance of their duties, not to exceed five dollars per diem for each member of the said board; the secretary and treasurer of the state board of architects shall receive such annual compensation as shall be provided by the board, by resolution adopted by it at a regular meeting; no member of the board shall be held personally responsible for any portion of the secretary and treasurer's salary, should the fees for certificates received by said board be insufficient to meet the same.

Disposition of surplus.

18. Any surplus of fees remaining in the treasury after the payment of the expenses of the members of the board, and the salary of secretary and treasurer, as herein

provided for, shall be paid annually to the treasurer of the state of New Jersey and shall only be paid out upon the warrant and authority thereafter of the comptroller of the state.

Approved March 24, 1902.

CHAPTER 30.

A Further Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment," passed May eighteenth, one thousand eight hundred and ninety-eight.

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

Disposition of lands bought in by municipalities.

1. In all cases where any lands shall have been heretofore or may hereafter be bought in by the town, township, borough or other municipality under the act to which this is a supplement, it shall be lawful for the board having charge and control of the finances in such town, township, borough or other municipality to sell and convey such lands or any part thereof by good and sufficient deed to any person or persons, and accept either money or bonds or obligations of the town, township, borough or other municipality in payment therefor, on such terms as may be agreed upon and with or without warranty; *provided,* that if sold at private sale the price for the land shall not be less than the amount due the

Proviso.

town, township, borough or other municipality thereon when purchased.

2. This act shall take effect immediately.

Approved March 24, 1902.

CHAPTER 31.

An Act to incorporate Absecon City in the county of Atlantic, as a city and fix the boundaries thereof.

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

Boundaries.

1. All that part or portion of the county of Atlantic, formerly known as the "town of Absecon," beginning at a point at the bay or sound in the township of Egg Harbor, in a line with the north line of lands of Mark Read and the south line of Joab Chamberlin's land; thence following the course of said lines, in their several courses, to where it intersects with the shore road; thence along said road to the road leading from Jonathan Babcock's to Absolom Doughty's mill; thence along said road, to where it intersects the road leading from Pleasantville, to said mill; thence, in a northwesterly direction, to a stake, where a line running northeast will intersect a road leading from Absecon to Egg Harbor City, in Galloway township, where it crosses Clemm's branch and continues the same course to where it will intersect a line running easterly to intersect a line between lands of Daniel Steelman and Ezra Connover, to shore road across said road; thence in a line between the lands of Ezra Connover and Daniel Steelman, and to a stake at upland and meadow, for a corner; thence southeasterly to the bay or sound; thence along said thoroughfare, following the several courses to the place of beginning, be and the same is hereby constituted a city of this state, and all the inhabitants of the state residing within the limits aforesaid, be and they are hereby ordained, constituted and declared to be, from time to

time, and forever hereafter one body politic and corporate in fact and in name, by the name of Absecon City. Corporate name.

2. This act shall take effect immediately.

Approved March 24, 1902.

CHAPTER 32.

An Act to set off territory from the township of East Brunswick, in the county of Middlesex, and annex the same to the borough of Milltown, in said county.

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

1. All that land and real estate, situate, lying and being in the township of East Brunswick, in the county of Middlesex, bounded and described as follows: beginning in the middle of Lawrence brook, where Bog brook empties in the said Lawrence brook, and running thence (1) up the middle of said Bog brook, the several courses thereof, until the said Bog brook intersects the northwesterly line of lands of Balthaser Miller, formerly David Torrens; thence (2) along the said line of said Balthaser Miller's land, and binding thereon, westerly to his northwesterly corner; thence (3) still along his line and binding thereon, southerly about thirteen and a half chains to his southwesterly corner; thence (4) still along his line and binding thereon, easterly to the northwesterly corner of lands of Erhart Jaeger, formerly William R. Serviss; thence (5) along the line of said Erhart Jaeger's land, and binding thereon, southerly about thirteen chains to his southwesterly corner; thence (6) still along his line and binding thereon, easterly about twelve chains to his southeasterly corner; thence (7) still along his line, and binding thereon, northeasterly about fifteen chains and eighty-six links to his northeasterly corner, and corner of lands of Hiram G. Gulick estate, in the line of lands of Balthaser Miller, formerly David Torrens; thence (8) easterly along said Portion of township of East Brunswick annexed to borough of Milltown.

Miller's line, and binding thereon, about three chains and seventy-five links to his southeasterly corner, and the southwesterly corner of lands of Wilson Housel; thence (9) along the lines between the lands of said Miller and lands of said Housel, the several courses and distances thereof, and binding thereon, to the middle of the public road leading from Dunham's corner to Ryder's lane; thence (10) along the middle of said public road, northerly to the middle of Saw Mill brook; thence (11) down the middle of said Saw Mill brook the several courses thereof to the middle of Lawrence brook; thence (12) along the middle of Lawrence brook the several courses thereof to the place of beginning, be set off from said township of East Brunswick and annexed to the said borough of Milltown, in said county of Middlesex, so that the same shall be hereafter a part of and within the territorial limits of said borough of Milltown.

2. This act shall take effect immediately.

Approved March 24, 1902.

CHAPTER 33.

A Supplement to an act entitled "An act to amend an act entitled 'An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey,' approved March twenty-fourth, one thousand eight hundred and ninety-nine, and for the better enforcement of the provisions of said act, and to extend the provisions of said act to lands lying under the tidal waters of the Delaware river," which said amendatory act was approved March twenty-second, one thousand nine hundred and one, providing for the better enforcement of the provisions of said amendatory act and the original act entitled "An act for the better regulation and

control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey," approved March twenty-fourth, one thousand eight hundred and ninety-nine, and extending the provisions of said amendatory act, and extending the provisions of said original act to certain lands under the tidal waters in Raritan bay, in the state of New Jersey, to wit, lands comprehended by the following lines: Beginning at the watch house at Canaskonk Point, on the shore of Raritan bay; thence in a straight line to the government buoy, known as East Point buoy; thence on a true course west southwest to the point where said course intersects a line drawn on a course due north from Cliffwood Point; thence on a true course south to Cliffwood Point; thence along the shore line to the place of beginning.

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

Protection to oyster beds extended

1. The provisions of the act to which this act is a supplement, and also the provisions of an act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey," approved March twenty-fourth, one thousand eight hundred and ninety-nine, be and the same hereby are extended to certain lands lying under the tidal waters of Raritan bay, in the state of New Jersey, to wit, lands comprehended by the following lines: Beginning at the watch house at Canaskonk Point, on the shore of Raritan bay; thence in a straight line to the government buoy known as East Point buoy; thence on a true course west southwest to the point where said course intersects a line drawn on a course due north from Cliffwood Point; thence on a

true course south to Cliffwood Point; thence along the shore line to the place of beginning.

Time for oystering.

2. It shall be lawful for the lessees of lands described in the next preceding section and lying under the tidal waters in Raritan bay to catch and take oysters during all or any of the months of the year, and before sunrise and after sunset; *provided,* a special permit in writing is first had and obtained from the oyster superintendent.

Proviso.

Superintendent's salary.

3. In recognition of the increased work entailed upon the oyster superintendent by reason of the passage of this act, he shall hereafter receive additional compensation of salary, determined by the oyster commission, which shall not exceed thirteen hundred dollars per annum, and which shall be paid in equal monthly payments.

Four commissioners.

4. Hereafter the oyster commission shall consist of four members instead of three, whose qualification for office, appointment, compensation, salary and duties shall be the same in all respects as is provided in the act to which this act is a supplement.

Quorum; term; validity of acts.

5. Three members of said oyster commission shall constitute a quorum at any meeting thereof, and any official act shall be valid which has been authorized by a majority of the commissioners at any stated or special meeting thereof; the three members now constituting the oyster commission shall serve for the term for which they have already been appointed, and that the additional commissioner provided for in this act shall be appointed for the term of one year, and shall continue to hold office until the appointment of his successor.

6. This act shall take effect immediately.

Approved March 25, 1902.

CHAPTER 34.

An Act to reduce the number of members of the boards of chosen freeholders in counties of this state, and to fix the salaries and provide for the election of the members of said boards.

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

Membership.

1. Boards of chosen freeholders in counties of this state having over two hundred thousand inhabitants shall consist of nine members; in counties having between one hundred thousand and two hundred thousand inhabitants, said boards shall consist of seven members; in counties having between fifty thousand and one hundred thousand inhabitants, said boards shall consist of five members; in counties having less than fifty thousand inhabitants, said boards shall consist of three members; they shall be elected by the voters of each county at the same time that members of the general assembly are elected, and shall hold office for two years from the first Monday of January next after their election, and until their successors are elected and qualified.

Amended P. L. 1908 p. 269.

Organization.

2. The board of chosen freeholders constituted as hereinafter directed in any county, shall meet for organization on the first Monday of January next after the election of the members thereof under this act, and on the first Monday of January of each second year thereafter, and such board shall elect from their own number a director who shall be the presiding officer of said board and shall appoint the standing committees thereof.

Salary.

3. Each member of said boards shall receive an annual salary of fifteen hundred dollars in lieu of all fees, expenses and other compensation whatsoever, except in counties having less than twenty-two thousand inhabitants, where each member of said board shall receive an annual salary of five hundred dollars in lieu of all fees, expenses and other compensation whatsoever; before assuming the duties of his office each member of said

boards chosen or elected under the provisions of this act, shall take and subscribe an official oath for the faithful performance of the duties of his office, which oath shall be filed in the office of the clerk of said county.

Oath.

Vacancies.

Amended P.L. 1918 - p. 64

4. Any vacancy hereafter occurring in any of the boards of chosen freeholders constituted or elected under the provisions of this act, shall be filled by the remaining members of such board for the unexpired term only. All laws, public, general, special or private now in force relating to boards of chosen freeholders shall apply to the boards of chosen freeholders as the same shall be constituted or elected under the provisions of this act, so far as the same shall not be inconsistent with the provisions of this act, and the boards of chosen freeholders constituted or elected under the provisions of this act shall be vested with all the powers, authority, rights and privileges and shall have imposed upon them all the duties which are now vested in or imposed upon the boards of chosen freeholders now existing; and all laws, parts of laws, statutes and parts of statutes now in force or in anywise applicable to the existing boards of chosen freeholders, public or private, general or special, be and the same hereby are in all respects continued in full force and made applicable to the boards of chosen freeholders constituted or elected under the provisions of this act, except so far as the same may conflict with or be inconsistent with the meaning of this act.

Laws applicable.

Powers, etc.

Termination of present boards.

5. The terms of office of all chosen freeholders in any county then in office shall expire on the first Monday of January next after the election of chosen freeholders in such county under this act, notwithstanding that such members of such previous boards of chosen freeholders may have been chosen or elected for a longer term or for a period extending beyond the said last mentioned date, and such members of such boards of chosen freeholders whose offices shall be terminated by this act, shall only receive and be paid as a salary and compensation for their services that part of the annual salary or emolument then provided for by law calculated to the date of such termination as aforesaid.

Expiration of officers' terms.

6. The terms of office of all officers then holding office under appointment by the board of chosen freeholders existing in any county at the time of the reorganization of said board under this act in such county, shall expire with the termination of office of the members of such previous board as aforesaid, notwithstanding that such officers may have been appointed for a longer term; and all offices filled by appointments by such previous boards shall then become vacant; and the boards of chosen freeholders constituted or elected under the provisions of this act shall forthwith, upon their organization fill the offices hereby vacated, for the term of one year only; *provided,* that the person holding the office of county collector in any county at the time of the reorganization of said board in such county under this act, shall continue to exercise the duties of his office until his successor shall have been appointed by the board of chosen freeholders organized under this act, and shall have duly qualified; *and provided further,* that nothing in this section contained shall apply to or in anywise affect any honorably discharged soldier or sailor of the United States or the widow of such soldier or sailor, in office at the time of the adoption of this act in any such county, but any and all such persons shall continue and remain in their respective offices the same as if this act had not been passed, and shall be removed only for cause.

Proviso.

Proviso.

Repealer.

7. All acts and parts of acts, both general and special, inconsistent with this act, be and the same are hereby repealed; *provided, however,* that none of the foregoing provisions shall take effect in any county until the same shall have been adopted by vote of the legal voters of such county. The adoption of this act shall be submitted to vote in any county at any election for members of the general assembly hereafter to be held, when a petition therefor, signed by at least five per centum of the qualified electors of such county, as evidenced by the total number of votes cast at the then next preceding election for members of the general assembly in such county, shall have been filed with the clerk of said county, of which submission the same notice shall be given as

Proviso.

Referendum.

is required to be given of said general election, and the legal voters of said county may, at such election, decide upon the acceptance or rejection of this act in the following manner: there shall be printed on each official ballot, containing the names of candidates for members of the general assembly next under the party heading, the proposition, "For the law reducing the number of freeholders," and immediately thereunder the proposition, "Against the law reducing the number of freeholders," and the voter may vote to adopt this act by obliterating the second proposition or may vote to reject this act by obliterating the first proposition; and said ballots so cast for or against this act shall be counted and the result thereof returned by the election officers and a canvass of such election had in the same manner and at the same time as in case of ballots for candidates voted for at such election, and the acceptance or rejection of this act so determined, shall be declared in the same manner as the general result of said election for county officers; and if there should be a majority of votes so cast in favor of the adoption of this act, but not otherwise, this act shall take effect in such county immediately.

When submitted.

8. This act shall take effect immediately as regards the submission thereof to popular vote as aforesaid.

Approved March 26, 1902.

CHAPTER 35.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Additional detectives

1. The prosecutors of the pleas in the counties of the first class of this state may appoint suitable persons,

not exceeding two, in addition to those now allowed by law, in any county, upon the approval in writing as to the number of persons to be appointed by the judge of the court of quarter sessions of any county, to act as special officers for the detection, arrest, indictment and conviction of offenders against the law; such persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in any county of this state; and before such person shall enter upon his duties as said officer, his appointment shall be filed with the clerk of the court of quarter sessions of said county, and said persons so appointed shall receive a per diem allowance and compensation not exceeding four dollars per day, to be fixed by the prosecutor of the pleas at the date of such appointment; *provided,* that said allowance and compensation shall be paid only for the time such officer is actually employed, which time shall be certified to the county collector by the said prosecutor of the pleas. Proviso.

2. This act shall take effect immediately.

Approved March 26, 1902.

CHAPTER 36.

An Act to establish a system of public instruction.

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

ARTICLE I.

STATE BOARD OF EDUCATION.

1. The general supervision and control of public instruction shall be vested in a state board of education, which shall consist of two members from each congressional district, who shall not be members of the same political party, and who shall not reside in the same county except where a congressional district shall lie wholly within one county. Said members shall be ap- State board; number, term, appointment.

pointed by the governor, by and with the advice and consent of the senate, each for the term of five years; and in the place of any member whose term shall expire a successor shall be appointed in like manner for the term of five years, so that there shall be always two members from each congressional district. In case of a vacancy a successor for the unexpired term shall be appointed. A suitable room in the state house, at Trenton, shall be provided for the use of said board.

Control of.

2. The State Board of Education shall have the control and management of the State Normal School, the New Jersey School for the Deaf, the Farnum Preparatory School and the Manual Training and Industrial School for Colored Youth.

Powers enumerated.

3. The State Board of Education shall have power:

I. To frame and modify by-laws for its own government; to elect its president and other officers, and to prescribe and enforce rules and regulations necessary to carry into effect the school laws of this state;

II. To appoint County Superintendents of Schools, and for cause to remove them;

III. To prescribe rules and regulations for holding teachers' institutes;

IV. To authorize the payment by the State Treasurer, upon the warrant of the State Comptroller, of the necessary incidental expenses incurred by the State Superintendent of Public Instruction and the Assistant State Superintendent of Public Instruction in the performance of their official duties;

V. To decide appeals from the decisions of the State Superintendent of Public Instruction;

VI. To make and enforce rules and regulations for the examination of teachers, and the granting of certificates or licenses to teach.

Compensation.

4. The members of the State Board of Education shall receive no compensation for their services, but the State Treasurer shall, upon the warrant of the State Comptroller, pay their necessary expenses.

Annual report.

5. The State Board of Education shall report annually to the Legislature in regard to all matters committed to its care.

ARTICLE II.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

State superintendent; appointment and salary.

6. The State Superintendent of Public Instruction shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of five years and until his successor shall be appointed and confirmed. He shall receive a salary of five thousand dollars a year, payable in equal monthly installments. A suitable office, to be known as the Department of Public Instruction, shall be provided for him in the State House at Trenton.

Assistant superintendent.

7. The State Superintendent of Public Instruction may appoint an Assistant State Superintendent of Public Instruction. He shall file a certificate of such appointment in the office of the Secretary of State, and, with the approval of the Governor, fix his salary, which salary shall be paid in the same manner as the salary of the State Superintendent shall be paid. Said Assistant Superintendent shall perform all the duties of the State Superintendent of Public Instruction during his absence.

Clerical help.

8. The State Superintendent of Public Instruction may employ such clerks as he may deem necessary, and, with the approval of the Governor, fix their compensation, which compensation shall be payable monthly on the certificate of the State Superintendent of Public Instruction; *provided,* that the salary of the Assistant Superintendent and the compensation of said clerks shall not exceed in the aggregate the sum annually appropriated therefor by the Legislature.

Proviso.

Duties of superintendent.

9. The State Superintendent of Public Instruction shall be the Secretary of the State Board of Education, and a member, ex officio, of all boards of examiners. He shall enforce all rules and regulations prescribed by the State Board of Education. He shall have supervision of all the schools of the state receiving any part of the state appropriation. He shall, from time to time, instruct county and city superintendents as to

their duties and as to the best manner of conducting schools, constructing school-houses and furnishing the same.

Decide controversies.

10. The State Superintendent of Public Instruction shall decide, subject to appeal to the State Board of Education and without cost to the parties, all controversies and disputes that shall arise under the school laws, or under the rules and regulations of the State Board of Education. The facts involved in any controversy or dispute shall, if he shall so require, be made known to him by written statements by the parties thereto, verified by oath or affirmation, and accompanied by certified copies of all documents necessary to a full understanding of the question in dispute, and his decision shall be binding until, upon appeal, a decision shall be given by the State Board of Education.

Records and seal.

11. The State Superintendent of Public Instruction shall keep a record of all his official acts and shall preserve copies of all decisions made by him, and shall adopt and provide an official seal. Copies of all acts, orders and decisions made by him, and of all papers deposited or filed in the Department of Public Instruction may be authenticated under said seal, and, when so authenticated, shall be evidence equally with and in like manner as the originals.

Filling vacancy in county superintendent's office.

12. Whenever there shall be a vacancy in the office of County Superintendent of Schools, the State Superintendent of Public Instruction shall appoint, subject to the approval of the President of the State Board of Education, a suitable person to fill such vacancy, and the person so appointed shall hold office until his successor shall be appointed by the State Board of Education.

Withhold salary from county superintendent.

13. In case a County Superintendent of Schools shall neglect or refuse to perform any duty imposed upon him by this act or by the rules and regulations of the State Board of Education, the State Superintendent of Public Instruction shall, subject to appeal to the State Board of Education, withhold from such County Superintendent of Schools the order for his salary until he shall have fully complied with the provisions of this act and

with the rules and regulations of the State Board of Education relating to his duties.

Moneys withheld for nonperformance of duty.

14. In case a board of education, or any officer thereof, or the legal voters of any school district, or any board or officer of the municipality in which any such school district shall be situate shall neglect or refuse to perform any duty imposed upon such board, officer or legal voters by this act or by the rules and regulations of the State Board of Education, the custodian of the school moneys of such school district shall, upon notice from the County Superintendent of Schools, approved by the State Superintendent of Public Instruction, withhold all moneys received by him from the County Collector and then remaining in his hands to the credit of such district, until he shall receive notice from said County Superintendent of Schools that said board, officer or legal voters have fully complied with the provisions of this act and with the rules and regulations of the State Board of Education.

When salary of teacher withheld.

15. In case a teacher shall neglect or refuse to perform any duty imposed upon him or her by this act or by the rules and regulations of the State Board of Education, the State Superintendent of Public Instruction shall direct the custodian of the school moneys of the school district in which such teacher shall be employed, to withhold from such teacher all salary due to him or her until he receives notice from said State Superintendent of Public Instruction that such teacher has fully complied with the provisions of this act and the rules and regulations of the State Board of Education relating to his or her duties.

Power of suspension.

16. Whenever it shall be proved to the satisfaction of the State Superintendent of Public Instruction that any member of a board of education, or any officer thereof has been guilty of a willful violation or neglect of duty under this act or under the rules and regulations of the State Board of Education, said State Superintendent of Public Instruction may, by an order under his hand and seal, which order shall be recorded in his office, and a duplicate thereof transmitted to said board of education, suspend such member or officer from his office;

Proviso. *provided,* that notice of his proposed action shall be served upon said member or officer either personally or by letter directed to him at his last known post-office address, at least two weeks prior to the making of said

Proviso. order; *provided further,* that said State Superintendent of Public Instruction shall forthwith report such suspension to the State Board of Education, and said board shall, after due investigation, reinstate or remove such member or officer.

Apportionment of school moneys. 17. The State Superintendent of Public Instruction shall equitably apportion to the several counties the amount appropriated for the support of public schools from the State School Fund on the basis of the aggregate number of days attendance of all pupils attending the public schools during the year preceding that for which said apportionment shall be made, and shall furnish to the State Comptroller and to the several County Superintendents of Schools and County Collectors an abstract of such apportionment, and of the apportionment of the moneys due to the several counties from the State school tax and from the reserve fund, and shall draw his orders on the State Comptroller and in favor of the County Collector of each county for the amount to which such county shall be entitled.

Reports of private schools. 18. The superintendent or manager of each educational institution receiving support or aid from the state, and the president, manager, or principal of each seminary, academy or private school shall report to the State Superintendent of Public Instruction annually, on or before the first day of August, such statistics relating to such institution, seminary, academy or school as said State Superintendent of Public Instruction may require,

Proviso and in the manner and form prescribed by him; *provided,* that no report concerning the expenses or finances of such institution, seminary, academy or private school

Proviso. shall be required; *and provided further,* that no report of any seminary, academy or private school shall be published or made public by the State Superintendent of Public Instruction.

Printed forms. 19. The State Superintendent of Public Instruction shall prepare and cause to be printed forms for making

all reports and conducting all proceedings under the school laws of this state. He shall cause all school laws to be printed in pamphlet form, and shall annex thereto forms for making reports and conducting school business, and shall distribute the same.

Annual report.

20. The State Superintendent of Public Instruction shall present to the State Board of Education annually at its meeting in December, a report of the condition of the public schools and of all the educational institutions receiving support or aid from the state. Such report shall contain full statistical tables of all items connected with the cause of education that may be of interest to school officers or the people of the state, together with such suggestions and recommendations for the improvement of the schools and the advancement of public instruction as he shall deem expedient.

Oaths and affidavits.

21. The State Superintendent of Public Instruction and the Assistant State Superintendent shall, without charge, administer oaths and take affidavits concerning any matter relating to the schools.

Deliver seal, records, etc., to successor.

22. The State Superintendent of Public Instruction shall, at the expiration of his term of office, deliver to his successor his official seal, together with all the property, books, documents, maps, records, reports and other papers belonging to his office.

ARTICLE III.

COUNTY SUPERINTENDENTS.

County superintendent.

23. The State Board of Education shall appoint for each county a suitable person to be the County Superintendent of Schools of that county, who shall hold office for the term of three years from the date of his appointment and until his successor shall have been appointed as aforesaid, unless sooner removed for cause by said board. No person shall be appointed as County Superintendent of Schools unless he shall hold a state teacher's certificate.

Salary.

24. The yearly salary of a County Superintendent of Schools shall be a sum which shall be equal to eight dollars for each teacher employed in the public schools in his county as ascertained from the last published report of the State Superintendent of Public Instruction; but such salary shall in no case be less than thirteen hundred dollars nor more than two thousand dollars.

How paid.

Such salary shall be paid in equal monthly installments out of the income of the State School Fund, and the State Comptroller shall, on the order of the State Superintendent of Public Instruction, draw his warrant for such salary on the Treasurer of the State School Fund in favor of such County Superintendent of Schools.

Expenses paid.

25. A County Superintendent of Schools shall receive, in addition to his salary, the actual expenses incurred by him in the performance of his official duties, which expenses shall be paid by the collector of the county on the order of the State Superintendent of Public

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Instruction; *provided,* that no such order shall be drawn in favor of any County Superintendent of Schools until he shall have furnished to the State Board of Education an itemized statement, certified under oath or affirmation, of the expenses he has incurred, unless he shall have, during the period in which such expenses have been incurred, faithfully performed all the duties imposed upon him by this act and by the rules and regulations

Proviso.

of the State Board of Education; *and provided further,* that in no case shall the expenses aforesaid exceed three hundred and fifty dollars annually. Payment of such expenses shall be made quarter-yearly.

Powers of county superintendent.

26. A County Superintendent of Schools shall have power:

I. To administer, without charge, oaths or affirmations to teachers and school officers;

II. To issue orders on the County Collector in favor of the custodian of the school moneys of the several school districts in said county for that portion of the state school tax, the state appropriation, and the interest of the surplus revenue to which each of said school districts shall be entitled;

III. To exercise general supervision over the public schools of the county under his charge in accordance with the rules and regulations prescribed from time to time by the State Board of Education; to visit and examine all the schools under his care; to inquire into the management, methods of instruction and discipline in such schools; to note the condition of the school-houses, sites, buildings and appurtenances; to examine the courses of study, text-books and school libraries; to advise with and counsel boards of education in relation to their duties, particularly in respect to the construction, heating, ventilating and lighting of school-houses, and to recommend to boards of education and teachers proper studies, methods, discipline and management for the schools;

IV. To appoint members of the board of education for a new township, incorporated town or borough school district and for any such district which shall fail to elect such members at the regular time. Such appointees shall serve only until the next regular election in the district for members of the board of education.

Annual report.

27. Each County Superintendent of Schools shall render annually, on or before the first of September, to the State Superintendent of Public Instruction, in the manner and form prescribed by him, a report of such matters relating to the schools under his supervision as shall be required by said State Superintendent of Public Instruction.

Reports of local officers.

28. The superintendents, district clerks and the custodians of schools moneys of the several school districts shall annually, on or before the first day of August, report to the County Superintendent of Schools in the manner and form prescribed by the State Superintendent of Public Instruction.

Superintendent of city schools.

29. Whenever a superintendent of schools shall be appointed in any city school district, the supervision of the schools of such district shall devolve upon the superintendent of schools thereof and not upon the County Superintendent of Schools.

ARTICLE IV.

BOARDS OF EXAMINERS.

State board of examiners.

30. There shall be a State Board of Examiners, consisting of the State Superintendent of Public Instruction, the Principal of the State Normal School and one person to be appointed by the State Board of Education. Said last-named person shall hold office for one year from date of his appointment as aforesaid. The member of said State Board of Examiners appointed by the State Board of Education shall hold a first-grade state certificate, or shall be a graduate of a college or university. He shall receive for his services, in addition to traveling expenses, such compensation as may be fixed by the State Board of Education, not to exceed ten dollars for each meeting of said Board of Examiners. Said board shall hold examinations of teachers, grant State certificates and revoke the same under rules and regulations prescribed by the State Board of Education. A certificate thus granted shall entitle the holder, without further examination, to teach in any part of the state so long as said certificate shall remain valid by the terms thereof.

Validity of certificate.

County board of examiners.

31. There may be in each county a County Board of Examiners consisting of the County Superintendent of Schools, who shall be its chairman, and a number of teachers not to exceed three to be appointed by him, who shall hold office for one year from the date of their respective appointments. No person shall be appointed as a county examiner unless he or she shall hold either a state or a first-grade county certificate. The County Superintendent of Schools shall fill vacancies that shall occur from absence or other cause. Said County Board of Examiners shall conduct examinations and grant certificates of different grades at such times and under such rules and regulations as the State Board of Education may prescribe. It shall meet at such places as may be designated by the chairman. Each member of said Board of Examiners, except the County Superintendent of Schools, shall receive for his or her services, in addition to

Sessions.

traveling expenses, such compensation as may be fixed by the State Board of Education not to exceed ten dollars for each regular examination, which compensation shall be paid by the County Collector on the order of the County Superintendent of Schools; *provided,* that whenever said board shall hold a special examination no compensation therefor shall be paid by the County Collector, but in such case said board may charge each applicant for examination a fee not to exceed two dollars. Compensation. Proviso.

32. In each city school district there may be a Board of Examiners consisting of the Superintendent of Schools of such district, if there be one, and such persons as the board of education of the school district shall appoint. No person shall be appointed as such examiner unless he or she shall hold either a state certificate or the highest grade certificate issued in said district, or shall be a graduate of a college or university. Said Board of Examiners shall, under such rules and regulations as the State Board of Education shall prescribe, grant certificates which shall be valid for all schools of such school district. No teacher shall be employed in any of the schools of such district unless he or she shall possess such certificate or a state or county certificate; *provided,* that nothing herein contained shall be construed to prevent the Board of Education of such school district from prescribing and requiring other and further qualifications to teach than shall have been prescribed by the rules and regulations of the State Board of Education as aforesaid; *provided further,* that if any such school district shall maintain a Normal School or a training school for teachers, which school shall have been approved as to its course of study by the State Board of Education, then the diplomas or certificates issued to pupils of any such school upon graduation therefrom may be accepted by the board of education of said school district as certificates to teach valid for the schools of such school district. City board of examiners. Proviso. Proviso.

ARTICLE V.

SCHOOL DISTRICTS.

School districts.

33. Each township, city and incorporated town shall be a separate school district, but each incorporated village and each borough hereafter created, shall remain and be a part of the school district in which said incorporated village or borough shall be situate at the time of its incorporation; and each borough heretofore incorporated which shall not have assumed the functions of a separate school district by the election of a board of education, or which shall not have actually acted as a separate school district, shall be and remain, and shall be deemed to have been and remained, a part of the school district in which it was situate at the time of its incorporation as a borough, any law to the contrary notwithstanding; *provided,* that whenever it shall appear to the State Superintendent of Public Instruction that the best interest of any borough require that it be a separate school district he shall make an order creating such borough a separate school district. Such order shall not take effect until approved by the State Board of Education; *provided further,* that nothing in this section shall be construed as abolishing any school district which shall have assumed the functions of and acted as a separate school district by the election of a board of education prior to the introduction of this act, or changing the boundaries of any school district possessing complete official autonomy prior to the introduction of this act, but such district shall be and remain a separate school district until consolidated with an adjoining school district as hereinafter provided.

Proviso.

Proviso.

New districts.

34. Whenever a new school district shall be created the children residing in said new district shall continue to attend the schools in which they shall be enrolled until the end of the then current school year. In case there shall be a school-house in such new district in which school shall be then maintained the board of education of the school district from which such new district shall

have been set off shall have charge and control of such school until the end of the then current school year, and shall pay the salaries of the teachers, janitors and other persons employed in such school until the end of said year. In case there shall be any balance at the end of said school year in the hands of the custodian of the school moneys of the school district to the credit of the school district from which said new district shall have been set off, said custodian shall certify to the County Superintendent of Schools the amount of such balance, and what portion of such balance was received from state appropriation, state school tax and interest of the surplus revenue, and what portion was received from district school tax. Said County Superintendent of Schools, upon receipt of such notice, shall divide between said districts that portion of the balance arising from the state appropriation, state school tax and interest of the surplus revenue on the basis of the aggregate number of days attendance of pupils in the public schools as ascertained from the last published report of the State Superintendent of Public Instruction, and shall divide between said districts that portion of said balance arising from district school tax on the basis of the respective ratables of said districts, and shall issue an order in favor of the custodian of the school moneys of such new district for that portion of said balance found to be due said district from the district from which it shall have been set off.

In case of balance of money.

Division of balance.

35. Whenever a township, incorporated town or borough school district shall desire to consolidate with an adjoining township, incorporated town or borough school district, the board of education of said district shall petition the County Superintendent of Schools of the county in which said district shall be situate, to appoint a time when meetings of the legal voters of the districts proposed to be consolidated shall be held, and said County Superintendent of Schools shall, upon receiving said petition, appoint a day for said meetings, and shall notify the board of education of each of said districts of his action. Each board of education receiving such notification shall cause its district clerk to post notices calling

Consolidation of districts.

a special meeting of the legal voters of the districts for the purpose of voting on the question of the consolidation of said districts. Said meeting shall be called in the same manner as other special meetings, and shall be held on the day designated therefor by the County Superintendent of Schools, at such hour and place as may be determined by the board of education. The election shall be by ballot, and the chairman shall appoint two tellers who shall receive and count the ballots in the presence of the chairman of the meeting. The secretary of the meeting shall keep a poll list and shall record therein the name of each person voting at such meeting, and shall also keep a tally sheet of the voters as counted by the tellers. The tally sheet shall be signed by the chairman and tellers, and said tally sheet, poll list and ballots shall be placed in a sealed package by the secretary, indorsed with the name of the district, the name of the county in which said district shall be situate, and the date on which said election shall have been held, and said package, together with a statement of the result of said election, signed by the chairman and secretary, shall be within five days after the date of said election forwarded by said secretary to the County Superintendent of Schools, and the same shall be preserved by him for one year. If the County Superintendent of Schools shall ascertain from said statements that the number of votes cast in each of said districts in favor of consolidation exceeds the number of votes cast against the same, he shall immediately notify each of the boards of education of the result of said election, and thereafter said districts shall constitute but one district.

Public meeting.

Election.

Result of election.

Board of consolidated districts.

36. The board of education of each district consolidated in the manner provided in the preceding section shall, upon receipt of the notice from the County Superintendent of Schools of such consolidation, select by lot four of its number to serve as members of the board of education of the consolidated district, and the eight members so selected shall select the ninth member of said board from among the remaining members of the board of education of that district which shall employ the greater number of teachers; *provided,* that if the board

Proviso.

of education of one of the districts so consolidated shall consist of but three members, all of said members shall be members of the board of education of the consolidated district, and four members of said board shall be chosen as hereinabove provided from the board of education of the other district so consolidated; *and provided further,* that if each of said boards of education shall consist of three members only, said boards shall constitute the board of education of the consolidated district, and the board constituted as hereinbefore provided shall serve until the next annual meeting for the election of members of boards of education, and the terms of office of the remaining members of the board of education of each of said districts so consolidated shall thereupon cease and determine. At said annual meeting a board of education shall be elected as provided for the election of members of boards of education in new districts.

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Body corporate.

37. The board of education of such consolidated district shall be a body corporate and shall have all the powers and duties and be subject to the same restrictions as a board of education in a township school district, and shall be known as and called "the board of education of the ———— of ———— (here insert the name of the municipality in which was situate that district consolidated as aforesaid which had the larger amount of taxable property as ascertained from the last published report of the State Comptroller), in the county of ————."

Titles and obligations in new districts.

38. In case any township, city, incorporated town or borough shall hereafter become a separate school district, or in case two school districts shall consolidate as hereinbefore provided and form one school district, the board of education of such district, in its corporate capacity, shall become vested with the title to all school property real and personal in such district, and if, for the erection, repair or purchase of any such property, there shall be an indebtedness for which the board of education of the school district to which said property originally belonged shall be liable, the said indebtedness shall be assumed by and become the obligation of the board of education of the school district which shall have become

vested with the title to such property, and upon payment of said indebtedness by the school district originally liable therefor, an action may be maintained therefor by the board of education so paying the said indebtedness against the board of education of the school district which shall have become vested with the property for which the said indebtedness was originally incurred.

Assumption of indebtedness.

39. In case any borough, township, incorporated town or other municipality or any part thereof shall have been annexed to another municipality and there shall be within the limits of such borough, township, incorporated town or other municipality, or such part thereof as shall have been annexed to another municipality as aforesaid, any school-house or property formerly belonging to the board of education of such borough, township, incorporated town or other municipality, and for the erection, purchase, furnishing or repair of which there shall be an indebtedness for which the board of education of such borough, township, incorporated town or other municipality shall be liable, the said indebtedness shall be assumed by and become the obligation of the board of education of the municipality to which such borough, township, incorporated town or other municipality shall have been annexed.

Repayment.

40. Whenever the board of education of any township, incorporated town, borough or other municipality shall pay any portion of an indebtedness existing at the time of the formation of a new township, incorporated town, borough or other municipality, or at the time of the annexation of such township, incorporated town, borough or other municipality, or part thereof, to another municipality as aforesaid, which indebtedness shall have been assumed by and shall have become the obligation of the board of education of such new township, incorporated town, borough or other municipality, said last-mentioned board shall repay to the board of education of said first-mentioned township, incorporated town, borough or other municipality the amount of said payment, with interest.

Nine months' term.

41. The state appropriation and the state school tax shall not be apportioned in any year to any district which shall not have maintained a public school for at least

nine months during the preceding school year; *provided,* that the State Superintendent of Public Instruction may, for good cause shown, remit said penalty; *and provided further,* that said appropriation and said state school tax shall be apportioned to a new district, or to a district in which the school shall have been discontinued on account of the repairing of an old, or the erection of a new school building.

Proviso.

Proviso.

ARTICLE VI.

BOARDS OF EDUCATION IN CITY SCHOOL DISTRICTS.

Appointive boards.

42. In each city, the mayor or other chief executive officer of such city shall, during the month of December, next after the acceptance of the provisions of this section, as is hereinafter provided, appoint nine persons to be members of the board of education of such city school district, who shall severally possess the qualifications for said membership prescribed in this article. Three of such persons shall be appointed to serve for one year, three for two years and three for three years, and annually thereafter, during the month of December, the said mayor or other chief executive officer of such city shall appoint three members of said board of education to serve for the term of three years, to take the place of those members whose terms shall expire in such year. Any vacancy in such board of education shall be forthwith reported by the secretary of said board to the mayor or other chief executive officer, who shall, within thirty days thereafter, appoint a person to fill such vacancy for the unexpired term. To every such appointee, as aforesaid, said mayor or other chief executive officer shall issue and deliver a certificate of appointment. The term of office of a member of the board of education, except a member appointed to fill an unexpired term, shall begin on the first day of January next succeeding his appointment.

Vacancies.

Commissioned.

Elective boards.

43. In each city, there shall be elected at the first municipal election held in such city next after the ac-

ceptance of this section as hereinafter provided, nine persons to be members of the board of education of such city school district, who shall severally possess the qualifications for said membership prescribed in this article. Three of such persons shall be elected to serve for one year, three for two years and three for three years, and thereafter, at the regular municipal election in such city in each year, there shall be elected three members of said board of education to serve for the term of three years, to take the place of those members whose terms shall expire in such year. Should any vacancy occur in such board of education, the remaining members of said board shall, within thirty days thereafter, appoint a person to fill such vacancy to serve only until the next succeeding municipal election in said city, at which election a member shall be elected to serve for the unexpired term. The term of office of a member of the board of education, except a member elected to fill an unexpired term, shall begin on the first day of January next succeeding his election.

Vacancies.

Qualifications.

44. A member of a board of education created under the provisions of this article shall be at least twenty-five years of age, a citizen and resident of the school district, and shall have been such citizen and resident for at least three years immediately preceding his or her becoming a member of such board and shall be able to read and write. He shall not be interested directly or indirectly in any contract with or claim against said board.

Oath.

45. A member of such board of education shall, before entering upon the duties of his office, take and subscribe an oath before any officer authorized by law to administer oaths, that he possesses the qualifications to be a member of said board prescribed therefor by this article, and that he will faithfully discharge the duties of his said office. Said oath shall be filed with the city clerk of the city.

Removal for non-attendance.

46. A member of such board of education who shall fail to attend three consecutive regular meetings of said board without good cause, may be removed by said board; the vacancy thus created shall be filled in the same man-

ner as other vacancies in the board of education shall be filled.

No compensation.

47. A member of such board of education shall receive no compensation for his services.

Corporate name and seal.

48. A board of education created under the provisions of this article shall be a body corporate, and shall be known as and called "the board of education of the city of ———— in the county of ————," and shall adopt an official seal.

Organization.

49. Such board shall, on the day the term of office of the members first appointed or elected as provided in section forty-two or forty-three, shall begin, and annually thereafter at the first regular meeting of said board on or after the first day of January, organize by electing one of its members as president and another as vice-president, which officers shall serve for one year and until their respective successors shall be elected.

May sue, purchase, etc.

50. Such board shall, in and by its corporate name, sue and be sued, purchase, lease, receive, hold and sell property, real and personal, take and condemn land and other property for school purposes in the manner provided by law regulating the ascertainment and payment of compensation for property condemned or taken for public use, and, if either party shall feel aggrieved by any proceedings and award thereunder, said party may appeal in the manner provided by law for appeals from such proceedings and award, and shall do all acts and things necessary for the lawful and proper conduct and maintenance of the public schools of its school district.

Vested rights.

51. Such board shall succeed to and be vested with all the property of every kind, and all the rights and privileges, not inconsistent with the provisions of this act, theretofore vested in or possessed by any board of education, school commissioners, or other body theretofore having charge and control of the public schools or public school property of the school district or of the city in which said district shall be situate.

Title vested in new board.

52. The title to school property, real and personal, previously acquired by said school district, or by any antecedent board of education, school commissioners, or by

any other body for school purposes in said school district, or in the city in which the said district shall be situate, and the title to all lands, buildings and other property to be hereafter acquired for school purposes in said school district shall vest in the board of education in said district created under the provisions of this article.

Management, etc.

53. Every such board shall have the supervision, control and management of the public schools and public school property in its district. It shall appoint a person to be its secretary, and may appoint a superintendent of schools, a business manager and other officers, agents and employes as may be needed, and may fix their compensation and terms of employment, but no such appointee, officer, agent or employe, other than the secretary, shall be a member of said board.

Rules and regulations.

54. Such board shall make, amend and repeal rules, regulations and by-laws not inconsistent with this act or with the rules and regulations of the State Board of Education, for its own government, for the transaction of business, and for the government and management of the public schools and the public school property in said district, and also for the employment and discharge of principals and teachers.

Proposals for supplies.

55. Such board of education shall, prior to the beginning of each school year, cause advertisement to be made under such regulations as it may provide, for proposals for furnishing supplies required in the schools and by said board during the ensuing year. If other and further supplies shall be required during the year, they shall be purchased in like manner. No contract shall be entered into for the building of a new school-house or for the enlarging or repairing of a school-house already erected, except after advertisement made under such regulations as said board may prescribe; *provided,* that the board may at any time order repairs to school buildings to an amount not exceeding five hundred dollars, and may authorize the purchase of supplies to an amount not exceeding two hundred and fifty dollars without advertisement. Text-books and kindergarten supplies may be purchased without advertisement.

Proviso.

Exceptions.

Bids and contracts.

56. No bid for building or repairing school-houses or

for supplies shall be accepted which does not conform to the specifications furnished therefor, and all contracts shall be awarded to the lowest responsible bidder.

Public report.

57. Such board of education shall, as soon as practicable after the close of each school year, cause to be printed and published a report of the condition of the public schools under its charge, of all the property under its control, and an itemized account of the expenditures of the board and of the finances of the district.

Secretary; duties, salary, etc.

58. A secretary shall be appointed by the majority vote of all the members of the board of education; he shall be paid such salary as said board shall determine, and may be removed by a majority vote of all the members of said board. He shall, before entering upon the duties of his office, execute and deliver to said board a bond in a sum to be fixed by said board, but not less than two thousand dollars, with surety or sureties to be approved by said board conditioned for the faithful performance of the duties of his office. Said board may accept the bond or undertaking of a trust company or surety or indemnity company, and may pay the annual premium or fee therefor as a current expense of said board.

Secretary's power.

59. The secretary may appoint and remove clerks in his office, but the number and salaries of such clerks shall be determined by the board of education.

Duties.

60. The secretary shall record the proceedings of the board and of its committees, and shall be the custodian of all securities, documents, title papers, books of record and other papers belonging to the board under such conditions as said board shall direct.

Concerning moneys; monthly report.

61. The secretary shall collect tuition fees and other moneys due to the board of education, except moneys apportioned by the County Superintendent of Schools or appropriated by the city, and shall deposit with the custodian of the school moneys of the district all moneys collected by him, and shall render monthly to the board of education a report of the receipts during the preceding month.

General accountant.

62. The secretary shall be the general accountant of

the board of education and shall preserve in his office all accounts, vouchers and contracts relating to the public schools. He shall examine and audit all accounts and demands against said board. Such accounts and demands exceeding in amount the sum of five dollars, except for salaries, shall be verified by affidavit.

What claims paid.

63. No claim or demand shall be audited or paid unless it shall be authorized by law and the rules of the board of education and be fully itemized, nor unless the amount required to pay the same shall have been theretofore appropriated by said board.

Disbursements, how made.

64. All disbursements of the board of education shall be by warrant drawn on the custodian of the school moneys of the district, signed by the president of said board and countersigned by the secretary. All warrants drawn in accordance with the provisions of this section, accompanied by itemized statements of the claims or demands that have been drawn, shall be forwarded, by said secretary, to the comptroller, auditor or other officer, if there be one, authorized by law to audit claims and demands against the municipality in which such district shall be situate. Said comptroller, auditor or other officer shall examine and audit such warrants and statements, and, if they shall be found to be correct, countersign said warrants and forward them to the city treasurer, who, by virtue of his office as city treasurer, shall be the custodian of school moneys for said city. If said comptroller, auditor or other officer or body shall have reason to believe that the claim or demand for which any such warrant shall have been issued is incorrect, such warrant, and the statement accompanying it, shall be returned to the secretary of the board of education, with a statement of the reasons why the same should not be paid, and said secretary shall correct such warrant and statement, or present them to the board of education at its next meeting. If said board shall find that such claim or demand is correct and just it shall, by a vote of a majority of all the members of said board, order that it be paid, and said comptroller, auditor or other officer or body shall, upon receipt of the warrant and

statement thereof, countersign the warrant and forward it to said city treasurer.

Monthly reports of warrants.

65. The secretary shall report monthly to the board of education the amount for which warrants shall have been drawn during the preceding month, the accounts against which said warrants shall have been drawn and the balance to the credit of each account, and shall, at the close of the fiscal year, make a full itemized report of the finances of the school district.

Appointment of municipal superintendent.

66. Whenever a superintendent of schools shall be appointed, it shall be by a majority vote of all of the members of the board of education. He shall receive such salary as said board shall determine, which salary shall not be reduced during his employment. He may be removed by a majority vote of all the members of said board. He shall have a seat in said board and the right to speak on all educational matters, but shall not have the right to vote.

Assistant superintendents.

67. The board of education may, on the nomination of the superintendent of schools, appoint assistant superintendents and shall fix their salaries. Assistant superintendents may be removed by a majority vote of all the members of said board.

Qualifications.

68. No person shall be appointed superintendent of schools, or assistant superintendent under the provisions of this article unless he shall hold a state teacher's certificate; *provided,* that this section shall not apply to a superintendent of schools employed in any city school district at the time of the passage of this act.

Proviso.

Duties.

69. The superintendent of schools shall, when required by the board of education, devote himself exclusively to the duties of his office. He shall have general supervision over the schools of the district and shall examine into their condition and progress and report thereon from time to time as directed by the board of education. He shall have such other powers and perform such other duties as may be prescribed by the board of education. He may appoint and remove clerks in his office, but the number and salaries of such clerks shall be determined by the board of education. Said superintendent shall

Annual report.

render annually on or before the first day of August to the State Superintendent of Public Instruction, and in the manner and form prescribed by him, a report of such matters relating to the schools under his supervision as shall be required by said State Superintendent of Public Instruction.

Majority action.

70. The appointment, promotion, removal and transfer of teachers, the adoption and change of text-books and courses of study shall be made by a majority vote of all the members of the board of education.

Suspensions.

71. The superintendent of schools may, with the approval of the president of the board of education, suspend any assistant superintendent, principal or teacher, and shall forthwith report such suspension to the board of education, which board shall take such action for the restoration or removal of such assistant superintendent, principal or teacher as it shall deem proper; *provided*, that such action shall be by a majority vote of all the members of said board.

Proviso.

Business manager.

72. Whenever a business manager shall be appointed it shall be by a majority vote of all the members of the board of education. He shall receive such salary as said board shall determine. He shall, before entering upon the duties of his office, execute and deliver to the board of education a bond in a sum to be fixed by said board, but not less than two thousand dollars, with surety or sureties to be approved by said board, conditioned for the faithful performance of the duties of his office. Said board may accept the bond or undertaking of a trust company, surety or indemnity company and may pay the annual premium or fee therefor as a current expense of said board. Said business manager may, by a majority vote of all the members of the board of education, be removed from office. He shall have a seat in said board, and the right to speak on all matters relating to his department, but shall not have the right to vote.

Duties.

73. The business manager shall have charge and care of the public school buildings, and all other property belonging to the school district. He may appoint and remove clerks in his office, but the number and salaries

of such clerks shall be determined by the board of education.

Additional duties.

74. All plans and specifications for the erection, improvement or repair of public school-houses shall be drawn by or under the supervision of the business manager, if there be one, and shall be approved by the board of education. Said business manager, if there be one, shall supervise the construction and repair of all school-buildings, and shall report monthly to the board of education the progress of the work; *provided,* that repairs not exceeding the sum of one hundred dollars may be ordered by the business manager, and repairs not exceeding the sum of five hundred dollars may be ordered by the committee of the board having charge of the repair of school property, without the previous order of the board and without advertisement. The business manager, if there be one, shall superintend all advertisements for bids and the letting of all contracts. He shall inspect all work done and materials or supplies furnished under contract, and shall, subject to the approval of the board of education, condemn any work and reject any material or supplies which, in his judgment, do not conform to the specifications contained in the contract therefor, and shall perform such other duties as may be required by the board of education.

Proviso.

Board of school estimate.

75. In every school district the board of education shall appoint two of its members, and the common council, board of finance or other body in such city having the power to make appropriations of money raised by taxes in said city, shall appoint two of its members, which persons so appointed, together with the mayor or other chief executive officer of the city, shall constitute a board to be known as the "Board of School Estimate" of said school district. Said appointments shall be made annually during the month of January. The secretary of the board of education shall be the secretary of the board of school estimate, but shall receive no compensation as such.

Estimates furnished by board of education.

76. On or before the fifteenth day of May in each year, the board of education of such city school district

shall prepare and deliver to each member of said "Board of School Estimate" an itemized statement of the amount of money estimated to be necessary for the current expenses of and for repairing and furnishing the public schools of such district for the ensuing school year, and also the amount which shall have been apportioned to such district by the county superintendent.

Moneys necessary determined.

77. Between the fifteenth day of May and the first day of June in each year said "Board of School Estimate" shall fix and determine the amount of money necessary to be appropriated for the use of the public schools in such district for the ensuing school year, exclusive of the amount which shall have been apportioned to it by the County Superintendent of Schools. Said "Board of School Estimate" shall, on or before the last-named date, make two certificates of said amount, signed by at least three of the members of said board, one of which certificates shall be delivered to the board of education of said school district, and the other to the common council, board of finance, or other body in the city having the power to make appropriations of moneys raised by

Appropriation made.

taxes in such city. Said common council, board of finance or other body shall, upon receipt of said notice, appropriate in the same manner as other appropriations are made by it the amount so certified as aforesaid, and said amount shall be assessed, levied and collected in the same manner as moneys appropriated for other purposes in such city shall be assessed, levied and collected;

Proviso.

provided, that any amount in excess of three-fourths of one per centum of the taxable valuation of the real and personal property shall be appropriated only with the concurrence and consent of said common council, board of finance or other body, expressed by its resolu-

Proviso.

tion duly passed; *and provided further,* that if the charter of the city shall limit the amount of tax or the rate of taxation in such city, so that the provisions of this section cannot be carried out, or shall otherwise by its terms prevent the carrying out of the provisions of this section, the same shall be hereafter held not to apply to the raising of money under the provisions of this section.

78. Whenever a city board of education shall decide that it is necessary to raise money for the purchase of lands for school purposes, or for erecting, enlarging, repairing or furnishing a school-house or school-houses, it shall prepare and deliver to each member of the "Board of School Estimate" of such school district a statement of the amount of money estimated to be necessary for such purpose or purposes. Said "Board of School Estimate" shall fix and determine the amount necessary for such purpose or purposes, and shall make two certificates of such amount, one of which certificates shall be delivered to the board of education, and the other to the common council, board of finance or other body in the city having the power to make appropriations of money raised by tax in such city. Said common council, board of finance or other body may appropriate such sum or sums for such purpose or purposes in the same manner as other appropriations are made by it, and said sum or sums shall be raised, assessed, levied and collected at the same time and in the same manner as moneys appropriated for other purpose in such city are raised, assessed, levied and collected, or said common council, board of finance or other body may appropriate and borrow such sum or sums for the purpose or purposes aforesaid, and may secure the repayment of the sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, by the issue of bonds in the corporate name of such city. Bonds so issued shall be designated "school bonds;" shall be of such denomination as said common council, board of finance or other body may determine, and shall be made payable in not more than thirty years from the date thereof. Such bonds may be registered or coupon bonds, or may be registered and coupon bonds combined at the option of such common council, board of finance or other body. The proceeds of the sale of such bonds shall be deposited with the custodian of school moneys of such school district, and shall be paid out only on the warrants or orders of the board of education; *provided*, that the total amount of bonds for the purposes named in this

Method of raising money for lands or buildings.

Issue school bonds.

Proviso.

section, including bonds theretofore issued for such purposes, and not redeemed, shall not exceed at any one time a sum equal to three per centum of the taxable valuation of the real and personal property in such city;

Proviso. *provided further,* that if the charter of the city shall limit the amount of indebtedness in such city, or shall by its terms prevent the carrying out of the provisions of this section, the same shall be hereafter held not to apply to the issuing of bonds under the provisions of this section.

Powers of such boards. 79. Any such board of education shall have all the powers granted to boards of education under other articles of this act, except as they are limited by or are inconsistent with the provisions of this article.

Referendum. 80. The acceptance of the provisions of section forty-two or forty-three shall be submitted to the qualified voters of any city at a general or municipal election to

Proviso. be held therein; *provided,* that such submission shall be had and such vote shall be taken whenever the common council, board of aldermen or other legislative body of the city, or the board of education of any school district situate in such city shall have, by resolution, determined that such question shall be so submitted, or whenever at least five per centum of the legal voters of such city, as shown by the election returns at the last election in such city, shall, by their petition duly signed and delivered to the clerk of such city, have requested that such

Proviso. question shall be so submitted; *provided further,* that the question of accepting the provisions of either section forty-two or forty-three shall not be submitted to the legal voters of any city more often than once in five

Continuance of management. years. In any city school district, until the organization of a board of education in such school district as provided in section forty-two or forty-three of this act, the administration and conduct of the public schools and the management and control of the public school property therein, shall remain in and shall be exercised by any board of education or other body theretofore having control of the public schools therein. Said board of education or other body shall be hereafter deemed to be

incorporated under the provisions of section forty-eight of this act, and shall have all the powers and be charged with all the duties conferred or imposed upon a board of education as provided in this article, and the members of any such board of education or other body shall be selected, elected or appointed at the same time, in the same manner, and shall serve for the same terms as members of such board of education or other body have been heretofore selected, elected or appointed. Upon the organization of a board of education in said district, as provided in section forty-two or forty-three, the board of education or other body theretofore having charge of the public schools in such school district or in such city, or having custody, charge or management of any fund or property used for or in the maintaining of public schools in such district or city, and having no other function, shall be ipso facto abolished.

When former board abolished.

ARTICLE VII.

BOARDS OF EDUCATION IN TOWNSHIP, INCORPORATED TOWN AND BOROUGH SCHOOL DISTRICTS.

Boards of education in certain separate districts.

81. In each township and incorporated town and in each borough which may be a separate school district, there shall be a board of education consisting of nine members, except as hereinafter provided; three members of such board shall be chosen at each annual school meeting and shall hold office for the term of three years. In case there shall be a vacancy in a board of education, such vacancy shall be filled at the next annual meeting after such vacancy occurs, and the person elected to fill such vacancy shall be elected for the unexpired term only; *provided,* that nothing in this section shall be construed so as to require any such school district which now has a board of education consisting of less than nine members to increase the number of members to nine.

Proviso.

Number of members may be reduced.

82. If the board of education in any school district created under the provisions of this article shall deem it for the best interests of the schools that the number

of members constituting said board shall be reduced, the district clerk, when directed by said board, shall insert in the call for the next annual meeting a notice that it will be determined at said meeting whether the board of education shall consist of three or nine members. If it shall be determined at said meeting that the board of education shall consist of three members, then no election for members of said board shall be held until the expiration of the terms of office of all the members of said board then in office, and at the second annual school meeting held after the meeting at which it was determined to reduce the number of members of the board to three, there shall be elected three members of said board to serve for one, two and three years respectively, and thereafter one member of said board shall be chosen at each annual school meeting who shall hold office for the term of three years.

If new district created.

83. Whenever in any township, incorporated town or borough a new school district shall be created, there shall be held, at the ensuing annual school meeting, an election for members of the board of education. Before proceeding to ballot for such members of the board of education, the legal voters present shall determine whether the board of education shall consist of three

Choice of members.

or nine members. If it shall be determined that the board shall consist of three members, then said legal voters shall elect one member to serve for the term of one year, one for the term of two years and one for the term of three years. If it shall be determined that said board shall consist of nine members, said legal voters shall elect three members to serve for the term of one year, three for the term of two years and three for the term of three years, and annually thereafter there shall be elected three persons for the term of three years in the place of the members whose terms shall have expired.

Annual district meeting.

84. An annual meeting for the election of members of the board of education shall be held in each township, incorporated town or borough school district on the third Tuesday in March at a school-house or such other convenient public place within the district as may be selected

Notices

by the board of education. Not less than seven notices

of such meeting, specifying the day, time, object and place thereof, shall be posted by the district clerk at least ten days before the date of such meeting; one of such notices shall be posted on each school-house within the district, and at such other public places therein as the board of education of said district shall direct. Any district clerk who shall fail to post notices calling said annual meeting as required by this section shall pay a fine of twenty dollars, to be recovered in a court for the trial of small causes by any resident of said school district. A plurality of the votes cast shall be sufficient to elect a member of a board of education.

Eligibility of members.

85. A member of a board of education created under the provisions of this article shall be at least twenty-five years of age, a citizen and resident of the school district, and shall have been such citizen and resident for at least three years immediately preceding his or her becoming a member of such board, and shall be able to read and write. He shall not be interested directly or indirectly in any contract with nor claim against said board.

Who may vote.

86. Every male citizen of the United States who shall have the qualifications required for electors for the General Assembly of the State of New Jersey, shall have the right to vote at such meeting. Every female citizen of the United States of the age of twenty-one years and possessing the qualifications respecting residence required of male voters shall have the right to vote at any annual or special school meeting of the legal voters of said school district for any purpose other than the election of members of the board of education.

Elections by ballot.

87. All elections for members of a board of education created under the provisions of this article shall be by ballot. The polls for such election shall remain open one hour and as much longer as may be necessary to enable the legal voters present to cast their ballots. Said ballots may be printed or written, or partly printed and partly written. In case a member of a board of education is to be elected for a full term, and a member is to be elected to fill an unexpired term, the ballots shall designate which of the persons voted for is to be elected for

Elections, how conducted.

the full term, and which for the unexpired term. The chairman of the meeting shall appoint two tellers who shall receive and count the ballots in his presence and said chairman shall announce the rsult of such election. The secretary of the meeting shall keep a poll-list and record therein the name of each person voting at such election and shall also keep a tally-sheet of the votes as counted by the tellers. The tally-sheet shall be signed by the chairman and tellers, and said tally-sheet, poll-list and ballots shall be placed by the secretary in a sealed package indorsed with the name of the district, the name of the county in which said district shall be situate and the date on which said election shall have been held, and said package, together with a statement of the result of said election signed by the chairman and secretary, shall be, by said secretary, deposited with the district clerk, and a copy of said statement shall be forwarded by said secretary to the County Superintendent of Schools within five days after the date of such election and the same shall be preserved for one year.

When two ballot-boxes.

88. At any annual meeting when the question of raising a tax, the issuing of bonds, or the establishing of a union graded school is to be voted on, two ballot-boxes shall be provided and two tellers shall be appointed for each box. One of said boxes shall be used to receive the ballots for members of the board of education and the other to receive the ballots for the other objects enumerated in this section.

Corporate name.

89. Each board of education elected as provided in this article shall be a body corporate, and shall be known as and called "the board of education of the township (town or borough, as the case may be) of————, in the county of ————."

Organization.

90. Each board of education created under the provisions of this article shall organize within ten days after the annual school meeting by the election of one of its members as president, and a district clerk, and may fix the compensation of said clerk. If said board shall fail to organize within ten days the County Super-

Failure to organize.

intendent of Schools shall appoint, from among said members a president and a district clerk. In case the office of president or district clerk shall become vacant, the board of education shall, within thirty days thereafter, fill such vacancy for the unexpired term, and if it shall fail to fill said vacancy within the said thirty days the County Superintendent of Schools shall fill such vacancy for the unexpired term. A member of such board of education shall, before entering upon the duties of his office, take and subscribe an oath before any officer authorized by law to administer oaths, that he possesses the qualifications to be a member of said board prescribed therefor in this article, and that he will faithfully discharge the duties of his said office. Said oath shall be filed with the district clerk of said board.

Vacancies.

Oath.

91. The board of education shall have power:

Powers of district boards.

I. To appoint a person to fill a vacancy in the board of education, but the person so appointed shall serve only until the next regular election for members of the board of education;

II. To employ and dismiss principals, teachers, janitors, mechanics and laborers, and to fix, alter and order paid their salaries and compensation;

III. To make and enforce rules and regulations not in conflict with this act nor with the rules and regulations of the State Board of Education for the government of schools, pupils and teachers;

IV. To purchase, sell and improve school grounds; to erect, lease, enlarge, improve, repair or furnish school buildings and to borrow money therefor with or without mortgage; *provided,* that for any such act it shall have the previous authority of a vote of the legal voters of the district;

Proviso.

V. To take and condemn land and other property for school purposes in the manner provided by law regulating the ascertainment and payment of compensation for property condemned and taken for public use. If either party shall feel aggrieved by any proceedings and award thereunder, said party may appeal in the manner provided by law for appeals from such proceedings and

award; *provided,* that before beginning any proceedings for taking and condemning land and other property, the board of education shall have the authority of a vote of the legal voters of the district; Proviso.

VI. To insure school buildings, furniture and other school property, and to receive, lease and hold in trust for the district any and all real or personal property for the benefit of the schools thereof;

VII. To enforce the rules and regulations prescribed by the State Board of Education, select the text-books, and, in connection with the County Superintendent of Schools, to prescribe the course of study to be pursued in the school or schools under its charge;

VIII. To suspend or expel pupils from school;

IX. To provide text-books and other necessary school supplies;

X. To call a special meeting of the legal voters of the district at any time when in its judgment the interests of the school require it, or whenever fifty of such legal voters shall request it by petition so to do. In the notices of any special meeting, called upon petition as aforesaid, shall be inserted the purposes named in said petition so far as the same are not in conflict with the provisions of this act. No business shall be transacted at any special meeting except such as shall have been set forth in the notices by which said meeting was called. Special meetings shall be called in the manner provided for calling the annual meetings;

XI. To permit a school-house to be used for other than school purposes when the board shall consent thereto;

XII. To adopt an official seal by which all its official acts may be authenticated;

XIII. To make an annual report to the County Superintendent of Schools on or before the first day of August in the manner and form prescribed by the State Superintendent of Public Instruction;

XIV. To borrow, after the first day of July and before the first day of January, a sum not exceeding one-half of the amount appropriated for the current

expenses of the schools and for the repair of schoolhouses under its control, and to execute and deliver promissory notes therefor, and to pay the amount so borrowed together with interest thereon, at a rate not exceeding six per centum per annum.

Supervising principal.

92. A board of education may appoint a suitable person as supervising principal of schools, define his duties and fix his salary; *provided,* that no person shall be appointed supervising principal unless he or she shall hold either a state or first-grade county certificate; *and provided further,* that the boards of education of two or more districts may unite in employing a supervising principal.

Proviso.

Proviso.

All procedure by majority vote.

93. No principal or teacher shall be appointed or dismissed, nor the amount of his or her salary fixed; no school term shall be determined, nor shall any course of study be adopted or altered, nor text-books selected, except by a majority vote of the whole number of members of the board of education.

Regular meetings.

94. The board of education of every school district elected under the provisions of this article, shall meet for the transaction of business at least once in two months during the period that the schools in said district shall be in session. No contract shall be entered into by a board of education, nor shall any bill or demand for money against such board be paid until the same shall have been presented and passed on at a regularly called meeting of the board.

Itemized bills.

95. It shall be unlawful for any board of education to order paid out of the school moneys under its control, any money for school supplies, books, maps, charts, globes, fuel, erecting, enlarging, repairing, furnishing or improving school buildings and grounds, unless the person claiming said money shall first present to said board an itemized bill showing the name of the person to whom the amount of such bill is due; *provided* that the district clerk, whenever authorized by said board, may purchase such supplies for the school or schools under its control and shall present an itemized bill of the same with his affidavit attached, which bill shall be acted on and paid as other bills are paid. Every person

Proviso.

presenting any such bill exceeding in amount the sum of five dollars, shall make an affidavit that the goods or services itemized in said bill have been delivered or rendered, and that no bonus nor reward has been given or received by any person with the knowledge of the deponent in connection with the claim, and that said bill is correct and true. The district clerk is hereby authorized to take said affidavit without cost. Any member of a board of education who shall willfully violate the provisions of this section shall be deemed guilty of a misdemeanor, and punished by a fine not to exceed one hundred dollars. Said fine when collected shall be paid to the custodian of the school moneys of the school district for the use of the district.

Affidavits.

Penalty for violation.

Duties of district clerk.

96. The district clerk shall record in a suitable book all proceedings of the board of education, of the annual school meetings, and of special school meetings. He shall pay out by orders on the custodian of the school moneys of the school district, and in the manner prescribed by law, all school moneys of the district. He shall keep a correct and detailed account of all the expenditures of school moneys in the district, and shall report the same to the County Superintendent of Schools. At each annual school meeting he shall present his record-books and his accounts for public inspection, and shall make a statement of the financial condition of the district. He shall post notices of the annual and of any special meeting of the legal voters, and shall insert in said notices the object or objects for which said meeting shall be called, and shall notify all members of the board of education of all regular and special meetings of the board.

Removal for non-attendance.

97. A member of a board of education elected under the provisions of this article who shall fail to attend three consecutive regular meetings of said board, without good cause, may be removed by said board, and the vacancy thus created shall be filled in the same manner as other vacancies in the board of education shall be filled.

Semi-annual meetings of county organizations.

98. The boards of education in the several school districts in each county organized under the provisions of

this article, shall meet together semi-annually at such times and places as the County Superintendent of Schools shall appoint.

Right to sue, etc.

99. A board of education may sue and be sued, complain and defend in any court of law and equity, and employ counsel therefor, and the amount of the expense incurred by said board in conducting or defending any such suit shall be certified to the assessor by the president and district clerk of such board, and said amount shall be assessed and collected in the next annual tax levy.

ARTICLE VIII.

TEACHERS.

Teachers; term, salary, etc.

100. A board of education may make rules and regulations governing the engagement and employment of teachers and principals, the terms and tenure of such employment, and the promotion and dismissal of such teachers and principals, the salaries, and the time and mode of payment thereof, and may from time to time change, amend or repeal such rules and regulations. The employment of any teacher by such board, and the rights and duties of such teacher with respect to such employment, shall be dependent upon and shall be governed by the rules and regulations in force with reference thereto.

Contract.

If a board of education shall not have made rules and regulations as aforesaid, then no contract between such board of education and a teacher shall be valid unless the same shall be in writing, or partly written and partly printed, in triplicate, signed by the president and district clerk or secretary of the board of education and by the teacher. One copy thereof shall be filed with the board of education, one copy with the teacher and one copy with the county or city superintendent. Such contract shall specify the date when such teacher shall begin teaching, the kind and grade of certificate held by said teacher and the date when said certificate will expire, the salary, and such other matter as may be necessary to a full and complete understanding of the same. In

School month.

every such contract, unless otherwise specified, a month shall be construed and taken to be twenty school days or four weeks of five school days each. The salary specified in every such contract shall be paid in equal monthly installments, not later than five days after the close of each month while the school shall be in session. Any contract or engagement between a board of education and a teacher shall cease and determine and be of no effect against said board whenever said board shall ascertain by notice in writing received from the county or city superintendent or otherwise, that said teacher is not in possession of a proper teacher's certificate in full force and effect, notwithstanding the term or engagement for which such contract shall have been made may not then have expired. The State Superintendent of Public Instruction shall prepare and distribute blanks for contracts between boards of education and teachers.

In case of dismissal.

101. In case the dismissal of any teacher before the expiration of any contract entered into between such teacher and a board of education shall, upon appeal, be decided to have been without good cause, such teacher shall be entitled to compensation for the full term for which said contract shall have been made; but it shall be optional with the board of education whether such teacher shall or shall not teach for the unexpired term.

Leaving without consent.

102. If a teacher employed by a board of education shall leave the school before the expiration of the term of his or her employment, without the consent of the board of education, said teacher shall be deemed guilty of unprofessional conduct, and the State Superintendent of Public Instruction is authorized, upon receiving notice of such fact, to suspend the certificate of such teacher for a period not exceeding one year.

Keeping of school register.

103. Every teacher in a public school shall keep a school register in the manner provided therefor, and no salary shall be paid to such teacher until the district clerk or other officer or person authorized to deliver the check, order or warrant for such salary shall ascertain that such register has been properly kept for the time for which salary is demanded, and shall enter upon said register a certificate to that effect. The check,

order or warrant for the balance of salary due any teacher at the time of closing the school for the summer vacation, or of leaving the school before the end of the school year, shall not be delivered to such teacher until the district clerk or other officer authorized to deliver such check, order or warrant shall have received written notice from the county or city superintendent that such teacher has filed with him his or her annual report on the blank furnished for that purpose by the State Superintendent of Public Instruction; *provided,* that in any school in which more than one teacher shall be employed the principal thereof shall furnish such report. Proviso.

Observation of holidays.

104. No teacher shall be required to teach school on any day declared by law to be a public holiday, and no deduction from a teacher's salary shall be made by reason of the fact that a school day happens to be a day declared by law to be a public holiday. Any contract made in violation of this section shall have no force or effect as against a teacher.

Authority over pupils.

105. A teacher shall hold every pupil accountable in school for disorderly conduct on the way to or from school, or on the play-grounds of the schools, or during recess, and shall suspend from school any pupil for good cause; *provided,* that such suspension shall be reported forthwith by the teacher to the board of education; *provided further,* that in any school in which more than one teacher shall be employed the principal alone shall have the power to suspend a pupil. Proviso. Proviso.

Corporal punishment forbidden.

106. No principal, teacher or other person employed or engaged in any capacity in any school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon any pupil attending such school or institution, and every resolution, by-law, rule, ordinance or other act or authority heretofore or hereafter passed, adopted, approved, made or given by any person or persons whomsoever, natural or artificial, permitting or authorizing corporal punishment to be inflicted upon any pupil attending or that may attend any school or educational institution shall be henceforth void and of no force or effect.

Teacher's certificate necessary.

107. No teacher shall be entitled to any salary unless such teacher shall be the holder of an appropriate teacher's certificate.

Religious exercises.

108. No religious service or exercise, except the reading of the Bible and the repeating of the Lord's Prayer, shall be held in any school receiving any portion of the moneys appropriated for the support of public schools.

Exemption from jury duty.

109. No teacher shall be required to serve on any jury in this state while his school shall be in session.

ARTICLE IX.

PUPILS.

Schools free; age.

110. Public schools shall be free to all persons over five and under twenty years of age who shall be residents of the school district. Non-residents of a school district, if otherwise competent, may be admitted to the schools of said district with the consent of the board of education upon such terms as said board may prescribe; *provided,* that the authority to charge tuition for non-resident pupils conferred by this section shall not apply to non-resident pupils transferred to any district by an order of the County Superintendent of Schools.

Proviso.

Transportation of pupils.

111. Whenever in any district there shall be children living remote from the school-house, the board of education of such district may make rules and contracts for the transportation of such children to and from school. Nothing in this section shall be so construed as to prohibit a board of education from making contracts for the transportation of children to a school in an adjoining district when such children shall be transferred to said district by order of the County Superintendent of Schools, or when any children shall attend school in a district other than that in which they shall reside by virtue of an agreement made by the respective boards of education.

Concerning children remote from school.

112. Any child living remote from any public school in the district in which he or she shall reside shall be allowed to attend a public school in an adjoining dis-

trict with the consent of the County Superintendent of Schools, which consent shall be in writing, and one copy thereof filed with the district clerk or secretary of the board of education of the district in which such child shall reside, and one copy filed with the district clerk or secretary of the board of education of the district in which such child shall attend school; and in case the districts shall not be in the same county, the written consent of the County Superintendent of Schools of each county shall be obtained.

Attendance at higher grade school.

113. Any child who shall have completed the course of study pursued in the schools in the district in which he or she shall reside may, with the consent of the board of education of said district and of the board of education of a district in which he or she shall desire to attend school, be admitted to a school of higher grade in said last-mentioned district. Said boards of education shall determine the amount to be paid for the education of such child, and the board of education of the district in which such child shall reside shall issue an order for said amount, signed by the president and district clerk or secretary of the board of education, in favor of the custodian of the school moneys of the school district in which such child shall attend school, which order shall be paid by the custodian of the school moneys of the first-mentioned district out of any moneys in his hands available for the current expenses of said district.

Submission to authority.

114. Pupils in the public schools shall comply with the regulations established in pursuance of law for the government of such schools; shall pursue the prescribed course of study, and shall submit to the authority of the teacher. Continued and willful disobedience, open defiance of the authority of the teacher, the use of habitual profanity or obscene language shall be good cause for suspension or expulsion from school. Any pupil who shall cut, deface or otherwise injure any school-house, furniture, fences, out-buildings or other property of the school district shall be liable to suspension and punishment, and the parents or guardians of

Parents liable for pupil's damage.

such pupil shall be liable for damages to the amount of the injury; said amount to be collected by the board of education in any court having jurisdiction, together with the costs of said action.

Concerning disease and vaccination.

115. A board of education may exclude from school any teacher or pupil who shall not have been duly vaccinated, unless such teacher or pupil shall present a certificate signed by a regularly licensed physician, that such teacher or pupil is an unfit subject for vaccination. No teacher or pupil who shall be a member of a household in which a person shall be ill with small pox, diphtheria, scarlet fever, whooping cough, yellow fever, typhus fever, cholera, or measles, or of a household exposed to contagion as aforesaid, shall attend any public school during such illness, nor until the board of education shall have been furnished with a certificate from the board of health, or from the physician attending such person, or from a medical inspector, certifying that all danger of communicating such disease by such teacher or pupil has passed.

Vaccination at public expense.

116. In case any pupil enrolled in a public school shall be found to be unvaccinated, whose parents shall be, in the judgment of the board of education, unable to pay for the vaccination of such pupil, the district clerk or secretary of the board of education may give to said pupil a permit to appear before any regularly licensed physician to be vaccinated, and such physician, on presenting said permit with his certificate appended thereto that the vaccination has been by him successfully performed, shall receive from the township, city, incorporated town, borough or other municipality in which said pupil shall reside the sum of fifty cents.

Schools closed during epidemic.

117. Whenever the board of health of any township, city, incorporated town, borough or other municipality shall declare any epidemic or cause of ill-health to be so injurious or hazardous as to make it necessary to close any or all of the public schools in such township, city, incorporated town, borough or other municipality, said board shall immediately serve notice on the board of education of the school district situate in said township, city, incorporated town, borough or other municipality

that it is desirable to close said school or schools. Upon receipt of such notice such board of education may close the schools under its control, or such of them as may be designated by the board of health, and said schools shall not be reopened until said board of education shall be satisfied that all danger from said epidemic or cause of ill-health has been removed.

When pupils admitted.

118. Children who shall have never attended any public or private school may be admitted to a public school during the ten days immediately following the opening of said school for the fall term, during the first five days in January and April respectively, and at no other time except by a majority vote of all the members of the board of education of the school district in which said school shall be situate.

No exclusion.

119. No child between the age of four and twenty years shall be excluded from any public school on account of his or her religion, nationality or color. A member of any board of education who shall vote to exclude from any public school any such child, on account of his or her religion, nationality or color shall be guilty of a misdemeanor, and punished by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail, workhouse or penitentiary of the county in which the offense shall have been committed for not less than thirty days nor more than six months, or by both fine and imprisonment in the discretion of the court.

ARTICLE X.

SCHOOL-HOUSES.

Suitable accommodations.

120. Each school district shall provide suitable school facilities and accommodation for all children residing in the district and desiring to attend the public schools therein. Whenever such school facilities or accommodation shall be inadequate and unsuited to the number of pupils attending or desiring to attend such schools, the County Superintendent of Schools shall transmit to

the custodian of the school moneys of the school district an order directing him to withhold from the district all moneys in his hands to the credit of such school district received from the state appropriation or from the state school tax until suitable facilities or accommodation shall be provided, and shall notify the board of education of such district of his action with the reasons therefor. Such order shall not take effect until approved in writing by the State Superintendent of Public Instruction, and said approval shall state when said order shall take effect.

Penalty for non-compliance.

Suitable water-closets.

121. Each board of education shall provide at least two suitable and convenient outhouses or water-closets for each of the school-houses under its control. Said outhouses or water-closets shall be entirely separated each from the other and shall have separate means of access. Said outhouses and said water-closets, if detached from the school-house, shall be separated by a substantial close fence not less than seven feet in height. The board of education shall have said outhouses and water-closets kept in a clean and wholesome condition.

Amount raised without submission to voters.

The question of raising the amount needed to carry into effect the provisions of this section shall not be submitted to the legal voters of the school district, but the board of education shall notify the assessor or assessors and collector, by notice signed by the president and district clerk or secretary, of the amount needed for such purpose, and such amount shall be assessed, levied and collected at the same time and in the same manner as other special school taxes are assessed, levied and collected.

Building plans.

122. The State Superintendent of Public Instruction shall procure architects' plans and specifications for school buildings, and full detail working plans therefor. In the preparation of such plans due regard shall be given to proper heating, lighting, ventilating and other hygienic requirements. Said plans and specifications shall be approved by the State Board of Education and shall be loaned to any district desiring to erect a new school building.

Approval of plans by state board.

123. In order that due care may be exercised in the heating, lighting, ventilation and other hygienic conditions of public school buildings hereafter to be erected, all plans and specifications for any such proposed school building shall be submitted to the State Board of Education for suggestion and criticism before the same shall be accepted by the board of education of the district in which it is proposed to erect such building.

Doors.

124. In any school-house of two or more stories in height, the doors leading from the class-rooms to the corridors and from said corridors to the street or to the ground surrounding such school-house shall open outwardly. All swing-doors shall have plate-glass windows of suitable dimensions.

Requirements in erecting school-houses.

125. In order that the health, sight and comfort of the pupils may be properly protected all school-houses hereafter erected shall comply with the following conditions:

I. Light shall be admitted from the left, or from the left and rear of class-rooms, and the total light area must, unless strengthened by the use of reflecting lenses, equal at least twenty per centum of floor space;

II. School-houses shall have in each class-room at least eighteen square feet of floor space and not less than two hundred cubic feet of air space per pupil. All school buildings shall have an approved system of ventilation by means of which each class-room shall be supplied with fresh air at the rate of not less than thirty cubic feet per minute for each pupil;

III. All ceilings shall be at least twelve feet in height;

IV. All stairs, except cellar stairs, shall be not less than four feet in width and shall have intermediate landings. The several flights of stairs shall be enclosed by brick walls or by partitions of slow burning construction, and without open well holes. The risers of stairs shall not exceed seven and one-half inches in height, and the treads shall be at least ten inches in width, exclusive of the projecting nosings;

V. Every school-house having eight rooms shall have two flights of stairs of not less than four feet in width,

or, in lieu thereof, one flight of stairs situated near the center of the building, not less than six feet in width;

VI. Every school building having more than eight and less than sixteen rooms, shall have two flights of stairs not less than five feet in width;

VII. Every school-house having sixteen or more rooms shall have three flights of stairs not less than four feet in width, or, in lieu thereof, two complete flights of stairs not less than six feet in width;

VIII. Every building more than one story in height shall have metal ceilings, wooden ceilings painted white or some light tint or plastered ceilings on metal lath.

ARTICLE XI.

UNION GRADED SCHOOLS.

Establishment of union-graded schools.

126. Whenever the boards of education of two or more adjoining school districts shall deem it for the best interests of the children that said districts shall unite in establishing and maintaining a union-graded school, each of said boards shall cause its secretary or district clerk to insert in the notices calling any annual or special meeting of the legal voters, a notice that the question of establishing such union-graded school will be submitted at such meeting. The legal voters shall vote by ballot, and at any such meeting the secretary thereof shall keep a poll-list of the legal voters voting on such question, and a tally-sheet of the ballots as counted by the tellers. Said ballots, poll-list and tally-sheet, which tally-sheet shall be signed by the chairman of the meeting and by said secretary, shall be, by said secretary, within five days after the date of said meeting, transmitted to the County Superintendent of Schools in a sealed package endorsed with the name of the district of the county in which it shall be situate, and the date of the meeting. Said secretary shall also transmit to said County Superintendent of Schools a certificate of the result of such vote signed by said chairman and secretary. In case the districts shall be situate in different counties, said secretary shall transmit the bal-

Meeting; how conducted.

Transmission of result.

lots and other papers hereinbefore described to the County Superintendent of Schools of the county in which the district shall be situate, and shall transmit a duplicate of the certificate of the result of such vote to the County Superintendent of Schools of the county in which the other district or districts shall be situate. If the County Superintendent of Schools shall ascertain from such certificates that the total number of votes cast in each of said districts in favor of establishing such union-graded school exceeds the total number of votes cast in each district against the same, he shall immediately notify each of the boards of education of the result of such vote.

Constitution of union school board.

127. Whenever two or more districts shall have voted to establish a union-graded school as provided in the preceding section, the board of education of such union-graded school shall be constituted as follows:

I. If two districts shall unite for the purpose aforesaid, the board of education of each of said districts shall appoint two of its members as members of the board of education of said union-graded school;

II. If three or more districts shall unite for the purpose aforesaid, the board of education of each of said districts shall appoint one of its members as aforesaid.

County superintendent notified of appointment of members.

128. Each board of education shall notify the County Superintendent of Schools of the names of the persons so appointed as aforesaid, and the persons so appointed shall continue to be members of the board of education of such union-graded school until the second Tuesday in April next after their terms of office as members of their respective boards of education shall have expired, and their successors shall be appointed on or before the first day of said April in like manner and for a like term. The members so appointed as aforesaid shall continue to act as members of the boards of education in their respective districts.

Removals and vacancies.

129. A member of a board of education of a union-graded school or the president or secretary thereof, may be removed in the same manner as is provided in this act for the removal of an officer or member of a board

of education. Any vacancy in such board shall be filled by the board of education of the district which by reason of such vacancy has not its full representation on the board of education of such union-graded school.

Corporate name.

130. Each board of education appointed as provided in this article shall be a body corporate, and shall be known as and called "the board of education of the union-graded school of the school district of ———— (here insert the name of the district), in the county of ————" (here insert the name of the county in which the school-house shall be located).

Organizations.

131. The board of education of each union-graded school shall forthwith, after its first appointment, organize by the election of one of its members as president and a secretary, who shall serve until the second Tuesday in April next after their election, on which day and annually thereafter said board shall organize by the election of the officers aforesaid. Said board shall appoint a suitable person as custodian of school moneys of said union-graded school and shall fix his salary and term of office. Said custodian shall have the powers and be charged with the duties conferred or imposed by this act upon custodians of school moneys of a school district, and shall give such bonds in such amounts and with such sureties as said board shall direct, but said bonds shall be for a sum not less than the amount annually apportioned to such school by the County Superintendent of Schools.

Powers of union-graded school boards.

132. The board of education of a union-graded school shall have power:

I. To purchase, sell and improve school grounds, to erect, lease, enlarge, improve, repair or furnish school buildings; to borrow money with or without mortgage and to raise money by taxation for any such purpose, or to pay debts incurred therefor, or for the current expenses of the schools; *provided,* that for any such acts it shall have the previous authority of a majority vote of the board of education of each of the districts uniting in establishing said union-graded schools;

Proviso.

II. To take and condemn land and other property for school purposes, in the manner provided by law regu-

lating the ascertainment and payment of compensation for property condemned and taken for public use. If either party shall feel aggrieved by any proceedings and awards thereunder, said party may appeal in the manner provided by law for appeals from such proceedings and awards; *provided*, that before beginning any proceedings for taking and condemning land and other property the board of education shall have the authority of a majority vote of the board of education of each of the districts uniting in establishing said union-graded school; Proviso.

III. To determine, subject to the approval of a majority of the board of education of each of the districts uniting in establishing such union-graded school, the amount needed to purchase land for school purposes; to erect and furnish a suitable school-house, or to lease a school-house already erected, and for the current expenses of such school, in which term shall be included principals', teachers', janitors' and medical inspectors' salaries, fuel, text-books, school supplies, flags, school libraries, salaries of secretary and custodian of school moneys, insurance and the incidental expenses of such school. The amount of money thus determined shall be certified by the secretary of said board to the assessors of the several taxing districts in which the school districts uniting as aforesaid shall be situate, and said assessors shall apportion said amount among said several taxing districts in the proportion that the ratables of each bear to the total ratables of all said taxing districts, and the amount thus apportioned to each taxing district shall be assessed, levied and collected in the same manner and at the same time as other school taxes shall be assessed, levied and collected therein, and shall be paid by the several collectors to the custodian of school moneys of such union-graded school on or before the fifth day of January next after the same shall become due and payable to said several collectors;

IV. To adopt an official seal by which all its official acts may be authenticated;

V. To appoint a supervising principal and fix his salary, which principal shall be also the supervising

principal of the schools in the districts uniting in establishing such union-graded school. Such supervising principal shall hold a state or a first-grade county certificate.

Apportionment of moneys to union-graded schools.

133. In making the annual apportionment of school moneys, the County Superintendent of Schools shall make an apportionment to such union-graded school on the same basis and in the same manner as to the school districts in the county in which such union-graded school shall be situate. If the districts which shall have united in establishing such union-graded school shall be situate in different counties, the County Superintendent of Schools of each of such counties in making his annual apportionment of school moneys shall apportion to such union-graded school three hundred dollars for the supervising principal and one hundred dollars for each teacher employed therein during the year preceding that for which said apportionment shall be made, and in addition thereto shall apportion an additional sum on the basis of the aggregate days attendance of all pupils, residents of such county, who shall have attended such union-graded school during the year preceding that for which said apportionment shall be made.

Powers and duties.

134. The board of education of a union-graded school shall have all the powers and be charged with all the duties conferred or imposed upon a board of education in a township school district, so far as the same are not inconsistent with the provisions of this article.

Supervision.

135. Each union-graded school shall be under the supervision and control of the County Superintendent of Schools of the county in which the school-house shall be situate.

If necessary to raise money.

136. In case a board of education of a union-graded school shall decide that it is necessary to raise money to purchase land for school purposes and for the erection and furnishing of a school-house or for the purchase thereof by the issue of bonds, it shall notify the board of education of each of the districts which shall have united in establishing such union-graded school of the amount needed, the number of bonds to be issued, the

denomination of such bonds, the maximum rate of interest thereon, and the time or times of payment. Each of such boards, upon receiving such notification, shall forthwith call a meeting of the legal voters of its district, and shall submit to said meeting the question of issuing such bonds as proposed by the board of education of such union-graded school, and the district clerk of the board of education of each of said districts shall transmit to the board of education of such union-graded school certified copies of the record of the proceedings of the board of education and of the legal voters of said district thereon. If from said certified copies it shall appear that a majority of the legal voters present at such meeting in each of said districts shall have voted in favor of the issue of such bonds, the secretary of the board of education of such union-graded school shall transmit such certified copies together with certified copies of the record of the proceedings of the board of education of such union-graded school concerning the issue of such bonds to the Attorney-General for his approval of the legality of all said proceedings, and shall file duplicate certified copies of the record of all such proceedings with the State Superintendent of Public Instruction, and, upon the approval thereof by the Attorney-General, said bonds may be issued and sold by said board.

Question submitted to voters.

Approval of attorney-general.

137. Bonds authorized as provided in this article shall be issued in the corporate name of the board of education of the union-graded school; shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually; shall be signed by the president of said board and attested by the secretary; shall bear the seal of said board, and shall have coupons attached for current payment of interest, which coupons shall be signed by the secretary, and shall be numbered to correspond to the bonds to which they shall be severally attached. Bonds so issued shall be numbered and a proper registry thereof kept by the secretary, and may be sold at public or private sale for the best obtainable price, but not less than par. Such bonds when issued shall be a lien

Description of bonds.

upon the real estate situate in each of the districts which shall have united in establishing such union-graded school and the personal estates of the inhabitants of each of said districts, as well as the property of each of said districts, and said estates and property shall be liable for the payment of the same.

Provision for interest and redemption.

138. Whenever bonds shall have been issued by the board of education of a union-graded school, the secretary of such board shall, each and every year, certify to the assessors of the several taxing districts in which the several school districts which shall have united in establishing such union-graded school shall be situate, the amount which shall become due during such year for principal and interest of such bonds. The amount so certified shall be apportioned and assessed by said assessors in the same manner and in the same proportion as taxes for the current expenses of such union-graded school shall be apportioned and assessed, and the moneys so assessed shall be levied and collected by the collectors of the several taxing districts, and the said collectors shall, on or before the fifth day of January next thereafter, pay the full amount so ordered to be assessed, levied and collected to the custodian of the school moneys of said union-graded school, who shall, upon receipt of the orders of said board of education (which orders shall state at what bank said principal and interest are payable), deposit in such bank the sum of money necessary to pay said principal and interest as they shall become due and payable.

ARTICLE XII.

KINDERGARTENS.

Kindergartens.

139. The board of education of any school district may establish a kindergarten school or a kindergarten department in any school under its control, and shall admit to such kindergarten school or department any child over the age of four and under the age of seven years who shall be a resident of the district; *provided,* that no child under the age of five years shall be ad-

Proviso.

mitted to any public school unless such school shall be a regularly organized kindergarten school or shall have a kindergarten department.

Teachers' special certificate.

140. Every teacher in a kindergarten school or department shall hold a special kindergarten certificate, issued either by the State Board of Examiners or the board of examiners of the county or city in which he or she shall be teaching.

Expenses.

141. The expense of kindergarten schools or departments shall be paid out of any moneys available for the current expenses of the schools, and in the same manner and under the same restrictions as the expenses of the other schools or departments shall be paid.

ARTICLE XIII.

EVENING SCHOOLS.

Night schools.

142. The board of education of any school district may establish and maintain public evening schools for the instruction of persons over twelve years of age residents of the district, and unless such evening schools shall be maintained for a term of not less than four months in each year, each of said months to consist of at least sixteen evening sessions of at least two hours each, said district shall not be entitled to any apportionment on the basis of the number of teachers employed in such schools during the year preceding that for which the apportionment shall be made.

Expenses.

143. The expenses of evening schools shall be paid out of any moneys available for the current expenses of the schools, and in the same manner and under the same restrictions as the expenses of day schools shall be paid.

ARTICLE XIV.

TEXT-BOOKS AND SUPPLIES.

Furnishing books and supplies.

144. Text-books and school supplies shall be furnished free of cost for use by all pupils in the public schools.

Every school district shall raise and appropriate annually in the same manner as other school moneys shall be raised and appropriated in such district an amount sufficient to pay for such text-books and supplies.

Rules regarding same.

145. Every board of education shall make rules for the safe keeping and proper care of text-books, and shall keep an account of all moneys expended by it for such text-books and supplies, and shall report the same in its annual financial statement.

School officers disinterested.

146. It shall be unlawful for any County Superintendent of Schools, member of a board of education, teacher or any person officially connected with the public schools to be agent for, or to be in any way pecuniarily or beneficially interested in the sale of any text-books, maps, charts, school apparatus or supplies of any kind or to receive compensation or reward of any kind for any such sale, or for unlawfully promoting or favoring the same. A violation of the provisions of this section shall be punishable by the removal from office or by revocation of certificate to teach.

ARTICLE XV.

COMPULSORY EDUCATION.

School attendance between seven and twelve years of age.

147. Every parent, guardian or other person having the legal control of a child between the ages of seven and twelve years, shall send such child to public day school each day while such school shall be in session, unless such child shall be excused from such attendance by the board of education of the school district in which such parent, guardian or other person shall reside, upon its being shown to the satisfaction of said board that the bodily or mental condition of such child is such as to prevent his or her attendance at school, or that such child is being taught in a private school or at home in such branches as are usually taught in public schools to children of its age, or for other good cause deemed sufficient by said board of education.

Penalty for failure to comply with preceding section.

148. Any parent, guardian or other person having the legal control of any child who shall fail to comply with the provisions of section one hundred and forty-seven of this act shall be deemed guilty of a misdemeanor, and punished by a fine of not less than one dollar nor more than twenty-five dollars for each offense, or by imprisonment for not less than five days nor more than ninety days for each offense, which said fine shall be paid to the custodian of the school moneys of the school district in which the offense shall have been committed for the use of the public schools therein. Such offense shall be prosecuted upon the complaint of the board of education of said school district, through its truant officer, or other person designated by it, before any magistrate having the power to commit in any city, township, incorporated town or borough.

Attendance of children under fifteen years of age.

149. No child under the age of fifteen years shall be employed by any person, company or corporation to labor in any business whatever, unless such child shall have attended within twelve months immediately preceding such employment some public or private school. Such attendance shall be for five days or four evenings every week during a period of at least sixteen weeks which may be divided into two terms of eight consecutive weeks each, so far as the arrangement of school terms will permit.

Truant officers.

150. The board of education of each school district may appoint, and may remove at pleasure, one or more persons to be designated as truant officers, and may fix their compensation, prescribe their duties, not inconsistent with the provisions of this article, and shall make rules and regulations for the performance of such duties.

Police as truant officers.

151. The police authorities in any municipality having an organized police force shall, upon the written request of the board of education of the school district situate in such municipality, detail one or more members of said police force to act as truant officers. Any police officer so detailed shall have all the powers granted to truant officers under the provisions of this article as fully as if appointed as such truant officer by the board

of education. Whenever the words "truant officer" are used in this article, the same shall apply as well to the person or persons designated under section one hundred and fifty, as to those designated in this section.

Juvenile disorderly persons.

152. Every child between the ages of seven and fifteen years who shall be repeatedly absent from school, or found away from home during school hours, or whose parent, guardian or other person having legal control is unable to cause it to attend school, or who shall be habitually a truant from school, or who shall habitually wander about the streets and public places of any municipality during school hours having no lawful business or occupation, or any pupil who shall be incorrigible, vicious or immoral in conduct or who fails to comply with the provisions of sections one hundred and forty-nine, one hundred and fifty-six and one hundred and fifty-seven of this act shall be deemed and adjudged to be a disorderly person and proceeded against as provided in section one hundred and fifty-four of this act.

Duties of truant officer.

153. Every truant officer or other person designated by a board of education, finding any child between seven and fifteen years of age away from home during school hours, and who shall then be a truant from school, shall take such child and deliver it to its parent, guardian or other person having legal control, or to the teacher of the school which said child is lawfully required to attend. Said truant officer or other person shall examine into cases of children or pupils coming under the provisions of section one hundred and fifty-two of this act, when requested so to do by the inspector of factories and workshops or by the board of education of the district for which he shall have been appointed or detailed, and shall thereupon warn such child or pupil, its parent, guardian or other person having legal control of such child or pupil in writing, of the consequences of any of the acts as set out in section one hundred and fifty-two, if persisted in, and shall request that said pupil shall improve its conduct or said child attend school within five days from serving said notice in writing, whereupon if said parent, guardian or other person having the legal control of said child or pupil shall fail, neglect or refuse to

Notification.

admonish said pupil for its conduct, or fail, neglect or refuse to cause said child to attend school within said period, said parent, guardian or other person having the legal control of said child or pupil shall be guilty of a misdemeanor and punished by a fine of not less than one dollar nor more than twenty-five dollars for each offense, or by imprisonment of not less than five days, nor more than ninety days for each offense, which said fine shall be paid to the custodian of the school moneys of the school district in which the offense shall have been committed for the use of the public schools therein. Such offense shall be prosecuted upon the complaint of the board of education of said school district, through its truant officer, or other person designated by it, before any magistrate having the power to commit in any city, township, incorporated town or borough; *provided*, that if such parent, guardian or other person shall enter into a bond with one or more sureties in the penal sum of one hundred dollars, that said child shall attend school within five days thereafter and continue to attend as required by this act, said punishment shall be remitted, and when said magistrate is satisfied that said child regularly attends school said bond may be discharged; *provided further*, that such sentence may be suspended by said magistrate if he shall become satisfied that said child is regularly attending school, and properly deporting himself; *provided further*, that such parent, guardian or other person shall have all the rights and privileges assured to any person charged or convicted of a misdemeanor as provided in an act entitled "An act for the punishment of crimes [Revision of 1898]," approved June fourteenth, one thousand eight hundred and ninety-eight, and its supplements and amendments.

Penalty imposed.

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Proviso.

Proviso.

154. In the case of the offenses set out in section one hundred and fifty-two it shall be the duty of the truant officer or other person designated, when requested by the board of education, to make a complaint thereof under oath before any magistrate having the power to commit in any city, township, incorporated town or borough where such offender resides, whereupon said magistrate shall

Complaint.

issue his warrant directed to said truant officer or any constable to immediately apprehend such child so complained of and bring it before said magistrate, who, upon conviction of said child of the offense charged, may either direct said child so complained of to be delivered to its parents, guardian or other person entitled to its legal control, or to the teacher of the class in the school at which said child shall or ought to attend, or to parole said child or pupil, or sentence such child, if over eight and under fourteen years of age, to the State Home for Boys or to the State Home for Girls.

Apprehension.

Disposition of child.

Officer's report.

155. Such truant officer shall report promptly every such arrest and the disposition made of such arrested child to the board of education of the school district where said child shall be lawfully required to attend school, or to such person as said board may direct.

Parental school.

156. The board of education of any school district may establish and maintain a school or schools, or may set apart separate rooms in a public school building for the use, restraint and instruction of children between the ages of seven and fifteen years who shall be habitual truants from school, or who shall be habitually insubordinate or incorrigibly disorderly during their attendance upon such school. Such school or room shall be known as a parental school.

Compel attendance.

157. Said board of education may compel any such child to attend such parental school and, with the consent, in writing, of the parent, guardian or other person having legal control of such child, may cause such child to be restrained and instructed therein for such a period and under such rules and regulations as said board of education may prescribe.

Failure to attend.

158. If any such child shall not attend such school, then he or she shall be proceeded against as a disorderly person as set out in sections one hundred and fifty-two and one hundred and fifty-four of this act.

Maintenance of parental school.

159. Any parental school established under the provisions of this article shall be maintained as other public schools shall be maintained in the district in which it shall be situate under such rules and regulations as the board of education of such district may prescribe.

When children of adjacent district may be sent to parental school.

160. The board of education of a school district in which there shall be no parental school, may send children who shall be residents of such school district and who shall be habitual truants or insubordinate or incorrigible as defined in this article, to a parental school in an adjoining school district, by and with the consent of the board of education of the district in which said parental school shall be situate. Any expense incurred by a board of education under the provisions of this section may be paid out of any money raised by special district tax for the current expenses of the school.

ARTICLE XVI.

SCHOOL FUND.

Trustees of school fund.

161. The Governor, the Attorney-General, the Secretary of State, the State Comptroller and the State Treasurer are hereby constituted a Board of Trustees of the Fund for the Support of Public Schools arising from appropriations heretofore made or which may be hereafter made by law, or which may arise from gift, grant, bequest or devise, which board shall be known as "The Trustees for the Support of Public Schools."

Secretary of board.

162. The Secretary of State shall be the Secretary of said board. He shall record in a book to be kept for that purpose the proceedings of said board and the accounts to be furnished by the State Treasurer as hereinafter directed.

Revenue from riparian lands.

163. All lands belonging to this state now or formerly lying under water are appropriated for the support of public schools, and all moneys hereafter received from the sales of such lands shall be paid to "The Trustees for the Support of Public Schools," and shall be invested by said board, and shall constitute a part of the permanent school fund of the state.

Income from leases.

164. All leases which have been heretofore made, or which shall be hereafter made of such lands, shall be held by "The Trustees for the Support of Public Schools" as a part of the principal of the school fund,

and the income arising from said leases shall be a part of the income of said school fund.

Investments.

165. Moneys belonging to the school fund shall be invested by said board in the bonds of the several school districts of this state, or in the bonds of the United States, or of this state, or in the bonds of any county, city, incorporated town, township or borough of this state the total indebtedness of which shall not exceed in the aggregate fifteen per centum of the total assessable valuation of all taxable property therein, and the interest thereof shall be a part of the income of said school fund. The income of said school fund shall be used for the support of public schools, the payment of the salaries of the County Superintendents of Schools, the payment of premiums and accrued interest on bonds purchased by the "Board of Trustees of the Fund for the Support of the Public Schools," and for no other use or purpose whatsoever. An account of the management of said fund shall be laid before the Legislature with the annual statement of the State Treasurer's accounts. No compensation shall be paid to said trustees or treasurer for any services performed in pursuance of this article.

Use of income.

Annual accounting.

Mortgage investments.

166. Said board shall not invest any part of the principal or interest of said fund in bonds secured by mortgage on lands except as hereinafter provided.

Foreclosure.

167. Said board shall cause foreclosure proceedings to be commenced without delay whenever the interest on bonds secured by mortgage held by said board as part of the school fund shall remain unpaid for the space of six months; *provided,* that whenever foreclosure proceedings shall have been commenced, said board may, in its discretion, discontinue the same upon the payment of accrued interest and the cost of such proceedings.

Proviso.

Purchase property at foreclosure sale.

168. Said board may bid for and purchase any lands and premises exposed to sale under the order and decree of any court for the payment and satisfaction of any mortgage incumbrance thereon held by said board, and may take and hold title to the lands and premises so purchased in and by its official name as a part of the principal of the school fund; *provided,* that said board

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shall not bid a higher price for such lands and premises than shall be sufficient to produce the amount due upon said mortgage incumbrance and costs. The taxed costs attending such proceedings and sale, if any, shall be paid by the State Treasurer on the warrant of the State Comptroller.

Sale of real estate belonging to fund.

169. All real estate now held by "The Trustees for the Support of Public Schools," and all real estate that may be hereafter acquired by them under foreclosure proceedings shall be sold, either at private or public sale, at such times and at such prices as will, in the judgment of said board, be for the best interest of the state. Said board may advertise such properties, either at private or public sale, in such manner as to it shall seem judicious, and the proceeds of such sale shall be paid into the school fund, and shall be invested by said board as other moneys of said fund shall be invested. Said board may loan to the purchaser of any said real estate, one-half of the amount of purchase-money, the same to be secured by bond and mortgage on the premises so purchased.

Loan on mortgage.

Annual report to legislature.

170. The State Treasurer shall make annually to said board on the first day of the annual meeting of the Legislature, and at such other times as said board shall require, a statement of the school fund, containing an account of the securities belonging thereto with the dates of investment, their values, and the interest arising from each class of securities, together with an account of the moneys in the treasury belonging to said fund.

Apportionment of fund.

171. There shall be annually apportioned and paid from the income of the school fund for the support of public schools two hundred thousand dollars. If the income of said fund shall not have been received in full, or shall be insufficient for such appropriation, the sum necessary to make up the deficiency shall be drawn from the State Treasury on the warrant of the State Comptroller, which sum so drawn as aforesaid shall be replaced from the income of said school fund as soon as the same shall have been received.

Provision for deficiency

ARTICLE XVII.

STATE SCHOOL TAX.

Apportionment among counties.

172. For the purpose of maintaining free public schools there shall be appropriated each year from any moneys in the State Treasury not otherwise appropriated such sum, not less than one hundred thousand dollars, as may be determined by the Legislature in the annual appropriation act; which sum shall be apportioned among and paid to the several counties in the proportion that the ratables of each of said counties shall bear to the total ratables of the State as exhibited by the latest abstract of ratables filed in the office of the State Comptroller. In addition to the amount so determined and

School tax.

appropriated, a State school tax shall be annually assessed, levied and collected upon the taxable real and personal property in the State, as exhibited by the latest abstract of ratables from the several counties made out by the several boards of assessors and filed in the office

Amount.

of the State Comptroller. Said tax shall be such an amount as will make, when added to the amount determined and appropriated as aforesaid, a sum equal to two and three-fourths mills on each dollar of valuation of the taxable real and personal property in the State as exhibited by the last abstract of ratables from the several counties made out by the several boards of assessors and filed in the office of the State Comptroller, which tax shall be assessed, levied and collected at the same time and in the same manner as other taxes shall be assessed, levied and collected. The State Comptroller shall apportion said tax and appropriation among the several counties in proportion to the amount of taxable real and personal estate of said counties respectively

Comptroller transmit statement.

as shown by the abstract of ratables as aforesaid, and he shall transmit on or before the first day of February in each year, to the State Board of Education, a statement of the amount of said tax and appropriation, apportioned as aforesaid, and to the County Collector a statement of the amount of said tax apportioned to and payable by

said county, and said County Collector shall lay said statement before the board of assessors of the townships, cities, incorporated towns, boroughs and wards within his county at its next annual meeting, and said board of assessors shall thereupon apportion said school tax as other taxes are apportioned, and the same shall be assessed, levied and collected according to law.

County collector to pay state treasurer.

173. Every County Collector shall pay to the State Treasurer the quota of the state school tax from his county within twenty-five days after the same shall be due and payable to him by the several collectors and other officers authorized by law to collect said tax. In case any such collector or other officer shall fail or neglect to pay to the County Collector the full amount of state school tax due from his taxing district within fifteen days after said tax shall have become due and payable to said County Collector, said County Collector shall give to the County Superintendent of Schools written notice of such failure or neglect, and said County Superintendent of Schools shall withhold from every school district in said taxing district, the full amount apportioned to it out of the reserve fund for the support of the school or schools situate within said taxing district, and said County Superintendent of Schools in making the next apportionment of school moneys, shall reapportion the amount of the reserve fund so withheld among the several school districts in his county. Said County Superintendent of Schools shall also withhold from the custodian of the school moneys of any school district the order for the amount of money apportioned out of the state school tax to said district, until the collector or other officer authorized to collect taxes in the taxing district in which said school district shall be situate shall have paid to the County Collector the full amount of the state school tax due from said taxing district, and the body having the control of the finances of any township, city, incorporated town, borough or other municipality from which shall have been withheld as hereinbefore provided, the amount apportioned out of the reserve fund for the support of schools in any school district situate in such township, city, incorporated town,

Retention of apportionment from reserve fund when tax unpaid.

Retention of apportionment from state tax.

borough or other municipality, shall forthwith appropriate to said school district, out of any funds under its control, a sum equal to the amount so withheld, and in case there shall be no funds available for such purpose, the body having control of the finances of such municipality shall borrow and appropriate a sum sufficient for such purpose, and shall place the amount so borrowed in the next annual tax levy.

Apportionment of reserve fund.

174. Ten per centum of the full amount of the state school tax annually raised shall be known as a reserve fund, and shall, on or before the fifteenth day of February in each year, be apportioned among the several counties by the State Board of Education equitably and justly according to its discretion. The State Superintendent of Public Instruction shall, on or before the fifteenth day of January next ensuing said apportionment, draw an order on the State Comptroller in favor of each County Collector for ninety per centum of the amount of the state school tax paid by said County Collector to the State Treasurer, and said County Collector shall apply for and be entitled to receive the amount of said order as soon as said order shall be received by him. The State Superintendent of Public Instruction shall also draw his order in favor of each County Collector for such portion of the reserve fund as shall have been apportioned to his county as aforesaid, which order shall be payable when the total amount of said reserve fund shall have been received by the State Treasurer.

Comptroller's warrant in favor of county collector.

175. The State Comptroller shall draw his warrant on the State Treasurer in favor of the County Collector of each county for the portion of the income of the State School Fund, of the state appropriation and state school tax to which said county shall be entitled, whenever such County Collector shall present orders for the same drawn by the State Superintendent of Public Instruction.

County collector to hold money in trust.

176. The County Collector of each county shall receive and hold in trust that part of the state appropriation and state school tax apportioned to his county, and shall pay the same to the custodians of the school moneys of

the several school districts of his county on the orders of the County Superintendent of Schools.

Report of district boards to county superintendent.

177. The board of education of each school district shall, on or before the fifteenth day of March in each year, certify to the County Superintendent of Schools for the county in which such school district shall be situate, and on the blanks furnished for that purpose by the State Superintendent of Public Instruction, the number of teachers who shall have been employed in the schools of such district for the full time the schools therein shall have been kept open during the then current school year, and the number of teachers who shall have been employed in said schools for a portion only of said year, but for a period of not less than four months, and said County Superintendent of Schools shall, on or before the first day of April in each year, apportion to the several school districts of the said county the State school moneys and the interest of the surplus revenue in the following manner:

Apportionment of school moneys by county superintendent.

I. He shall apportion to each district the sum of two hundred dollars for each teacher that shall have been employed in said district for the full time the schools therein shall have been kept open during the school year preceding that for which the apportionment shall be made; the sum of eighty dollars for each teacher that shall have been employed therein for a portion only of said year, but for a period of not less than four months; the sum of six hundred dollars to each district in which there shall have been employed a supervising principal or city superintendent of schools, who shall have devoted his entire time to the supervision of the schools in such district, but if two or more districts shall have united in employing a supervising principal as aforesaid the six hundred dollars apportioned for such principal shall be apportioned among said districts in the proportion that the number of teachers employed in each of said districts shall bear to the total number of teachers employed in all of the districts uniting in employing said supervising principal; *provided,* that in making such apportionment teachers employed in even-

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ing schools shall be regarded as employed for a portion of the year only, but no apportionment shall be made for teachers employed in an evening school unless the board of education of the school district in which such evening school shall have been maintained shall certify that said evening school has been maintained at least four months during the school year preceding that for which the apportionment shall be made, but if such teachers shall have been also employed in the day schools of the same districts, the apportionment aforesaid shall be made for them in addition to any amount apportioned for them as teachers in such day schools; *provided further*, that if any board of education of any school district shall provide proper means for the transportation of pupils in accordance with the provisions contained in this act, the County Superintendent of Schools, in making his next apportionment and every apportionment thereafter shall apportion to such district the sum of two hundred dollars for each teacher whose services shall have been dispensed with by reason of substituting transportation for the services of such teacher so long as proper transportation shall be provided; *provided further*, that in making such apportionment, teachers employed in a manual training school or department in a district receiving an appropriation from the state for such manual training school or department, and who shall have devoted at least one-half of the time the schools in said district shall have been kept open to school work other than manual training, shall be regarded as employed for a portion of the year only, but no apportionment shall be made for teachers who shall have devoted their entire time to teaching in such manual training school or department;

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II. He shall apportion to the several school districts of the county the remainder of said moneys on the basis of the total days' attendance of all pupils enrolled in the public schools thereof as ascertained from the last published report of the State Superintendent of Public Instruction. For the purpose of such apportionment an attendance upon an evening school shall be counted as one-half day's attendance. If a school in any district

Apportionment of balance.

shall, on account of contagious disease, destruction of the school-house by fire or otherwise, or for other good reason, be closed, for the purpose of this apportionment, such school shall be deemed to have been in session, and the total days' attendance upon such school for the time it shall have been closed as aforesaid shall be determined by dividing the actual total days' attendance of the pupils enrolled in such school by the number of days such school shall have been actually in session, and multiplying the quotient thus obtained by the number of school days such school shall have been closed.

Balance due district paid to county collector.

178. On or before the fifteenth day of September in each year the custodian of the school moneys of each school district shall pay to the County Collector the balance of moneys apportioned to said district by the County Superintendent of Schools, which may then be in his hands to the credit of said district, and shall report forthwith to the County Superintendent of Schools the amount thus paid over, and the County Collector shall, on or before the first day of October in each year, report to the County Superintendent of Schools of his county the amount of money received by him by virtue of the provisions of this section, and said County Superintendent of Schools shall thereupon re-apportion such amount among all the school districts in said county. The sum thus re-apportioned shall be paid immediately by the County Collector to the several custodians of the school moneys of said districts on the orders of the County Superintendent of Schools, and shall be available for the then current school year. The sum thus re-apportioned to any district shall be in addition to the sum apportioned to such district by the County Superintendent of Schools for said school year; *provided,* that the County Superintendent of Schools may, for good cause shown, allow any such balance to remain in the hands of the custodian of the school moneys of such district to the credit of such district, and such balance may thereafter be used and expended by the board of education of such school district for the purpose of paying teachers' salaries and fuel bills, or, by and with the written consent of the County Superintendent of Schools,

Re-apportionment.

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for the improvement of school-houses and grounds, the purchase of school furniture, or for any other purpose connected with the schools of such district.

ARTICLE XVIII.

DISTRICT TAX.

Districts may raise school moneys.

179. The legal voters of each township, incorporated town or borough school district may, at any annual or special meeting of said legal voters, by the vote of a majority of those present raise by special district tax such sum or sums as a majority of said legal voters present at such meeting may agree upon for any or all

Purposes for which raised.

of the following purposes: to enable the board of education to purchase or take and condemn land for school purposes; to build, enlarge, repair or furnish a school-house, or to pay a debt incurred therefor; for industrial schools, for manual training, and for the current expenses of the schools, in which term shall be included principals', teachers', janitors' and medical inspectors' salaries, fuel, text-books, school supplies, flags, transportation of pupils, tuition of pupils attending schools in other districts with the consent of the board of education, school libraries, compensation of the district clerk, of the custodian of the school moneys and of truant officers; truant schools, insurance and the incidental expenses of

Clerk's certificate.

the schools. In case any money shall be ordered to be raised by special district tax, the district clerk shall make out and sign a certificate thereof, under oath or affirmation that the same is correct and true, and deliver the same to the assessor of the taxing district in which such school district shall be situate, and shall send a duplicate of said certificate to the County Superintendent of

Assessment.

Schools. Said assessor shall assess on the inhabitants of the school district and their estates, and the taxable property therein, in the same manner as other taxes shall

Collections.

be assessed, and the collector of such taxing district shall levy and collect such sum of money as shall have been ordered to be raised by the legal voters in the manner

aforesaid, and shall pay the same to the custodian of the school moneys of the school district as is in this act provided, and for collecting said tax, said collector, except such as receive a salary in lieu of fees, shall receive three-fourths of one per centum of the amount of said tax collected by him, said compensation to be paid by the township committee or other governing body of the municipality wherein said tax shall be collected. In case the full amount of the district school tax shall not have been collected, said collector shall pay to said custodian the full amount of said tax out of any moneys in his hands, except moneys received from the County Collector on the order of the County Superintendent of Schools, and any amount advanced as aforesaid shall be paid to said collector out of said district school tax when collected; *provided,* that when there shall be no funds in the hands of said collector available for such purpose, the township committee, common council or other body having control of the finances of the municipality in which such school district shall be situate, shall borrow and appropriate a sum sufficient for such purpose; *provided further,* that when any meeting shall be held as aforesaid it shall not be lawful for such meeting to order a greater sum of money raised by special tax than shall have been mentioned and designated in the notices calling such meeting.

If full amount not collected.

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180. At any annual or special meeting when money shall be ordered raised for school purposes by special district tax or by the issue of bonds the legal voters shall vote by ballot. The chairman of the meeting shall appoint two tellers who shall receive and count the ballots in his presence. The secretary of the meeting shall keep a poll-list and shall record therein the name of each person voting, and shall also keep a tally-sheet of the votes as counted. The tally-sheet shall be signed by the chairman and tellers, and said tally-sheet, poll-list and ballots shall be placed by the secretary in a sealed package, indorsed with the name of the district, the name of the county in which the district shall be situate, and the date on which said election shall have been held, and

Vote by ballot.

Election, how conducted.

Statement to county superintendent.

said package, together with a statement of the results of such election, signed by the chairman and secretary, shall, within five days after the date of said meeting, be forwarded by said secretary to the County Superintendent of Schools, and the same shall be preserved by him for one year.

ARTICLE XIX.

CUSTODIAN OF SCHOOL MONEYS.

Custodian of district school moneys.

181. In each school district there shall be a custodian of school moneys who shall receive and hold in trust all school moneys belonging to such school district, whether received from the state appropriation, state school tax, district tax, appropriation, or from other sources, and shall pay out the same only on orders signed by the president and district clerk or secretary of the board of education. Each order shall specify the object for which it shall be given, and shall be made payable to the order of and shall be indorsed by the person entitled to receive the amount named therein; *provided,* that in the payment of teachers' salaries a pay-roll, certified by the president and district clerk or secretary of the board of education, stating the names of the teachers and the amount to be paid to each, may be delivered to the custodian of school moneys, accompanied by one order or warrant, drawn to his order, for the full amount of said pay-roll, in which case said custodian shall deliver to said district clerk or secretary individual checks payable to the order of said teachers. Said custodian shall pay over the balance of school funds remaining in his hands to his successor in office. He shall keep in the book provided for that purpose a record of the sums received and paid out by him. At the close of the school year he shall transmit to the board of education of the district a report showing the amounts received and disbursed by him for school purposes during said year, and shall file a duplicate of such report with the County Superintendent of Schools.

Proviso.

Custodian's annual report.

Custodian's bond.

182. The collector, or other person designated by law

as the custodian of the moneys belonging to the municipality in which a school district shall be situate, shall be the custodian of the school moneys of such district, and shall receive such compensation as the township committee, common council or other governing body of such municipality shall determine, which compensation shall be paid by said township committee, common council, or other governing body from the funds of the township, incorporated town, borough, city or other municipality, and the bonds given by said collector or other person for the faithful performance of his duty as such officer, shall be held to cover and secure the faithful performance of his duty as custodian of school moneys and the bondsmen thereon shall be liable therefor. In case the term of office of any such collector or other person shall expire before the close of the school year, he shall remain and continue to be the custodian of school moneys until the close of the then current school year, and his bondsmen shall remain and be legally bound for the faithful performance of his duties as such custodian until the final settlement of his accounts. Nothing in this article shall be construed as giving to the township committee, common council or other governing body of any municipality any control over moneys belonging to the school district in the hands of the custodian of the school moneys of said district, but said moneys shall be held by such custodian in trust, and shall be paid out by him only on orders legally issued and signed by the president and district clerk or secretary of the board of education. Any ordinance, by-law or resolution of a township committee, common council or other governing body of any municipality attempting to control such moneys, or which shall in any way prevent the custodian of the school moneys of the school district from paying the orders of the board of education as and when they shall be presented for payment shall be absolutely void and of no effect.

Compensation.

Continuance in office.

Moneys held in trust.

Control of moneys so held.

183. Whenever in any school district there shall be two or more collectors or other persons entitled to be custodians of school moneys in such district, the board of education may appoint a suitable person as custodian of school moneys of said district, and may fix his salary

In case more than one collector in district.

and term of office. Such custodian shall give bonds for the faithful discharge of his duties in such amount and with such sureties as said board shall direct, but such bonds shall be for a sum not less than the amount apportioned to said district by the County Superintendent of Schools. Until the appointment of a custodian of school moneys by the board of education, the collector or other person residing in the municipality situate in such school district having the largest amount of taxable property shall be custodian of the school moneys of such school district.

Payment of moneys to custodian.

184. The collector or treasurer of each municipality in which a school district shall be situate, shall pay to the custodian of the schools moneys of such school district the amount ordered to be assessed, levied and collected in such municipality for the use of the public schools therein exclusive of the state school tax, on the requisition or requisitions of the board of education.

Sinking fund; care of.

185. Whenever there shall have been established a sinking fund for the payment of school bonds and there is no officer or body designated by law as the custodian of the funds belonging to such sinking fund, the custodian of the moneys of the corporation which shall have issued such bonds shall be the custodian of the securities and moneys belonging to such fund, and the bondsmen on his bonds as such custodian shall be liable for the safe-keeping of said fund.

When school orders draw interest.

186. Whenever any order for payment of the current expenses of a public school shall be drawn and issued by any board of education on the custodian of the school moneys of such district, and there shall be no funds in the hands of such custodian to pay the same, such order shall bear legal interest until such time as said custodian shall have funds to pay the same, of which fact he shall give public notice, whereupon said interest shall cease.

Penalty for not making report.

187. If any custodian of the school moneys of any school district shall fail to make his report to the County Superintendent of Schools on or before the first day of August in any year, he shall forfeit to said school district the sum of ten dollars for each day thereafter until his report shall be made. Said sum shall be sued

for and collected by the district clerk or secretary of the board of education of said school district in any court of competent jurisdiction.

ARTICLE XX.

SCHOOL DISTRICT BONDS.

Districts may issue bonds.

188. The legal voters of any township, incorporated town or borough school district may, either at the annual meeting of said district or at a special meeting thereof called for that purpose, by the vote of a majority of those present authorize the board of education to issue bonds of the district for the purpose of purchasing or taking and condemning land for school purposes, or building a school-house or school-houses, or making additions, alterations, repairs or improvements in or upon any school-house and the lands upon which the same shall be located, and of purchasing school furniture and other necessary equipment. Such bonds shall be issued in the corporate name of the district, for such sums and in such amounts and payable at such times as the legal voters so met shall direct, with interest at a rate not exceeding six per centum per annum, payable half-yearly. Said bonds shall be signed by the president of the board of education and attested by the district clerk, shall bear the seal of the district, and shall have coupons attached for current payment of interest, which coupons shall be signed by the district clerk and shall be numbered to correspond to the several bonds to which they shall be severally attached. Bonds so issued shall be numbered and a proper registry thereof shall be kept by the district clerk. Such bonds may be sold at public or private sale for the best obtainable price, but not less than par.

Description.

Renewal of bonds.

189. Whenever bonds shall have been legally issued by any township, incorporated town or borough school district, and the same shall be due and unpaid or outstanding, the board of education of such district, when authorized so to do by the legal voters thereof at an annual meeting of said district, or at a special meeting

thereof called to act thereon, shall have power to renew such outstanding bonds or any part thereof by the issuing of new bonds for that purpose, in the name and under the seal of said district. Such bonds shall be in the general form of the bonds theretofore issued by said district, shall be signed by the president of the board of education and attested by the district clerk, shall bear the seal of the district, shall bear interest at a rate not exceeding six per centum per annum, and shall be issued for such sums and in such amounts and payable at such times as the legal voters at such meeting shall direct. Such bonds shall have coupons attached for current payment of interest, which coupons shall be signed by the district clerk and shall be numbered to correspond to the several bonds to which they shall be severally attached. Bonds so issued shall be numbered and a proper registry thereof kept by said district clerk. They may be sold at public or private sale for the best obtainable price, but not less than par, and the money realized from such sale shall be applied to the taking up and cancellation of such outstanding bonds; or said renewal bonds may be exchanged for such outstanding bonds on an equal basis of principal and interest, and the bonds so redeemed shall be forthwith canceled by the board of education of said district.

Bonds a lien.

190. Bonds of any school district legally issued under the provisions of this article shall be a lien upon the real estate situate in said district, and the personal estates of the inhabitants of the said district, as well as the property of said district, and said estates and property shall be liable for the payment of the same. Whenever bonds shall be authorized to be issued by any school district as aforesaid the district clerk shall transmit certified copies of the record of the proceedings authorizing the issuing of such bonds to the Attorney-General for his approval of the legality of said proceedings, and duplicate copies of such record shall be filed with the State Superintendent of Public Instruction.

Notice to assessor.

191. Whenever a township, incorporated town or borough school district shall have ordered and authorized the issue of bonds and the same shall have been issued,

the district clerk shall, each and every year issue to the assessor of the taxing district in which such school district shall be situate an order directing him to assess upon the owners of property in said taxing district and their estates, and the taxable property therein, an amount sufficient to pay the bond or bonds maturing in such year, together with the interest accruing upon all the unpaid bonds of such district, which order so issued as aforesaid shall be duly executed by said assessor. The moneys so assessed shall be levied and collected by the collector of said taxing district who shall, on or before the fifth day of January next thereafter, pay the full amount so ordered to be assessed, levied and collected to the custodian of the school moneys of said school district, who shall, upon the receipt of the orders of the board of education, signed by the president and attested by the district clerk (which orders shall state at what bank the said principal and interest shall be payable), deposit in such bank the sum of money necessary to pay the principal and interest as they shall become due and payable.

Assessment, collection, etc.

192. On the taking up of outstanding bonds, or on the payment of bonds of any township, incorporated town or borough school district the board of education of such district shall forthwith cancel the same, and when so canceled they shall be deposited in the office of the State Superintendent of Public Instruction.

Cancellation of bonds.

193. The district clerk or secretary of a board of education in any district in which there shall be any interest-bearing school debt shall, on or before the first day of August in each year report to the State Superintendent of Public Instruction the amount of such debt then remaining unpaid, together with the rate of interest, the date or dates on which the bonds, notes or other evidences of indebtedness were issued, and the date or dates on which they will fall due.

Report to state superintendent.

ARTICLE XXI.

STATE NORMAL SCHOOL.

Normal school.

194. A state normal school shall be maintained for the purpose of training and educating persons in the science of education and art of teaching. The name and title of said school shall be "The New Jersey State Normal School." Tuition in said school shall be free.

Supervision.

195. The State Board of Education shall have the control and care of the buildings and grounds owned and used by the state for a normal school and of the funds for the support thereof; shall appoint and remove the principal, teachers and other employes and shall fix their salaries; shall purchase and furnish text-books, apparatus and supplies for the use of the pupils; shall prescribe a course of study for the school; shall make rules for its management and shall grant diplomas.

Treasurer.

196. The State Board of Education shall appoint some suitable person treasurer of said school and shall fix his salary. All bills and charges for the maintenance of said school, except as hereinafter provided, shall be paid by said treasurer upon the certificate of said board.

Maintenance.

197. Said board shall order necessary repairs to the grounds, buildings and furniture of said Normal School, and shall keep said buildings and furniture insured. The State Comptroller shall upon the certificate of said board, draw warrants upon the State Treasurer for the payment of the costs thereof.

Pupils; number, declaration.

198. Each county shall be entitled to at least six times as many pupils in the school as it shall have representatives in the Legislature. In case any county shall not have the full number of pupils to which it shall be entitled, pupils may be admitted from other counties. Pupils when admitted shall sign a declaration that they intend to teach in the public schools of this state for at least two years immediately after being graduated, unless excused temporarily by the State Board of Edu-

cation, and that if they do not so teach they will refund to the state the cost of their education.

Model school.

199. The State Board of Education may maintain a model school under regular teachers, in which pupils of the Normal School shall have the opportunity to observe and practice approved methods of instruction and discipline.

ARTICLE XXII.

NEW JERSEY SCHOOL FOR THE DEAF.

Name.

200. A school shall be maintained for the purpose of training and educating deaf children. The name and title of said school shall be "The New Jersey School for the Deaf." Tuition in said school shall be free.

Free tuition.

Control, teachers, etc.

201. The State Board of education shall have the control and care of the buildings and grounds owned and used by the state for a school for the deaf and the funds for the support thereof; shall appoint and remove a superintendent, teachers and other employes and shall fix their salaries; shall purchase furniture, text-books, school apparatus and other supplies; shall make rules and regulations for the government and management of said school and for the admission of pupils thereto.

Maintenance.

202. All improvements, additions and repairs to the buildings of said school and the furnishing thereof, shall be by contract, after due notice given and specifications furnished. The State Board of Education shall invite proposals twice in each year, at intervals of six months, for supplying said school with dry goods, wearing apparel, groceries, provisions, vegetables, fuel, illuminating material and all other articles the necessity of which it shall be practicable to determine as being needed for the then ensuing six months. The standard quality of such articles shall be determined by the board, and standard samples of non-perishable articles shall be kept in the office of the superintendent for the inspection of bidders. The inviting of proposals shall be advertised for ten consecutive days in two daily newspapers published in the city of Trenton, which advertisement shall

Proposals invited.

classify the articles which shall be grouped in each bid, and shall also state, as nearly as practicable, the quantity needed, and that said goods are to be delivered during the next ensuing six months as ordered by said superintendent. Said board shall award the contract to the lowest responsible bidder on each class or group of articles advertised for, and shall require contractors to enter into suitable bonds for the faithful performance of said contracts; but said board shall have the right to reject any and all bids not considered by it to be in the interest of said school.

Award contract.

Who admitted.

203. Deaf persons of suitable age and capacity for instruction who shall be legal residents of this state and not over twenty-one years of age, shall be entitled to the privileges of the school for such a period of time, not exceeding fourteen years, as the State Board of Education shall determine; *provided,* that whenever more persons apply for admission at one time than can be properly accommodated in said school, said board shall so apportion the number received that each county shall be represented therein in the ratio of its deaf population to the total deaf population of the state. Application for admission into said school shall be made to the State Board of Education by a parent, guardian or friend of a proposed pupil in such manner as said board shall direct, but the board shall require such application to be accompanied by a certificate from the judge of the inferior court of common pleas or the county clerk of the county, the chosen freeholder or clerk of the township, the mayor or other executive officer of the city, borough or other municipality in which the applicant shall reside, setting forth that the applicant is a legal resident of the township, city, borough or other municipality claimed as his or her residence, and the age, circumstances and capacity of such proposed pupil, and the ability or inability of such proposed pupil or of his or her parent or guardian to pay any part of the expense of the care and maintenance of such proposed pupil. Whenever said board shall be satisfied that the resources of any person applying for admission to such school or being a pupil thereat, or those of his or her parent or guardian shall be suffi-

Proviso.

Application.

When charge may be made.

cient to defray either the whole or a part of the expense of maintaining such pupil, said board may require such parent or guardian to pay either the whole or such portion of the annual expense of maintaining such pupil as it shall deem just and equitable.

Treasurer.

204. The State Board of Education shall appoint some suitable person treasurer of said school and shall fix his salary. All bills and charges for the maintenance of said school shall be paid by said treasurer upon the certificate of said board.

ARTICLE XXIII.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

State board to control.

205. "The Manual Training and Industrial School for Colored Youth" (now located at Bordentown) shall be hereafter conducted and managed by the State Board of Education, which board shall have the full management and control thereof; shall have the care and charge of the buildings and property thereof; the application and expending of the funds provided or appropriated for the support thereof; the appointment and removal of a principal, teachers and other employes; the fixing and paying of their salaries; the power to prescribe the studies and exercises of said school and rules for its management, and for the admission of pupils thereto. Tuition in said school shall be free.

Tuition free.

Number of pupils.

206. Each county shall be entitled to as many pupils in said school as it shall have representatives in the Legislature, but in case any county shall not have in said school the full number of pupils to which it shall be entitled, pupils may be admitted from other counties.

Appropriation.

207. In lieu of all claims, rights and titles that the Manual Training and Industrial School for Colored Youth has or may hereafter have upon the annual appropriation coming to this state from Congress under the provisions of the supplement to the act of Congress of August thirteenth, one thousand eight hundred and

ninety, a sum not to exceed five thousand dollars may be annually appropriated for the maintenance of said school out of any money in the state treasury not otherwise appropriated.

Treasurer.

208. The State Board of Education shall appoint some suitable person treasurer of said school and shall fix his salary.

ARTICLE XXIV.

MANUAL TRAINING.

Appropriation.

209. Whenever in any school district there shall have been raised by special tax or by subscription or both a sum not less than two hundred and fifty dollars for the establishment in such district of a school or schools for industrial education or manual training, or for the purpose of adding industrial education or manual training to the course of study then pursued in the school or schools of such district, there shall be paid for such purpose to the custodian of the school moneys of said district, on the order of the State Superintendent of Public Instruction, an amount equal to that raised therein as aforesaid, which amount shall be paid by the State Treasurer on the warrant of the State Comptroller. Whenever such school or schools shall have been established in any district, or said industrial education or manual training shall have been added to the course of study in the school or schools of any district, there shall be paid to such district in like manner for the maintenance and support thereof a sum equal to that raised each year in the district for such purpose; *provided,* that the course of study in industrial education or manual training established under the provisions of this section shall be approved by the State Board of Education; *and provided further,* that the moneys appropriated by the state as aforesaid to any school district shall not exceed in any one year the sum of five thousand dollars. The custodian of the school moneys of the school district shall be the legal custodian of any and all funds subscribed, appropriated or raised for the pur-

Proviso.

Proviso.

Custodian of funds.

pose of carrying out the course of study contemplated by this section, and he shall keep a separate and distinct account thereof, and shall disburse said moneys on orders signed by the president and district clerk or secretary of the board of education.

Additional managers.

210. In case the sum necessary as aforesaid to obtain the state appropriation or any part thereof shall have been raised by private subscription, the board of education of any school district in which there shall have been established a separate school for industrial education or manual training under the provisions of this article, may select from among the donors of such sum not more than six persons to assist said board in the management of said school.

District report.

211. The board of education of any school district receiving an appropriation from the state for the purpose mentioned in this article shall annually, on or before the first day of August, make a special report to the State Superintendent of Public Instruction in the manner and form prescribed by him.

ARTICLE XXV.

SCHOOL LIBRARIES.

Library appropriation.

212. The State Comptroller shall draw his warrant on the State Treasurer upon the order of the State Superintendent of Public Instruction, and in favor of the custodian of the school moneys of a school district for the sum of twenty dollars for any public school situate in such district for which there shall have been raised by special district tax, subscription or entertainment a like sum to establish in such school a school library, or to procure books of reference, school apparatus or educational works of art; and the further sum of ten dollars annually upon a like order, upon condition that there shall have been raised by special district tax, subscription or entertainment a like sum for the maintenance of such library for such year.

Selections approved.

213. All selections of articles aforesaid purchased in

part by state funds shall be approved in such manner as the State Board of Education may by rule direct.

Joint library.

214. In any school district in which there shall be more than one school-house, the school library committees of two or more of such schools may consolidate and establish in one place the school libraries under their control, and said committees shall constitute a joint committee for the control and management of such consolidated library.

ARTICLE XXVI.

TEACHERS' LIBRARIES.

Support of teachers' libraries.

215. Whenever in any county there shall have been raised by subscription a sum of money not less than one hundred dollars for the establishment of a library of pedagogical books for the use of the teachers of the public schools, the State Comptroller shall, upon the order of the State Superintendent of Public Instruction, draw his warrant on the State Treasurer in favor of the County Superintendent of Schools of said county for the sum of one hundred dollars for the benefit of such library, and annually thereafter there shall be paid on a like order a sum not less than fifty dollars nor more than one hundred dollars, upon condition that there shall have been raised by subscription a like sum for the maintenance of such library for such year.

Committee of selection.

216. The County Superintendent of Schools and three teachers of public schools in such county appointed by him, shall constitute a committee to select and purchase books and apparatus for such library, and to make rules and regulations for the management, use and safe-keeping thereof.

ARTICLE XXVII.

TEACHERS' RETIREMENT FUND.

Trustees of retirement fund.

217. There shall be a board of trustees of the fund hereinafter mentioned to be known as "The Board of Trustees of the Teachers' Retirement Fund," which

board shall be composed of such members as the Legislature shall from time to time prescribe; and, until changed by law, said board shall consist of the State Superintendent of Public Instruction, three members of the State Board of Education chosen by that body, and three members of the New Jersey State Teachers' Association upon whom this act shall have become binding by its terms. Said last-mentioned three members shall be selected at the annual meeting of the New Jersey State Teachers' Association by those members of said association eligible to election hereunder. The terms of office of the members so chosen by the State Board of Education shall be co-extensive with their respective terms as members of such Board of Education, and the terms of office of those members elected by the members of the New Jersey State Teachers' Association hereinabove designated, shall be for three years and until their successors shall be elected. The members and officers of the Board of Trustees of the Teachers' Retirement Fund as now constituted shall continue in office for the full terms for which they have been severally elected.

Officers.

218. Said board of trustees shall elect one of its members president and one secretary, who shall hold office respectively until the next annual meeting of the board and until their successors shall be elected; *provided,* that the term of office of such president or secretary shall not extend beyond his term of office as member of said board of trustees. The annual meeting for the election of officers shall be held on the second Monday of September. Said board shall administer the fund hereinafter mentioned and order all payments therefrom according to the provisions of this article. Such portion of said fund as the board of trustees may, from time to time determine, may be invested either on bond and mortgage upon real estate situate within this state worth at least double the amount loaned thereon, or in any bonds of this state, or bonds of any of the counties or school districts of this state, or in any of the bonds of any city or other municipality of this state whose aggregate bonded indebtedness shall not exceed fifteen per

Proviso.

Administration of fund

centum of the amount of its taxable ratables. All moneys invested in any of the securities mentioned in this section shall be deemed to be part of the permanent principal of said fund, and the income arising from said moneys so invested, together with all moneys received as percentages of the salaries of teachers, and all moneys received by donation, legacy, gift, bequest, devise or otherwise, and which shall not be specifically directed to be made a part of the permanent principal of said fund, shall be available for the payment of annuities and the expenses connected with the management of said fund. All moneys received in payment of principal of bonds or other securities held by said fund shall be re-invested and shall remain a part of said principal. Said board shall report annually to the State Board of Education at its meeting in October, the condition of said fund and the receipts and disbursements on account of the same, together with a list of the beneficiaries of said fund, and the amount paid to each of said beneficiaries. The fiscal year of said fund shall begin on the first day of July and shall end on the thirtieth day of June, and the report herein required shall be for such fiscal year.

Annual report.

Treasurer; his duties, etc.

219. The State Treasurer shall be ex-officio treasurer of the fund hereinafter mentioned. He shall receive all moneys payable to said fund, and shall pay out the same only on warrants or orders of the board of trustees of said fund, which warrants or orders shall be signed by the president and secretary of said board, and all warrants or orders when so signed, shall be full authority for and the acquittance of said treasurer for all payments from said fund. Said treasurer shall give receipts for all moneys received by him for said fund; shall keep full and correct accounts of the financial transactions connected with the said fund in proper books for that purpose, and shall make an annual report to the board of trustees at its meeting in September of the receipts and disbursements and other financial transactions connected with said fund.

Annuitants.

220. Whenever any teacher shall have taught in the public schools, or in any normal or reformatory school or in any other school of this state supported either

wholly or in part by public moneys raised under the authority of any law of this state, for a period or periods aggregating twenty years or more, and shall have become incapacitated from earning a sufficient livelihood, such teacher shall, at his or her request, and on the approval of the aforesaid board of trustees be retired as a teacher, and shall thereafter receive an annuity out of the fund hereinafter mentioned equal to one-half of the average annual salary received by such teacher for the five years immediately preceding the time of retirement; *provided, however,* that no annuity shall be less than two hundred and fifty dollars nor more than six hundred dollars; *provided further,* that no teacher shall be retired under the provisions of this article unless he or she shall have first paid into said fund such sum as shall make his or her total payments into said fund equal to at least twenty per centum of his or her average annual salary for the five years immediately preceding the time of such retirement. The decision of the board of trustees of said fund upon any application for such annuity shall conclusively determine the right of the applicant thereto, and the payment of any such annuity shall be suspended whenever it shall appear to said board upon sufficient proof, that the annuitant is able to earn a sufficient livelihood, but such payment may be resumed whenever said board shall deem it proper so to do.

Proviso.

Proviso.

Decision of trustees conclusive.

221. All annuities payable under the provisions of this article shall be paid in quarterly installments on the last days of September, December, March and June, and all annuities granted shall date from the first day of the quarter next succeeding the dates of the granting of such annuities; but if the funds available for the payment of any installment shall not be sufficient to pay the aggregate of annuities payable under this article in any quarter, such annuities shall abate pro rata.

Payment of annuities.

222. Any teacher upon whom the provisions of this article shall have become binding, who shall have contributed to the fund hereinafter mentioned for five years or more, and who shall resign his or her position as teacher or shall be otherwise honorably retired from such position, except as hereinbefore provided, shall, upon

Rebate.

application within three months after the date of such resignation or retirement be entitled to receive and shall receive one-half of the total amount paid by him or her into said fund without interest.

Retirement fund, how provided.

223. The retirement fund herein provided for shall be made up as follows:

I. One per centum of the monthly salaries of all teachers upon whom this act shall have become binding by its terms prior to January first, one thousand nine hundred and three; one per centum of the monthly salaries of all teachers who shall become members of said fund on or after January first, one thousand nine hundred and three, and who shall have been teaching ten years or less at the time of becoming members of said fund; two per centum of the monthly salaries of all teachers who shall become members of said fund on or after said date, and who shall have been teaching more than ten years at the time of becoming members of said fund; *provided,* that on or after said date no person who shall have been teaching more than fifteen years shall become a member of said fund unless he or she shall have passed a satisfactory medical examination under such rules as the board of trustees may prescribe; *and provided further,* that a teacher, now a member of said fund, shall not be required to pay more than one per centum of his or her monthly salary by reason of the fact that he or she has been teaching more than ten years. The said per centum shall be reserved or deducted from each warrant or order for salary given to such teacher by the board of education or other officers as shall be required by law to give such warrants or orders to such teachers, and the said board of education or other officer shall, between the first and tenth days of each and every calendar month, draw their warrants for the amount so reserved and deducted during the preceding calendar month in favor of the custodian of the school moneys of the district or school in which such teachers shall be employed, and the said custodian shall, immediately upon the receipt of such warrant or order, forward to the State Treasurer the amount of money

Proviso.

Proviso.

Reservation of percentage.

named in such warrant or order, together with a list of the names of the said teachers;

II. One per centum of all annuities paid under the provisions of this article, which shall be deducted and withheld from each payment made to any annuitant;

III. All moneys and property received by donation, legacy, gift, bequest, devise or otherwise for or on account of said fund;

IV. All interest on investments and other moneys which may be duly and legally raised for the increase of said fund.

Powers of trustees.

224. Said board of trustees shall have power:

I. To subpœna witnesses and compel their attendance to testify before it in all matters relating to the operation of this article, and any member of said board may administer oaths or affirmations to such witnesses;

II. To fix the salary of the secretary of said board, and to make rules, not inconsistent with the laws of this state, for their own government and for carrying out of the provisions of this article;

III. To draw their warrants or orders upon the State Treasurer for the payment out of said fund of all annuities and necessary expenses incurred in carrying out the provisions of this article, but the members of said board, excepting the secretary, shall serve without compensation, but said members shall be paid the necessary expenses incurred by them as members of said board, which expenses shall be paid in the same manner as other payments shall be made from said fund;

IV. By the name of "The Board of Trustees of the Teachers' Retirement Fund" to sue and be sued, complain and defend in any court of law or equity;

V. To have, hold, purchase, sell, assign and transfer any of the securities in which any part of the said retirement fund may be invested.

Upon whom binding.

225. The provisions of this article shall be binding upon any teacher employed at the time of the passage of this act in any of the schools hereinabove mentioned, only in case he or she shall sign and deliver to the board of education, board of trustees or other body by whom

he or she shall be employed, a notice in substantially the following form:

To the board of education of ————:

You are hereby notified that I desire to avail myself of the provisions of Article XXVII. of the act of the Legislature entitled "An act to establish a system of public instruction," and that I do hereby agree to be bound thereby;

Dated ——— ———; ——— ———;

A duplicate of said notice shall be sent by the teacher signing the same to the secretary of the Board of Trustees of the Teachers' Retirement Fund.

Who may take advantage of this act.

226. Any teacher who has heretofore signed and delivered the notice prescribed in an act entitled "A supplement to an act entitled 'An act to establish a system of Public Instruction'" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was passed March eleventh, one thousand eight hundred and ninety-six, or in an amendment thereto approved March twenty-fourth, one thousand eight hundred and ninety-nine, shall become bound by the provisions of this article and shall have its advantages and privileges without signing or delivering any other notice, and shall be deemed to have accepted the provisions of this article by receiving any sum of money as salary from which there shall have been made a deduction under and by virtue of the provisions of this article. Any person who is not now a teacher in any of the schools hereinabove mentioned may become bound by the provisions of this article, and have its advantages and privileges, by signing and delivering to the board of education or other body by whom he or she shall be employed a notice as prescribed in this article.

Notice of change of school.

227. Any teacher who shall have become bound by the provisions of this article, and who shall cease to teach in the district or school in which he or she was teaching at the time of signing and delivering the notice as provided in this article, and who shall be employed as a teacher in any other district or school, shall immediately give written notice to the board of education having control of the school in which he or she shall be teaching

that he or she is a member of the Teachers' Retirement Fund, and said notice shall direct that the prescribed per centum of his or her salary be deducted and forwarded to the State Treasurer. Such teacher shall send one copy of said notice with his or her address to the secretary of the Board of Trustees of the Teachers' Retirement Fund, and another copy of said notice to the State Treasurer.

To whom act applies.

228. The provisions of this article shall apply to any superintendent, principal or supervising principal who shall teach or be employed in the public schools of this state, or in any normal, model or reformatory school of this state, or in any other school of this state supported either wholly or in part by public moneys raised under the authority of any law of this state.

ARTICLE XXVIII.

SALARIES OF TEACHERS AND PRINCIPALS.

Salaries of teachers.

229. Teachers hereafter employed in any graded school in this state supported in whole or in part by state moneys shall receive salaries proportioned to their experience and success in the school district where they may be employed, such salary, in the case of every teacher whose experience and success have been properly certified to, to be not less than the amount provided for such teacher in the following schedule:

Assistant teachers in primary and grammar schools and kindergartens:

Less than two years' experience, four hundred and eight dollars per annum;

Two years' and less than three years' experience, four hundred and fifty-six dollars per annum;

Three years' and less than four years' experience, five hundred and four dollars per annum;

Four years' and less than five years' experience, five hundred and fifty-two dollars per annum;

Five years' and less than six years' experience, six hundred dollars per annum;

Six years' and less than seven years' experience, six hundred and forty-eight dollars per annum;

Seven years' and less than eight years' experience, six hundred and ninety-six dollars per annum;

Eight years' and less than nine years' experience, seven hundred and forty-four dollars per annum;

Nine years' and less than ten years' experience, seven hundred and ninety-two dollars per annum;

Ten years' and less than eleven years' experience, eight hundred and forty dollars per annum;

Eleven years' and less than twelve years' experience, eight hundred and eighty-eight dollars per annum;

Twelve years' experience and upwards, nine hundred and thirty-six dollars per annum;

Principals of schools containing grammar and primary departments:

Less than one year's experience as such principal, one thousand eight hundred dollars per annum;

One year's and less than two years' experience, one thousand nine hundred dollars per annum;

Two years' and less than three years' experience, two thousand dollars per annum;

Three years' and less than four years' experience, two thousand one hundred dollars per annum;

Four years' and less than five years' experience, two thousand two hundred dollars per annum;

Five years' and less than six years' experience, two thousand three hundred dollars per annum;

Six years' and less than seven years' experience, two thousand four hundred dollars per annum;

Seven years' experience and upwards, two thousand five hundred dollars per annum;

Principals of schools containing primary departments only:

Less than one year's experience as such principal, one thousand two hundred dollars per annum;

One year's and less than two years' experience, one thousand three hundred dollars per annum;

Two years' and less than three years' experience, one thousand four hundred dollars per annum;

Three years' and upwards, one thousand five hundred dollars per annum;

Principals of primary departments shall be paid at the same rate as principals of schools containing primary departments only;

Vice-principals, head assistants and first assistants of grammar and primary departments:

Less than one year's experience as such vice-principal, head assistant or first assistant, nine hundred and ninety-six dollars per annum;

One year's and less than two years' experience, one thousand and fifty-six dollars per annum;

Two years' and less than three years' experience, one thousand one hundred and sixteen dollars per annum;

Three years' experience and upwards, one thousand one hundred and seventy-six dollars per annum;

Assistant teachers in high schools, male assistants:

Less than one year's experience, one thousand five hundred dollars per annum;

One year's and less than two years' experience, one thousand six hundred dollars per annum, and for each year's experience thereafter at an additional salary of one hundred dollars per annum to not less than the sum of two thousand four hundred dollars per annum;

Female assistants in high schools:

Less than one year's experience, seven hundred dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than the sum of one thousand two hundred dollars per annum;

Vice-principals of high schools:

Less than one year's experience two thousand dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than two thousand five hundred dollars per annum;

Principals of high schools:

Less than one year's experience as such high school principal, two thousand five hundred dollars per annum;

One year's and less than two years' experience, two thousand six hundred dollars per annum;

Two years' and less than three years' experience, two thousand seven hundred dollars per annum;

Three years' and less than four years' experience, two thousand eight hundred dollars per annum;

Four years' and less than five years' experience, two thousand nine hundred dollars per annum;

Five years' experience and upwards, three thousand dollars per annum;

Model teachers in model departments of training schools for teachers:

In addition to the salaries herein provided for assistant teachers of primary and grammar schools, one hundred and fifty dollars, each, per annum;

Critic teachers of training schools for teachers:

Two hundred dollars, each, per annum, as extra compensation;

Principal of primary department of training schools for teachers:

Less than one year's experience, one thousand five hundred dollars per annum, and for each year's experience thereafter at an additional salary of one hundred dollars per annum, to not less than the sum of one thousand seven hundred dollars per annum;

Teachers of methods or supervisor of methods of training schools for teachers:

Less than one year's experience, one thousand five hundred dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than two thousand dollars per annum;

Principals of training schools for teachers:

Less than one year's experience, two thousand five hundred dollars per annum, and for each year's experience thereafter, at an additional salary of one hundred dollars per annum, to not less than three thousand dollars per annum; *provided,* that if the annual salary of any teacher now employed in any graded school of any school district is less than the amount required to be paid to such teacher by the preceding schedule, the salary of

Proviso.

such teacher shall, if such teacher's experience is approved as successful, be increased by adding thereto annually, beginning with the first day of the fiscal year next succeeding the adoption of this article in the manner provided in section two hundred and thirty of this act, a sum equal to the annual increase provided in the preceding schedule for the class to which such teacher belongs, until such teacher's salary shall be in accordance with the schedule; *and provided further,* that the annual salary paid to any principal or vice-principal hereafter appointed shall not exceed the annual salary paid at the time such appointment is made to principals and vice-principals of the same class respectively, and that the salary of every such appointee shall, if the experience of such appointee proves to be successful, be increased annually by the amount and in the manner described in this section, until the salary of such appointee shall be in accordance with the preceding schedule. Proviso

230. The board of aldermen, common council or other governing body of any municipality of this state, may, by resolution, submit the question of the acceptance or rejection of this article to the voters of such municipality 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 of this state, circulating in such municipality, and if a majority of those who shall vote for the acceptance or rejection thereof shall be in favor of the acceptance of this article, then this article shall go into effect at the commencement of the then next fiscal year in such school district, and the grant of power herein made shall be deemed to be accepted by such school district, and such school district shall be bound by the terms of this article; persons entitled to vote at any election where this question is submitted to them shall express their assent or rejection of this article in the manner provided in "An act to regulate elections" [Revision of 1898]; there shall be a canvass on return of the votes upon the question of acceptance or rejection of this article made by the election officers in the same way and manner as for officers voted Referendum.

for at such election, and if a majority of the ballots shall be found to be in favor of the acceptance of this article it shall then, but not otherwise, go into effect and be binding upon the school district situate in said municipality wherein such vote shall be taken.

Validating action of district concerning compensation of teachers.

231. All elections or submissions to the vote of the qualified voters of any municipality for the adoption of the provisions of any statute establishing the compensation to be paid to teachers and principals in the public schools, and to provide for the payment thereof, in the school district situate in such municipality, which statute was in substantial compliance with the provisions of this article, and the acceptance of the provisions of such statute by reason of a majority of the ballots having been found to be in favor thereof, and the attendant proceedings heretofore held, submitted, had, done or taken pursuant to and in substantial compliance with such statute are hereby validated and confirmed as fully and to the same extent as though done after the passage of and in conformity with the provisions of this article, and said teachers and principals shall hereafter receive and be paid salaries in accordance with the provisions of this article.

ARTICLE XXIX.

MISCELLANEOUS.

Deductions for improper use of school moneys.

232. If the board of education of any school district shall use any of the school money received by it, except such as shall have been raised within the district, for any purpose other than the payment of teachers' salaries, fuel bills, the transportation of pupils and the tuition of pupils attending schools in adjoining districts, there shall be deducted by the County Superintendent of Schools from the next annual apportionment to such district a sum equal to twice the amount thus used, and said County Superintendent of Schools shall apportion the money thus deducted among the other districts of the county; *provided,* that the State Superintendent of Public Instruction may remit such penalty.

Proviso.

Medical inspector; duties.

233. Every board of education may employ a competent physician to be known as the Medical Inspector, fix his salary and define his duties. Said Medical Inspector shall visit the schools in the district in which he shall be employed at stated times to be determined by the board of education, and during such visits shall examine every pupil referred to him by a teacher. He shall at least once during each school year examine every pupil to learn whether any physical defect exists, and keep a record from year to year of the growth and development of such pupil, which record shall be the property of the board of education and shall be delivered by said Medical Inspector to his successor in office. Said Inspector shall lecture before the teachers at such times as may be designated by the board of education, instructing them concerning the methods employed to detect the first signs of communicable disease and the recognized measures for the promotion of health and prevention of disease. The board of education may appoint more than one Medical Inspector.

Display flag.

234. Every board of education shall procure a United States flag, flag-staff and the appliances therefor for each school in the district, and shall display said flag upon or near the public school building during school hours and at such other times as said board may deem proper.

Use of surplus revenue.

235. The several counties in this state shall appropriate the interest of the surplus revenue to the support of the public schools.

Teachers' institutes.

236. The State Superintendent of Public Instruction shall procure instructors and lecturers for teachers' institutes. To defray the expenses incurred in holding said institutes there shall be paid to him annually by the State Treasurer, upon the warrant of the State Comptroller, a sum not exceeding four thousand dollars. Said State Superintendent of Public Instruction shall make annually to the State Board of Education an itemized report of the expenses incurred in holding said teachers' institutes during the year for which said report shall be made.

Nature and effect of alcohol taught.

237. The nature of alcoholic drinks and narcotics and their effects upon the human system shall be taught in

all schools supported wholly or in part by public moneys as thoroughly and in the same manner as other like branches shall be taught, by the use of graded text-books in the hands of the pupils when other branches shall be thus taught and orally only in the case of pupils unable to read. In the text-books on physiology and hygiene the space devoted to the consideration of the nature of alcoholic drinks and narcotics and their effects upon the human system shall be sufficient for a full and adequate treatment of the subject. The failure or refusal of any district to comply with the provisions of this section shall be sufficient cause for withholding from such district the state appropriation.

Examination.

238. No certificate shall be granted to any person to teach in the public schools, except to persons applying for special certificates to teach music, drawing, manual training or other subjects not included in the usual school curriculum, who shall not have passed a satisfactory examination in physiology and hygiene with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system.

Arbor day.

239. The day in each year known as Arbor Day shall be suitably observed in the public schools. The State Superintendent of Public Instruction shall from time to time prepare and issue to schools such circulars of information, advice and instruction with reference to the day as he may deem necessary.

Patriotic exercises.

240. In all public schools there shall be held on the last school day preceding the following holidays, namely, Lincoln's birthday, Washington's birthday, Decoration or Memorial day and Thanksgiving day and on such other patriotic holidays as shall be established by law, appropriate exercises for the development of a higher spirit of patriotism.

Payment of judgments

241. Whenever an execution shall be issued against the board of education of a school district or of a union-graded school by any court authorized to issue the same, upon a judgment recovered either before or subsequent to the passage of this act, and there shall be found no property belonging to said school district or union-graded school sufficient to satisfy the same liable to be

levied on, then the officer authorized to execute such process shall serve a certified copy of said execution upon the assessor or assessors of the taxing district or districts in which said school district or union-graded school shall be situate, and also upon the collector or collectors of such taxing district or districts. Upon receipt of such copy or copies such assessor or assessors shall, at the time of the next regular assessment of school taxes, assess upon the inhabitants of said school district and their estates, and upon the taxable property therein, in addition to the regular school taxes, the amount due upon said execution, with interest thereon to the time when the same shall be paid to the officer serving such process and the collector or collectors shall levy and collect the same, and said amount, when collected, shall be a separate fund, and shall be paid over by said collector to the officer who shall have served said process.

School year.

242. The school year shall begin on the first day of July an end on the thirtieth day of June.

Money specifically appropriated.

243. No money shall be paid from the state treasury for any purpose named in this act unless an appropriation therefor shall have been made by the Legislature in the annual appropriation act.

Selecting trustees and raising money in districts including portion of adjoining municipality.

244. In any school district which comprises a municipality and a portion of an adjoining municipality, members of the board of education shall be selected in the same manner in all respects as they are selected in said district at the time of the passage of this act, and moneys for the maintenance of public schools therein shall be ordered, assessed, levied and collected in the same manner as they are ordered, assessed, levied and collected therein at the time of the passage of this act.

"Article" construed.

245. Whenever in this act the word "article" is used, it shall be construed as referring to the caption under which it is used.

Validating sundry actions previously taken.

246. Every school district shall be responsible and liable for all contracts, bonds and obligations of said district which have been entered into, made or incurred under the provisions of an act entitled "An act to establish a system of public instruction [Revision of 1900]," approved March twenty-third, one thousand

nine hundred, whether or not such act lawfully conferred the power to enter into, make or incur the same; and all elections or submissions to the vote of the qualified voters of any school district of the question whether in such district the board of education should be created by election by the people or otherwise, and the attendant proceedings heretofore held, submitted, had, done or taken pursuant to and in substantial compliance with said act, shall be and the same are hereby validated and confirmed as fully and to the same extent as though done after the passage of and in conformity with this act; and in every such district hereafter the board of education shall, if the manner of its creation has been so fixed as to be by appointment, be appointed and organized under the provisions of section forty-two of this act, and if the manner of its creation shall have been by such election or submission so fixed as to be by election by the people, then the board of education shall be hereafter elected and organized in such school district under the provisions of section forty-three of this act; and all elections for members of the board of education in any such school district held pursuant to and in substantial compliance with said act, approved March twenty-third, one thousand nine hundred, shall be and the same are hereby validated and confirmed as fully and to the same extent as if done after the passage of and in conformity with this act; and the members so elected shall constitute and be the board of education of such school district, and shall be deemed to be incorporated under section forty-eight of this act; and all other elections, acts and proceedings heretofore held, passed, had, done or taken, and all appropriations, taxes and assessments heretofore made, levied and imposed in substantial compliance with said act, are hereby validated and confirmed as fully and to the same extent as though done after the passage of and in conformity with this act.

Succession of title and property.

247. Every board of education shall succeed to and be vested with the title to all lands, securities, moneys and other property which may be held by any board of managers for the education of youth, commissioners or trustees, by whatever name called or known, created or

existing by act of the Legislature, and having charge and control of any property belonging to any special school fund used for public school purposes and within the school district in which such board of education is organized, and all property so held for any such special school fund shall, within thirty days after the passage of this act, be paid over and transferred by said board of managers, commissioners or trustees to the board of education or the custodian of school moneys of said district, to be held for the use of said district as other school property within said district is held and used.

Continuance of present officials.

248. The members of the State Board of Education, the State Superintendent of Public Instruction, the county and district superintendents of schools, the members of the boards of education in township, incorporated town and borough school districts, secretaries of boards of education, janitors and other employes of the several boards of education of the several school districts, shall continue to serve for the full term for which they were severally elected or appointed, as though they had been elected or appointed under any of the provisions of this act, and all certificates heretofore issued, and now in force in this state shall be valid according to their terms and for the periods for which they have been severally granted.

Selection of school trustees.

249. Members of boards of education in all township, incorporated town and borough school districts shall continue to be elected or appointed in the same manner as said members have been heretofore elected or appointed. The acceptance of the provisions of this act contained in Article VI. relating to boards of education in city school districts, shall be submitted to the qualified voters of any town, township or borough at a general or municipal election to be held therein, whenever the town council, township committee or other governing body of such municipality, or the board of education of the school district situate in such municipality, shall have, by resolution, directed that such question shall be so submitted. The question to be submitted shall be for or against the adoption of the provisions of Article VI. of an act entitled "An act to establish a system of

Referendum.

public instruction," approved ——— (insert herein the date when this is approved), and if a majority of the votes cast upon said question shall be for the adoption of the provisions of said article, the school district in such municipality shall thereafter in all respects be governed by the provisions of Article VI. relating to boards of education in city school districts, and the board of education therein shall have all the powers and duties given and imposed by the several provisions of said article.

Government of schools.

250. All school districts shall hereafter be governed solely by the provisions of this act, and all acts and parts of acts, general, special or local, so far as they are inconsistent with the provisions of this act, are hereby repealed; *provided,* that this repealer shall not revive any act heretofore repealed; *and provided further,* that this act shall not repeal or affect the provisions of any general act which may have been or may hereafter be accepted by a vote of the people in any city or school district in this state.

Proviso.

Proviso.

251. This act shall take effect immediately.

Approved March 26, 1902.

CHAPTER 37.

An Act providing for the appointment of clerks to recorders in certain cities of the second class in this state and defining their duties.

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

Clerks in police courts.

1. The recorders holding the police courts existing in any city of the second class in this state, having a population of one hundred thousand or over, shall have power and are hereby authorized to appoint in and for each of the police courts of said city a clerk, whose duty it shall be to attend the sessions of the court to which he may be appointed or assigned, and to the examination, trials and proceedings had therein, before whatever

justice or judge may hold or sit in the same; such clerk shall, under the direction of the court, keep a brief record of all matters which shall come before the same; he shall, unless otherwise expressly directed by law, receive all fees and penalties imposed in the court to which he shall act, and shall account for and pay the same over to the proper officers or authorities within forty-eight hours after his receipt thereof; he shall keep a record of such fines and penalties and of the disposition thereof in books to be provided for that purpose by the board hereinafter named, and shall perform such other duties and services as the court or the justice or judge aforesaid may require; he shall receive a salary of twelve hundred dollars per annum, to be paid in the same manner as now provided for by law for the payment of city officers; he shall be required to enter into a bond to the said city in its corporate name in the sum of three thousand dollars, with at least two sufficient sureties, to be approved by the board or body of such city having control of the finances thereof, conditioned for the faithful performance of his duty, which bond shall be renewed annually; every such clerk appointed as aforesaid shall hold office during good behavior, and shall be removed for cause only after opportunity to be heard respecting the cause assigned for removal.

Duties.

Salary.

Bond

Tenure.

2. If, when this act shall go into effect in any such city, there be not sufficient money on hand out of which to pay any expenses rendered necessary thereby, the board or body thereof having control of the finances shall borrow sufficient money therefor, by means of a temporary loan or otherwise, in anticipation of the tax levy next to be made in such city, and shall therein make provision for the payment thereof.

Provision for expenses.

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

Repealer

Approved March 26, 1902.

CHAPTER 38.

An Act to authorize foreign corporations to acquire, own and dispose of real estate in this state.

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

Acquire real estate.

1. It shall be lawful for any foreign corporation whatsoever to purchase and convey, to lease, hold, occupy and use for the purposes of such corporation such real estate in this state as may be devised or conveyed to it.

Repealer.

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

3. This act shall take effect immediately.

Approved March 26, 1902.

CHAPTER 39.

An Act for the better regulation and control of the taking, planting and cultivating of oysters and clams on lands lying under the tidal waters of the county of Ocean, in the state of New Jersey.

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

Ocean county oyster commission.

1. All oyster grounds, lands and beds included within lands of the state of New Jersey, under the tidal waters of the county of Ocean, shall be under the exclusive regulation and control of a state oyster commission (known as the oyster commission for the district of Ocean county, and hereafter whenever the words "commission" or "state oyster commission" appear in this act, they shall be held to mean the aforesaid state oyster commission for the district of Ocean county), which shall consist of three members, who shall be appointed by the governor of this state for a term of three years, and shall continue to hold office until the appointment of their successors; the said commissioners shall be citizens

Members; term.

of this state, and shall be directly interested or engaged in the taking, planting and cultivating of oysters in the tidal waters of said county of Ocean; before entering upon the duties of his office, each commissioner shall file with the secretary of state an oath that he will faithfully discharge the duties of his office, and that he is directly interested or engaged in the business of taking, planting and cultivating oysters in said tidal waters of said county of Ocean, which oath may be taken before any person authorized to take oaths or affirmations in this state; each commissioner shall receive an annual salary of two hundred and fifty dollars, payable quarterly; two members of the state oyster commission shall constitute a quorum at any meeting thereof, and any official act shall be valid which has been authorized by a majority of the commissioners at a regular meeting; they shall keep a record of all their official acts and proceedings, and shall annually report to the legislature, which report shall include a detailed statement of all expenditures of money made or authorized to be made by them under the provisions of this act; before entering upon the duties of their office the said commissioners shall severally enter into bond to the state in the sum of two thousand dollars, with good and sufficient surety, conditioned for the faithful performance of their duties, which bond shall first be approved as to sufficiency by the law judge of the said county of Ocean; said bond shall be renewed annually.

Oath.

Salary.

Annual report.

Give bond.

2. The governor of this state shall appoint a person to be known as the oyster superintendent, to hold office for a term of three years, at an annual salary of one thousand dollars, and which shall be paid in equal monthly payments; before entering upon the duties of his office the oyster superintendent shall give bond to the state in the sum of five thousand dollars with good and sufficient surety, conditioned for the faithful performance of his duties, which bond shall be first approved as to sufficiency by the law judge of the said county of Ocean; said bond shall be renewed annually; it shall be the duty of the state oyster commission to

Oyster superintendent; term, salary.

regulate and define the duties of the oyster superintendent, other than those duties specifically defined in this act.

Powers and duties of commission.

3. The state oyster commission shall have power, and it shall be their duty to enforce the provisions of this act, and the provisions of all other acts regulating the taking, planting or cultivating of oysters in the tidal waters of Ocean county, in this state, in force and not repealed by this act, and in furtherance and not in limitation of the above provisions they shall have power to employ such surveyors, guards and other employes as they may deem necessary; and to provide guard-boats and a sufficient number of men to protect all oyster beds and grounds in the tidal waters of said county of Ocean, in this state; and to incur such expenses as they may consider proper to fully carry out the provisions of this and the said other acts, and for the preservation and improvement of the said oyster beds or grounds; they shall, however, before leasing any grounds set apart a portion of the lands under the tidal waters of the county of Ocean, to be known and held as public clam grounds.

Office.

4. The state oyster commission shall establish and maintain an office within the county of Ocean, at some place convenient to persons engaged in the oyster industry, which office shall also be the office of the oyster superintendent; stated meetings of the state oyster commission shall be held at their office at least once a month.

Leasing lands.

5. The state oyster commission shall have power, and are hereby directed as hereinafter provided, to lease to applicants therefor any of the lands of the state under the tidal waters of the county of Ocean, not set apart as public clam grounds, save and excepting that part of Barnegat bay bounded on the north by the Pennsylvania railroad bridge, at Barnegat pier, and on the south by a line drawn from the middle point of a point known as Middle Point, on south side of Cedar creek, east to the Cedar creek life-saving station, and also all those lands lying under the tidal waters of Great bay and Mullica river, north of a line running from Gravelling point in a southwesterly course, to the Atlantic county

line; to be exclusively used and enjoyed by such lessees for the taking, planting and cultivating of oysters; *provided, however,* that no lease or leases shall be granted to any person who shall not be, at the time of granting of said lease or leases, and shall not have been for twelve months next preceding, a citizen and actual resident of this state. Proviso.

6. Leases may be granted for terms not exceeding ten years, at an annual rental not less than fifty cents nor more than three dollars per acre or fraction thereof for the first ten acres leased and not less than one dollar per acre for each additional acre or fraction thereof of the land so leased; the rental for the first year of any lease shall be paid at the time the lease is granted, and the yearly rental for each succeeding year of said lease shall be paid within thirty days after the beginning of said year; failure to pay said rentals at the time or times herein directed shall, as hereinafter provided, cause the lease or leases of the person or persons so failing to pay said rentals to become forfeited, and the right of said person or persons to the oyster ground or grounds to cease; and the state oyster commission shall cause the said lease or leases upon which said rent is due and unpaid as aforesaid to be canceled upon the books of the state oyster commission, and said forfeited ground or grounds may be hereafter leased to any resident of this state as above provided; but before said lease or leases shall be canceled and the right of any person or persons to the oyster ground or grounds held thereunder shall be forfeited as above mentioned, the state oyster commission shall cause notice to be personally served upon said lessee or lessees, directing him, her or them to appear before said commission, at their office, within thirty days from the service of said notice, and show cause, if any there be, why said lease or leases should not be canceled, and why the right of said lessee or lessees to longer hold said oyster ground or grounds thereunder should not be forfeited; and if such lessee or lessees so appear and show sufficient cause why said rental has not been paid, and why said right to said ground or grounds should

Terms of rental.

Failure to pay forfeits; lease.

Demand to be made.

Hearing.

not be forfeited and at the same time tender the money due for said rental and pay the costs of the said notice, the state oyster commission shall direct the oyster superintendent to accept said moneys and the rights of said person or persons shall not be forfeited because of said failure; and in case of the failure of said lessee or lessees to so appear and show cause as aforesaid, the said lease or leases shall be canceled as above provided and the right of said person or persons to longer hold said leased ground or grounds shall be declared by the state oyster commission to be forfeited; and the state oyster commission shall in such case fix a sufficient time within which the oysters upon said forfeited grounds shall be removed by the person or persons owning said oysters, and shall cause notice of the time so fixed to be personally served upon said person or persons, and the said ground or grounds shall not be leased to any person until after the expiration of the time so fixed; *provided, however,* that wherever personal service is herein required, and the lessee or lessees shall at the time of said service be absent from the state, then the said commission shall cause to be published a copy of said notice in at least one newspaper published in said county of Ocean, for a period of at least four weeks, and said publication shall be considered as personal service.

Cancellation of lease.

Re-leased.

Proviso.

7. Any person or persons having, on the fifteenth day of September, anno domini one thousand nine hundred and one, ground or grounds staked up in said tide waters of Ocean county under any present law, usage or custom, shall be first entitled to apply for and receive a lease or leases for such ground or grounds; *provided,* application therefor, in writing, be filed at the office of the state oyster commission within sixty days after this act shall take effect, in default of which application the commission shall have power thereafter to lease such ground or grounds to any resident of this state, as above provided; and at the expiration of the term of any lease the same shall be renewed to the original lessee or lessees; *provided,* such lessee or lessees apply therefor within sixty days from the expiration of the term of such lease; and if application for any lease or renewal thereof for

First right to lease.

Proviso.

Proviso.

ground or grounds named in this section is not filed within the time limited, the state oyster commission shall fix the time within which the oysters upon said ground or grounds shall be removed by the person or persons owning said oysters, and shall cause notice of said time so fixed to be at once personally served upon said person or persons, and the said ground or grounds shall not be leased to others until after the expiration of the time so fixed.

Boundaries and maps.

8. The state oyster commission shall, from time to time, as applications are made for leases, cause the lands leased under said tidal waters of Ocean county to be measured, and the metes and bounds thereof ascertained and located by ranges, monuments or other means, so that the limits of the lands embraced within such leases may be accurately fixed and easily located; the state oyster commission shall cause such leased lands to be mapped, and the said maps to be filed in the office of the state oyster commission, and shall also cause the lease so made to be recorded in books kept in the office of the state oyster commission for that purpose.

No privilege intended.

9. Nothing in this act shall be interpreted to strengthen, confirm or verify the title of any person to any lands excepted from leaseholds by the provisions of section five of this act; *provided, however,* that any person who has held and planted grounds within the limits therein excepted shall be granted two years' time from June first, one thousand nine hundred and two, in which to remove said oysters and cultch planted thereon by him.

Proviso.

Oystermen licensed.

10. The oyster superintendent shall issue a license, duly certified by himself, to each and every person entitled by law to engage in the business of catching, planting and growing oysters in the said tidal waters of Ocean county, that shall pay the license fees fixed therefor by this act; and no person shall catch oysters or carry on the oyster business in the said tide waters of Ocean county, in this state, without first obtaining a license for that purpose from the said oyster superintendent, and paying to him therefor the license fee of

two dollars and fifty cents; no license shall be issued for a period longer than one year; all licenses shall be numbered and recorded in a book kept for that purpose in the office of the state oyster commission; each person so licensed shall at all times, while engaged in operating under such license, display in plain view, upon the port bow of his boat, the number of said license in black figures at least six inches in length; and upon the failure or neglect of any person so licensed to so display said number as above required, such person so neglecting or failing shall forfeit said license; *provided, however,* that a period of twenty days shall be given, after the issuing of said license, for such person to comply with the above requirement; *provided, further*, that no person without a license shall gather more than two bushels of oysters in any one day.

Proviso.

Proviso.

Qualifications of lessee and licensee.

11. The state oyster commission, before issuing any lease to any person as provided for in this act, shall cause the person applying for said lease to make and file with them an oath that he is a citizen and actual resident of this state, and has been for twelve months next preceding such application, and that he will properly plant or cause to be planted and cultivate oysters thereon; and the oyster superintendent, before issuing any license to any person to catch oysters or engage in the oyster business, shall cause the person applying for such license to make and file with him an oath that he is a citizen and actual resident of this state, and has been for twelve months next preceding said application; such oaths may be made and taken by and before the several members of the state oyster commission and the said oyster superintendent; and the state oyster commission shall have power to revoke any lease or license issued by reason of any false oath.

Licenses of oyster shell commission to remain in force.

12. All unexpired licenses issued by the state oyster shell commission previous to the time when this act shall take effect, shall remain in full force and virtue for the unexpired terms thereof, and shall have the same force and effect as licenses issued by the oyster superintendent.

13. The secretary of the state oyster shell commission is hereby required, within fifteen days after this act shall take effect, to prepare and deliver to the said oyster superintendent, a written or printed statement showing the names of all persons previously licensed by said shell commission within the bounds of Ocean county whose licenses shall not then have expired; which statement shall also show the numbers of the said licenses issued by them. List of shell licenses furnished oyster superintendent.

14. All money due for ground rentals, license fees or otherwise made collectible under the provisions of this act, shall be received and collected by the oyster superintendent, for the sole use of the state of New Jersey, as public money belonging to the state, and shall be accounted for and paid over as such in manner hereinafter provided. Fees and rents collectible

15. The oyster superintendent shall keep an account of all fees and moneys received by him, pursuant to the provisions of this act, for the use of the state, and shall, on or before the tenth day of each month, make a full itemized statement and return, verified by oath, to the comptroller, of all money collected or received as aforesaid, upon blanks containing a form of the said statement and oath, to be furnished to the oyster superintendent by the comptroller, and the said statements shall be filed in the office of the comptroller, there to remain as public records; said statements shall be audited forthwith by said comptroller, and on or before the fifteenth day of each month said oyster superintendent shall pay over the amount of such moneys received to the state treasury; he shall also make detailed monthly reports, verified by oath, to the state oyster commission of all moneys collected or received by him; all bills incurred by the state oyster commission in carrying out the provisions of this act shall be certified by the state oyster commission to the state comptroller monthly, for payment, and he shall draw his warrant on the state treasury therefor; *provided, however,* such expenditure shall not exceed the amount received from the oyster superintendent as above provided; *provided further, however,* that any excess of such receipts over the expenditure Records of fees, etc., kept; returns made. Monthly report Payment of bills. Proviso. Proviso.

for any fiscal year shall, for the purpose of this act, be accounted as receipts of the next succeeding fiscal year; *provided further,* that the provisions of this section shall not apply to any money appropriated by the legislature for survey purposes.

Proviso.

Time for taking oysters.

16. No oysters shall be tonged for, caught or taken from any of the unleased lands of the state under the tidal waters of the county of Ocean, except from and including the first day of October, to and including the thirtieth day of April of each year, nor from any leased or unleased lands except between one hour before sunrise and one hour after sunset.

Culling.

17. All oysters, oyster shells and other material tonged, or in any manner raised or taken from any of the natural oyster seed beds, shell beds or reefs under the tidal waters of the county of Ocean, in this state, shall be culled as soon as the same are emptied out of the tongs on the culling board or deck of the boat or vessel employed for the purpose, and before the same are shoveled back from that portion of the boat used for emptying the tongs; and all shells and other material, except oysters, shall be immediately thrown back upon the beds or ground from which the same shall have been taken; all such oysters, oyster shells and other material shall be culled as aforesaid so closely that three bushels thereof taken from any portion of a deck load of oysters, after the same shall have been shoveled back from that part of the deck used for emptying the tongs aforesaid, shall not contain more than fifteen per centum of shells and other material; and if any person or persons shall neglect or refuse to cull as aforesaid all such oysters, oyster shells and other material, he or they shall be deemed guilty of a misdemeanor; when any person or persons licensed under the provisions of this act is hailed or signaled by any officer of the state oyster commission and refuses to stop and permit any officer or officers of said state oyster commission to board his or their boat, vessel or other craft and examine the oysters, oyster shells and other material on such boat, vessel or other craft as aforesaid, the said oyster commission shall have power

Not culling a misdemeanor.

Right to board vessels and examine cargo.

to revoke the license or licenses of said person or persons so refusing as aforesaid.

Power of arrest.

18. The members of the state oyster commission, the oyster superintendent and the several captains or masters of guard-boats are hereby empowered, and it shall be their duty, on view, without special warrant issued for that purpose, to arrest any person engaged in the violation of any of the provisions of this act or the provisions of any other law of this state regulating the taking, planting or cultivating of oysters in the tidal waters of said county of Ocean, in force and not repealed by this act.

Revoke license.

19. It shall be the duty of the state oyster commission to revoke the license of any person who shall violate or cause to be violated any of the provisions of this act or the provisions of any other law of this state regulating the taking, planting or cultivating of oysters in the tidal waters of said county of Ocean in force and not repealed by this act; and said commission shall have power to refuse thereafter to allow any license to be issued to such person for such period of time as the commission may fix and determine.

Act construed.

20. Nothing in this act shall be in anywise construed to authorize or allow any person or persons, boat or vessel, to engage or be employed in the business of taking, planting or cultivating oysters in the tidal waters of Ocean county, or any creek or river tributary thereto, in this state, who or which are prohibited from engaging or being employed in said business, by laws of this state in force at the time of the adoption of this act.

No dredging on unleased grounds.

21. No person or persons shall cast, throw or use a dredge upon any of the unleased oyster grounds of this state under the tidal waters of the county of Ocean; *provided,* that any person holding planted oyster land leased from said state oyster commission may dredge upon his own leased land.

Proviso.

Penalty for violating act.

22. Any person or persons violating any of the provisions of this act, or the provisions of any other law of this state regulating the taking, planting or cultivating of oysters in the tidal waters of said county of Ocean, in force and not repealed by this act, shall be deemed

guilty of misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment in state prison not exceeding five years, or both, at the discretion of the court.

Repealer.

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

Approved March 26, 1902.

CHAPTER 40.

An Act to authorize and empower the board of aldermen, common council or other governing body of any city in this state by ordinance to regulate and control the erection and construction of buildings, and to provide for the enforcement of such ordinance.

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

Building regulations.

1. It shall be lawful for the board of aldermen, common council or other governing body of any city of this state, from time to time, to pass, alter and repeal ordinances regulating and controlling the construction, erection and alteration of buildings of every kind in any such city, and to provide therein for the inspector of buildings of any such city, or in case there is no such officer, to authorize and empower such officer or person as may be designated in the ordinance, to enter upon and inspect any place or places or buildings for the purpose of ascertaining whether the same is or is not in a safe condition, and if not safe, to direct or cause the same to be made so at the expense of the property owner; *provided*, that nothing herein shall affect the present powers of any other board now existing in any city and authorized to regulate and control the erection and alteration of buildings and structures for public safety and fire protection.

Inspector.

Proviso.

Providing for enforcement.

2. It shall be lawful to provide for the enforcement of the provisions of any ordinance passed in keeping

with the provisions of this act, and also to prescribe penalties for the violation of the provisions of any such ordinance of not exceeding one hundred dollars for each violation of the same, and a further penalty not exceeding fifty dollars for each day the provisions of any such ordinances are not complied with by the owner or the contractor, or such other person as shall have control of the building.

3. This act shall take effect immediately.

Approved March 26, 1902.

JOINT RESOLUTION No. 1.

Joint Resolution providing for the appointment of commissioners to investigate the oyster industry of this state and report amendments to, or a revision of, the laws pertaining to the same.

Preamble.

Whereas, The titles to the various lands lying under the tidal-waters of this state, used for the propagation and planting of oysters, outside of the Delaware bay and Maurice river cove, have been, and are, in constant dispute and litigation, and the oyster industry in general is continually in a disturbed and unsettled condition owing to such disputes; and

Whereas, The state is now and will in all probability continue to be in receipt of a substantial and increasing revenue from its oyster grounds in Maurice river cove, and the benefits of state control of the oyster industry therein have become apparent; and

Whereas, It is desirable that the state do assume control and supervision of the entire oyster industry of the state along the lines now applicable in the Maurice river cove and Delaware bay, to the end that the title to lands of the state suitable for the propagation of oysters may be assured to its citizens and the lawful occupants thereof, and that the state may derive an adequate revenue from the same; and

Whereas, The constant litigation in the criminal courts involving the conflicting claims to the aforesaid oyster grounds has become the source of great and growing expense to the several counties affected thereby, and the need of the immediate revision of the laws regulating the oyster industry is urgent; therefore,

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

Commissioners to investigate titles to oyster grounds.

1. The governor be and is hereby authorized to nominate and appoint five commissioners, residents of this state, whose duty it shall be to investigate the matters referred to in the preamble to these resolutions; to ascertain by what title the various occupants of the oyster grounds of the state claim possession to their beds; to investigate the advisability of the state assuming supervision and control of the entire industry thereof and the benefits that might accrue from such state control, both to the commonwealth and to those engaged in the oyster industry, and to ascertain and consider any other matter and things appertaining to such industry and report thereon to the governor before the first day of January next, with such recommendations as to amendment or revision of the laws relating to the subjects so referred to as they may deem advisable to be made.

Organization.

2. Said commissioners shall serve without compensation; that they shall meet in the state house, in the city of Trenton, on the third Tuesday of April next, at the hour of twelve o'clock noon; they shall elect, from their number, a president; they shall have power to

Clerical help.

adopt their own rules of procedure; they shall have power and authority to employ a stenographer and a secretary and such other assistance as may be necessary for the transaction of their business, to fix the compensation of such employes; they may employ counsel and fix his fees; the compensation of such employes, the fees of counsel and the actual expenses of said commissioners shall be paid by the state treasurer, upon a certificate of the president of the commission, approved

Proviso.

by the governor; *provided, however,* that the expense

of said commission, exclusive of necessary printing, shall not exceed the sum of one thousand five hundred dollars.

Attendance of witnesses.

3. The said commissioners shall have the power to summon and compel attendance before them of such persons as they may deem necessary and proper to testify, and any member of said commission shall have power to administer an oath to any person so summoned, and witnesses appearing before the said commission shall receive the like fees as are now allowed witnesses in any of the courts of this state.

Report, etc., to governor.

4. Said commission shall conclude its labors within the time limited aforesaid, and shall report the result of its investigation to the governor, in writing, signed by a majority of the said commissioners, together with a recommendation of such amendments to, or revision of, the laws appertaining to the said industry as they may deem necessary; and it shall be the duty of the governor to transmit such report and recommendation, with such suggestions as he may desire to make, to the next session of the legislature of this state.

5. This joint resolution shall take effect immediately.

Approved March 26, 1902.

CHAPTER 41.

An Act to amend an act entitled "An act relating to police departments in cities and regulating the tenure and terms of office of persons employed in such departments," approved March eighth, anno domini one thousand eight hundred and ninety-nine.

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

Section amended.

1. Section three of the act entitled "An act relating to police departments in cities and regulating the tenure and terms of office of persons employed in such departments," approved March eighth, anno domini one thousand eight hundred and ninety-nine, be and the same is hereby amended so as to read as follows:

Removal must be on written charge.

3. No person, whether officer or employe, in the police department of any city shall be removed from office or employment therein except for just cause, as provided by the first section of this act, and then only after a written charge or charges, stating the cause of complaint, shall have been preferred against such officer or employe, signed by the person or persons making such charge or charges, and filed in the office of the municipal officer, officers or board having charge of the department in which the complaint arises, and after the said charge or charges have been publicly examined into by the appropriate municipal board, officer or authority, upon such reasonable notice to the person charged and in such manner of examination as the rules and regulations governing the same may prescribe, it being the intent of this act to give every person against whom a charge for any cause may be preferred under this act a fair trial upon such charge, and every reasonable opportunity to make his defense, if any he has or chooses to make; and the officer, board or body having power to try such charges shall have power to issue writs of subpœna to compel the attendance of witnesses, which writs shall be served in the same manner as subpœnas issued out of the court for the trial of small causes; and every person who neglects or refuses to obey the command of such writ shall be liable to a penalty of twenty-five dollars, to be sued for in the corporate name of the city in any court of competent jurisdiction, and the penalty, when collected, shall be paid into the poor fund of such city; and it shall be lawful for, and authority is hereby vested in the common council or other governing body of any city, by the affirmative vote of not less than four-fifths of the entire membership thereof, to designate and appoint, by ordinance, the board, officer or authority by whom such charge or charges shall be heard, tried and determined; and when so designated and appointed, such board, officer or authority shall have the sole and exclusive power to hear, try and determine such charge or charges; and upon such charge or charges being by said board, officer or authority sustained, to suspend for

Opportunity for defense.

Who may hear charges.

a defined period or dismiss the person so charged from office.

2. This act shall take effect immediately.

Approved March 27, 1902.

CHAPTER 42.

An Act to repeal an act entitled "A supplement to an act entitled 'An act to authorize the incorporation of rural cemetery associations and regulate cemeteries,'" [Revision], approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved March twenty-second, one thousand nine hundred and one.

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

1. The act entitled "A supplement to an act entitled 'An act to authorize the incorporation of rural cemetery associations and to regulate cemeteries'" [Revision], approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved March twenty-second, one thousand nine hundred and one, be and the same is hereby repealed. **Act repealed.**

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

Approved March 27, 1902.

CHAPTER 43.

An Act to provide for the grading and promotion of members of the police force in cities of the first class in this state.

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

Designation of policemen.

1. That in all cities of the first class in this state, having a police force, it shall be the duty of the commissioners or other department of such city having control of such police force, to designate all members appointed to the said force, who are not actual patrolmen, or superior to such patrolmen, on any such police force, as acting patrolmen, or by some similar designation, and thereafter, from year to year, to grade such officers according to their duration of service and fitness as a member of such police force.

Promotion by merit.

2. Any and all promotions of any such acting patrolman or similar member of the police force as aforesaid shall only be made for merit, and upon the approval, in writing, of the captain of the said police force, or of the branch thereof under whom said acting patrolman is serving, and the chief of the said police force, and if no such officer, then of the chief officer of the said police force, as to the good conduct and fitness of the said individual for promotion.

Promotion of acting patrolmen.

3. Any and all promotions in the said police force from the position of acting patrolman as aforesaid, of any such acting patrolman, shall be made according to meritorious service and duration of service in the said police force, and as aforesaid, and not otherwise; *provided, however,* that there shall be connected with the said police force acting patrolmen qualified and entitled to promotion under the provisions of this act.

Proviso.

Repealer.

4. All acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall be deemed to be a public act and shall take effect immediately.

Approved March 27, 1902.

CHAPTER 44.

An Act to change the name of the borough of Port Oram, in the county of Morris, to borough of Wharton.

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

Name changed.

1. The name of the borough of Port Oram, in the county of Morris, is hereby changed to borough of Wharton.

Enacting clause.

2. This act shall take effect on the filing with the clerk of the county of Morris of a copy hereof certified under the hand and seal of the secretary of state.

Approved March 27, 1902.

CHAPTER 45.

An Act to authorize the transfer of certain parts of public parks, where the same may be required for other public uses.

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

Consent to use of land for park.

1. Whenever any designated portion of the lands heretofore or hereafter laid out and in use for a public park may be required for use as a public highway, or for any other public use, it shall be lawful for the municipal or other authority or authorities having the title, use, management or control thereof, to consent to the use of the same for such new public use, which consent may be given by contract or by deed, and upon such compensation as may be deemed reasonable by the grantors; *provided however,* that such consent shall not be given in any case where such public park shall have been in use for ten years or more, or where lands contained in such park shall have been or shall be dedi-

Proviso.

cated or conveyed to park uses, with a restriction against the use of the same for highway or railroad purposes.

2. This act shall take effect immediately.

Approved March 27, 1902.

CHAPTER 46.

An Act to authorize the erection of suitable monuments to mark the position of New Jersey regiments and battalions upon the battlefield of Antietam.

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

Commission to erect monuments at Antietam.

1. The governor is authorized to appoint three citizens, who may provide and cause to be erected suitable monuments, properly inscribed, to mark the positions of the regiments and battalions of this state which took part in the battle of Antietam during the war of the rebellion, and for such purpose and for necessary expenses connected therewith there may be spent by the citizens so named a sum not exceeding ten thousand dollars; *provided,* the same shall have first been appropriated by the legislature for that purpose.

Proviso.

2. This act shall take effect immediately.

Approved March 27, 1902.

CHAPTER 47.

An Act to amend the act entitled "An act in relation to county expenditures, approved April second, one thousand eight hundred and seventy-eight.

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

Section amended.

1. Section first of the act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight, be and the same is hereby amended to read as follows:

Moneys necessary classified.

1. In ordering in each year the amount of money to be raised for county purposes, the boards of chosen freeholders of the several counties in this state shall declare the amount necessary to be raised for each of the following classes and sub-classes of expenditures, to wit:

Current expenses.

I. Current expenses, to wit: first, for courts; second, for county jail, for county penitentiary, and for county poor-house, or for such of said institutions as may be maintained by the county; third, for the support of lunatics in state asylums, and for the support of lunatics in county asylums, if the board have a county asylum; fourth, for the compensation and lawful expenses of chosen freeholders and committees, and for the salaries of their officers; fifth, for fees of coroners; sixth, for elections; seventh, for stationery; eighth, for advertising, publishing and printing; ninth, for incidental expenses.

Debt and interest.

II. Debt and interest, to wit: first, for payment of principal of bonded debt falling due in each year, or for sinking fund; second, for payment of interest on bonded debt; third, for payment of bank discounts on temporary loans.

Public works.

III. Public works, to wit: first, for the permanent improvement of the public buildings and grounds; second, for the erection and repair of bridges or culverts; third, for the improvement and repair of public highways, where the power to expend money therefor has been vested by law in any such board; fourth, for the use of any county park commission for the improvement and maintenance of county parks and parkways, where the power to expend money therefor has been vested by law in any such county park commission.

2. This act shall take effect immediately.

Approved March 27, 1902.

CHAPTER 48.

An Act to create a sewerage district to be called Passaic Valley Sewerage District.

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

Boundaries of Passaic valley sewerage district.

1. All that portion of Essex, Passaic, Bergen and Hudson counties, beginning in the center of Newark bay where the boundary line between the cities of Newark and Elizabeth meets the boundary line between the counties of Essex and Hudson; thence running westerly along the boundary line between the city of Newark and the city of Elizabeth, running up Bound creek to the boundary line between the township of Clinton and the city of Newark; thence running westerly between the boundary line of the city of Newark and the township of Clinton to the intersection of Clinton place and Hawthorne avenue; thence running southerly still along said boundary line to the center of Nye avenue; thence running westerly along said center of Nye avenue to a point one hundred feet easterly from Hobson street; thence running southerly parallel to Hobson street and one hundred feet easterly therefrom to a point two hundred feet northerly of Bragaw avenue; thence running westerly parallel with Bragaw avenue, and two hundred feet northerly therefrom, to a point half way between Hobson street and Leslie street; thence running southerly half way between said streets to the center of Bragaw avenue; thence running westerly along the center of Bragaw avenue to a point half way between Wainwright street and Schley street; thence running northerly half way between said streets to a point three hundred feet northerly from Bragaw avenue; thence running westerly parallel to Bragaw avenue, and three hundred feet northerly therefrom, and in a westerly prolongation of said line, to a point half way between Schley street and Fabyan place; thence running northerly half way between Schley street and Fabyan place to the center of Nye avenue; thence running westerly

along the center of Nye avenue to the boundary line between the city of Newark and the town of Irvington; thence running northerly along said boundary line between Newark and Irvington to a point one hundred feet south of Avon avenue; thence running easterly parallel to Avon avenue, and one hundred feet southerly therefrom, to a point half way between south Twentieth street and south Nineteenth street; thence running northerly half way between said streets to a point one hundred feet northerly of Woodland avenue; thence running easterly parallel to Woodland avenue and one hundred feet northerly therefrom, to a point half way between south Nineteenth street and south Eighteenth street; thence running northerly half way between said streets to a point one hundred feet southerly of Eighteenth avenue; thence running easterly parallel with said Eighteenth avenue, and one hundred feet southerly therefrom, to a point half way between Eighteenth street and Seventeenth street; thence running northerly half way between said streets to a point two hundred feet northerly from Eighteenth avenue; thence running easterly parallel to said Eighteenth avenue, and two hundred feet northerly therefrom, to a point one hundred feet easterly from Seventeenth street; thence running northerly parallel to Seventeenth street, and one hundred feet easterly therefrom, to a point two hundred feet southerly from Fifteenth avenue; thence running parallel to Fifteenth avenue, and two hundred feet southerly therefrom, to a point half way between Sixteenth street and Fifteenth street; thence running northerly half way between Sixteenth street and Fifteenth street to a point one hundred feet northerly from Fourteenth avenue; thence running easterly parallel with Fourteenth avenue, and one hundred feet northerly therefrom, to a point half way between Fifteenth street and Fourteenth street; thence running northerly half way between said streets to a point three hundred feet northerly from Fourteenth avenue; thence running easterly and parallel with Fourteenth avenue, and three hundred feet northerly therefrom, to a point one hundred feet westerly from Ashland street; thence running northerly parallel with Ashland

street, and one hundred feet westerly therefrom, to the north side of South Orange avenue; thence running westerly along said north side of South Orange avenue to the east side of south Eighteenth street; thence running northerly along said east side of south Eighteenth street to a point in range of a line half way between Twelfth avenue and Thirteenth avenue; thence running westerly half way between said avenue to a point half way between south Nineteenth street and south Twentieth street; thence running southerly half way between said streets to a point one hundred feet northerly from Thirteenth avenue; thence running westerly parallel to Thirteenth avenue, and one hundred feet northerly therefrom, to the boundary line between the city of Newark and the borough of Vailsburgh; thence running northerly along said boundary line between the city of Newark and the borough of Vailsburgh to the boundary line between the city of East Orange and the borough of Vailsburgh; thence westerly along the boundary line between the city of East Orange and the borough of Vailsburgh to an angle therein; thence running southerly still along said boundary line to another angle in said line in South Orange avenue; thence running westerly still along said boundary line and South Orange avenue to a third angle; thence running northerly still along said boundary line to a fourth angle; thence running westerly still along said boundary line between the city of East Orange and the borough of Vailsburgh and the boundary line between the city of East Orange and the village of South Orange to a point in the boundary line between the city of Orange and the village of South Orange; thence running westerly along said boundary line between the city of Orange and the village of South Orange to the boundary line of the town of West Orange; thence running northerly along the boundary line between the town of West Orange and the city of Orange to the boundary line of the town of Montclair; thence westerly along the boundary line between the town of West Orange and the town of Montclair to an angle; thence running northerly further along said boundary line between West Orange and Montclair to the boundary

line of the township of Verona; thence running northerly along the boundary line between Verona and Montclair to the boundary line of the township of Little Falls; thence running easterly along the boundary line between the township of Little Falls and the town of Montclair to the boundary line of the township of Acquackanonck; thence running northerly along the boundary line between the township of Little Falls and Acquackanonck township to the southerly boundary line of the city of Paterson; thence northwesterly along the same to a point in the Passaic river where the said southerly boundary line of the city of Paterson would intersect the dividing line between the city of Paterson and Totowa borough; thence northwesterly along said dividing line to the northwesterly boundary line of the city of Paterson; thence following the various courses of the northerly boundary line of the city of Paterson to the center of the Passaic river; thence along the center of said river to the northerly boundary line of the borough of Garfield; thence easterly and southerly along the several courses of the boundary line of the borough of Garfield to a point where said boundary line is intercepted by the northeasterly corner of the boundary line of the borough of Wallington; thence southerly along the easterly boundary line of the borough of Wallington to Hoboken street on the boundary line between the boroughs of Wallington and East Rutherford; thence southeasterly along said line to a point where Hoboken street is intersected by Montross avenue; thence southwesterly along the center of Montross avenue to the boundary line between the boroughs of East Rutherford and Rutherford; thence southwesterly along the center of Montross avenue to the center of Washington avenue; thence northwesterly along the center of Washington avenue to Prospect place; thence southwesterly along the center of Prospect place to Union avenue; thence southwesterly in prolongation of the line of the center of Prospect place and parallel to Carmita avenue to a point where said line would be intersected by the center line of Fairview avenue if prolonged northwesterly; thence southeasterly to the southeasterly side of Montross

avenue; thence southeasterly along the center of Fairview avenue three hundred and fifty feet; thence southwesterly parallel to the center line of Montross avenue to the center line of Passaic avenue; thence southerly in a straight line to a point two hundred and fifty feet westerly from Mortimer avenue midway between Donaldson and Woodward avenues; thence southeasterly parallel to Donaldson avenue to the center of Mortimer avenue; thence southerly along the center of Mortimer avenue to the center of Park place; thence easterly along the center of Park place to the intersection of Park place and Wheaton place; thence southwesterly along the center of Wheaton avenue to the center line of Pierrepont avenue; thence southeasterly along the center of Pierrepont avenue to its intersection with the center line of Ridge avenue; thence southwesterly along said Ridge avenue to the center line of Woodland avenue; thence southeasterly along the center of Woodland avenue to the center line of Sylvan street; thence southwesterly along the center of Sylvan street to the center line of Van Riper avenue; thence southerly in a straight line to the intersection of the center lines of Summit and Rutherford avenues in the boundary line between the borough of Rutherford and the township of Union; thence southwesterly in a straight line to the intersection of the center line of Cromwell and Kingsland avenues; thence southwesterly along the center line of Cromwell avenue to Jauncey avenue in the borough of North Arlington; thence still southwesterly along the center of Cromwell avenue to a point one hundred feet northerly of the Jersey City and Belleville turnpike; thence running southeasterly parallel with said turnpike, and one hundred feet northeasterly therefrom, to a point measuring southeasterly along said line five thousand feet southeasterly from its intersection with the center line of the New York and Greenwood Lake railroad; thence running southerly to a point in the Newark plank road, which point is one thousand eight hundred and fifty feet measuring easterly along said plank road, from the center of the draw on said road over the Passaic river; thence running southerly to a point on the Newark

and New York railroad, which point is one thousand eight hundred and fifty feet, measuring easterly along said railroad, from the center of the draw over the Passaic river on said railroad; thence running southerly in a prolongation of said last described course to its intersection with the easterly boundary of the city of Newark in Newark bay; thence running southerly along said boundary of the city of Newark to the point of beginning, shall be and is hereby constituted a sewerage district under the name and title of Passaic Valley Sewerage District, and it shall be entitled to all of the authority and shall be subject to all the laws of this state concerning sewerage districts so created.

2. This act shall take effect immediately.

Approved March 27, 1902.

CHAPTER 49.

An Act authorizing the appointment and defining the powers and duties of commissioners in sewage and drainage districts created for the purpose of relieving the streams and rivers therein from pollution, and to provide a plan for the prevention thereof, and providing for the raising, expenditure and payment of moneys necessary for this purpose.

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

Sewerage and drainage commissioners.

1. Upon the creation and incorporation by the legislature of any sewerage and drainage district for the purpose mentioned in the title of this act, it shall be the duty of the governor of this state forthwith to appoint therein and therefor five able and discreet men, residents within such district (having regard in making such appointments to locality, so that each section of the district may be represented, as far as practicable), who, when so appointed, commissioned and sworn, shall constitute a board of commissioners, to be known as the ———

district sewerage and drainage commissioners (inserting in each case in the blank space the name of the district designated in the act of incorporation), and the persons so appointed shall receive as compensation for their services an annual salary of twenty-five hundred dollars, payable in equal monthly installments; in making the first appointments under this act the members of the said board shall be appointed as follows: one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, and thereafter one shall be appointed each year for a term of five years; any vacancy occurring in the said board by death, resignation or otherwise, shall be filled in the same manner as the original appointment for the balance of the term; each of the said commissioners so appointed shall, before they enter upon the duties of their office, take and subscribe an oath that they will faithfully and impartially execute and perform the duties imposed upon them by law, and cause the same to be filed in the office of the secretary of state of this state; the governor of this state shall have power to remove such commissioners from office for cause, during their term of office, and upon removal to fill the vacancy thus occasioned for the unexpired term in the manner herein provided for filling vacancies.

Compensation.

Term of appointment.

Vacancies.

May be removed by governor.

Organization; assistants.

2. The said board shall, as soon as may be after appointment, and annually thereafter, on the first Tuesday in May in each year, organize by the choice of one of its members as chairman, and may elect a clerk, who may or may not be a member of the said board, and may from time to time appoint such agents, officers and servants and employ such engineers and assistants as it may deem necessary to carry out the purposes of this act, and may determine their duties and compensation and remove the same at its pleasure.

Commissioners a body corporate.

3. The said board of commissioners, when duly organized, shall be deemed to be and shall become a body corporate, with power to sue and be sued, and with the right to acquire, hold, use and dispose of all such property as may be necessary for the uses and purposes for

which the said board was created, and with all other necessary powers incident to corporate bodies.

Proceed to investigate.

4. When duly organized, the said commissioners shall at once, with the aid and assistance of such engineers and other agents as they may deem proper, proceed to investigate methods and plans for relieving the streams and rivers within the said district from pollution and for preventing the pollution of the same, and to determine the apportionment of the capacity of sewer provided for each municipality in any intercepting sewer, sewers or disposal works; *provided,* that before a final determination as to the plan or method to be adopted for the purpose, an opportunity shall be given the governing body of each municipality to be heard in relation thereto, and after said hearing, as soon as the said commissioners have adopted a plan or method for this purpose, they shall report the same to the respective municipalities of the district and to the legislature of this state, together with a bill providing therefor and for the expenses thereof.

Proviso.

Right to enter upon lands, etc

5. Before determining upon the final plan or route for the building or construction of any work investigated under this act, the said board may, by its officers, agents, servants and employes, enter at all times upon any lands or waters for the purpose of exploring, surveying, leveling and laying out the route of any drain or sewer, locating any disposal, pumping or other works, establishing grades, and doing all necessary preliminary work in the way of designating locations, doing, however, no unnecessary damage or injury to private or other property.

Accounts kept and published.

6. The said board shall at all times keep full and accurate account of its receipts and expenditures, disbursements, assets and liabilities, and shall annually cause a detailed statement thereof to be published in one or more newspapers published or circulating in the respective municipalities in said district.

One-half expense borne by state.

7. To provide for the payment of the cost and expense incurred, or to be incurred, by the said board in investigating and performing the duties imposed upon it by this act, one-half of said cost of expense shall be paid out of the state treasury on certificate of the gov-

ernor to the comptroller, who shall draw his warrant on the state treasurer in favor of the said board for the amount thereof, the same to be ascertained on a duly verified statement of such expenses being filed with the governor and in the office of the secretary of state;

Provision for balance.

as to the balance of the said costs and expense incurred or to be incurred under this act, the said board shall have power and authority:

Temporary certificates.

I. To issue from time to time for the said one-half of the costs and expenses, temporary certificates, to run for a period not to exceed two years, the aggregate issue of said certificates not to exceed the sum of twenty-five thousand dollars; such certificates, when issued, shall be deemed and considered the indebtedness of the sewerage and drainage district, and shall constitute a charge upon persons and property therein, and shall be retired and paid in the manner hereinafter provided.

Tax levy.

II. The said board shall have power and authority to order and cause a tax to be levied, assessed and collected upon persons and property within the said sewerage and drainage district, the proceeds of which to be used in payment of the said certificates and the interest due and to grow due thereon; the amount to be assessed and collected in the respective municipalities composing such district shall be determined by the said board and shall be apportioned according to the taxable ratables of the last preceding year as returned by the taxing officers in said district, and a certificate by the said board shall be filed with the taxing officers of such municipalities composing the said sewerage district, and it shall be the duty of the taxing officers within the said municipalities included in the said sewerage and drainage district, to levy, assess and collect and pay over to the said commissioners any tax ordered by them to be assessed by virtue of the provisions of this act.

Annual report.

8. It shall be the duty of the said board annually to make and file with the secretary of state of this state a report showing the amount of money received by it for the purposes aforesaid, sources from which money was received and the expenditure of the same; and it shall be the duty of the said board to keep an account

of all certificates issued by it, when the same fall due, the time and place of payment, the rate of interest thereon, and of the amount received on the sale or disposition thereof; and the books, records, accounts, papers and documents of the said board shall be open for the inspection of the governor of this state, or any person or persons whom he may appoint to inspect the same.

Books open to inspection.

9. For the purpose of carrying out the provisions of this act with dispatch, the sum of twenty-five thousand dollars is hereby appropriated by the state out of any moneys now in the state treasury not otherwise appropriated, and the governor is hereby authorized and empowered to give an order on the comptroller for advance payments to the said board on account of the state's share of such expenses to be incurred.

Appropriation.

10. When the said board of commissioners are appointed and organized under this act it shall have absolute control of and supervision over the prevention of pollution throughout the said sewerage or drainage district for which the said commissioners were appointed, exclusive of any other body or board in this state now having control of the same; *provided, however,* that nothing herein contained shall in any way affect or delay or interfere with any action or proceedings which may have heretofore been taken by the state sewerage commission for the purpose of preventing pollution in said sewerage district, or that may hereafter be taken by said state sewerage commission for the enforcement thereof.

Exclusive control.

Proviso.

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

Repealer.

Approved March 27, 1902.

CHAPTER 50.

A Supplement to an act entitled "An act relative to the private secretary of the governor," approved March twentieth, one thousand eight hundred and sixty-six.

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

Governor's secretary.

1. The office of private secretary of the governor shall hereafter be known and designated as secretary to the governor.

Salary.

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

3. This act shall take effect immediately.

Approved March 27, 1902.

CHAPTER 51.

An Act to amend an act entitled "An act concerning the collection, removal and disposal of ashes and garbage in cities of this state and providing for the payment of the cost thereof," approved March ninth, one thousand eight hundred and ninety-six.

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

Section amended.

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

Make contract for disposing of ashes and garbage.

1. It shall and may be lawful for the common council, board of aldermen or other governing body having charge of the streets of any city of this state, to enter into and make a contract or contracts, not exceeding the term of five years at a time, with any corporation or individual for the collection or removal of ashes and the collection, removal and disposal of garbage, and it shall

be the duty of such common council, board of aldermen or other governing body of such city, during the continuance of such contract or contracts, to annually raise, by taxation, the sum needed to defray the expenses of such collection and removal of ashes and such collection, removal and disposal of garbage for the fiscal year then next ensuing; *provided,* such contract or contracts shall be entered into and made only after bids therefor shall have been advertised for in one or more newspapers published or circulating in said city for at least two week prior thereto, and then only with the lowest responsible bidder or bidders who shall give satisfactory bonds or security for the faithful performance of the work. Proviso.

2. This act shall take effect immediately.

Approved March 27, 1902.

CHAPTER 52.

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

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

1. The thirty-fourth section of the act of which this act is amendatory, as heretofore amended, is hereby further amended so that the same shall read as follows: Section amended.

34. All elections for directors shall be by ballot, unless otherwise expressly provided in the charter or certificate of incorporation; the poll at every such election shall be opened between the hours of nine o'clock in the morning and five o'clock in the afternoon, and shall close before nine o'clock in the evening; the same shall remain open at least one hour, unless all of the stockholders are present in person or by proxy and have sooner voted, or unless all the stockholders waive this provision in writing; the persons receiving the greatest Election of directors by ballot; time for voting.

Proviso. number of votes shall be the directors; *provided, however,* that unless otherwise provided in the original or amended certificate of incorporation, or in the by-laws approved at a stockholders' meeting, in all corporations formed under the provisions of this act, a majority in interest of all the stockholders shall be present in person or by proxy to constitute a quorum.

Repealer. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

3. This act shall take effect immediately.

Approved March 27, 1902.

CHAPTER 53.

A Further Supplement to the act entitled "An act to establish public parks in certain counties in this state and to regulate the same," approved March fifth, one thousand eight hundred and ninety-five.

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

Additional bond issue authorized. 1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement, for the acquisition, development and improvement of parks and parkways, in any county in this state in which said act shall or may be in force and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of chosen freeholders of the said county shall, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds

Amount of the said county to a sum not exceeding, in the aggregate, one million dollars over and above the total amount

Time; rate. theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four per centum, payable semi-annually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which

the said board of chosen freeholders may determine, and they shall also determine the form of the bond; a sinking fund shall be established by the said board of chosen freeholders on the issuing of any such bonds sufficient, with the accumulations thereof, to extinguish the principal of the said bonds so issued, when due; the interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation; the proceeds of the sale of said bonds, after deducting expenses for negotiating the same, and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission. Sinking fund.

2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately; *provided, however,* that no bonds shall be issued in any county pursuant to this act until the said act shall be accepted by the voters of said county by a majority of the votes cast for or against the same at a general election which shall be held in such county, and the question of the acceptance of this act shall be submitted to the voters of such county at any general election whenever the park commission of such county shall, by resolution, determine thereon, and shall at least thirty days before the date of such general election file a copy of such resolution with the clerk of such county, and the question of the acceptance of this act shall be voted upon in the manner required by law. Repealer. Proviso. Referendum.

Approved March 28, 1902.

CHAPTER 54.

An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand nine hundred and two.

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

Treasurer authorized to pay certain amounts.

1. It shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, that is to say:

Item No. 1. To each clergyman for opening sessions of the Senate and House of Assembly with prayer, during session one thousand nine hundred and two, ten dollars, $10 00

Item No. 2. To each officer of the Senate and House of Assembly of the session of one thousand nine hundred and one, who were present and rendered services in opening the session of one thousand nine hundred and two, ten dollars, $10 00

Item No. 3. To Mrs. Elizabeth Kucker, for washing towels for Senate and House of Assembly, sixty-five dollars, $65 00

Item No. 4. To Baker Printing Co., for bill files, printing names of members and attaching labels, minute files and passed bills, files for the House of Assembly, session of one thousand nine hundred and two, four hundred and sixty-four and ten one-hundredths dollars, $464 10

Item No. 5. To J. L. Hendricks, for engrossing oaths of senators and members of the House of Assembly and officers of the one hundred and twenty-fifth legislature, session of one thousand nine hundred and two, fifty dollars, $50 00

Item No. 6. To the John L. Murphy Publishing Company, for furnishing stationery and supplies to Wm. J. Bradley, speaker of Assembly, sixty-six and eighty-five one-hundredths dollars, $66 85

Item No. 7. To the John L. Murphy Publishing Company, for furnishing stationery and supplies to George A. Grover, supervisor of bills of the House of Assembly, session of one thousand nine hundred and two, ninety-one and twenty-five one-hundredths dollars, $91 25

Item No. 8. To the John L. Murphy Publishing Company, for furnishing stationery and supplies to James Parker, clerk of the House of Assembly, session one thousand nine hundred and two, eighty-one and twenty-five one-hundredths dollars, $81 25

Item No. 9. To the John L. Murphy Publishing Company, for supplies furnished Frank Tantum, sergeant-at-arms to House of Assembly, session one thousand nine hundred and two, seventy-three and fifty one-hundredths dollars, $73 50

Item No. 10. To Baker Printing Company, for stationery furnished officers and members of House of Assembly, session of one thousand nine hundred and two, six hundred and forty-two and three one-hundredths dollars, $642 03

Item No. 11. To Charles B. Duncan, for bill files and printing names of members and attaching labels for the House of Assembly, session of one thousand nine hundred and two, two hundred and eighty-five and ten one-hundredths dollars, $285 10

Item No. 12. To Benjamin Myer Company, for stationery, House of Assembly,

session of one thousand nine hundred and two, fifty dollars, $50 00

Item No. 13. To Wm. H. Jamouneau, for stationery, House of Assembly, session of one thousand nine hundred and two, eight hundred and fifty-seven and eighty one-hundredths dollars, $857 80

Item No. 14. To Banister and Pollard, furnishing stationery for House of Assembly, session of one thousand nine hundred and two, three hundred and ninety-six and eighty one-hundredths dollars, $396 80

Item No. 15. To Robert H. Holmes, for services as assistant to the clerk of the House of Assembly, session one thousand nine hundred and two, four hundred dollars, $400 00

Item No. 16. To Herbert C. Rowell, for services as clerk to committee on incidental expenses, session of one thousand nine hundred and two, one hundred dollars, $100 00

Item No. 17. To Samuel S. Taylor, for services as assistant to the supervisor of bills for House of Assembly, session one thousand nine hundred and two, five hundred dollars, $500 00

Item No. 18. To William H. Parkhurst, for services as keeper of the ladies' gallery of House of Assembly, session one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 19. To Edwin T. West, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 20. To Charles R. Matlock, for services as keeper of gallery of House of Assembly, session one thousand nine

hundred and two, three hundred and fifty dollars, $350 00

Item No. 21. To William Bedle, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 22. To William J. Coughlin, for services as keeper of gallery of House of Assembly, session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 23. To Louis H. Smith, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 24. To Albert S. Hibbs, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 25. To Albert Ottinger, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 26. To Charles P. Morris, for services as page of House of Assembly, session one thousand nine hundred and two, two hundred dollars, $200 00

Item No. 27. To Samuel R. Glover, for services as page of House of Assembly, session one thousand nine hundred and two, two hundred dollars, $200 00

Item No. 28. To William Schlacter, for services as page of House of Assembly, session one thousand nine hundred and two, two hundred dollars, $200 00

Item No. 29. To William Morgan, for services as page of House of Assembly,

session one thousand nine hundred and two, two hundred dollars, $200 00

Item No. 30. To Frank Radice, for services as page of House of Assembly, session one thousand nine hundred and two, two hundred dollars, $200 00

Item No. 31. To Frederick Crozier, Jr., for services as clerk to corporation committee, session one thousand nine hundred and two, three hundred dollars, $300 00

Item No 32. To George P. Powell, for supplies furnished to committees and members of House of Assembly, session one thousand nine hundred and two, eight-seven dollars, $87 00

Item No. 33. To L. N. Clayton, for furnishing toilet supplies to Frank Tantum, sergeant-at-arms of the House of Assembly, session of one thousand nine hundred and two, four hundred and forty-nine and seventy one-hundredths dollars, $449 70

Item No. 34. To H. W. Johnson, for expenses of Sewell memorial exercises, one hundred and eighty-six and ninety-nine one-hundredths dollars, $186 99

Item No. 35. To The John L. Murphy Publishing Co., for stationery and supplies furnished the Senate for the session of one thousand nine hundred and two, one thousand three hundred and ninety-seven and eighty-five one-hundredths dollars, $1,397 85

Item No. 36. To L. N. Clayton, for furnishing toilet supplies to John T. Garwood, sergeant-at-arms of the Senate, for the session of one thousand nine hundred and two, one hundred and forty-one and thirty-five one-hundredths dollars, $141 35

Item No. 37. To Arthur Van Buskirk, for services as stenographer to the Senate for the session of one thousand nine hundred and two, five hundred dollars, $500 00

Item No. 38. To George R. Hoyt, for services as assistant bill clerk to the Senate, for the session of one thousand nine hundred and two, five hundred dollars, $500 00

Item No. 39. To William C. Lefferts, for services as clerk to committee on appropriations and extra services to the Senate, for the session of one thousand nine hundred and two, five hundred dollars, $500 00

Item No. 40. To Wilson D. Nixon, for services as clerk to Senate committee on banks and insurance, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 41. To W. C. Van Horn, for services as clerk to Senate committee on labor and industries, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 42. To Victor Carlson, for services as clerk to Senate committee on judiciary, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 43. To Alfred M. Jones, for services as clerk to Senate committee on municipal corporations, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 44. To Reuben Coddington, for services as clerk to Senate committee on boroughs and townships, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 45. To John Heck, for services as clerk to Senate committee on revision of laws, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 46. To Charles Jackson, for services as clerk to Senate committee on railroads and canals, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 47. To Wallace R. King, for services as clerk to Senate committee on education, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 48. To Gandy S. Robinson, for services as clerk to Senate committee on corporations, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 49. To Washington I. Irwin, for services as clerk to Senate committee on game and fisheries, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 50. To Lawrence Rhoades, for services as coat-room keeper of the Senate, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 51. To J. Z. Demarest, for services as coat-room keeper of the Senate, for the session of one thousand nine hundred and two, three hundred and fifty dollars, $350 00

Item No. 52. To T. F. Fitzgerald, for supplies furnished the Senate, for the session of one thousand nine hundred and two, fifty and seven one-hundredths dollars, $50 07

Item No. 53. To John J. Matthews, for furnishing one hundred and fifty copies of members' pocket calendars for the Senate and House of Assembly, session of one thousand nine hundred and two, one hundred and fifty dollars, $150 00

Item No. 54. To MacCrellish & Quigley, for supplies furnished Senate and House of Assembly for the session of one thousand nine hundred and two, three hundred and thirty-two and sixty-one-hundredths dollars, $332 60

Item No. 55. To John Arnold, for services as postmaster of the House of Assembly, session of one thousand nine hundred and two, one hundred dollars, $100 00

Item No. 56. To Frank Volk, for services as postmaster of the House of Assembly, session of one thousand nine hundred and two, one hundred dollars, $100 00

2. This act to take effect immediately.

Approved March 28, 1902.

CHAPTER 55.

An Act to provide for the participation of the state of New Jersey in the Louisiana purchase exposition, to be held in the city of St. Louis, Missouri, during the year one thousand nine hundred and three, in commemoration of the purchase of the Louisiana territory by the United States from the government of France in the year one thousand eight hundred and three.

Preamble.

Whereas, The United States, by act of congress, has provided for celebrating the one hundredth anniversary of the acquisition by the United States of the Louisiana territory, by holding an international exposition, in which the government of the United

States and the people of the several states of the union and of foreign nations have been invited to unite; and

Whereas, The state of New Jersey ranks among the foremost states of the union, and is afforded a favorable opportunity of exhibiting its extensive resources, and thereby increasing its agricultural, manufacturing and industrial interests; therefore,

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

Commission appointed by governor.

1. There shall be appointed by the governor eleven persons, residents of this state, one of who shall be chief commissioner and so named by governor, who shall constitute a New Jersey commission for the Louisiana purchase exposition to be held at St. Louis, in the state of Missouri, in the year one thousand nine hundred and

Object.

three, to co-operate with the board of directors of the said exposition in encouraging and forwarding the objects for which it is to be held, and to organize, prepare, superintend and have the general management of the New Jersey department at the exposition; said commission, when appointed, shall meet at such time and

Organization.

place as the governor may appoint, and organize by the election of a president, a vice-president and a secretary; a majority of said commission may constitute a quorum for the transaction of business; the commission shall have the power to make rules and regulations for its own government, not in conflict with the laws of the state or with the rules and regulations governing said exposition; the members of said commission

No compensation; expenses.

shall not be entitled to any compensation, except their actual expenses when necessarily absent from their homes on the business of said commission; said commission shall have power to fix the compensation of its

Assistants.

secretary, and to employ such agents and assistants as may be necessary; said commission shall continue in office until it shall have completed and settled the busi-

Vacancies.

ness connected therewith; all vacancies in said commission which occur by death, resignation or otherwise shall be filled by the governor.

Duties and authority.

2. Said commission shall have charge of the interests

of the state of New Jersey, and its citizens, in the collection, preparation and exhibition at said exposition of the manufactures, arts and natural and industrial products of this state, illustrating its history, progress, moral and material welfare, growth, enterprise and development, and all other matters tending to advance the interests or reputation and prosperity of this state at said exposition; it shall collect, obtain and disseminate throughout the state all necessary information regarding the said exposition; secure the co-operation of scientific, agricultural, mechanical, manufacturing and other associations in the several counties of the state in promoting the objects of the exposition; and in general have and exercise full authority in relation to the participation of the state of New Jersey and its citizens, in the Louisiana purchase exposition, including the planning and construction of a suitable New Jersey state building, and furnishing and maintaining the same.

Disposition of property and moneys.

3. After the Louisiana purchase exposition shall have been closed, the said commission is hereby authorized to sell or otherwise dispose of the buildings and property of the state of New Jersey then on the exposition grounds at St. Louis, deposit the moneys received therefor in the state treasury, and any money in possession of the said commission belonging to the state shall be paid to the state treasurer, and the accounts of the commission fully settled within six months after the close of the said exposition.

Final settlement.

Appropriation.

4. All the necessary expenses attendant upon the carrying out by the said commission of the objects for which it is created shall be paid out of such sum as may be appropriated therefor by the legislature, upon the certificate of the president of said commission.

5. This act shall take effect immediately.

Approved March 28, 1902.

CHAPTER 56.

A Further 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.

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

Authorizing tunnel under rivers, streets, etc.

1. It shall be lawful for any corporation heretofore or hereafter organized under the act to which this is a supplement, and all acts supplementary thereto and amendatory thereof, whose route lies in part under the bed of the waters of an interstate river, or under the bed or other interstate waters, to build its railroad under the same by tunnel, and in approaching such river or waters, to build its railroad in part by tunnel under lands and longitudinally or otherwise under streets and public places in cities or municipalities and under railroads and rivers and in part on or above the surface of the land, and to enter upon, purchase or acquire in the manner provided by law, such lands or rights or easements in lands along its said route, upon, over or beneath the surface of the land as shall be necessary for its purposes, and it shall have power to construct, erect and secure the foundations and other structures which may be required for the construction, maintenance and operation of such road, and may connect such road under the bed of the waters of such interstate river with the railroad of any company now or hereafter organized under the laws of an adjoining state; whenever such corporation shall construct a tunnel, such tunnel shall be so built and at all times kept in such condition, as to make the surface of the ground above the same firm and safe for building and other erections thereon; whenever it shall be necessary, in constructing such railroad, to alter the position of any public sewer or water-pipe, the same shall be done at the expense of said corporation, under the direction of the public authorities having charge thereof; such tunnels shall be at such depths beneath the lands, rivers, railroads, streets and public

Acquire property along route.

Connect with other companies.

Precautions for safety.

Alterations, at whose expense.

places as not to interfere with the use thereof, and the right of way beneath the streets and public places, and the use thereof for the purpose of said railroad, shall be considered and is hereby declared to be a public use consistent with and one of the uses for which the same are publicly held.

Time for completion.

2. Any such corporation is hereby allowed ten years from the date of its organization to open and complete one track of its road.

Right to merge with foreign company.

3. Any corporation organized under the act to which this is a supplement, whose proposed road is less than ten miles in length, at any time after its route shall have been determined upon and the survey thereof filed as required by law, may unite, consolidate and merge its capital stock, franchises, property and road with those of any other railroad company now or hereafter organized under the laws of any adjoining state, in the manner now provided by law for the consolidation of railroad companies of this state, whenever the railroads of said companies so to be consolidated may together form a continuous line of railroad.

Act, how construed.

4. Nothing in this supplement contained shall be construed as authorizing the building of any railroad either upon or above the surface or by open cut longitudinally along any street of any city or town.

Repealer.

5. All acts and parts of acts inconsistent with this act are hereby repealed.

6. This act shall take effect immediately.

Approved March 28, 1902.

CHAPTER 57.

A Supplement to the act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

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

Amount to be raised for park system.

1. In ordering, in each year, the amount of money to be raised for county purposes, the boards of chosen freeholders of the several counties of this state in which

a county park system shall have been or shall hereafter be adopted and created, shall declare the amount necessary to be raised for the purpose of maintaining the public parks and roads or parkways built in connection with the public park system, which amount shall be not less than one-half of one mill on the dollar, nor more than three-fourths of one mill on the dollar, of the assessed valuation of the taxables and ratables of the said county, and that the amount so declared and raised by taxation shall be paid over to and expended by the commission, board, or other authority in the said county, which shall, at the time of such taxation, be duly authorized to control and maintain such public parks or park system, including the roads or parkways built in connection with such public park system; *provided, however,* that if in any year the park commission shall certify to the board of chosen freeholders that a less amount is needed for the maintenance of the park system during that year than a sum equal to one-half mill on every dollar of county valuations, and also the exact amount necessary to maintain the parks during that year, then the board of chosen freeholders shall raise for that year the sum so certified by the park commission in the place and stead of a sum equal to one-half of a mill on every dollar of county valuations; but the board of chosen freeholders shall not be governed by the provisions hereof in any county of this state until after the approval of this act by a majority of the votes cast at a general election, which shall be held in such county upon the question of the approval of this act, which question shall be submitted to the voters of such county, in the manner provided by law, whenever a request in writing for such submission shall have been filed with the county clerk of such county at least twenty days before the day of such general election, by the commission, board or other authority having the control and maintenance of the county parks; and this act, when so approved, shall thereafter govern and control the appropriation for park maintenance in such county.

Proviso.

Referendum.

2. This act shall take effect immediately.

Approved March 28, 1902.

CHAPTER 58.

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

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

Section amended.

1. The sixteenth section of the act of which this act is amendatory, as heretofore amended, is hereby further amended so that the same shall read as follows:

First meeting, how called.

16. The first meeting of every corporation shall be called by a notice, signed by a majority of the incorporators, designating the time, place and purpose of the meeting, which notice shall be published at least two weeks before the meeting in some newspaper of the county where the corporation is established; or said first meeting may be called without publication if two days' notice be personally served on all the incorporators; or if all the incorporators shall, in writing, waive notice and fix a time and place of meeting, no notice or publication shall be required; whenever under any of the provisions of this act, or any amendment thereto, a corporation is authorized to take any action after notice to its members or stockholders, or after the lapse of a prescribed period of time, such action may be taken without notice and without the lapse of any period of time, if such action be authorized or approved and such requirements be waived, in writing, by every member or stockholder of such corporation or by his attorney thereunto authorized.

Retirement of preferred stock by issue of bonds.

2. With the consent of two-thirds in interest of each class of the stockholders present in person or by proxy at a meeting called in the manner provided in section twenty-seven, every corporation organized under this act that shall have issued preferred stock, entitling the holders thereof to receive dividends at a rate exceeding five per centum per annum, and that shall have continuously declared and paid dividends at such rate, on such preferred stock for the period of at least one year

next preceding the meeting, and whose floating or unfunded debt at the time of the stockholders' meeting shall, in the certificate thereof filed with the secretary of state, be certified not to exceed ten per centum of the par amount of the preferred stock then outstanding, and whose assets at such time, after deducting the amount of its indebtedness, shall be certified in the judgment of the officers making such certificate to be at least equal to the amount of preferred stock issued and outstanding, may, with the consent of the holder of any such preferred stock, redeem and retire the preferred stock of such holder, out of bonds or out of the proceeds of bonds of the corporation, bearing interest at a rate not exceeding five per centum per annum, the principal of such bonds being made payable at a date not less than ten years from the date thereof; every corporation organized under this act may, from time to time, in the manner above provided, issue bonds, which, if therein so declared, shall be convertible at par at the option of the holder, into fully-paid common stock of the corporation at par, within any period therein prescribed not less than two years from the issue thereof; and in such case the board of directors may authorize the issue of the common stock into which such bonds, by their terms, shall be convertible.

Bonds may be converted into common stock.

Repealer.

3. All acts and parts of acts inconsistent with this act are hereby repealed.

4. This act shall take effect immediately.

Approved March 28, 1902.

CHAPTER 59.

A Further 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 March twenty-third, one thousand eight hundred and eighty-eight.

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

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

1. The commission constituted by the act to which this is a supplement is hereby authorized to enter into contracts and cause to be erected an armory in the city of Trenton, 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 such commission shall prescribe, and in such manner that the state of New Jersey shall not be obligated to pay more than two hundred and fifty thousand dollars for the entire cost of erecting and equipping such armory. Trenton armory. Proviso. Cost.

2. This act shall take effect immediately.

Approved March 28, 1902.

CHAPTER 60.

An Act providing for the division of certain towns of this state into wards, and fixing the number of members of which the town council or other governing body thereof shall be composed, and prescribing their terms of office and manner of election, and designating the corporate name thereof, and establishing the government of towns heretofore formed substantially in the manner directed by this act, and having the population required by this act.

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

1. The town council or other governing body of any town in this state, containing now or hereafter more than five thousand inhabitants, are hereby authorized and empowered, by ordinance or resolution, to divide such town into not less than three nor more than five wards, which ordinance or resolution shall define the boundaries of each ward. Towns divided into wards.

2. From and after such division into wards the town council or other governing body of such town shall con- Council, how constituted.

sist of twice as many members as there shall be wards, and the mayor of such town, where the office of mayor exists in such town, and such mayor is elected at large in such town, and is a member of the governing body of such town; and where no such office of mayor of such character exists, of one additional member, to be styled "member-at-large," each of whom shall, except as herein provided, hold office for the term of two years; the legal voters of each ward shall elect two members and the mayor, or additional member as aforesaid where there is no mayor, shall be elected by all the legal voters of such town, and he shall, by virtue of such election, become and be chairman of the town council or other governing body of the town in which he is thus elected; *provided, however,* that at the first town or charter election held after such division into wards, one member shall be elected from each ward for one year and one for two years, the term of office to be designated on the ballots used at such election, and thereafter one member shall be elected annually to serve two years; *and provided further,* that all members of such town council or other governing body holding office at the time of any division into wards shall serve out the full term for which they were respectively elected, representing therein the wards in which they shall happen to reside, and no member shall be elected from any ward until its representation therein shall, by expiration of term or otherwise, become less than two members.

Proviso.

Proviso.

Vacancies.

3. All vacancies shall be filled by appointment of the town council or other governing body aforesaid until the next annual town or charter election, when the vacancy shall be filled by election for the unexpired portion of the term in the manner hereinbefore provided.

Election districts.

4. Until subdivided into election districts, as authorized by law, each ward shall constitute one election district.

Election canvass.

5. The board of election in each ward shall canvass and declare the result of the election for members of the town council or other governing body as aforesaid to be elected from the ward, and shall furnish a certificate of election to the candidate or candidates declared to be elected; and the returns of election for mayor, mem-

ber-at-large and all other officers shall be canvassed and the result declared by a board of canvassers, to be composed of one member of each board of election, chosen by each board of election, who shall meet together for that purpose on the Friday succeeding the election, at the usual place of meeting of the town council or other governing body of such town, and who shall furnish a certificate of election to each candidate declared to be elected.

Corporate name.

6. From and after such division into wards the corporate name of such town shall be, where the office of mayor exists, "The mayor and board of aldermen of the town of ———," specifying the name borne by such town, and where no office of mayor exists, "The town of ———, in the county of ———," specifying the name borne by such town and the name of the county in which it is situated.

What constitutes town government under this act.

7. Every town government heretofore established, formed under and in accordance with the provisions of any act of the legislature of this state, providing for the division of certain municipalities of this state into wards, which has been, in fact, constituted, formed and organized substantially in the manner directed by this act, containing within its limits and jurisdiction the population herein required, whether the authority to form such government has been lawfully conferred or not, shall be deemed, held and taken to be a town government created under the provisions of this act; and each and every such government is hereby constituted and made a town government, as fully to all intents and purposes as if the proceedings for the formation of the same had been instituted and the said governments had been formed and established under the provisions of this act; and each and every such town government is hereby perpetuated and continued, and authorized, without reorganization or further proceedings, to assume and exercise all the powers, privileges and franchises herein and hereby conferred upon town governments organized under the provisions of this act; and that all officers heretofore appointed, chosen or elected in any such town government shall continue in

Continuation in office.

office until the expiration of the term or terms for which they were originally appointed or elected, with all the powers and subject to all the duties and responsibilities that are conferred or imposed upon like officers appointed, elected or chosen, or to be appointed, elected or chosen, in governments formed and organized under the provisions of this act; and that all laws, ordinances, acts and proceedings of every such government heretofore passed, had, done and taken shall have the same force, validity and effect as if they had been passed, had, done and taken by governments formed and organized under and in pursuance of the authority of this act.

Force and effect of laws and ordinances.

Repealer.

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

Approved March 31, 1902.

CHAPTER 61.

An Act to incorporate the borough of Essex Fells.

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

Corporate name.

1. The inhabitants of that portion of the county of Essex hereinafter set forth are hereby constituted and declared to be a body corporate in fact and in law by the name of "the borough of Essex Fells," and as such shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The boundaries of said borough shall be as follows: Beginning at the most easterly point of the township of Caldwell, at Bloomfield avenue, in said county of Essex, being also the point of intersection of the westerly line of the township of Verona by the southerly line of the borough of North Caldwell, running thence in a northwesterly direction along said southerly line of the borough of North Caldwell to the southeasterly line of the borough of Caldwell; thence in a general southwesterly direction along the said southeasterly line of the borough of Caldwell to the most southerly point of the said borough of Caldwell; thence in a general westerly and northwesterly direction along the southerly lines of the

said borough of Caldwell, following their various courses, to the northerly side of Brookside avenue; thence westerly along the said northerly side of Brookside avenue to a point in said line directly opposite the point where the southerly line of Brookside avenue is intersected by the division line between the lands of Theodore V. A. Trotter and lands now, or formerly, of Samuel Canfield; thence southwesterly directly across Brookside avenue to said point of intersection in said southerly line of Brookside avenue; thence on a course almost due west along said last mentioned division line to a point in the northerly line of lands of said Trotter; thence following said Trotter's line northwesterly to another corner in the northely line of lands of said Trotter; thence southwesterly along the northwesterly line of lands of said Trotter to a corner in said Trotter's line; thence in a general southeasterly direction following the westerly lines of the lands of said Trotter to a corner; and thence southwesterly in a straight line along the northwesterly line of other lands of said Trotter to a point in said line distant six hundred (600) feet northeasterly from the northerly line of Harrison avenue; thence southeasterly in a line parallel with said northerly line of Harrison avenue to the southeasterly line of lands of said Trotter's land; thence northeasterly along the said last mentioned line of lands of said Trotter to a corner; thence in a general southeasterly direction, following the southwesterly lines of other lands of said Trotter, and the northeasterly line of lands of Eugene Underhill, to Roseland avenue; thence southwesterly along Roseland avenue to a point where the same is intersected by the division line between lands of James Kenah, and other lands of the said Eugene Underhill, extended northwesterly; thence southeasterly across Roseland avenue, following said division line so extended, and said division line to the northwesterly line of lands of Herman Wendell and Frederick H. Treat; thence southwesterly along the division line between lands of said Wendell and Treat, and said Eugene Underhill to Eagle Rock road; thence southeasterly along said Eagle Rock road to the division line between

lands of said Wendell and Treat and Amos Williams; thence northeasterly along said last mentioned division line to the southwesterly line of lands of said Wendell and Treat; and thence in a general southeasterly direction along the southwesterly line of the lands of said Wendell and Treat, following the various courses of the same, to Eagle Rock road; thence in a general southeasterly direction along Eagle Rock road to the northwesterly line of the township of West Orange; thence northeasterly along said line of the township of West Orange and along the northeasterly line of the township of Livingston to the southwesterly line of the township of Caldwell; thence southeasterly along said last mentioned line of the township of Caldwell to the northwesterly line of the township of Verona; and thence northeasterly along the division line between the townships of Caldwell and Verona to the point or place of beginning.

3. This act shall take effect immediately.

Approved March 31, 1902.

CHAPTER 62.

A Supplement to an act entitled "An act for the prevention of cruelty to animals," approved March eleventh, one thousand eight hundred and eighty.

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

Who have power of arrest.

1. Any member, agent or officer of the New Jersey society for the prevention of cruelty to animals, or any agent, member or officer of a district society for the prevention of cruelty to animals, or any sheriff, under sheriff, constable or police officer may arrest and bring before any justice of the peace, court or magistrate, offenders found violating the provisions of this act;

Proviso.

provided, that when any such arrest shall be made by a constable in localities where the state society or one of its district societies exists, he shall give notice of the same to said state or district society at once, and said state or district society shall then take charge of such

case and prosecute it under the provisions of the act to which this is a supplement, and no magistrate shall hear any such case until proof be made of the service on the said state or district society of the notice required by this act.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act being deemed and taken as a public act, shall take effect immediately.

Approved March 31, 1902.

CHAPTER 63.

An Act to amend "An act relating to the court of common pleas [Revision of 1900]," approved March twenty-third, one thousand nine hundred.

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

Section amended.

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

Salary of judges.

16. The annual salary of the judges of said court, in counties containing more than two hundred thousand inhabitants, shall be seven thousand five hundred dollars; in counties having between one hundred and fifty thousand and two hundred thousand inhabitants, six thousand five hundred dollars; in counties having between one hundred thousand and one hundred and fifty thousand inhabitants, five thousand dollars; in counties having between eighty thousand and one hundred thousand inhabitants, four thousand dollars; in counties having between seventy thousand and eighty thousand inhabitants, three thousand five hundred dollars; in counties having between forty-five thousand and seventy thousand inhabitants, three thousand dollars; in counties having between thirty-five thousand and forty-five thousand inhabitants, two thousand dollars; in counties having between twenty thousand and thirty-five thousand

inhabitants, one thousand eight hundred dollars; and in counties having less than twenty thousand inhabitants, one thousand two hundred dollars; such salaries shall be paid by the collector or treasurer of the respective counties, in equal monthly payments, and shall be in lieu of all fees and compensation whatsoever, for the services of said judges in the courts of common pleas, orphans' courts, courts of oyer and terminer and quarter sessions; such salaries shall be determined and paid upon the basis of population shown by the latest state or national census promulgated, without regard to the date of appointment of such judge; *provided,* such judge shall consent thereto in writing filed in the office of the county clerk; and all fees which at any time heretofore were paid to or divided among the judges or paid to any judge of the court of common pleas, are hereby abolished and shall not hereafter be taxed or collected.

How paid.

Proviso.

2. This act shall take effect immediately.

Approved March 31, 1902.

CHAPTER 64.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases [Revision of 1898]," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

When bail or recognizances may be taken.

1. Any bail taken or recognizance entered into hereafter in any criminal proceedings in this state, by or before any committing magistrate, sheriff or other officer, or in any court, or by any judge thereof, on Saturday afternoon between twelve o'clock noon and twelve o'clock midnight, or on the first day of the week, commonly called Sunday, or on any legal holiday, or part thereof, shall have the same validity and binding force and effect as if said bail had been taken or recognizance entered into on any other day of the week.

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

3. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 65.

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

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

1. Wherever any road has been or shall hereafter be constructed under the provisions of the act above entitled or any supplement thereto and amendment thereof, and it shall appear after the construction of such road or roads that moneys are owing for awards for damages or lands taken, or for the construction thereof, or that the title to lands acquired for a nominal consideration is defective, and that it is necessary to acquire such lands by purchase, and the board of chosen freeholders in such county shall not have sufficient funds wherewith to meet said awards or pay the purchase price of lands so held by defective titles or the cost of construction, as aforesaid, then it shall and may be lawful for any such board to place in the tax levy a sum sufficient for the purposes aforesaid, and such sums may be in addition to any limitation upon the cost of the road or roads provided in the act above entitled or any supplement thereto or amendment thereof. Tax levy to meet insufficiency.

2. If the board of chosen freeholders of any such county should consider that to place the whole amount of the moneys required and authorized under the first section of this act in the tax levy for one fiscal year would be too burdensome on the taxpayers of such county, May issue temporary bonds.

then it shall and may be lawful for such board to issue temporary loan bonds, payable in one, two and three years from their date, so that one-third thereof will fall due and become payable each year; which bonds shall bear interest at not exceeding five per centum per annum, and shall be executed in the form and in the manner that such bonds are usually executed, and such bonds may be sold either at public or private sale, at the discretion of the board, but for not less than par and accrued interest.

Payment of bonds.

3. It shall be the duty of such board of freeholders to place in the tax levy each year a sum sufficient to meet such bonds at maturity.

When condemnation proceedings may be had.

4. In case the title of any such board of chosen freeholders to any lands acquired or to be hereafter acquired under the provisions of the act above entitled or any supplement thereto or amendment thereof, should be encumbered or defective and any such board cannot agree with the encumbrancer or owner thereof as to the sum to be paid for a release or the purchase price, then it shall and may be lawful for any such board to take proceedings for the condemnation of such lands under the act above entitled and the supplements thereto and amendments thereof; and the right of any such board to proceed by condemnation under the act aforesaid and the supplements thereto and amendments thereof, shall not be considered as exhausted as to any particular road constructed thereunder until such board shall have proper title thereto and each and every part thereof free from all encumbrances.

5. This act is a public act and shall take effect immediately.

Approved April 1, 1902.

CHAPTER 66.

A Supplement to an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

Preamble.

Whereas, In certain of the counties of this state the fiscal year begins between the first days of Novem-

ber and March, and the boards of chosen freeholders in such counties are unable to obtain their supply of coal for the winter until after the commencement of the fiscal year; and

Whereas, It is proper that such counties should be permitted to contract for coal and have the same delivered earlier in the year, when coal is cheaper and more easily delivered; therefore,

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

Contract for coal for ensuing year.

1. That wherever, in any county of this state, the fiscal year commences between the first days of November and March the board of chosen freeholders of such counties may, during the current fiscal year, lawfully contract for a supply of coal for the next fiscal year, and charge the appropriation for the then next fiscal year with the payment of the same, and such contract shall in nowise be charged up against the appropriation for the then present fiscal year, nor shall it be treated as an excess of appropriation of the then present fiscal year.

Borrow in anticipation of taxes.

2. In order to pay for the coal so purchased and delivered, such boards of chosen freeholders may borrow, for the use of the county, a sum sufficient for the purpose in anticipation of the collection of taxes for the next fiscal year.

3. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 67.

An Act to amend an act entitled "An act to authorize the formation of gaslight corporations and to regulate the same," approved April twenty-first, one thousand eight hundred and seventy-six.

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

Section amended.

1. Section one of the act to which this is an amend-

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

Mode of incorporation.

1. Any number of persons, not less than thirteen, may form a company for the purpose of constructing, maintaining and operating gas works, and for that purpose may make and sign articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the village, town, borough or city, in which it is proposed to supply and distribute illuminating gas, construct, maintain and operate the works, the amount of the capital stock of the company, and the number of shares of which said capital stock shall consist, and the names and places of residence of thirteen directors of the company, all of whom shall be residents of this state, and two-thirds, at least, of whom shall be residents in the particular place where the works are to be erected, who shall manage its affairs for the first year and until others are chosen in their places; each subscriber to such articles of association shall subscribe thereto his name, place of residence and the number of shares of stock he agrees to take in said company; on compliance with the provisions of the next section, such articles of association shall be filed in the office of the secretary of state, who shall endorse thereon the day they are filed and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the secretary of state to be filed, the persons who have so subscribed such articles of association and all persons who shall become stockholders in such company, shall be a corporation by the name specified in such articles of association.

Articles filed with secretary of state.

Section amended.

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

Articles not filed until affidavit of compliance.

2. Such articles of association shall not be filed and recorded in the office of the secretary of state until at least one-half the amount of the entire capital stock is subscribed thereto and twenty per centum paid thereon in good faith, and in cash, to the directors named in said articles of association, nor until there is endorsed

thereon or annexed thereto an affidavit, made by at least seven of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed, and twenty per centum paid in cash thereon as aforesaid, and that it is intended in good faith to erect gas works and manufacture and sell gas to the city, village, borough or town as specified in the articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

Section amended.

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

Directors may receive subscriptions.

4. When such articles of association and affidavit are filed and recorded in the office of the secretary of state, the directors named in such articles of association may, in case the whole of the capital stock is not before subscribed, continue to receive subscriptions until the whole capital stock is subscribed; the capital stock of any corporation organized under this act shall not be less than five thousand dollars for every one thousand of the population of the village, town, borough or city in which it is proposed to erect the works or to lay pipes in order to supply said village, town, borough or city with illuminating gas; the number of the population to be taken from the latest census of the population, whether the same was made by the general or state government; at the time of subscribing every subscriber shall pay to the directors twenty per centum on the amount subscribed by him, in money, and no subscriptions shall be received or taken without such payment.

Amount of capital.

Section amended.

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

Empowered to make and sell gas, lay pipes, etc.

17. Any corporation formed under this act shall have full power to manufacture and sell and to furnish such quantities of illuminating gas as may be required in the city, town, borough or village where the same shall be located for lighting the streets and public and private buildings, and such corporation shall have power to lay conductors for conducting gas through the streets, lanes,

alleys and squares in such city, village, borough or town, having first obtained the written consent of the municipal authorities of said city, village, borough or town, and under such regulations as they may prescribe.

Section amended.

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

Time for laying main pipe.

22. Any company organized under this act that is to supply any city, town, borough or village that is already supplied with gas, shall, within one year after their articles of association have been endorsed by the secretary of state, as provided for in the first section of this act, lay not less than five miles of main pipe and furnish, upon application, to those residing on the streets, lanes or alleys in which the said main pipes may be laid, a full supply of gas, and after the expiration of said year said company shall, within one hundred and twenty days after a written application has been received from any person or persons residing on any of the streets, lanes or alleys of the city, town, borough or village to

Extend pipe.

be supplied by said company, extend their main pipes so as to reach and supply said person or persons with gas, and the said company shall supply such person or persons with gas, in order that all may enjoy the benefits

Proviso.

of competition; *provided,* that no company organized under this act shall be compelled to lay more than three hundred lineal feet of pipe for each and every person making a written application for gas.

6. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 68.

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

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

Compensation allowed for collecting assessments.

1. That for the services rendered by the officers charged by law with the duty of collecting assessments for street improvements, in hereafter collecting the assessments levied under the act to which this is a supplement, they shall be entitled to receive as compensation such sum or sums as the board of chosen freeholders of such county shall designate and allow, not exceeding seven per centum of the total amount collected by them; *provided, however,* that if seven per centum of the total amount assessed against property in any municipality will not equal twenty-five dollars, said board may allow to such collecting officer or officers, and their successors, a sum not to exceed twenty-five dollars, to be apportioned between the collecting officer in any municipality and his successors, according to the amount collected by each; and in addition thereto said board may allow the necessary disbursements of such collecting officer or officers in making such collections.

Proviso.

2. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 69.

An Act relative to the removal of bodies in any abandoned cemetery or burying ground in any municipality in this state.

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

Removal of bodies in abandoned cemetery.

1. That where there has been given to any church organization any lands for the use of burial and church purposes in any municipality in this state, with the condition that when the same should cease to be used for church purposes it should revert to the original donor, or his heirs, and where, in any such case, the land so donated for church purposes shall have been abandoned and ceased to be used for church purposes, and where there have been no interments made in the lands so donated for burial purposes for the space of ten years, said lands so donated for burial purposes shall be deemed to have been abandoned, and the church organization having custody or control of the same shall be, and they are hereby vested with full power and authority, with the consent of the board of health of the municipality wherein said lands lie, to disinter and remove the bodies interred therein to some other suitable burying ground or cemetery, to be provided by said church organization.

Notice of removal.

2. A notice of such intended removal shall be published in at least two newspapers published and circulating in the municipality where said abandoned burying ground or cemetery is located, for the space of four weeks, at least once in each week, prior to such intended removal.

3. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 70.

A Supplement to an act entitled "An act to regulate elections" [Revision of 1898], approved April fourth, one thousand eight hundred and ninety-eight.

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

Application of act extended.

1. All the provisions of the act to which this act is a supplement, relating to the nomination of candidates and the use of official ballots and envelopes, shall apply to the charter, local, municipal and special elections in all of the towns of this state and in all other municipalities of this state however designated or governed having within their territorial limits a population of more than eight thousand inhabitants, according to the last state or federal census, in the same manner and to the like effect as in and by said act the same are made applicable to the charter, local or special elections in the cities of this state, anything in said act to the contrary notwithstanding.

2. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 71.

A Supplement to an act entitled "An act concerning trust companies" [Revision of 1899], approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Municipalities may deposit in trust companies.

1. It shall be lawful for any county, city or other municipality in this state to select as a depository for the moneys of such county, city or other municipality,

any trust company organized under the laws of this state.

2. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 72.

An Act for the preservation of certain records that are likely to become obscure.

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

Re-recording of obscure records.

1. Whenever it shall be made to appear, to any of the justices of the supreme court of this state, or the president judge of the court of common pleas of the county wherein said records are situate, that the records of any deeds or mortgages are becoming obscure, he shall have power to order such deed or mortgage to be recorded anew in a book to be kept in the office of the respective county clerks of this state, which book shall be known as the book of re-recorded deeds and mortgages, and transcripts thereof, when certified as such by the county clerk under his hand and seal of office, shall be received as legal evidence of the contents of such instruments in the courts of this state.

Expense met.

2. The expense of such re-recording shall be paid by the county in which such re-recording shall be done, as the said justice or judge may determine and direct.

Re-indexed.

3. Such re-recorded deeds and mortgages shall be re-indexed in the books of indices of recorded deeds and mortgages in said counties, being marked as re-indexed.

4. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 73.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture, and provide open and close seasons for such capture and possession," which act was approved March twenty-second, nineteen hundred and one.

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

1. The eighth section of the act to which this is an amendatory act shall be amended so as to read as follows: Section amended.

"8. It shall be unlawful for any person to pursue any goose, brant, duck or any kind of water wild fowl whatsoever, or to shoot, or to shoot at, or kill or wound the same from any boat or vessel propelled by any means other than by oars or paddles, or from any boat, vessel or other structure anchored or staked upon the waters of any of the bays, sounds, coves, ponds, rivers, creeks or streams of this state at a greater distance than one hundred feet from marsh or meadow, bar or bank, or heaped seaweed not covered with water at high tide, under a penalty of twenty dollars for each offence." Method of pursuing and distance.

2. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 74.

A Further Supplement to an act entitled "An act to amend the law relating to the property of married women" [Revision], approved March twenty-seven, one thousand eight hundred and seventy-four.

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

Release of dower without husband's joining.

1. If any woman entitled to dower, or an estate devised for life or years in lieu of dower, in any lands or real estate in this state, has married or shall hereafter marry, after becoming entitled to such dower or estate, it shall be lawful for such married woman to execute a release of such dower, interest and estate in such real estate, without her husband joining in or executing the deed of such release.

2. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 75.

A Further Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment," approved May eighteenth, one thousand eight hundred and ninety-eight.

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

Cases included in act.

1. The provisions of the act to which this act is a supplement be and the same are hereby extended to include all cases where any assessment shall have been levied or imposed, or attempted to be levied or imposed, on any land in any town, township, borough or other municipality of this state which at the time of the passage of this act have accepted the provisions of said act or which hereafter may accept said provisions in which certificates of indebtedness have been heretofore lawfully issued for the purpose of constructing or improving roads or avenues running wholly or partly

through or in such town, township, borough or other municipality.

Holders of certificates of indebtedness may apply for adjustment.

2. It shall be lawful for the holders of said certificates of indebtedness to apply to the commissioners of adjustment to be appointed for any town, township, borough or other municipality under the provisions of the act to which this is a supplement, or under any supplement thereto, to examine into and fix, adjust and determine, as to each parcel of land, how much of such assessment, in fairness, equity and justice, should be laid, assessed and charged against and actually allotted to said land for or on account of said assessment.

Commissioners to determine amounts to be charged.

3. Upon receiving such application as mentioned in section two of this act, it shall be the duty of said commissioners of adjustment to immediately proceed to fix, adjust and determine the amounts to be charged against and collected from said lands in the same manner and with like effect as provided in the act to which this is a supplement.

Payment immediate upon collection.

4. All moneys, or such parts thereof as may be necessary, collected under the provisions of this act, shall immediately, upon collection of the same, be paid over to the holders of said certificates of indebtedness upon presentation and delivery by them of such certificates of indebtedness.

Repealer.

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

Approved April 1, 1902.

CHAPTER 76.

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," approved March thirtieth, one thousand eight hundred and eighty-six, and the operation thereof.

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

Provisions of act to include all cases of assessment.

1. The provisions of the act to which this act is a supplement be and the same are hereby extended to include all cases where any assessment shall have been levied or imposed, or attempted to be levied or imposed, on any land in any city of this state which, at the time of the passage of this act have accepted the provisions of said act or which hereafter may accept said provisions in which certificates of indebtedness have been heretofore lawfully issued for the purpose of constructing or improving roads, or avenues running wholly or partly through or in such cities.

Holders of certificates of indebtedness may apply for adjustment.

2. It shall be lawful for the holders of said certificates of indebtedness to apply to the commissioners of adjustment to be appointed for any city under the provisions of the act to which this is a supplement or under any supplement thereto to examine into and fix, adjust and determine as to each parcel of land, how much of such assessment, in fairness, equity and justice should be laid, assessed and charged against and actually allotted to said land for or on account of said assessment.

Commissioners to determine amounts to be charged.

3. Upon receiving such application as mentioned in section two of this act, it shall be the duty of said commissioners of adjustment to immediately proceed to fix, adjust and determine the amounts to be charged against

and collected from said lands in the same manner and with like effect as provided in the act to which this is a supplement.

Moneys payable upon receipt.

4. All moneys, or such parts thereof as may be necessary, collected under the provisions of this act, shall immediately, upon collection of the same, be paid over to the holders of said certificates of indebtedness upon presentation and delivery by them of such certificates of indebtedness.

Repealer.

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

Approved April 1, 1902.

CHAPTER 77.

A Supplement to an act entiled "An act to provide for the appointment of a commission to revise and codify the general statutes of this state not heretofore revised and codified by a special commission," approved March twenty-second, one thousand nine hundred and one.

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

Commission continued.

1. The commission appointed by the governor under the provisions of the act to which this act is a supplement, to revise and codify the general statutes of this state, is hereby continued for another year, and said commission shall present such further bills as shall be prepared by them in the meantime to the legislature early in its next session.

2. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 78.

An Act to amend an act entitled "An act to promote the establishment and efficiency of free public libraries," approved March twentieth, one thousand nine hundred.

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

Section amended.

1. The second section of the above-recited act be amended so the same shall read as follows:

No compensation; appropriation for expenses and clerical help.

2. No member of said commission shall receive any compensation; but said commission, for its necessary traveling and other incidental expenses, and for clerical assistance in the discharge of its duties, may expend such sum as may annually be appropriated for that purpose, not exceeding fifteen hundred dollars, in addition to the expenditures hereinafter provided; all sums expended under the provisions of this act shall be paid from the state treasury, after the bills therefor have been approved by the commission and sent to the state comptroller, who shall audit and certify the same to the state treasurer.

3. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 79.

A Supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

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

Extension of charter.

1. It shall be lawful for any savings bank or savings institution heretofore created under or by virtue of any special or general law of this state, when the period named in its charter or certificate of organization, or in any renewal thereof, shall have expired, to file in the

office of the secretary of state a certificate under its common seal, attested by the signature of its presiding officer, authorized by resolution for that purpose, passed at a regular or special meeting of any such savings bank or savings institution, by at least a majority of its managers, directors or other governing board, declaring its desire that the period of its existence and its corporate powers shall be extended, for any time therein mentioned, not exceeding fifty years from the date of the expiration of its charter.

Certificate filed; as evidence.

2. Upon making, proving and filing said certificate, the period of the existence and the corporate powers of such savings bank or savings institution shall be extended as declared in such certificate, as fully as if the said period had been named in the original charter or certificate of organization of such savings bank or savings institution; and the said certificate, or a copy thereof, duly certified by said secretary of state, shall be evidence in all courts and places.

Rights, privileges, liabilities.

3. Upon the making and filing of such certificate the said savings bank or savings institution shall be entitled to all the rights and privileges and liable for all the acts which it may have exercised or performed since the date of the expiration of its charter, to the same extent as if said charter had not expired by limitation, and every such savings bank or savings institution shall be subject to such general laws on the subject of taxation as shall apply to savings banks incorporated under the law to which this is a supplement.

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

Approved April 1, 1902.

CHAPTER 80.

A Supplement to an act entitled "An act for the purchase of grounds for the burial of dead bodies thrown upon the shores of this state by shipwreck," approved April nineteenth, one thousand eight hundred and ninety-eight.

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

Appropriation.

1. That for the purpose of clearing, grading, marking, inclosing and suitably preserving the burial grounds purchased by the state of New Jersey under the act of the legislature to which this is a supplement, and for the purchasing of other burial grounds that may be deemed necessary by the commissioners appointed under the said provisions of the act of the legislature to which this is a supplement, there be appropriated the sum of eight hundred dollars, and the comptroller of the state is hereby authorized to draw his warrant upon the state treasury for the sums necessary to carry out the purposes of this act; *provided,* an appropriation therefor shall have been included in the annual appropriation bill.

Proviso.

2. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 81.

A Further Supplement to an act entitled "An act for the government and regulation of the state prison," approved April twenty-first, one thousand eight hundred and seventy-six.

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

Temporary removal of prisoner suffering with infectious disease.

1. Whenever any prisoner serving a term in the state prison of this state shall be found to be suffering from small-pox, or other disease of a dangerously infectious

character, so that in the opinion of the prison physician his continuance in the prison will be likely to cause a serious and dangerous epidemic among the other inmates thereof, it shall be the duty of said physician to certify the facts, together with his opinion, to the keeper of the prison, who shall thereupon make application to a justice of the supreme court for the temporary removal of such prisoner from the prison, and the said justice may order that the said prisoner be removed to a place where he can be safely isolated and receive proper care and medical attendance during his illness, and that upon his recovery, if his term of imprisonment shall not have expired, he shall be returned to the state prison to serve out the remainder of his term; and the said prisoner shall be returned to the state prison by the keeper thereof when the prison physician shall certify to him that the prisoner is fully recovered and that in his opinion all danger of infection is past; and the necessary expenses of removing the said prisoner, of his care and maintenance during his illness and isolation and of his return to the said prison shall be paid out of the annual appropriation for the maintenance of the state prison.

Return.

Expenses.

2. If any prisoner who shall be temporarily removed to a place of isolation as provided in the foregoing section shall, during his illness or convalescence, escape, or attempt to escape, from the place in which he is confined, he shall be subject to the penalties prescribed by law for escaping, or attempting to escape, from the state prison.

Relative to escape.

3. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 82.

A Supplement to an act entitled "An act to enable incorporated towns to construct water-works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water," passed March fifth, one thousand eight hundred and eighty-four.

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

When additional bonds may be issued.

1. Whenever the board of water commissioners of any incorporated town in this state shall find that said sum of sixty thousand dollars, provided for in the act of which this is a supplement, is insufficient for the purpose of constructing and fully completing said water-works, or that the water-works and reservoirs, aqueducts, apparatus, erections, works, establishments and fixtures for supplying water-works of any such town, are inadequate to furnish a sufficient amount of pure and wholesome water for the purpose designated in and contemplated by said act, that the said board of water commissioners shall report such fact to the mayor and council, or other governing body of such town, and it shall thereupon be the duty of such mayor and council or other governing body of such town to order and appoint an election of the legal electors thereof, to be held in such town, to determine whether an additional sum shall be raised for such purpose, and if so, what sum, not exceeding, with the sum already appropriated, in the whole, three hundred thousand dollars; of which election the clerk of such town shall cause public notice of the time and place of holding the same to be given by advertisements, signed by himself and set up in at least five public places in such town, and published in one or more newspapers printed therein at least six days previous to the day of said election, and said clerk shall provide for each elector voting at such election, ballots to be printed or written, or partly printed and partly

Report to governing body.

Amount.

Public notice.

Ballots.

written, on which shall be either the words, "For an additional appropriation for water-supply under the provisions of the act entitled 'An act to enable incorporated towns to construct water-works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water' and the supplements thereto, $———," or "Against an additional appropriation for water-supply under the provisions of the act entitled 'An act to enable incorporated towns to construct water-works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water,' and the supplements thereto;" and that the polls for such election shall be held at the same places, and shall be opened and closed at the same hours, and such election shall be conducted by the same officers and in the same manner, and such officers shall return a statement of the result of such election, which shall be entered in the same manner as is prescribed and provided for in the twentieth section of the act of which this is a supplement. Election.

2. Should the legal electors of such town at such election vote an additional sum for such water-works, then it shall be the duty of the mayor and council or other governing body of such town to issue the bonds of such town for said sum, said bonds to bear a rate of interest not exceeding the legal rate payable semi-annually, the principal thereof to be payable in thirty years from the date thereof, or sooner, at the option of said town, and it shall be the duty of the treasurer or other disbursing officer thereof to make sale of the bonds so issued at not less than their par value, and to pay the proceeds of said sale to said board of water commissioners to be by them appropriated according to the provisions of said act; the purchaser or holder of said bonds shall not be obliged to ascertain that the act to which this act is a supplement has been adopted at a special election, or that the sum for which said bonds are issued has been voted at a special election as provided in this act, but said bonds shall contain a recital that they are issued pursuant to this act, which recital If approved, bonds to issue. Rate, time. Recital of validity.

shall be conclusive evidence of the validity and the regularity of their issue.

3. This act shall take effect immediately.

Approved April 1, 1902.

CHAPTER 83.

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

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

Malicious burning a misdemeanor.

1. Any person who shall willfully or maliciously set fire to, burn or cause to be burnt, or aid, counsel, procure or consent to the burning of any woods, marshes, cranberry bogs or meadows of any other person or persons, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 84.

A Supplement to an act entitled "An act concerning district courts" [Revisionof 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Docketing judgments.

1. In docketing any judgment recovered in any district court in this state it shall not be necessary to include, in the affidavit of the plaintiff or his attorney required to be filed by the act to which this act is a supplement, a statement that deponent believes the debtor is not possessed of goods and chattels sufficient to satisfy

the amount due, or any other statement or matter other than that called for by said act, and all judgments heretofore or hereafter docketed in accordance with the act to which this act is a supplement, are hereby declared to be valid and effectual in law, and to have the force and effect from the time of their said docketing of judgments obtained in suits originally commenced in the court of common pleas, notwithstanding the omission from said affidavit of the statement of deponents' belief that debtor was not possessed of goods and chattels sufficient to satisfy the amount due; *provided, however,* Proviso. that nothing in this supplement contained shall be construed as affecting any decision of any court of this state heretofore rendered in relation to titles to land; *and provided, however,* that this act shall not apply to Proviso. any judgment on any lands for the recovery of which any suit at law or equity is now pending in any of the courts of this state.

2. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 85.

An Act to amend an act entitled "An act to establish a village for epileptics, and to repeal certain acts inconsistent therewith," approved March twenty-first, one thousand nine hundred and one.

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

1. Section one of the act entitled "An act to establish Section amended. a village for epileptics, and to repeal certain acts inconsistent therewith," approved March twenty-first, one thousand nine hundred and one, is hereby amended so as to read as follows:

1. The New Jersey state village for epileptics is hereby established; the objects of such village shall be to secure Object. the humane, curative, scientific and economical care and treatment of epileptics, exclusive of insane and idiotic

Board of managers; term, vacancies.

persons; the government of said village invested in a board of eight managers to be appointed by the governor by and with the advice of the senate; they have to be residents of this state and not more than four members shall belong to the same political party; the present managers shall hold office during the term for which they were appointed, and thereafter all appointments, except to fill vacancies shall be made for four years; appointments to fill vacancies shall be for the unexpired term only, which managers shall have power to purchase supplies for the use of the village, and such raw materials as may be necessary for the trades and industries pursued therein, and provide for the disposal of manufactured products, and the product of the land; employ the assistants necessary to educate and properly use the labor of the patients.

Powers.

Section amended.

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

Admission of indigent epileptics.

11. Any person being an epileptic and in indigent circumstances entitled to reside at the village by the terms of this act, or the rules and regulations adopted by the board of managers, who has been a resident of this state for at least one year continuously immediately prior to his application for admission, and having lodged with the superintendent the written request provided for in the preceding section, may be admitted to the village by the order of the judge of the court of common pleas of the county, with the approval of the chosen freeholder of the township where the patient resides; such judge, upon application being made to him on behalf of such epileptic by the medical superintendent shall take such evidence as he shall deem sufficient to a full investigation of the facts stated in the application, and in a summary manner determine the question of epilepsy and indigency; and if he determine that such person is an epileptic and indigent, he shall make an order to that effect, on which order the patient shall be admitted to the village; when any such person is sent to the village by the order of the judge, the order or warrant shall be filed with the clerk of the court of common pleas of the county where such order or warrant is made, and

a certified copy thereof must be lodged with the medical superintendent of the village before such person can be admitted; the board of managers shall have the right to hold and detain any indigent patient so committed for a period not less than one year from the date of his admission, but the board shall provide a method for the prompt discharge of any such person should a condition exist or arise rendering unnecessary or inadvisable the further detention of such patient, and the medical superintendent shall have the custody and control of every person, indigent or otherwise, admitted to the village until properly discharged, and subject to the regulations established by the board of managers may restrain and discipline any patient in such manner as in his opinion is required for the welfare of the patient; no patient, however, shall be admitted under five years of age, nor for a shorter period than one year.

Method of discharge.

Discipline.

3. Section fourteen of said act is hereby amended so as to read as follows:

Section amended.

14. There shall be paid in quarterly payments to the treasurer of said board by the county collector of each county from which an indigent patient has been committed to the village, or transferred from any almshouse, state hospital, institution or county asylum where they were previously maintained at public expense, the sum of two dollars per week, and in addition a sum not to exceed thirty dollars per annum for clothing for each patient received as aforesaid, and a certified copy made by the medical superintendent of the village, of the certificate of the officer in charge of any such hospital, institution or asylum from which any such patient shall be removed and upon which the removal is authorized by this act, accompanied by a statement in writing that such patient has been received at the village filed with the collector of the county by which the person so transferred had been previously maintained, shall make it the duty of the board of chosen freeholders to make the aforesaid payments, and be a sufficient authority to the said collector in making the payment required, and the chosen freeholders of such county shall annually levy and raise the amount required to meet such ex-

Payments by counties.

penses, and such further sum as will probably cover all similar bills for one year in advance; said county, however, shall have the right to require every individual or municipality that is legally liable for the support of such patient, to repay the amount of said bills, with interest, and the board of managers shall have the authority to sue for and recover in the name of its treasurer, from the county indebted, all sums that may be due for the support, maintenance and clothing of any such patient in an action on contract.

When county may require repayment.

Duty of overseer of poor to place epileptics in village.

4. It shall be the duty of the overseer of the poor or of such public officer as shall have the charge and oversight of poor persons entitled to public relief, or who may be or become chargeable to any city, township, village, borough, county or other municipality of this state, to place in the village any such poor person who may be an epileptic and entitled to reside at the village under the terms of this act; any parent, guardian or friend of any epileptic within this state may make application to the medical superintendent of the village accompanied with satisfactory affidavits or other proofs showing that the health, morals, comfort or welfare of such epileptic may be endangered or not properly cared for if not placed in such village; and thereupon it shall be the duty of such superintendent to make application to the judge of the court of common pleas as hereinbefore provided for the commitment of such persons; in the admission of patients preference shall always be given to poor or indigent epileptics, or the epileptic children of poor or indigent persons.

Other applications for admission.

Removals from insane asylums to village.

5. It shall be the duty of the medical superintendent, medical director, or other officer in charge of any state hospital for the insane, or of any county asylum, hospital or public institution where insane persons are held for treatment or care, or of any state institution or asylum where epileptics are cared for, to transfer to said village as speedily as they can be received and accommodated at the village, every epileptic person not insane or idiotic, now or hereafter committed to any of said hospitals, asylums or institutions, and a notice, in writing, from the medical superintendent of the village for epileptics

addressed to the medical director, physician in charge, superintendent or body having the management of any of said hospitals, asylums or institutions, stating the number of epileptic persons that can be taken from any of said hospitals, asylums or institutions, shall make the duty to transfer such persons, imperative; if after such removal any patient should become insane or unsuitable in the judgment of the superintendent to remain at the village, such patient shall be sent to the state hospital, institution or county asylum from which he was removed, and the bills for the reasonable expenses incurred in the transportation of such patient either from or to the state hospital, institution or asylum, shall be paid by the treasurer of the village or institution sending such patient, and the payment of maintenance shall then be due to the institution receiving such person, the same as if no transfer had been made; the medical superintendent, director or other officer in charge of any state hospital for the insane, county asylum or other public institution in making the transfer of persons as required by this section, shall cause to be made out and delivered to the medical superintendent of the village, a certificate giving a full and detailed history so far as can be furnished of the case of the patients, stating particularly the frequency and character of the epileptic attacks, and their supposed cause, and shall further certify that the person so transferred is a proper person to be admitted to the village under this act.

Number.

Return to asylum.

Certificate furnished upon transfer.

6. Should an indigent patient become insane after admission to the village, such patient shall be sent to the state hospital for the insane of the district of which he was a resident just prior to his admission to the village, in the manner provided by law for the admission of the insane; a patient supported in said village by relatives or friends, who may become insane, shall be committed as prescribed by law, to such institution for the insane as may be designated by the relatives, guardian or friends of such insane person; all traveling and other expenses of removal to be paid by them; after any patient has been delivered to the managers or officers

If become insane, sent to asylum.

of such hospital or institution, the care and custody of the managers of the village over such insane person shall cease.

7. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 86.

A Further 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.

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

Organization.

1. Any number of persons, being the owners of lands in this state which were used prior to, and at the time of, the passage of the 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, for a cemetery or place for the burial of the dead, and which lands have ever since been exclusively so used, together with any persons being the owners of land adjoining the same which shall have been purchased since the passage of said act, for use in connection with said first above described lands as a cemetery or place for the burial of the dead, may meet and execute their certificate, and cause the same to be recorded as provided in the said 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, and the various acts supplementary thereto and amendatory thereof, and shall thereupon be deemed a legally incorporated cemetery association under the provisions of the said act, with all the powers, privileges and duties given and imposed by the said act, and the several supplements thereto and amendments thereof; *provided, however,* that the lands so held or acquired for cemetery purposes

Become an incorporated cemetery association.

Proviso.

shall not exceed the number of acres now permitted to be held by such associations; *provided, also,* that nothing in this act shall effect any part or portion of the act to which this is a supplement touching the power and authority of municipal authorities and local boards of health of any city, township, town or borough of the state.

2. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 87.

An Act to appropriate money for erecting a commemorative tablet on the site of the battle-field of Paulus Hook.

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

1. The sum of fifteen hundred dollars be and the same is hereby appropriated for the erection of a commemorative tablet to mark the site of the battle-field of Paulus Hook, in Jersey City, in the county of Hudson and state of New Jersey. Appropriation for tablet.

2. Said sum of fifteen hundred dollars be paid by the treasurer of the state of New Jersey to the Paulus Hook Chapter, Daughters of the American Revolution, in trust and for the purposes of securing and erecting the said commemorative tablet, which said association is directed and empowered to expend the said moneys for such purposes. To whom paid.

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

Approved April 2, 1902.

CHAPTER 88.

An Act authorizing any municipality in this state to accept a conditional gift of a library building or moneys donated to erect a library building and authorizing such municipality to purchase a site therefor and to annually appropriate for the maintenance of a free public library the amount required by the condition annexed to such gift.

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

Acceptance of gifts.

1. It shall be lawful for the governing body of any municipality in this state in which there is now or hereafter may be a free public library established pursuant to law, to accept, by resolution, any gift of money or securities for the purpose of erecting a library building or any gift of a library building made, given or offered on condition that the municipality to which such gift is made shall provide a suitable site for such building and appropriate annually for the maintenance of the free public library therein a sum not exceeding ten per centum of the amount or value of such gift; when any such conditional gift is so accepted by any municipality, it shall be lawful for the said governing body thereof to

Appropriation for site.

appropriate for the purpose of purchasing a site for such library building a sum not exceeding in amount three-fourths of one mill on each and every dollar of taxable property in such municipality last returned for the purpose of taxation therein and to include the amount so appropriated in the next annual tax levy to be made

Annual amount for maintenance.

in such municipality, and it shall be lawful to raise by taxation in such municipality for the support and maintenance of the free public library such amount annually as may be required by the condition of any such gift.

Purchase and control of site.

2. At any time after the acceptance of any such gift it shall be lawful for the trustees of the free library in any such municipality to purchase at a cost not exceeding the amount appropriated therefor a suitable site for the erection of a library building; the title of real estate so purchased shall be taken in the corporate name of the municipality, but the use and control of the same shall be in the board of trustees of the free public library therein so long as it shall be used for free public library purposes.

3. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 89.

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

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

Library at court-house.

1. It shall be lawful for the board of chosen freeholders of any county to provide for the use of the county, at the court-house, full and complete sets or parts of sets of the reports of this state and the statutes, and such other text books as may be designated by the judge of the circuit court or the president judge of the court of common pleas, the amount to be expended not to exceed five hundred dollars in any one year.

2. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 90.

An Act to amend an act entitled "An act to regulate elections" [Revision of 1898], approved April fourth, one thousand eight hundred and ninety-eight.

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

Correction of defective certificate of nomination.

1. It shall be lawful for any candidate, the certificate of whose nomination, or petition for whose nomination, shall have been filed as required by the act entitled "An act to regulate elections" [Revision of 1898], approved April fourth, one thousand eight hundred and ninety-eight, if such certificate or petition, or any affidavit or affidavits thereto, be defective, to cause such certificate or petition, and the affidavit or affidavits thereto, to be amended in matters of substance or of

form as may be necessary, or such amendment or amendments may be made by filing a new or substitute certificate or petition, or affidavit or affidavits, and the same when so amended shall be of the same effect as if originally filed in said amended form; *provided, however,* that every amendment shall be made at least five days before the election.

Proviso.

Construed.

2. This act shall be liberally construed to protect the interests of candidates.

3. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 91.

An Act concerning investments by savings banks.

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

Investments by specially incorporated savings bank.

1. It shall be lawful for any savings bank, incorporated by special act of the legislature of this state, to invest its funds, including its reserve fund, in any lawful manner provided for the investment of the funds of savings banks by the act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six, and the several supplements thereto and acts amendatory thereof, or by the act entitled "An act for the better security of depositors in savings banks," approved April fifth, one thousand eight hundred and seventy-eight, and the several supplements thereto.

Certain investments validated.

2. All investments of reserve funds of savings banks incorporated under special acts heretofore made in or upon securities, authorized by the said act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six, or by the said act entitled "An act for the better security of depositors in savings banks." approved April fifth, one thousand eight hundred and seventy-eight, or the acts supplementary thereto or amendatory of said acts for

the investment of the funds of savings banks, are hereby validated, notwithstanding anything in the charters of such savings banks incorporated under special act to the contrary.

Investments by finance committee.

3. All investments of money, and sales and transfers of securities by any savings bank incorporated under special act, may be made by order of the finance committee of such savings bank, notwithstanding any provision in such special act contained, limiting the number of trustees or managers who shall act in the investment of moneys, and the sale or transfer of any stocks or securities belonging to such savings bank; *provided,* that such finance committee shall consist of not less than five trustees or managers, of whom three shall constitute a quorum.

Proviso.

4. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 92.

An Act concerning minors, their adoption, custody and maintenance [Revision of 1902].

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

I. ADOPTION.

Petition to adopt child.

1. It shall be lawful for any person, of full age, not married, or any husband, with his wife's consent, or any wife, with her husband's consent, or any husband and wife jointly, to petition the orphans' court of the county wherein any minor child may reside, or of the county wherein any such petitioner may reside, for permission to adopt such minor child, and for a change of name of such child; the written consent of the parents of such child to such adoption must be obtained and presented with the petition, but if either parent be dead, unknown, insane or habitually intemperate, or shall have abandoned the child, then the consent of the other parent

Consent.

shall be sufficient; if both parents be dead, unknown, insane or habitually intemperate, or shall have abandoned the child, then the written consent to such adoption must be obtained from the legal guardian of such child, if any there be, or if there be no legal guardian, from some discreet and suitable person appointed by the court to be next of friend of such child; *provided, however,* if the parent or parents shall have granted the custody and control of such child for the full term of its minority to any orphanage or children's home, or society incorporated under the laws of this state to care for children, or if such orphanage or children's home or society shall have otherwise legally acquired the custody and control of such child, then consent to such adoption must be obtained from such orphanage or children's home or society, which consent shall be in writing and under the common seal of the orphanage or children's home or society aforesaid, and the hands of the president and secretary thereof; *and provided further,* if the child be above the age of fourteen years, its written consent to the adoption and change of name must be obtained; every consent to be given as aforesaid must be acknowledged or proved as deeds of land are required to be.

Proviso.

Proviso.

Nature of petition.

2. Such petition shall specify the name, age and place of residence of the petitioner and of the child, and the name by which the child shall be known; whether such child be possessed of any property, and the full description of the property, if any; whether such child has either father or mother, or both, living; in case he, she or they are alive, then the name or names and place of residence of such father and mother shall be given, unless proven to be unknown to the petitioner; the person petitioning as aforesaid shall be at least ten years older than the child sought to be adopted, and the petition shall be duly verified; no adoption heretofore granted in accordance with the provisions of this act shall be deemed void or voidable because the petitioner was not of the age required by this act; but such adoption shall be held in all respects valid and lawful; *provided,* such adoption was otherwise made agreeably to the provisions of this act.

Proviso.

3. Upon the presentation of such petition to the court, the same shall be filed with the clerk of said court, and the court shall appoint a day for the hearing of said petition and the examination, under oath, of the parties in interest, not less than ten nor more than thirty days from the filing of the petition; and it shall be at the option of the court to adjourn the hearing of said petition or the examination of the parties in interest from time to time, as the nature of the case may require; and if it shall be necessary, under the provisions of this act, that a discreet and suitable person shall be appointed as next friend to the child sought to be adopted, then and in that case the court shall order a notice of the petition, and of the time and place when and where the appointment of next friend will be made, to be published in two newspapers circulating in the county where said court is located, once a week for three weeks successively; and at the time and place so designated, and upon due proof of the publication of such notice, the court shall make such appointment, and shall thereupon assign a day for the hearing of said petition and examination of the parties in interest, not less than ten nor more than thirty days from the time of appointing the next friend; and upon the day so appointed, the court shall proceed to a full hearing of the petition and the examination of the parties in interest, under oath, with the right of adjourning the hearing and examination from time to time as the nature of the case may require; and if the court, from the testimony, shall be of the opinion that the facts stated in the petition are true, and that the petitioner is of good moral character and of reputable standing in the community, and of ability to properly maintain and educate the child sought to be adopted, having reference to the condition in life of the child's parents, and that the best interests of the child would be promoted by such adoption, then the court shall make a decree reciting the facts at length, and the name by which the child shall hereafter be known, declaring and adjudging that from the date of such decree the rights, duties, privileges and relations theretofore existing between the child and his

Proceedings on petition for adoption.

Decree to be made.

parent or parents shall be in all respects at an end, excepting the right of inheritance; and that the rights, duties, privileges and relations between the child and his parent or parents by adoption shall thenceforth in all respects be the same, including the right of inheritance, as if the child had been born to such adopted parent or parents in lawful wedlock, except only as otherwise provided in this act; *provided,* the said, court may, if the court shall deem it for the interest of said child, omit to make the said order for a notice of the petition and of the time and place when and where the appointment of next friend will be made, and may immediately appoint a next friend for said child, and assign a day for the hearing of said petition and examination of the parties in interest as is herein provided.

Proviso.

Proper record of proceedings.

4. The petition, decree, testimony and proceedings shall be recorded at length in a book kept for that purpose and properly indexed; but testimony taken orally or without subscription by the witnesses need not be recorded; said book shall become part of the records of the surrogate's office of the county wherein the said court is located, and the surrogate, for recording the same, shall receive the same fees as for recording a will,

Effect of decree of adoption.

and upon the entry of such decree of adoption the parents of the child, if living, shall be divested of all legal rights and obligations due from them to the child, or from the child to them; and the child shall be free from all legal obligations of obedience or otherwise to the parents: and the adopting parent or parents of the child shall be invested with every legal right in respect to obedience and maintenance on the part of the child as if said child had been born to them in lawful wedlock; and the child shall be invested with every legal right, privilege, obligation and relation in respect to education, maintenance and the rights of inheritance to real estate, or to the distribution of personal estate on the death of such adopting parent or parents as if born to them in lawful wedlock; *provided,* said child shall not be capable of taking property expressly limited to the heirs of the body of the adopting parent or parents, nor property coming from the collateral kindred of such adopting parent or

Proviso.

parents by right of representation; *and provided also,* on the death of the adopting parent or parents and the subsequent death of the child so adopted, without issue, the property of such adopting deceased parent or parents shall descend to and be distributed among the next of kin of said parent or parents and not to the next of kin of the adopted child; *and provided also,* if such adopting parent or parents shall have other child or children, then and in that case the children by birth and by adoption shall, respectively, inherit from and through each other as if all had been children of the same parents born in lawful wedlock. Proviso. Proviso.

5. All the expense of the aforesaid proceedings shall be borne by the petitioner. Expense.

II. CUSTODY AND MAINTENANCE.

6. After a divorce decreed in any other state or country, if minor children of the marriage are inhabitants of this state, the court of chancery, on the petition of either parent, or of a next friend in behalf of the children, such notice being given to parents as the court shall direct, may make such decree concerning their care, custody, education and maintenance as if the divorce had been obtained in this state. Children of divorced parents.

7. When the court of chancery has jurisdiction over the custody and maintenance of the minor children of parents divorced, separated or living separate, and such children are natives of this state, or have resided five years within its limits, they shall not be removed out of its jurisdiction against their own consent, if of suitable age to signify the same, nor while under that age without the consent of both parents, unless the court, upon cause shown, shall otherwise order; the court, upon application of any person in behalf of such minors, may require such security and issue such writs and processes as shall be deemed proper to effect the purposes of this and the preceding sections. Removal of children of parents separated, in custody of court of chancery.

8. When the parents of minor children live separately, the court of chancery, upon petition of either parent, shall have the same power to make decrees or orders Either parent may petition concerning care, etc.

concerning their care, custody, education and maintenance as concerning children whose parents are divorced.

Custody of children.

9. In making an order or decree relative to the custody of the children pending a controversy between their parents, or in regard to their final possession, the rights of both parents, in the absence of misconduct, shall be held to be equal, and the happiness and welfare of the children shall determine the custody or possession.

Orders and decrees.

10. The court may make the necessary orders and decrees, from time to time, in relation to such custody or possession.

In case of death of parent having custody.

11. In case of the death of the parent to whom the care and custody of the minor children shall have been awarded by the court of chancery, or in case of the death of the parent in whose custody the children actually are, when the parents have been living separate and no award as to the custody of such children has been made, the care and custody of such minor children shall not revert to the surviving parent without a decree of said court to that effect; and the said court shall have the right, upon petition of a next friend on behalf of the children, to appoint such friend or other suitable person, guardian or such minor children, and shall have the right to remove such guardian, and to appoint a new guardian or guardians, and to make such orders, from time to time, as the circumstances of the case and the benefit of the children shall require.

Awarding custody and giving access.

12. When any husband and wife shall live in a state of separation without being divorced, and shall have any minor child of the marriage, the chancellor, upon the said child being brought before him upon habeas corpus, shall award the custody of such child and make such order relating thereto for the access of either parent to such child, at such times and under such circumstances, as he may decree expedient.

Habeas corpus proceedings before vice chancellor.

13. Whenever a child shall be so brought before the chancellor on habeas corpus, it shall be lawful for him to refer the writ and all matters and proceedings relating thereto, or involved therein, to a vice chancellor, to advise an order or decree, and who shall have the same

powers in relation thereto, as in other causes, matters and proceedings so referred.

When parents or custodian unfit, petition may be made for relief.

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

Proceedings on petition.

15. Upon presentation of such petition, an order shall issue addressed to the parents or parent or other person in whose care or custody said child may be, and also to the said child, requiring their appearance at such time and place as shall be designated in the order, to answer said petition and to abide the order of the court; said order shall be served in such manner, whether by personal service, mailing, publication or otherwise, as in said order shall be directed, and said order may further direct that a copy thereof be served upon any other person named therein; at the time and place so appointed, or to which the hearing may be adjourned, and upon proof of due and legal service of said order in the manner therein directed, which proof may be by affidavit of the person serving the same, a summary examination shall take place before the said chancellor or supreme court justice, and thereupon, upon proof of the material facts set forth in said petition to the satisfaction of said chancellor or justice, an order shall be made committing the said child to the care and custody of such person who will accept the same, as the chancellor or supreme court justice shall for that purpose designate and appoint, until such child shall attain the age of eighteen years, or the further order of the court; said

Order for custody.

order shall briefly set forth the grounds of granting the same and need not set forth the evidence nor the substance thereof; and said order may, in the discretion of the chancellor or justice granting the same, require the giving of a bond by the person to whose care or custody the said child may be committed, with such security and on such condition or conditions as to the said chancellor or justice shall seem proper.

Bond.

Children may be committed to society for care.

16. The chancellor or justice before whom such proceedings shall be conducted may, in lieu of committing such child, as in the last preceding section specified, commit such child to the care and custody of any society duly incorporated under the laws of this state for the care of children.

Substitution in case parent or custodian are convicted.

17. Whenever the parent of any minor, or the person having the care and control of any minor, shall, for his conduct towards such minor, have been convicted of the violation of any criminal law of this state having for its object the welfare or protection of minors, it shall be lawful for any person to apply to the orphans' court of the county wherein the offense has been committed for the appointment of a proper guardian for the person of such minor, and the said court may, in its discretion, make any such appointment, having due regard in the selection of a guardian to the religious persuasion of the parent or former guardian, or it may place such child in an asylum or home for children, with the powers of a guardian of the person, as may be most expedient; and the said court may order the parent to pay such a reasonable sum towards the maintenance of such child, and at such times and in such amounts as the said court may see fit; and such court may at any subsequent time, upon being satisfied that the parent has become a fit person to resume the custody of said minor, and upon reasonable security, to be fixed by the court, being given for the faithful observance of the provisions of this act, remand such minor to the custody of such parent, subject, nevertheless, to the obligation of any indentures or legal engagements already entered into on behalf of said minor by his or her guardian.

Religious preference.

Maintenance.

Return of child.

Approved April 2, 1902.

CHAPTER 93.

A Supplement to an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

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

Repair of roads damaged by freshets.

1. In case of the injury or destruction by freshets or otherwise of any of the roads or sections of roads in this state that have become county roads under and by virtue of any law of this state whereby it shall be deemed necessary for the board of chosen freeholders, within the limits of whose county such roads or sections of roads so injured or destroyed may lie, to repair or rebuild the same, the said board of chosen freeholders may order and cause such roads or sections of roads to be repaired or rebuilt, notwithstanding the expense of repairing or rebuilding the same shall exceed the limit of the appropriations made for that year; and such board of chosen freeholders may borrow money on temporary loans for that purpose in anticipation of the next tax levy; and in the said tax levy there shall be incorporated a special appropriation under the head of "debts and interest, special deficiency," to pay for such temporary loans.

Special charge.

2. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 94.

An Act to amend an act entitled "An act to define the duties and fix the salary of the attorney-general.

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

Section amended.

1. The second section of the act entitled "An act to define the duties and fix the salary of the attorney-general," approved February twenty-fourth, one thou-

sand eight hundred and fifty-four, be and the same is hereby amended so as to read as follows:

Salary.

2. The attorney-general shall receive an annual salary of seven thousand dollars, to be paid to him by the treasurer of this state in monthly payments; said salary shall be in lieu of all other compensation for services of every nature and kind whatsoever rendered in virtue of the office of attorney-general; all fees and taxed costs, less actual disbursements necessary to be made from the same, received or recovered by the attorney-general in connection with the duties of his said office, shall be paid over by him to the treasurer of this state for its use.

Fees paid into state treasury.

2. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 95.

An Act to repeal sundry statutes.

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

Sundry acts repealed, relating to.

1. The following statutes, together with the supplements thereto and acts amendatory thereof, as hereinafter stated, are hereby repealed:

I. RELATING TO DIVORCES.

Divorces.

"An act concerning divorces" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four; and the acts supplemental thereto and amendatory thereof, approved March twenty-first, one thousand eight hundred and seventy-eight; March twenty-seventh, one thousand eight hundred and seventy-eight; May eleventh, one thousand eight hundred and eighty-six; April first, one thousand eight hundred and eighty-seven; March seventh, one thousand eight hundred and eighty-nine; March fifth, one thousand eight hundred and ninety; March fourth, one thousand eight hundred and ninety-one; March seventh, one thousand nine hundred;

II. RELATING TO JUSTICES OF THE PEACE.

Justices of the peace.

"An act relative to justices of the peace," approved April seventeenth, one thousand eight hundred and forty-six; and the acts supplemental thereto and amendatory thereof, approved March second, one thousand eight hundred and forty-nine; March thirteenth, one thousand eight hundred and fifty-six; March nineteenth, one thousand eight hundred and fifty-seven; April twenty-first, one thousand eight hundred and seventy-six; April third, one thousand eight hundred and seventy-eight;

"An act to provide for the disposition of fines that may be imposed by justices of the peace," approved April twelfth, one thousand eight hundred and seventy-six;

III. RELATING TO NOTICE OF LIS PENDENS.

Lis pendens.

"An act to provide for the filing of a lis pendens in actions either at law or in equity, relating to or affecting the possession or title of lands or real estate," approved February sixteenth, one thousand eight hundred and eighty; and the acts supplemental thereto and amendatory thereof, approved March twenty-seventh, one thousand eight hundred and eighty-four; March twenty-eighth, one thousand eight hundred and eighty-eight;

IV. RELATING TO MARRIAGES.

Marriages.

"An act concerning marriages, births and deaths" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four; and the acts supplemental thereto and amendatory thereof, approved March seventeenth, one thousand eight hundred and seventy-six; March ninth, one thousand eight hundred and seventy-seven; March twenty-eighth, one thousand eight hundred and eighty-two; April first, one thousand eight hundred and eighty-nine; June thirteenth, one thousand eight hundred and ninety;

"An act concerning marriage licenses," approved May eighteenth, one thousand eight hundred and ninety-seven; and the act amendatory thereof, approved March thir-

tieth, one thousand eight hundred and ninety-eight; and the act supplemental thereto, approved March seventeenth, one thousand eight hundred and ninety-eight;

"An act concerning the solemnization of marriage," approved March twenty-third, one thousand nine hundred;

V. RELATING TO MINORS.

Minors.

"An act providing for the adoption of children," approved March ninth, one thousand eight hundred and seventy-seven; and the acts supplemental thereto, approved March thirty-first, one thousand eight hundred and eighty-two; February twenty-third, one thousand eight hundred and eighty-five; March tenth, one thousand eight hundred and ninety-three; April twenty-second, one thousand eight hundred and ninety-seven;

"An act concerning the custody of infants." approved March twentieth, one thousand eight hundred and sixty; and the acts supplemental thereto, approved March fifteenth, one thousand eight hundred and sixty-one; March twenty-second, one thousand eight hundred and ninety-two; March twenty-sixth, one thousand eight hundred and ninety-six;

"An act concerning the care and custody of infants," approved March twenty-second, one thousand eight hundred and ninety-five;

VI. RELATING TO CHATTEL MORTGAGES.

Chattel mortgages.

"An act to revise and consolidate certain acts concerning chattel mortgages, and to repeal the supplement on this subject approved March twenty-fourth, one thousand eight hundred and eighty-one," approved May second, one thousand eight hundred and eighty-five; and the act amendatory thereof, approved April first, one thousand eight hundred and eighty-seven;

VII. RELATING TO THE CLERK IN CHANCERY AND THE CLERK OF THE SUPREME COURT.

Chancery and supreme courts.

"An act respecting the clerk in chancery and the clerk of the supreme court," approved April seventeenth, one

thousand eight hundred and forty-six; and the acts supplemental thereto and amendatory thereof, approved April fifth, one thousand eight hundred and seventy-eight; April eighth, one thousand eight hundred and ninety-seven;

"An act respecting the clerk in chancery," approved March ninth, one thousand eight hundred and eighty-one;

"An act concerning the residence of the clerk in chancery," approved April twelfth, one thousand eight hundred and eighty-six;

"An act respecting the fees of the clerk of the supreme court and of the clerk in chancery, and providing salaries for such clerks," approved March fifth, one thousand eight hundred and ninety-six;

VIII. RELATING TO CLERKS OF COUNTIES AND OF COUNTY COURTS.

County clerks and courts.

"An act respecting the clerks of the courts of common pleas and general quarter sessions," approved April seventeenth, one thousand eight hundred and forty-six;

"An act relative to clerks of counties and of county courts," approved March twenty-first, one thousand eight hundred and sixty-three;

"An act concerning clerks of counties in this state," approved April twenty-first, one thousand eight hundred and seventy-six; and the supplements thereto, approved March twenty-seventh, one thousand eight hundred and eighty-two;

"An act creating the office of assistant clerk and providing a suitable salary therefor, in counties in which the criminal and civil fees of the clerks go to the county collector for the use of the county," approved March tenth, one thousand eight hundred and eighty-five;

"An act concerning county clerks," approved May ninth, one thousand eight hundred and eighty-nine;

"An act concerning county clerks," approved March twenty-fifth, one thousand eight hundred and sixty-three;

"An act concerning public records," approved May sixth, one thousand eight hundred and eighty-nine;

"An act for the better protection of moneys deposited with public officials," approved March tenth, one thousand eight hundred and ninety-two;

"An act for the purchase and preservation of the public newspapers printed in the several counties of this state," approved March ninth, one thousand eight hundred and forty-eight;

IX. RELATING TO THE COURT OF CHANCERY.

Court of chancery.

"An act respecting the court of chancery" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four; and the acts supplemental thereto and amendatory thereof, approved April ninth, one thousand eight hundred and seventy-five; March sixteenth, one thousand eight hundred and seventy-six; April sixth, one thousand eight hundred and seventy-six; April thirteenth, one thousand eight hundred and seventy-six; March first, one thousand eight hundred and seventy-seven; April fourth, one thousand eight hundred and seventy-eight; March thirteenth, one thousand eight hundred and seventy-nine; March fourteenth, one thousand eight hundred and seventy-nine; February tenth, one thousand eight hundred and eighty; March third, one thousand eight hundred and eighty; March fifteenth, one thousand eight hundred and eighty-one; March twenty-fourth, one thousand eight hundred and eighty-one; March eighth, one thousand eight hundred and eighty-two; March tenth, one thousand eight hundred and eighty-two; March twenty-second, one thousand eight hundred and eighty-two; February seventeenth, one thousand eight hundred and eighty-five; April twentieth, one thousand eight hundred and eighty-five; February second, one thousand eight hundred and eighty-six; April fifth, one thousand eight hundred and eighty-six; March thirtieth, one thousand eight hundred and eighty-seven; April twenty-first, one thousand eight hundred and eighty-seven; April twenty-first, one thousand eight hundred and eighty-seven; February twenty-ninth, one thousand eight hundred and eighty-eight; April third, one thousand eight hundred and eighty-eight; April sixteenth,

one thousand eight hundred and eighty-eight; March twenty-fifth, one thousand eight hundred and eighty-nine; March thirty-first, one thousand eight hundred and ninety; March ninth, one thousand eight hundred and ninety-one; March twenty-eighth, one thousand eight hundred and ninety-two; March thirtieth, one thousand eight hundred and ninety-two; April eighth, one thousand eight hundred and ninety-two; January thirty-first, one thousand eight hundred and ninety-three; March tenth, one thousand eight hundred and ninety-three; March thirteenth, one thousand eight hundred and ninety-three; June thirteenth, one thousand eight hundred and ninety-five; April eighth, one thousand eight hundred and ninety-seven;

"An act in relation to the practice in court of chancery on bills of interpleader," approved March thirteenth, one thousand eight hundred and ninety-three;

"A supplement to an act entitled 'An act concerning set-offs,' approved March twenty-second, one thousand eight hundred and seventy-four," which supplement was approved March twenty-third, one thousand nine hundred.

Effect of repeal of foregoing acts.

2. The repeal of the above-stated acts shall not revive any act or part of an act repealed by the acts hereby repealed, and the repeal by this act of any act heretofore repealed shall not be construed as a declaration or implication that such act has been in force at any time subsequent to such first repeal; and all acts and parts of acts which were repealed or abrogated by, or were repugnant to any act hereby repealed, and which have not been re-enacted and consolidated in the revised statutes, shall continue to be so repealed and shall be deemed abrogated.

Part of statute retained when so expressed.

3. Where any statute not hereby repealed refers to and adopts any statute or part of a statute which is herein repealed, the statute or part of a statute so referred to and adopted, shall not be deemed repealed by the provisions of this act, but shall be in force so far only as the same shall have been so adopted, and for no other reason.

Rights not impaired by repeal.

4. The repeal of the above-stated acts shall not affect or impair any act done or right vested or accrued, or any proceeding, suit or prosecution had or commenced in any civil cause before such repeal shall take effect; but every such act done or right vested or accrued, or prosecution had or commenced, shall remain in full force and effect to all intents and purposes, as if such act so repealed had remained in force, except where the course of practice or procedure for the enforcement of such right or the prosecution of such suit shall be changed, actions then pending shall be conducted as near as may be in accordance with such altered practice or procedure; nor shall such repeal be construed in any way to affect any appointment that shall have been made, or any office that is or shall be held by virtue of any act hereby repealed, but the said appointment shall continue and the said office shall be held for its unexpired term, subject to the provisions of law in force after the repeal of said acts.

Liabilities, prosecutions, penalties previously incurred not affected.

5. No offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred previous to the repeal of any of said acts shall be discharged or affected by the repeal of any act under which such offense, liability, penalty or forfeiture was incurred; and indictments and prosecutions for such offenses, liabilities, penalties and forfeitures, shall be instituted and be proceeded with in all respects, as if such prior act had not been repealed, except when such subsequent act shall relate to mere matters of practice or mode of procedure, the proceedings had thereafter in the indictment or prosecution of such offenses, liabilities, penalties or forfeitures, shall be in such respect, as far as it is practicable, in accordance with the provisions of such subsequent act.

Approved April 2, 1902.

CHAPTER 96.

A Supplement to an act entitled "An act for the settlement and relief of the poor" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Commitment of children to charitable institution.

1. Whenever any application shall be made to the overseer of the poor of any township in this state for the relief of any poor child or children under twelve years of age, in accordance with the provisions of the act of which this is a supplement, and the supplement thereto and amendments thereof, it shall be lawful for the judge of the court of common pleas of the county to make an order committing such child or children to the care and control of the trustees or managers of any duly incorporated children's home located in said county, or any duly incorporated charitable institution in said county, having for its object the care, management and support of orphans, half orphans and destitute children, and of affording them moral, religious and useful training, subject to the approval of such trustees or managers, such children's home or charitable institution to be, however, of the same religious faith as that of the said child or children, and the clerk of said court shall keep a record of the date of such commitment, the name and age of the child committed, as nearly as can be ascertained, and report the same to the board of chosen freeholders of said county, who are hereby authorized and directed to pay out of the funds of said county, to the trustees or managers of such home, a sum not exceeding one dollar and fifty cents per week for each and every child so committed during their continuance in said home as and for the board, maintenance and education of such child until it attains the age of fifteen years, and the county collector of said county is hereby authorized to pay the same upon an order drawn upon him

Expenses.

Annual report. for that purpose and duly approved by said judge; and the said trustees or managers of said home shall make an annual report to the said board of freeholders, giving the date of each commitment made to them, the names and ages of all children so committed and the places from where they were committed, as nearly as can be ascertained, and the amount of moneys received by them each year for their support, so that said freeholders shall at all times be correctly informed as to the faithful disposition of the moneys appropriated by them for that purpose.

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

Approved April 2, 1902.

CHAPTER 97.

A Supplement to an act entitled "An act constituting courts for the trial of small causes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Certifying statements by former justice of the peace. 1. Every justice of the peace, whose term of office has expired, or may hereafter expire, or who has resigned or may hereafter resign, shall and may, when required so to do, make and certify statements for docketing any judgment duly entered by him in his court for the trial of small causes and authorized by law to be docketed; and such statement shall have the same force and effect, and be liable to the same legal objections, as though such justice was still in commission.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 98.

An Act to provide for an investigation and report by the New Jersey agricultural experiment station, upon the mosquito problem, in its relation to the sanitary, agricultural and other interests of the state.

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

Investigation of mosquito problem.

1. The New Jersey agricultural experiment station be and the same is hereby empowered and directed to investigate and report upon the mosquitoes occurring within the state, their habits, life history, breeding places, relation to malarial and other diseases, the injury caused by them to the agricultural, sanitary and other interests of the state, their natural enemies, and the best methods of lessening, controlling or otherwise diminishing the numbers, injury or detrimental effect upon the agricultural, sanitary and other interests of the state.

Appropriation.

2. The sum of ten thousand dollars is hereby appropriated to the New Jersey agricultural experiment station to be applied to and expended for the purposes mentioned in section one of this act; such expenditures to be made and accounted for in the same manner as are the other moneys appropriated to said station.

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 99.

A Supplement to an act entitled "An act to authorize the formation of gaslight corporations and regulate the same," approved April twenty-first, one thousand eight hundred and seventy-six.

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

Right to mortgage.

1. Gas companies now or hereafter organized under the act to which this is a supplement shall have power to mortgage any or all of their property, real or personal, including their franchises, when necessary to enable said companies to carry on the operations of the said companies.

Repealer.

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

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 100.

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.

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

Appropriation for improvements at Kearny home.

1. There shall be, and is hereby, appropriated out of the money in the treasury of this state, not otherwise appropriated, the sum of twenty thousand ($20,000) dollars for the construction and equipment of a new dormitory on the grounds of said home, at Kearny, New Jersey; and also the further sum of eight thousand and five hundred ($8,500) dollars for the construction of a passageway, connecting the hospital building with the convalescent ward, and the completion of needed repairs and painting of the present buildings of the home; and the state treasurer is hereby directed and authorized to pay said above mentioned sums to the treasurer of said home, on the warrant of the comptroller of the treasury, out of any moneys in the treasury of the state not otherwise appropriated.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 101.

An Act providing for the exemption of firemen in certain cities and other municipalities of this state.

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

1. Any person who has been or may hereafter be elected a fireman of any volunteer fire company or department, in any city or other municipality of this state, in which such volunteer fire company or department has been or may be disbanded, for the purpose of establishing a paid fire department, or a partly paid fire department, shall be entitled to be placed on the exempt list of firemen of such city or other municipality upon proof, by affidavit, that he has served for the period of ten months, preceding such disbandment, in such volunteer fire company or department, and was in good standing at the date of such disbandment, and shall be entitled to all the rights, privileges and advantages conferred upon exempt firemen in this state; *provided,* such exemption shall be claimed within six months after such disbandment. Exempt firemen. Proviso.

2. This act shall take effect immediately; and all acts, whether general or special, and all charter provisions contrary hereto are hereby repealed. Repealer.

Approved April 3, 1902.

CHAPTER 102.

An Act for the protection of striped bass.

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

1. Hereafter it shall be unlawful in the state of New Jersey for any person or persons, corporation or corporations, to offer for sale, or attempt to sell, any striped Minimum size.

bass or rock fish, the full length of which shall be less than eight inches.

Penalty.

2. Any person or persons, corporation or corporations, offending against the foregoing, shall pay and forfeit the sum of twenty-five dollars for every striped bass or rock fish under eight inches in length offered for sale or sold.

Enforcement and recovery of penalties.

3. This act shall be enforced and the penalties for violation thereof shall be recovered in accordance with the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish and game, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the several acts supplementary thereto and amendatory thereof.

Approved April 3, 1902.

CHAPTER 103.

An Act for the protection of food fish in the state of New Jersey.

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

Unlawful to take certain fish except for food.

1. It shall be unlawful for any person or persons, corporation or corporations, to catch by the use of pound nets, or in any other manner, in the tide waters of the state of New Jersey or those under its jurisdiction, for the purpose of converting or manufacturing, or attempting to convert or manufacture, or by disposing of the same in any manner for the purpose of manufacturing or converting into oil or fertilizing material of any kind whatsoever, by any kind of chemical or manufacturing process, any of the following food fish: shad, blue fish, weak fish, striped bass, sea bass, porgy, sea trout, salmon or king fish; *provided, however,* that nothing contained in this act shall be held to prevent any person or persons, corporation or corporations, from taking menhaden, to

Proviso.

be converted into oil or fertilizing material, when duly licensed for that purpose by the state.

Penalty for violation.

2. Any person or persons, corporation or corporations, violating the provisions of this act shall be guilty of a misdemeanor, and shall, upon arrest and conviction, pay a fine of fifty dollars for the first offense, and one hundred dollars for the second offense and imprisonment in the county jail in the county wherein such offense may have been committed for a period of not more than sixty days; said fines shall be paid and distributed according to the laws now in effect, and nothing in this act shall be construed as in anywise interfering with the taking of menhaden or mossbunkers for bait or for the manufacture of oil or fertilizing material, and that hereafter no license or other fee shall be required from any resident of this state for the taking of such menhaden or mossbunkers.

Taking menhaden permitted.

Enforcement and recovery of penalties.

3. This act shall be enforced and the penalties for violation thereof shall be recovered in accordance with the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish and game, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the several acts supplementary thereto and amendatory thereof.

4. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 104.

A Further Supplement to an act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

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

Air per capita.

1. Whenever it shall be certified to the board of health of any city by the health inspector or other sanitary officer thereof, that any tenement house or room therein being without sufficient ventilation is so over-crowded that there shall be afforded less than four hundred cubic feet of air to each adult, and one hundred and fifty cubic feet of air to each child under twelve years of age, occupying such building or room, the said board of health shall issue an order requiring the number of occupants of such building or room to be reduced in accordance with this act; whenever there shall be more than eight families living in any tenement house in which the owner thereof does not reside, there shall be a janitor, housekeeper or some other responsible person who shall reside in said house and have charge thereof, if the board of health shall so require by notice in writing; any person, persons or corporation failing or refusing to comply with the provisions of this act for the period of ten days after receiving notice in writing from the local board of health of any such city in this state, shall be liable to a fine of twenty-five dollars, and five dollars per day for each and every day after the said ten days in which the provisions of this act or such notice shall not be complied with.

Custodian of tenement.

Liability.

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

Approved April 3, 1902.

CHAPTER 105.

An Act relating to the office of city treasurers in cities of this state.

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

Tenure of city treasurer.

1. It shall be lawful for the municipal board or body in any city of this state in which board or body is now vested by law the appointment or election of city treasurer in such city to fix by ordinance, a definite term,

not exceeding three years, for the office of city treasurer of such city, and when such a term shall have been so fixed, the incumbent, or person chosen therefor, shall hold office until the expiration of the term so fixed, unless sooner removed for cause, after a hearing given upon charges preferred.

Repealer.

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

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 106.

An Act relating to the office of receivers of taxes in cities of this state.

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

Tenure of receiver of taxes.

1. It shall be lawful for the municipal board or body in any city of this state in which board or body is now vested by law the appointment or election of receiver of taxes in such city to fix, by ordinance, a definite term, not exceeding three years, for the office of receiver of taxes of such city, and when such a term shall have been so fixed, the incumbent, or person chosen therefor, shall hold office until the expiration of the term so fixed, unless sooner removed for cause, after a hearing given, upon charges preferred.

Repealer.

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

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 107.

An Act relating to, regulating and providing for the government of cities.

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

Cities affected.

1. All cities of this state that may adopt the provisions of this act shall have the officers and be vested with the powers and charged with the duties herein set forth.

Elective officers; term.

2. At the general election to be held annually on the second Tuesday of November, or on such other date as may be provided by law, there shall be elected in each and for each of the wards of such city, such number of members of the city council as is now or may hereafter be provided by law; there shall also be elected in and for such city at said election one recorder, one mayor, one alderman, one city treasurer, one collector of taxes and one overseer of the poor; the term of office of such officers and members of city council shall be three years; there shall also be elected in each and for each of the wards of such city, at said election, such number of constables, justices of the peace and chosen freeholders, with such duties and for such terms as is now or may hereafter be provided by law; and also such other officers, and for such terms, as may be provided by this act;

Proviso.

provided, that should this act be adopted by any city in this state, in which the number of members of city council is not provided for by law, that there shall be in every such city four councilmen in each ward.

When term begins.

3. The term of office of all officers hereafter elected by the people in such city shall, except as hereinafter provided, commence on the first day of January next ensuing their election at twelve o'clock noon.

If do not qualify.

4. If any person who shall be elected or appointed to any office shall not qualify according to law for the space of twenty days after such election or appointment, or if any person who shall be elected or appointed to fill any vacancy in any office shall not qualify, according

to law, for the space of twenty days after such election or appointment, his office shall be deemed vacant.

Vacancies.

5. In case of a vacancy by death, resignation, disability, disqualification, removal from office, neglect or refusal to act, removal out of the city, or from any other cause in any appointive city or ward office, such vacancy shall be filled by appointment for the unexpired term and until the appointment and qualification of a successor, and if such vacancy shall occur in any elective city or ward office, except mayor or councilman, the said council shall fill the same by appointment, and should such vacancy occur in the office of councilman it shall be lawful for the mayor to fill such vacancy by appointment; such appointments shall be made until the next city election, and until the election and qualification of successors; and at the next city election such vacancies shall be filled by election for the remainder of the unexpired term; and if at any such election in any such city there shall be one or more vacancies to be supplied in any office at the same time any person is to be elected for the full term of said office, or if two or more are elected at the same time to serve for different terms, the term for which each person voted for, for said office, shall be designated on the ballot; such appointees or persons elected to fill such vacancies shall, during the said term, perform like services, be entitled to the same fees and be subject to the same responsibilities as though elected at the annual election or appointed at the regular time for the full term; *provided* that all resignations shall be sent to the mayor, and he shall report the same to the city council at its next regular meeting thereafter.

Proviso.

Oaths and bonds.

6. Every person elected or appointed to any office in pursuance of this act or of any law or ordinance of the city council, shall, before entering upon the duties of such office, take and subscribe before the mayor or city clerk an oath or affirmation faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths as may be required by the laws of this state; all such oaths or

affirmations shall be filed by the city clerk in his office; the recorder, city treasurer, collector of taxes, deputy collectors, constables, overseer of the poor, city comptroller, and such other officers as the city council may require shall also, before entering upon their duties, each give bond to the city in its corporate name in such sums and with such sureties as the city council may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices; and if at any time the city council shall deem the sureties of any officer insufficient, the said city council shall require him to give additional sureties; the city council of any such city shall have the power to contract with a surety company authorized to do business in this state to become surety for any or all officers required to give bonds as aforesaid, and to provide for the payment of the premiums for such bonds.

Removal from office.

7. Any city or ward officer, except officers of the police department, may be removed from office by resolution of city council for disability or other good cause shown upon complaint in writing, setting forth such cause, supported by one or more affidavits of the truth of the facts therein alleged; *provided, however,* that no such removal shall take place until the person sought to be removed has had five days' notice of the proceedings and an opportunity to be heard in his defense, nor unless two-thirds of all the members of the city council shall vote for such removal.

Proviso.

Council.

8. The city council shall choose its officers, and, in the absence of the president, elect a president pro tempore, fix its hours and place of meeting, adjourn from time to time, determine the rules of its own proceedings, and may punish or expel a member from office for misconduct or a violation of its rules; but no expulsion shall take place except by vote of two-thirds of all the members of city council nor until the member sought to be expelled shall have had five days' notice of the proceedings and an opportunity to be heard in his defense; the stated meetings of city council shall be held on the second and fourth Mondays of each month.

City clerk; duties.

9. There shall be in every such city a city clerk, who shall be appointed by the city council for the term of three years; he shall be the clerk of the city council, and shall keep accurate minutes of its proceedings; it shall be the duty of the city clerk whenever any motion or resolution shall have been passed by city council, and upon the first publication of any ordinance, to immediately transmit a certified copy of such motion, resolution or ordinance to each and every officer, department, board or committee that may be affected thereby, and it shall be the duty of every officer receiving such certified copies to file the same in their respective offices; the city clerk shall perform such other duties as may be required of him by law or by city council.

Quorum; special meetings.

10. A majority of the whole number of members of the city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time; the president of the city council shall be authorized to call special meetings of the city council when the public good shall in his opinion render it necessary; it shall also be the duty of the president, or, in his absence, of the city clerk, to call a special meeting of city council on the request of a majority of the members of the city council in writing.

Passage and approval of ordinances.

11. No ordinance shall be passed or repealed by the city council except with the concurrence of a majority of all the members of the city council, and no ordinance shall be altered or repealed save by ordinance to that effect; every ordinance shall be read three times before its final passage; no ordinance shall be introduced except at a stated meeting, nor shall any ordinance be finally passed except at a subsequent stated meeting to that at which it may be introduced; and no ordinance shall be introduced or finally passed at any adjourned meeting; every ordinance shall, after its final passage as above provided, be presented by the city clerk to the mayor for his consideration, and if the mayor shall approve it he shall sign it, and if he shall not approve it, he may file his objections thereto with the city clerk within ten days after the same was so presented to him; it shall be the duty of the city clerk to report

such objections to the city council at its next stated meeting, and to enter the same in full upon the journal; the city council shall thereupon proceed to reconsider the passage of such ordinance; every ordinance which shall have been passed by city council and shall have been approved by the mayor, as above provided, or if not so approved by the mayor, shall have remained without objections filed, as above provided, for ten days after the same was presented to him, or if not so approved by the mayor shall have been passed by a vote of two-thirds of all the members of the city council upon a reconsideration, as above provided, notwithstanding his objections filed, shall be published in one or more newspapers published in such city, and upon the day of the first publication thereof shall take effect; it shall be the duty of the mayor to return every such ordinance to the city clerk within ten days after the same shall have been presented to him, either with or without his signature; the votes upon the third reading and final passage of any ordinance and upon the reconsideration of any ordinance after objections filed by the mayor as aforesaid, shall be taken by ayes and nays and shall be entered in full on the journal of said council, and it shall be lawful for the city council to insert in any ordinance a condition to the effect that such ordinance, when passed or approved as required by law, shall not be published until an amount of money sufficient to pay the expenses of such publication shall have been paid to the city clerk by or on account of such person or corporation as said city council shall deem to be especially or peculiarly benefited thereby.

Enacting clause of ordinances.

12. The enacting clause of all ordinances shall be "Be it ordained by the city council of ———" (inserting herein the name of the city in which this act shall take effect.)

Council, how styled.

13. The councilmen of such city, duly elected in the several wards thereof, and the aldermen shall constitute and be called "The city council of ———" (inserting the name herein of the city in which this act shall take effect.)

14. The city council of such city shall have power to make, establish, publish, modify, amend or repeal ordinances for the following purposes: Powers of council.

I. To manage, regulate and control the finances and property, real and personal, of the city; to borrow money and negotiate temporary loans in anticipation of taxes or other revenues for any current year, and for payment for any public improvement, not exceeding the amount of the specific assessment for such improvement;

II. To prevent vice, drunkenness and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages;

III. To restrain and suppress disorderly and gaming houses, houses of ill-fame, opium joints, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices;

IV. To prohibit the sale of malt, spiritous, vinous and intoxicating liquors or drinks, without a license for such sale first had and obtained in the manner provided by law;

V. To prohibit, restrain, regulate or license all parades on or along the streets or highways, sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances, amusements and exhibitions for money; and to fix the sums to be paid for such licenses to the city;

VI. To ascertain, establish and monument the boundaries of all streets, avenues, highways, lanes, alleys and public places in such city and prevent and remove all encroachments upon streets, avenues, highways, lanes, alleys and public places, and to regulate the use thereof;

VII. To regulate, clean and keep in repair the streets, highways, avenues, lanes, alleys, parks, public places, bridges, wharves, docks and piers in such city and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, water-courses, docks and other public places in any manner whatever; to prescribe the manner in which corporations or persons shall exercise any privileges granted to them by said city in the

use of any street, avenue, highway, alley or public place in such city, or in digging up any street, avenue, highway, alley or public place for the purpose of laying down pipes or any other purposes whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as city council may designate; to direct and regulate the planting, rearing, trimming, preserving and protecting of ornamental or shade trees in the streets, avenues, parks and grounds of the city and to designate the location thereof, and to authorize or prohibit the removal or destruction of such trees; to name the streets and number the houses and to change such names or numbers, and to enforce the removal of snow, ice or dirt from the sidewalks by the owners or occupants of the premises fronting thereon;

VIII. To establish the widths of sidewalks and driveways of the public streets and highways, and to alter or change the same; to determine and direct what portions of such sidewalks or driveways shall be devoted to grass plots or park purposes, and to regulate and control the same;

IX. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said city which shall be deemed dangerous or unwholesome or necessary to carry out any improvement authorized by this act; to prescribe the manner in which said work shall be performed and to cause the expense thereof to be assessed in just and equitable proportions on the lots, pieces or parcels of ground, whether improved or unimproved, benefited thereby to the extent of the peculiar benefits conferred;

X. To prevent or regulate the erection or construction of any stoop, step, platform, bay-window, cellar-door, area, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over or upon any street, avenue, highway or public place, and to specify under what conditions such erections and constructions may be made and to remove the same where unlawfully erected at the expense of the owner or occupant of the premises;

XI. To prevent and punish horse racing and im-

moderate driving of horses, bicycles, automobiles or other vehicles and devices made to run on the streets, or riding in any street, highway or public place, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, highway or public place, and to regulate the speed and running of locomotive engines and railroad cars, motor, electric and other cars through said city and designate the crossings at which any railroad company shall be required to place safety gates, to station flagmen, to place and maintain signals to warn travelers of the approach of locomotive engines, or railroad cars; to designate the points or places in the streets or highways at which street cars shall stop, to take on or let off passengers, and to compel the equipment of motor, electric and other cars running through said city with fenders and other devices for the safety of the public;

XII. To prohibit the driving of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times;

XIII. To regulate, protect and improve the parks, public burial grounds and other public grounds in said city, and to protect the property of such city from encroachments of the sea;

XIV. To provide for the lighting of all streets, parks and public places;

XV. To prohibit and regulate the construction and use of wells, pumps, aqueducts and cisterns in public streets and places;

XVI. To regulate and prescribe the conditions under which horses may be left standing upon the public streets or highways;

XVII. To establish and regulate one or more pounds, and to prohibit, restrain and regulate the running at large of horses, cattle, swine and other animals, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping, impounding and sale; and to regulate or prohibit the keeping of swine or cattle in any part of such city;

XVIII. To regulate and prevent the running at large

of dogs; to authorize the destruction of dogs running at large and to impose taxes on the owners of dogs;

XIX. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables and to prohibit persons from selling such articles without license; to provide for the collection and disposition of offal, garbage, wastes and all refuse matter which may become dangerous to the public health and to authorize and empower the local board of health, established or to be established in such city, to make collection and disposition thereof or to provide therefor, and in case such board is given such power and authority it is hereby authorized to accept the same and given power to collect and dispose of all such refuse matter;

XX. To prescribe and regulate the place of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles;

XXI. To regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in such city;

XXII. To restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;

XXIII. To establish a board of health, define its powers and duties and provide for the protection and maintenance of the health of the city;

XXIV. To prescribe the manner in which all contracts for performing work or furnishing materials for the city shall be made and executed;

XXV. To abate and remove nuisances of every kind and to require the owner or occupant of any grocery, cellar, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer or other offensive or unwholesome house or place, lot or enclosure, to cleanse, remove or abate the same, or in a summary manner to cause the same to be done at the expense of the owner or occupant thereof;

XXVI. To regulate the burial of the dead, prohibit interment within such limits as may be prescribed; pur-

chase lands for public burial places, direct the keeping and return of bills of mortality and to establish such regulations for conveying the dead through the streets of such city as the health, quiet and good order of the city may, in the opinion of city council, require;

XXVII. To license and regulate cartmen, porters, hacks, street cars, omnibuses, automobiles, 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 all other shows, circuses, theatrical performances, plays, billiard tables, pool tables, organ grinders, exhibitions, concerts, public places of amusement for gain, skating rinks, itinerant venders of merchandise, medicines and remedies, lumber and coal yards, stores for the sale of groceries, dry goods and merchandise and goods and chattels of every kind, and all other kinds of business conducted in such city; the place or places or premises in which or at which the different kinds of business or occupations are to be carried on or conducted, and to fix the amount of fees to be paid for such licenses and to prohibit all persons and places and all vehicles unlicensed from acting, using or being used in said capacities or for such uses and purposes; and that the fees for such licenses may be imposed for revenue; *provided,* that no person or persons shall be required to take out a license in order to sell the produce of his farm; Proviso.

XXVIII. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

XXIX. To regulate or prohibit swimming or bathing in the waters of or bounding the city, and to regulate and to prohibit persons from appearing in any or all of the public streets and places clad in bathing robes or other costumes of a similar character;

XXX. To regulate weights and measures in conform-

ity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise, or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection;

XXXI. To establish a day and night police and to fix and determine their compensation;

XXXII. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and compensation; to provide fire engines and other apparatus, and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires;

XXXIII. To regulate and control the manner of building dwelling-houses and other buildings, and to prohibit, within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling-house, store, stable or other building of wood or other combustible material; and to prescribe, by ordinance, the kind of materials to be used in such construction; to regulate the construction of chimneys and to compel the sweeping thereof; to regulate and require the construction of fire escapes; to prevent the setting up or the construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places or in any of the streets or alleys of the city; to regulate the manner in which conduits, wires and other constructions for conducting or conveying electricity shall be constructed and protected; to regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks and the use of firearms in such city; to regulate or prohibit the manufacture, sale, storage, keeping, or conveying of gunpowder, kerosene, benzine, gasoline, burning fluid, nitro-glycerine, dynamite, camphene, coal oil, spirit gas, petroleum and other dangerous or explosive materials, and the use of candles and lights in barns, stables and other buildings; to raze or demolish any building or erection which, by reason of fire, contagion or any other cause may become

dangerous to human life or health, or tend to extend a conflagration; to prevent the occupation of or continuance of work upon any building in such city which has been condemned by the building inspector of such city and to remove or destroy such building at the expense of the owner thereof; to require all such further or other acts to be done and to regulate and to prohibit the doing of all such further acts as they may deem proper to prevent the occurrence of fires and provide for the extinguishment of fires in such cities;

XXXIV. To regulate or prohibit the deposit of hay, straw, paper, boxes or other rubbish upon any yard, lot or parcel of land, or under any building or within any street, highway or public park in such city;

XXXV. To provide for the levying and collecting the taxes, fines, penalties and all assessments for public improvements;

XXXVI. To prescribe and define, except as herein provided, the duties and terms of office of all city and ward officers and to fix and determine their salaries or compensation; to appoint from time to time such subordinate officers and employes as may be deemed necessary to carry into effect the powers and duties hereby created or otherwise conferred or imposed; and to fix and determine their compensation, duties, term of office or employment; *provided, however,* that city council shall not have the power to decrease the salary or compensation of any officer during his term of office; Proviso.

XXXVII. To abolish any office not created by this act, and end the term and authority of any officer serving therein; *provided,* that this section shall not authorize the abolishment of any court in such city established by any law of this state; Proviso.

XXXVIII. To fix and determine a reasonable compensation to be paid to any officer of such city or other person employed by such city for any service required of him by this act, or by any ordinance or resolution passed by city council for which no specific fee or compensation is provided, to be paid by the person or persons for whom such service shall be performed;

XXXIX. To provide a supply of water for the city and its inhabitants;

XL. To regulate the use of the streets of such city by any street railway company or companies operating a street railway and to prescribe the location, character and form of constructions which may hereafter be placed therein; to establish the grade and crown of such streets and to require that the tracks of such railway companies shall conform thereto;

XLI. To provide for and authorize the sale of any lands belonging to such city, that in the opinion of the city council are not needed for the use of such city;

Proviso.

provided, that the ordinance authorizing or directing such sale shall receive the affirmative vote of two-thirds of all the members of city council and be approved by the mayor;

XLII. To regulate, prescribe, control or prohibit the passage of buildings and other structures through, along or across the streets and public places; and fix and charge, for the purposes of revenue, a fee for the permission of such passage of buildings;

XLIII. To provide for the purchase, construction, operation and maintenance of a sewerage system or systems for the disposal of wastes and storm-water, separately or combined;

XLIV. To increase the number of wards in such city and to change, readjust and define the boundary lines of each ward and to divide each of the wards in such city into voting precincts, as provided by law, and to define, establish and readjust the boundary lines of such precinct.

Additional ordinances to effect purposes of act.

15. The city council shall have power to make and establish such other ordinances, rules, regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred or imposed on them by this act or by any other law of this state, and such, also, as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public

health and prosperity of such city and its inhabitants, and the same to alter, amend and repeal.

Attach penalty for violation of ordinances.

16. In all cases where by the provisions of this act the city council shall have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the city or county jail not exceeding ninety days, or by a fine not exceeding two hundred dollars and imprisonment in the workhouse, city or county jail not exceeding ninety days, in default of the payment of such fine, and it shall be lawful for the city council to authorize and empower the officer before whom any person or persons offending may be tried, on conviction, to impose any fine in the discretion of such officer, not exceeding the maximum fixed in such ordinance, or to imprison for any term not exceeding the term fixed therein; the book of record of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage by said city council of all ordinances recorded therein; and any printed volume of ordinances published by authority of the city council, and also a copy of any such ordinance or ordinances duly certified by the city clerk of such city shall in like manner be taken and received as evidence in all courts of this state of the ordinances of the said city council; and the publication of said ordinances in the public newspaper or newspapers according to law, shall in all cases be presumed to have been made until the contrary be proved.

Record of ordinances as evidence.

Continued violations, after conviction, a new offense.

17. When, in any case, a penalty is imposed upon any person or persons for failure, neglect or refusal to perform any requirement of any ordinance of such city, continued failure, neglect or refusal, after conviction, shall, in every case, be deemed and taken as a new offense.

Erect public buildings.

18. The city council shall have power to build and maintain a city hall, one or more hospitals, and such other public buildings as they may deem necessary, and such as may be required for the accommodation of the city officers and the day and night police of such city.

Work and almshouses.

19. The city council shall have power to build, establish, keep and maintain one or more workhouse or work-

houses or one or more almshouse or almshouses, and to direct or order what persons shall be placed therein and for what length of time and the manner of ordering, placing and keeping persons therein; and the application and expenditure of all moneys raised for the maintenance and relief of the poor of such city shall be under the government, management and direction of the said city council and of the overseer of the poor, and such other officer as they may for that purpose constitute and appoint; and the overseer of the poor shall possess the powers and perform the duties of the like officer of the townships of this state so far as such powers and duties shall be consistent with the provisions of this act.

Overseer of poor; his duties.

Liquor licenses.

20. The city council shall be vested with full and exclusive power to license or prohibit the sale of malt, spirituous, vinous and all intoxicating liquors within such city; and by ordinance to regulate and prescribe the terms and conditions upon which licenses shall be granted, the restrictions and limitations imposed, and the fees to be paid therefor, such fees to be not less than the minimum fees now or hereafter prescribed by law; and shall have power to revoke such licenses in manner prescribed by law when they deem the public good will be thereby promoted; to divide the city into districts and to establish, alter and change the boundaries thereof and to specify in what districts, if any, licenses shall not be granted; and to prescribe the terms and conditions under which such licenses will be granted in each district, and the restrictions and limitations imposed; to determine and designate the hours of the day during which such liquors may be sold, and all sales so made shall be deemed lawful; *provided,* that no authority shall hereby be given for the sale of such liquors on any day on which any election, general, special or municipal, shall be held in such city, between the hours of six o'clock in the morning and seven o'clock in the evening; or at any time upon the first day of the week, commonly called Sunday, or on any other days or times upon which such sales now are, or may hereafter be prohibited by law; and no license shall be granted for a period longer than one year.

Proviso.

Procedure to be observed in licensing.

21. In granting licenses under the provisions of this act, the form of application and mode of procedure now or hereafter prescribed for the granting of licenses to sell vinous, malt or spirituous liquors or intoxicating drinks, by the general laws of this state applicable thereto, when not inconsistent with the provisions of this act, shall be observed.

Mayor.

22. The mayor shall be the chief executive officer of such city and shall possess the powers and privileges, and shall perform the duties which are hereinafter specified, and shall receive such annual compensation for his services as the city council shall, by ordinance, fix and determine, and he shall receive no fees or other compensation whatever.

Head of police department.

23. The mayor shall be the head of the police department and shall have exclusive power to appoint, suspend and remove all policemen and all subordinates in such department, including a chief of police and such captains and sergeants of police as may be authorized by ordinance; he shall see that all such officers are prompt and faithful in the discharge of their duties and shall, from time to time, take such measures as he shall deem necessary for the preservation of peace and good order and the enforcement of the laws and ordinances of the city.

Mayor's annual message; duties.

24. The mayor shall have the power and it shall be his duty to recommend to the city council at least once each year all such measures connected with the security, health, cleanliness and ornament of the city and the protection and improvement of its government and finances as he shall deem expedient; to keep the corporate seal of the city, to cause the laws and ordinances to be fully executed and enforced and to exercise a supervision over the official acts of the subordinate officers of the city and to report any dereliction of duty to the city council and generally to perform all such duties as may be required of him by law or the ordinances of such city; he may, under the direction of the city council, offer rewards for the detection or apprehension of the perpetrator of any offense against any city ordinance or any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal.

Powers and duties of recorder, in cases of disturbances.

25. The mayor is hereby invested with all the powers and duties with which the recorder of such city is now or may hereafter be invested, and for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, shall have the control of the constables, watchmen or other police force of such city and the power to call upon the citizens for aid in all such cases, and, when he shall deem it proper, to call out the militia of such city and employ the same in quelling such insurrection, riot or disturbance of the peace, or on parades or other public gatherings, when he shall deem it necessary to preserve the public peace and good order, he may appoint for the occasion such special policemen as he may deem necessary; and the city council shall provide for their compensation.

Vacancy in mayor's office.

26. Whenever there shall be a vacancy in the office of the mayor or whenever the mayor shall be prevented by absence from the city, sickness or any other cause from attending to the duties of his office, the alderman, or if he be absent or disabled, the acting president of city council shall act as mayor and shall possess all the rights and powers of mayor during such vacancy and until such disability is removed.

Powers and duties of constables and overseer of poor.

27. The overseer of the poor and constables elected as aforesaid shall respectively possess the powers and perform the duties of the like officers of any township of this state so far as such powers and duties shall be consistent with the provisions of this act; and the collector of taxes shall possess the power and perform the duties of collectors of the several townships so far as such powers and duties shall be consistent with the provisions of this act.

Mercantile appraiser.

28. There shall be in every such city a mercantile appraiser who shall be appointed by city council for the term of three years; whose duty shall be to receive all mercantile license fees which may be prescribed under the authority of the twenty-seventh subdivision of the fifteenth section of this act; he shall perform such other duties as city council may from time to time direct or impose.

Building inspector.

29. There shall be in every such city a building in-

spector who shall be appointed by city council for a term of three years; whose special duty it shall be to enforce the laws and ordinances in effect in such city relative to the erection or construction, removal or demolition of buildings or other structures and fire escapes; and to this end said building inspector and his assistants shall have authority to enter upon and inspect any place, building or structure for the purpose of ascertaining whether such building or structure is safe and is erected or is being erected in conformity to such laws and ordinances; and if said building inspector shall find such building or structure or any part thereof unsafe, or has been or is being erected in violation of such laws and ordinances, he shall condemn the same or such part thereof, and shall notify the owner, occupant, contractor or workmen engaged thereon of such condemnation, and thereupon such defective building or structure shall be immediately made safe or in conformity with such laws and ordinances; and after the service of such notice, such unsafe building or structure shall be immediately vacated; and all work upon such building or structure shall cease, if the said building inspector shall so direct, until the defects have been remedied and corrected; *provided,* that if in the opinion of such building inspector, such building or structure or any part thereof is in such a condition that it cannot be made safe or in conformity with said laws and ordinances, and he shall so declare in said notice of condemnation, then, in such case, such building or structure or defective part thereof shall be immediately torn down and removed.

Duties.

Proviso.

30. The city council may by ordinance provide that any building or structure, or any part thereof, which shall be condemned by the building inspector, shall be made safe, and made to conform with the laws and ordinances relating thereto in effect in such city, and if the building inspector shall declare that such building or structure, or any part thereof, cannot be made safe or in conformity with such laws and ordinances, may provide that the same or such defective part thereof be torn down and removed, and may further provide that

Concerning unsafe buildings.

the cost and expense of making the same safe and in conformity with such laws and ordinances, or of tearing down, or removal, be made a lien upon and a charge against the lands upon which such building or structure is or shall be erected, and may provide for the enforcement of the collection of such cost and expense in the manner herein provided for the collection of assessments for benefits.

City solicitor.

31. There shall be in every such city a city solicitor, who shall be appointed by city council for a term of three years; he shall perform such duties as may be required of him by law or by the city council of such city.

Collector of taxes.

32. The office of the collector of taxes shall be kept in the city hall of such city or such other place as the city council shall designate, and he, or such deputy as he shall appoint, shall sit at such times and places in such city for the receipt of taxes as the city council shall direct; and it shall be the special duty of the said collector of taxes to receive all taxes which may be paid, and preserve in his office all duplicate assessment books which shall from time to time be delivered to him by the board of city assessors or his predecessors in office; it shall also be the duty of the collector of taxes to collect all assessments, current and delinquent taxes, due to the city, and such proceedings shall be had by the tax collector for the collection of such taxes as are now or may hereafter be prescribed by law, or the provisions of this act, for the collection of such taxes and assessments, and on the first day of January following the date of acceptance of the provisions of this act by such city, the rights and duties of the person or persons intrusted with the collection of the taxes or assessments in such city, shall cease and determine, and any and all persons having custody of any of the books, records and certificates or other documents of such city, pertaining to such taxes or the collection thereof, shall on said date deliver all such books, records and documents to the tax collector then duly qualified, accompanied by a statement showing the amount of taxes, interest, costs and charges due such city, and collected by such collector to such date, from

Duties.

which amount shall be deducted all sums due such collector for compensation provided by law for his services as such collector, and also all compensation authorized by city council for the collection of delinquent taxes and all costs due such collector pertaining to tax sales, and said statement shall also show every item of uncollected taxes appearing upon said book, and each tax collector shall deliver all such books and papers to his successor in office; it shall also be the duty of the collector of taxes, on demand, to make searches for all taxes, assessments, certificates of sale and tax deeds or conveyances for delinquent taxes or assessments affecting any property in such city, and to deliver forthwith to the applicant therefor a written certificate, signed by him, certifying that there are no unpaid taxes, assessments, certificates of sale or deeds or conveyances for delinquent taxes or asessments for the year or years applied for, affecting such land, except such as are shown upon such certificates; he shall be entitled to the following fees for such certificates of search and no more: for each property as assessed and as shown upon the books in his possession when the application is for the taxes and assessments of one year, twenty-five cents; when the application is for all taxes and assessments against said property or for the taxes and assessments of two or more years, fifty cents.

Searches.

Fees for search.

33. The collector of taxes shall have power to appoint one or more deputies who shall have power to do all and every act or acts which it may be lawful for the said collector to do, and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said collector of taxes; and the said deputy or deputies shall give such security for the faithful performance of the duties of their respective offices as the city council shall direct, and shall hold office at the pleasure of said collector.

Deputy collector of taxes.

34. The city treasurer shall receive all moneys belonging to the city and shall disburse the same as directed by law and shall keep an account of all receipts and expenditures in such manner as the city council shall

City treasurer; duties.

direct and shall perform such other duties appertaining to his office as may be required of him by law or by any ordinance or resolution of the city council; the city treasurer shall at the close of the fiscal year make out a true and full account of the receipts and expenditures during the year and also the state of the treasury, and within twenty days thereafter deliver said account to the city clerk, who will lay the same before the city council at their next meeting; the city treasurer shall make such further reports from time to time as city council shall direct.

First payments by treasurer.

35. The city treasurer shall pay to the officers entitled to receive the same out of the first moneys which he shall receive from the tax collector on account of current taxes for any year, the amounts of the respective sums assessed or appropriated in such year for the following purposes and in the following order of precedence:

I. State school and county taxes;

II. District school taxes;

III. Amounts appropriated for city schools;

IV. Amounts approprated to the sinking fund;

and all such sums shall be paid on or before December twentieth of the current year, or on such other day as may be fixed by law as the day upon which taxes are due and payable to the city; *provided, however,* that no moneys shall be paid out by said treasurer for any purpose whatever except upon warrants of the city comptroller therefor.

Proviso.

Fiscal year.

36. The city council shall have the power by ordinance to fix and to change from time to time the date of the beginning and ending of the fiscal year; and for the purpose of effecting such change, the fiscal year may cover a longer or shorter period of time than one calendar year; and shall also have power in like manner to fix the date in each year upon which taxes levied and assessed upon real estate shall become a lien.

When taxes become a lien.

Daily record of receipts; weekly payments to treasurer.

37. All officers of such city, including the water commissioners, shall cause to be entered in suitable books to be kept for that purpose, daily records of all sums received or collected by them and due to such city, and shall pay the same at least once in each week to the

city treasurer, accompanied by a statement in sufficient detail to enable the city treasurer to credit such sums to the appropriate account, officer or department, and a copy of such statement shall be at once furnished by such officer to the city comptroller, and it shall be the duty of said city treasurer to give receipts or vouchers therefor to be filed in their respective offices; *provided,* that nothing herein contained shall be construed as requiring any officer to account for or pay over to said treasurer any moneys received or collected by him as fees or commissions which may be due to himself.

Proviso.

38. The city clerk shall engross all the ordinances of the city council in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and he shall enter therein his certificate of the date of the passage thereof; and copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the city council and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places.

Ordinances engrossed.

Public record.

39. It shall be the duty of every officer in such city, upon the expiration of his term of office or his removal therefrom, to immediately deliver to his successor in office or such other person as the city council may designate, all books, records, papers, receipts, vouchers and property of every kind in his possession or under his control belonging to said city, and for a willful refusal so to do he shall be guilty of a misdemeanor.

Delivery of property to successors.

40. The city council shall have power to raise, by tax, in each year such sum or sums of money as they shall deem expedient for the following purposes:

Purposes for which taxes may be raised.

I. For lighting the streets, buildings and public places of the city and the maintenance and operation of any lighting plant owned by the said city;

II. For the maintenance and support of the poor, and for the support or partial support of any public hospital;

III. For regulating, cleaning, sprinkling and keeping in repair the streets, sidewalks and highways;

IV. For acquiring public grounds, parks, public docks, piers or other property for such city, and for maintaining, regulating and protecting the same;

V. For paving, graveling, macadamizing or telfordizing or otherwise improving the streets of the city and the laying of cross walks therein;

VI. For the support of public schools and for erecting and maintaining public school-houses;

VII. For the support of the police department and armory purposes;

VIII. For the maintenance of a fire department, or for the support of volunteer fire companies;

IX. For supplying the city or the inhabitants thereof with water;

X. For the payment of interest upon the city debt and upon temporary loans and such part of the principal thereof as may be due and payable, and to provide a sinking fund therefor;

XI. For purchasing necessary real estate and providing for the construction, maintenance and operation of a system or systems of sewerage and drainage;

XII. For the payment of the cost of any public improvement in anticipation of the collection of assessments upon the property benefited, and so much of the cost of any public improvement as shall not be covered by the assessments upon the lands benefited by such improvement;

XIII. For the purpose of providing music for the public parks and other places to which the people resort for recreation;

XIV. For the protection and maintenance of the health of the city, and for the collection and disposition of offal, garbage, wastes and all refuse matter;

XV. For the establishment and maintenance of a public library;

XVI. For the general, incidental and contingent expenses of the city, and for all other objects and purposes authorized by law; *provided, always,* that it shall not be lawful for the city council to raise by taxation in any one year, in the general assessment for city purposes, an amount of money that shall cause a greater rate than

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two hundred cents on one hundred dollars of valuation of the real and personal property rated and returned for taxation therein as shown by the duplicate of assessment for the current year, not including therein, however, the amount to be raised in said city for state and county taxes and for school purposes, and for the principal and interest of any bonded indebtedness.

City engineer.

41. There shall be in every such city a city engineer, who shall be appointed by the city council, and shall hold office for the period of three years.

His duties.

42. It shall be the duty of the city engineer to prepare, keep, renew and have the custody of a city map or atlas, whereon shall be shown the streets and highways, and the lots, plots and tracts of land situate within such city, and shall distinguish said lots, plots or tracts by numbers; he shall make or cause to be made and shall keep in his office an abstract of each and every deed or conveyance of lands, tenements and hereditaments, situate within such city, of record in the county clerk's or register's office of the county in which such city is located, and shall cause said abstracts to be properly indexed, and the information as to location and dimensions of the land described in said abstracts to be entered upon said atlas.

Assessors; term.

43. There shall be in every such city a board of city assessors consisting of three persons, to be appointed by the mayor after twelve o'clock noon on the first day of January next following the date of the adoption of this act by any such city; the first appointments of city assessors hereunder shall be, one for one year, one for two years and one for three years from the date of their appointment, and thereafter one each year in place of the one whose term expires, so that the terms of all after the first appointments shall be three years.

Organization.

44. The board of city assessors first appointed hereunder shall meet as soon as practicable thereafter and shall select one of their number to act as president and another one of their number to act as secretary for the ensuing year, and thereafter they shall so select a president and secretary each year; the acts of two members shall be the acts of the board; they shall make such rules

and regulations for the transaction of their business as are not inconsistent with any ordinance of such city nor with any law of this state.

Valuations and assessments.

45. The board of assessors shall make a full and fair valuation, enumeration and assessment of all the real and personal property in said city according to law; and all statements, returns, valuations and assessments shall be as of the first day of January of each year, the day on which the assessment is to commence; the assessors shall tabulate and arrange such valuations, enumerations and assessments in lists which shall exhibit the names of all persons, firms, companies or corporations assessed to pay any tax, designating the lands, tenements and real estate as laid down on the city atlas and designate each lot as the same stands recorded on the city atlas, distinguishing the same by its mark or number as shown thereon, the true value of each lot, together with the value, enumeration and assessment of the property liable to taxation for which such person, company or corporation is liable at the time of making such valuations, enumerations and assessments; all assessments for state, county and city taxes shall be assessed in one and the same duplicate; and when the board of assessors of such city shall have made the valuation of personal property and real estate and the improvements thereon, they shall give one week's notice in at least two of the daily newspapers published in said city, setting forth the time or times and place when and where they will attend to hear all persons touching such valuations under such rules and regulations as they may prescribe, and to increase, reduce, alter or modify such valuations as to them may appear just and equitable, and may adjourn from time to time; *provided,* that no such public hearing shall be had after the first Monday in August.

Tabular statement.

Notice to hear appeals.

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Assessors to attend certain meetings.

46. The said board of assessors shall attend all the meetings of the county board of assessors which shall be convened according to law, and in the proceedings of said county board of assessors shall be entitled to as many votes as there are wards in the city they represent, which votes shall be cast as said city assessors or a majority of them shall direct, and further, shall attend

all the public hearings of the commissioners of appeal, and such other meetings as said commissioners of appeal may require, for the purpose of explaining or defending such assessments; the said board of assessors shall perform such other duties and possess such additional powers as is provided by any law of this state.

Valuations and assessments presented to council.

47. It shall be the duty of the board of assessors to prepare full lists of their valuations and assessments and present the same to the city council for examination, revision and correction on the second Monday in August in each year; and the said board of assessors, after such examination, revision and correction by city council, according to law, shall make duplicates in such form as may be required by law or by said council, and place the same in the hands of the collector of taxes on or before the first day of October next following, whose duty it shall be to make out bills and deliver such bills to the persons assessed or their representatives in person or by mail, on or before the fifteenth day of November next following; such delivery by mail may be by letter postpaid, directed to the persons assessed at their last known place of abode; but if for any reason, such bill is not delivered to or received by the person assessed or his or her representatives, it shall in no way impair the right of the city to collect the tax and the interest thereon from the date it becomes due and payable; said bills shall contain a printed notice when and where the commissioners of appeal will hold their first meeting for the purpose of hearing any appeals from parties considering themselves aggrieved.

Delivery of bills.

Arrangement of tax duplicates.

48. The said board of city assessors shall so arrange their duplicates as to specify therein, by letters and numbers, as shown on the city atlas, the several lots assessed, with the valuations thereof, as shown by the register kept by the city engineer, to the end that each lot as it appears at the time upon the city atlas shall be liable for the whole tax assessed thereon; but if any lot shall have been sold and such transfer not entered on such atlas and register as aforesaid, the person who shall have paid the tax assessed thereon shall have the right to recover

from the other parties interested their proportion of said tax in proportion to the value of the several parts thereof.

Releasing portion of land from lien.

49. It shall be lawful for the city council, by resolution, to release any portion of any lot from the lien of any tax or assessment against said lot, upon payment of such sum as said city council shall determine to be an equitable proportion of the tax so assessed against the whole lot; and it shall also be lawful for said city council to correct any error in any assessment.

Commissioners of appeal.

50. The commissioners of appeal in every such city shall consist of three persons who shall be appointed by the mayor, and shall hold office for the term of one year; they shall be appointed on or before the fifteenth day of November in each year, the day upon which their term of office shall commence; the term of office of all commissioners of appeal elected or appointed in such city, shall cease and end upon the qualification of the three commissioners whose appointment is herein required to be made.

Hearing appeals.

51. The said commissioners of appeal shall meet for the purpose of discharging the duties of their office on the fourth Tuesday of November, annually, and from time to time thereafter as they shall deem proper, and any taxpayer feeling himself aggrieved by the assessment of taxes assessed against him in respect to his property may, at such times as said board shall, by rule prescribe, file a written petition of appeal with said commissioners of appeal, setting forth therein his or its cause of complaint, and asking the relief he or it desires, and the said commissioners of appeal shall proceed summarily to hear and dispose of such complaint; and the said commissioners shall make such order or rule respecting the procedure in each case as to them shall seem just.

Decision; transcript given collector.

52. The said commissioners, after due examination of the facts and consideration of the case, shall give such judgment as shall be agreeable to the principles of justice; the said commissioners shall give a transcript of their judgment in each case to the tax collector as soon as said judgment is rendered, which transcript shall be signed by the commissioners or a

majority thereof, and shall designate by block and lot number the property affected by said judgment as the same was assessed, and shall state the amount of tax and the valuation as assessed, the amount of the reduction and the amount of the tax and valuation after such correction or reduction, and the date the petition of appeal was filed.

Correction of duplicate and bill.

53. Upon the receipt of such transcript the collector shall forthwith correct his duplicate in accordance therewith and mail a corrected bill to the last known address of the person or corporation assessed, and in case said commissioners shall reduce the assessment of any owner, such owner shall be allowed ten days from the date of the filing of said transcript in the office of the tax collector within which to pay such tax without interest, costs or penalty added, but such penalty, costs or interest shall be added in every case unless the petition of appeal was filed on or before the twentieth day of December or such other day as the taxes shall be due and payable, and no petition of appeal shall be filed after the said commissioners shall adjourn sine die, and in no case after the fifteenth day of January following the date when such tax shall become due, and the commissioners of appeal shall determine all appeals pending before them and shall file a transcript in all cases on or before the thirtieth day of said month of January.

Power to increase assessments.

54. The said commissioners of appeal shall have the power to increase assessments upon complaint in writing by any person or persons, but in such case at least five days' notice of such complaint and of the date of the hearing shall be served on the owner or reputed owner of the land affected by such complaint, either personally or by mail, addressed to the last known address of such person, or by publication in one or more newspapers published in such city.

Decision and transcript forwarded.

55. The said commissioners shall give a transcript of their judgment in each case to the tax collector as soon as said judgment is rendered, which transcript shall be in the same general form as is provided in section fifty-one of this act, and upon the receipt of

such transcript the collector shall immediately add the amount of such increase to his duplicate, with the date of such entry, and mail a new or corrected bill to the last known address of the person or corporation assessed; such increased tax shall be and become a lien upon the lands against which assessed, upon the date of the entry of the transcript of judgment upon the duplicate.

Duplicate corrected.

Further powers and duties.

56. The said commissioners shall have such further powers and duties as may be conferred or imposed upon them by any law of this state.

Water commissioners; term, organization.

57. There shall be in every such city, owning water works directly managed and controlled by such city, a board of water commissioners to consist of three members, who shall be appointed by the mayor, subject to confirmation by city council; the first appointment shall be one commissioner for a term of one year; one for a term of two years, and one for a term of three years, and thereafter one commissioner shall be appointed each year for a term of three years, said term to begin one week after their confirmation; the offices of water commissioner or commissioners, now existing in any such city, or other officers having charge of the water works, shall cease and end upon the qualification of the three water commissioners whose appointment is herein required to be made; the said commissioners first appointed shall meet as soon as practicable thereafter and shall organize by the election of one of their number as president and another of their number as secretary for the term of one year, and thereafter shall so elect a president and secretary each year; the acts of two members shall be the acts of the board; they shall keep a journal of their proceedings and establish such rules and regulations governing their proceedings, not inconsistent with the provisions of this act, as to them shall seem proper; the said board of water commissioners shall have power to appoint a superintendent or chief engineer and such other subordinate officers and employes as they shall deem necessary for the efficient conduct of the water works and to fix the duties and compensation of such officers and employes.

Superintendent, etc.

Expenditure of moneys, etc.

58. The several sums appropriated by the city council for the use of the water department and the receipts from the sale of bonds issued by city council for the purpose of making any extension or improvement to the water works' system or for the acquiring of real estate for the use of such system shall be expended under the authority and direction of the said board of water commissioners, and to this end said board may purchase engines, pumps, boilers, machinery, pipe, meters and all necessary plants, materials and supplies for the maintenance, extension and improvement of such water works and may purchase all necessary real estate and may erect suitable buildings, stand-pipes, reservoirs and other structures thereon for the use of such department; *provided, however,* that no moneys shall be expended by said board of water commissioners for any purpose other than that for which such moneys were appropriated or designated by city council; *and provided further,* that all disbursements on account of the water department shall be made by warrant of the city comptroller upon the city treasurer and in payment only of bills duly approved by said board of water commissioners.

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Collection of water rents.

59. The said board of water commissioners shall have entire charge of the collection of the water rents and other charges authorized by city council to be collected for the use of water by the inhabitants of such city.

Control of water works' system.

60. The said board of water commissioners shall have entire charge and control of the water works' system, and shall do all things which may be necessary for its efficient conduct, subject only to the provisions of this act.

Separate school district; board of education.

61. Every such city shall constitute a separate school district and the city council shall, by ordinance, provide for and establish a board of education to consist of seven members to be appointed by said council, who shall hold office for a term of three years; the board of education shall be a body politic, in fact and in law, and they and their successors may have a common seal and alter the same at their pleasure; the said board of education shall annually elect a president from its

own body, and in his absence a president pro tempore, appoint its time and place of meeting and determine the rules of its proceedings; and such board of education shall have power to choose a city superintendent and custodian of school moneys, define the duties, fix the compensation and term of office of said officers; it shall also appoint a secretary who shall keep a journal of its proceedings and perform such other duties as the board shall prescribe; a majority of the whole number of members shall constitute a quorum for the transaction of business; the president of the board shall have the power to call special meetings whenever he shall deem it expedient.

Superintendent and custodian of school moneys.

Board of school estimate.

62. Two members of the board of education to be selected by the said board, and the mayor and two members of the city council to be chosen by such body, shall constitute a board to be known as the "board of school estimate" of said city; the secretary of the board of education shall be secretary of the board of school estimate, but shall receive no compensation as such; on or before the fifteenth day of April, in each year, the board of education of such city shall prepare and deliver to each member of said board of school estimate an itemized statement of the amount of money estimated to be necessary for the erection and repair of schoolhouses, salaries of teachers and officers of the board, school books, school furniture and school libraries, heating and fuel and incidental expenses, as nearly as may be for the ensuing year, and also the amount which shall have been apportioned for such district by the county superintendent; between the fifteenth day of April and the first day of May in each year, said board of school estimate shall fix and determine the amount of money necessary to be appropriated for the use of the public schools in such district for the ensuing school year, exclusive of the amount which shall have been apportioned to it by the county superintendent of schools; said board of school estimate shall, on or before the last-named date, make a certificate of said amount, signed by at least three of the members of the said board, one of which certificates shall be delivered to

Statement.

Determine amount necessary.

the board of education of said school district, and the other to the city council; said city council shall, upon receipt of said certificate, appropriate in the same manner as other appropriations are made by it, the amount so certified as aforesaid, and said amount shall be assessed, levied and collected in the same manner as moneys appropriated for other purposes in such municipality shall be assessed, levied and collected; *provided,* that any amount in excess of three-fourths of one per centum of the taxable valuation of the real and personal property in such city shall be appropriated only with the concurrence and consent of said city council.

Appropriation.

Proviso.

63. Whenever said board of education shall decide that it is necessary to raise money for the purchase of lands for school purposes or for erecting, enlarging, repairing or furnishing a school-house or school-houses, it shall prepare and deliver to each member of the board of school estimate of such school district a statement of the amount of money estimated to be necessary for such purpose or purposes; said board of school estimate shall fix and determine the amount necessary for such purpose or purposes and shall make two certificates of such amount, one of which certificates shall be delivered to the board of education and the other to the city council; said city council shall appropriate such sum or sums for such purpose or purposes in the same manner as other appropriations are made by it, and said sum or sums shall be raised, assessed, levied and collected at the same time and in the same manner as moneys appropriated for other purposes in such municipality are raised, assessed, levied and collected, or said city council may by ordinance duly passed, appropriate and borrow such sum or sums for the purpose or purposes aforesaid, and may secure the repayment of the sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, by the issue of bonds in the corporate name of such municipality; bonds so issued shall be designated "school bonds;" shall be of such denomination as said city council may determine, and shall be made payable in not more than thirty years from the date thereof; such bonds may be

Method of securing funds for lands and school-houses.

School bonds.

registered or coupon bonds, or may be registered and coupon bonds combined at the option of said city council; the proceeds of the sale of said bonds shall be deposited with the custodian of the funds of said school district and shall be paid out only on the warrants or orders of the board of education; *provided*, that the total amount of bonds for said purposes, including bonds theretofore issued for such purposes, shall not exceed at any one time a sum equal to three per centum of the taxable valuation of the real and personal property in such municipality.

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Duties of board of education.

64. The board of education shall take charge of the public school-houses in such city or school district and shall cause all necessary repairs to be made to the same, and it is also empowered to establish public schools of different grades, adapted to the age and progress of the pupils, including evening schools for apprentices, minors and adult persons; to select and employ teachers; to provide school-books, school furniture and school libraries for the schools; to purchase heating apparatus and fuel, or otherwise provide for the heating and lighting of such school-houses, and incur such incidental expenses for the maintenance of the schools as may be necessary; and to adopt rules and regulations for the admission of pupils, the investigation and inspection of the schools, and the government and the studies to be pursued therein.

Annual report.

65. The said board of education shall, at the close of the fiscal year, prepare a report embracing the number of schools under their charge, specify their grades and the number and the names of the teachers, the number of pupils on the roll and the average attendance in each school, and a full and true account of the expenditures of the board during the year, under the respective heads of repairs to school-houses, salaries of teachers and the officers of the board, school-books, school furniture, school libraries, heating and fuel, and incidental expenses, and shall transmit the said annual report to the city council and a copy thereof to the state superintendent of public instruction.

66. It shall be lawful for the city council of such city, whenever in their opinion the public good requires it, by ordinance: Additional powers of city council.

I. To lay out and open any street, road, highway, alley, public park or public square within such city; and to order and cause any street, road, highway or alley already laid out to be vacated, straightened, altered or widened, and to purchase or condemn for any such purpose, when necessary, any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided, and such power shall belong exclusively to the city council; and to cause to be assessed upon all the owners of lands and real estate peculiarly benefited by any such improvement, such proportion of the cost thereof as represents the special and peculiar benefits, which such owners shall receive by reason of the improvement, in proportion to the benefits received by each;

II. To order and cause sewers or drains to be constructed and if necessary to purchase or condemn for the purpose of constructing such drains or sewers any lands and real estate upon making compensation to the owner or owners thereof, and to cause to be made a just and equitable assessment upon all the owners of lands and real estate peculiarly benefited by such construction, and acquiring of lands and real estate in proportion to the benefit each shall be deemed to acquire of the costs, damages and expenses so incurred;

III. To order and cause any street or section of a street to be graded, graveled, paved, flagged or otherwise improved and regulated in such manner as they may deem advisable, and to cause to be assessed the costs and expenses of such improvement upon the owner or owners of property benefited thereby; in no case, however, shall any assessment of benefits made under the authority of this act exceed the special and peculiar benefits which the owner or owners of said property shall receive by reason of the improvements;

IV. To provide for the grading, construction, curbing, paving, or otherwise improving or repairing the

sidewalks, and for renewing, reconstructing, recurbing and repaving the same.

Sidewalk assessments.

67. It shall be lawful for the city council, by resolution, to assess the cost of grading or repairing, constructing or reconstructing, curbing or recurbing, paving or repaving, or otherwise improving, repairing or renewing of sidewalks, upon the lot or lots of land in front of which such sidewalks shall have been so constructed, improved or repaired; such resolution shall state the name of the owner of each lot as nearly as can be ascertained, the number of the lot as the same appears upon the city atlas, and the amount assessed thereon; it shall be the duty of the city clerk to forthwith deliver a certified copy of such resolution to the collector of taxes, who shall at once enter the same in an orderly manner in a book to be provided for that purpose, to be labeled "sidewalk assessments;" such assessments shall, from the date of the passage of such resolution, be and remain a first lien upon the lots upon which they are laid until paid, and shall be enforced in the manner herein provided for the enforcement and collection of assessments of benefits for other public improvements.

Further proceedings by resolution and not by ordinance.

68. Whenever any ordinance shall be passed by the city council 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 the said city council to take to carry out said improvement or work to completion, and all orders relating thereto, may be by resolution and not by ordinance.

Acquirement of property.

69. Whenever the city council of any such city shall have determined to acquire land or other property pursuant to authority conferred by law, and cannot acquire such land or other property by agreement with the owner, whether by reason of disagreement as to the price or the legal incapacity or absence of the owner, or his inability to convey valid title, or the lack of authority of such city to do so by agreement, or by reason of any other cause, the compensation shall be ascertained and paid in the manner directed by this act.

Petition to justice of supreme court.

70. The city council of such city shall cause to be presented a petition to one of the justices of the supreme court for the appointment of three commissioners to fix the compensation to be paid, which petition shall contain a particular description of the land and property required, and shall set forth the names of the owner and occupant, if any there be, and of the persons appearing of record to have any interest in said property, and the residences of said owners, occupants and persons, if the same can be ascertained, which petition shall be verified by the oath of the city engineer or other officer of such city.

Notice of hearing given.

71. The justice to whom such application is made shall assign, by order, a time and place for the hearing of the petition before himself, or any other justice of the supreme court, not less than ten days after the date of the order, and direct notice thereof, not less than six days, to be given said owners, occupants and persons interested, which notice shall be served upon parties residing in this state, either personally or by leaving at their residence, if known, and where the residence is unknown, or out of the state, notice shall be given and published as the justice shall direct, by publication for not less than one week, and by mailing to parties whose address can be ascertained, and notice given in the manner prescribed by said justice shall be valid and effectual to bind all parties interested in the land or property; the petition and order shall be filed in the office of the clerk of the county where the land or other property lies, and a notice of the pendency of the proceedings, which notice shall name the parties interested and describe the land taken, shall be recorded in the same manner and place, and for the same fees as notices of suits pending in chancery, in default whereof persons acquiring an interest in the property pending the proceedings without notice thereof, shall not be bound thereby.

When title in dispute.

72. Where the title to property is in dispute, all claimants may be made parties, and where it shall appear to the justice that the ownership is in doubt, or that the names of the owners cannot be ascertained, he may direct notice to be published, addressed to the unknown owners

of the property, which shall be described in the notice, and the notice shall also set forth such statement of the former or last known owner as the justice may direct, and the publication of such notice, in the manner directed, shall have the same force and effect as if personally served on such unknown owners.

Commissioners appointed.

73. Upon the day fixed for the hearing upon said petition, on the filing in the office of the county clerk of evidence satisfactory to the justice before whom the hearing is held that notice has been served or published as required by this act, the said justice shall appoint under his hand three disinterested freeholders, residents of the county where the land or property to be taken lies, commissioners to examine and appraise the said land or property and to assess the damages; and the said justice shall, in the order of appointment, fix the date on or before which the commissioners must file their report, and said justice may, by order, for good cause extend the time, and the report shall be made on or before the day limited by said justice; the order of appointment shall be filed in the county clerk's office.

Public hearing by commissioners.

74. The commissioners having first taken and subscribed an oath or affirmation, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding, shall, in such manner as shall be directed by said justice, give at least six days' notice to the persons interested in the property, 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 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 they may deem necessary, and to adjourn from time to time at their discretion, or as directed by said justice.

Property examined, appraisement made, assessment fixed.

75. And after having given opportunity as aforesaid for a public hearing of the persons interested, the said commissioners shall view and examine the land or other property, and make a just and equitable appraisement of the value of the same, and an assessment of the amount to be paid by such city for such land or other property and damage aforesaid, as of the date of the filing of the petition and order thereon, which report shall be made in writing under the hands of said commissioners or any two of them, and shall be filed within the time limited by the justice in the office of the clerk of the county in which the land or other property is situated to remain of record therein; if the report is not made within the time limited, the powers of the commissioners shall cease, and an application may be made to a justice of the supreme court for the appointment of new commissioners on such notice as the justice may direct; in case any commissioner shall die pending the proceedings, or is disqualified, or is unable to act, or shall fail or refuse to act and perform the duties of the appointment, the other two commissioners shall proceed to perform the duties of their appointment with the same powers as if all were acting.

Repor

Failure of any commissioner to act.

Right of city to enter upon property.

76. Upon the expiration of the twenty days next following the filing of the report of the commissioners, such city is hereby empowered to enter upon and take possession of said land or other property for the purposes for which the same was authorized to be taken, and the said report, together with the petition and orders, or a copy of said report, petition and orders, certified by the clerk of the county, shall at all times be considered as plenary evidence of the right of such city to have, hold, use, occupy, possess and enjoy the said land and other property; and shall likewise be plenary evidence of the right of the owner to recover the amount awarded, with interest and costs, in an action upon contract in any court of competent jurisdiction, in a suit to be instituted against such city after neglect to pay the same for twenty days after the filing of the report, and the said justice shall tax and allow such costs, fees and expenses of the commissioners, clerks and other persons performing any

of the duties prescribed in this proceeding as he shall think equitable and right, which shall be paid by such city.

Manner and time of payment.

77. The city council of such city shall, within the twenty days next following the filing of said report, cause to be paid to the party entitled to receive the same, upon demand, at the office of the city treasurer, and upon receipt of a proper voucher therefor, the amount assessed by said commissioners, and no interest shall be recovered or paid until after such demand and payment refused, nor until the expiration of the twenty days limited aforesaid; in case the party entitled to receive such amount so assessed by the commissioners shall be under any legal disability, or in case several parties being interested in the fund shall not agree as to the distribution thereof, or in case the lands or other property taken are encumbered by any mortgage, judgment or other lien, or in case for any other reason, such city cannot safely pay the amount awarded to any person, in all such cases, on petition to the chancellor, to which shall be annexed a copy of the petition in condemnation and of the report of commissioners, the amount awarded may be paid into the court of chancery, by order of the chancellor, and shall there be distributed according to law, on the application of any person interested therein.

Abandonment of proceedings to condemn.

78. Any proceeding to condemn under this act may be abandoned at any time within twenty days after the filing of the report of the commissioners upon notice to be filed in the office of the county clerk, and upon filing a discharge of the lien of the notice of lis pendens, and thereupon such city shall make payment to the owners and other parties who have appeared before the commissioners of their reasonable costs and expenses to be determined by a justice of the supreme court.

Right of appeal.

79. The city or the owner of any of the land or other property may appeal from the report of the commissioners to the circuit court of the county wherein the land or other property may be; the appeal shall be taken within ten days after the day limited by the order of the justice as the day on or before which said report shall be filed; the appeal shall be made by notice, filed with the clerk

of said circuit court, which appeal and notice served as hereinafter provided shall vest in the circuit court full right and power to hear and adjudge the same and to direct a proper issue for the trial to be framed between the parties and to order a jury struck and a view of the premises to be had.

Proceedings in appeal.

80. The proceedings necessary in carrying out said appeal and for the trial and final disposition thereof, and in error or review, shall be sufficient and binding on all the owners and parties interested, known or unknown, named or designated in the petition for the appointment of commissioners if carried on only by or against the persons in possession of the property and against such others, if any, of the persons designated in the petition as shall have appeared personally or by attorney before the commissioners, and all notices on the appeal or subsequent proceedings aforesaid shall be sufficient if served upon said persons in possession, and others, if any, who shall have appeared before the commissioners or their attorneys, but parties who have not so appeared may be admitted to participate therein on application to the court in which proceedings may be pending.

Serving notice of appeal.

81. The notice of appeal shall be served by the party appealing within ten days after the filing thereof, or within such further time as the judge of the circuit court may, for good cause grant, by giving a copy thereof to each person entitled to notice, or by leaving such copy at his residence if he resides in the state, or by service upon his attorney, if any, who shall have appeared for him before the commissioners, or any other attorney authorized to appear for him, and in case of a corporation, service may be made on such attorney or on any officer or agent upon whom a summons in an action at law against the corporation may be served; where it shall appear by affidavit that any person or corporation, being a party to the proceedings and entitled to notice, is a non-resident of the state, or cannot be found therein to be served, or that his residence is unknown, in such case notice shall be given by publication in such manner as a judge of the court to which the appeal is taken may direct; the notice of appeal shall set forth that an appeal

has been taken from the award of the commissioners, and shall specify the time and place when and where the appellant will apply to the circuit court, or a judge thereof, to frame the issue and to fix a day for striking a jury and a day for the trial of the appeal, which time named for said application shall be not less than five days from the date of service of the notice, and the court or judge may, by order, change the time or place on the application of either party and direct what notice of the change shall be given to the other party.

Hearing of appeal.

82. The said circuit court, or any judge thereof, at the hearing under said notice, and on application of either party, shall fix a day for the trial of the appeal, either in term or vacation, which day shall not be less than twenty nor more than forty days from the date of the order, and shall also, at the same time, by order, frame the issue between the parties and direct a jury to be struck and a view of the premises and property to be had, and shall fix a day and place for striking a jury for the trial, which day shall be at least ten days before the day fixed for the trial of the appeal, and the filing of the order shall be notice to all parties of the day and place fixed thereby for the striking of the jury and of the trial, and the jury having been struck and the jurors summoned, as required by law, the cause shall be tried upon the day and at the place fixed, unless, for good cause shown, the court shall adjourn the trial to another day which the court shall fix, in which case the court shall, in its discretion, either direct the same jurors to attend or order another jury to be struck and summoned in like manner, and all parties shall take notice of the day and place fixed for the adjourned trial.

Jury.

Manner of trying issue.

83. The issue shall be tried in the same manner as other issues in said court are tried, and the jury shall assess the value of the said land or other property and the damages sustained; and if said jury shall be applied for by the city and shall find the same or a greater sum than the commissioners awarded, then judgment, with costs, shall be entered against the city, and execution awarded therefor; but if said jury shall be applied for by the owner and shall find the same or a less sum than

Jury's findings.

the commissioners awarded, then costs shall be paid by said owner and either deducted out of said sum found by the jury or execution awarded therefor, as the court shall direct.

Appeal not a stay of entry.

84. The taking of an appeal by either party shall not prevent the city from taking the land or other property, upon the expiration of the twenty days next following the filing of the report of the commissioners as above provided.

Order reviewably on writ of certiorari.

85. The order of the justice of the supreme court appointing commissioners may, on a proper case made therefor, be reviewed on writ of certiorari; the writ shall not of itself operate as a stay of proceedings, but the justice allowing the writ, or the court may, by order, on notice and hearing, stay the taking of possession of the land or other property after the award, and, if possession is permitted, may limit and prescribe the uses to which the property may be applied pending the suit on certiorari.

Stay.

Amended proceedings.

86. The justice of the supreme court, upon any hearing before an appeal is filed, and the circuit court thereafter, shall make such further orders and direct such further proceedings and permit such amendments of the description, proceedings and plans as may appear reasonable or as may promote the public purposes for which the power to condemn was conferred or the fair trial of the issue on the merits.

Assessments of benefits by commissioners.

87. Whenever, in pursuance of authority conferred by law, the city council of any such city shall have determined that so much of the costs, damages and expenses of any improvement, including the costs, damages and expenses of purchasing or acquiring by condemnation any lands or other property, as represents the special and peculiar benefits conferred upon the owners of land and real estate benefited thereby, shall be assessed thereon in proportion to the benefit each shall be deemed to acquire; it shall cause to be presented a petition to one of the justices of the supreme court for the appointment of three commissioners to estimate and assess such benefits, of the time and place of which presentation notice shall be given by ten days' publication in two or

more newspapers published or circulating in such city, at which time and place, or at such other time and place as said justice shall designate, said justice shall appoint three disinterested freeholders residents of such city, commissioners to estimate and assess the said benefits; and the said justice shall, in the order of appointment, fix the date on or before which the commissioners must file their report, and said justice may by order for good cause extend the time, and the report shall be made on or before the day limited by said justice; the petition and order shall be filed in the county clerk's office; *provided,* that nothing herein contained shall be construed as affecting the method of assessing the cost of sidewalk improvements by the city council, as hereinbefore provided.

Proviso.

Hearing by commissioners.

88. The commissioners having first taken and subscribed an oath or affirmation faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding, shall, in such manner as shall be directed by said justice, give at least six days' notice of the time and place when and where they will hear any persons 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 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 they may deem necessary, and to adjourn from time to time at their discretion, or as directed by said justice.

Commissioners to examine the property benefited and make assessment.

89. After having given opportunity as aforesaid for a public hearing of the persons interested, the said commissioners shall view and examine the lands and real estate benefited and make a just and equitable assessment of the amount of such benefits upon all the owners of the land and real estate in such city specially and peculiarly benefited, in proportion to the benefit each shall be deemed to acquire, specifying in such assessment the lots or parcels of land so benefited, designating the

same by the letters or numbers by which they are distinguished on the city atlas, together with the names of the respective owners thereof, and the amount assessed on each lot, and shall make a report of such assessment in writing under the hands of said commissioners, or any two of them, to the said justice, within the time hereinbefore limited; and if the report is not made within the time limited, the powers of the commissioners shall cease and an application may be made to a justice of the supreme court for new commissioners on notice, as above provided; in case any commissioner shall die pending the proceedings, or is disqualified, or is unable to act, or shall fail or refuse to act and perform the duties of the appointment, the other two commissioners shall proceed to perform the duties of their appointment with the same powers as if all were acting.

Report.

Failure of commissioner to act.

90. The said commissioners shall make diligent effort to ascertain the names of the owners of the lands and real estate so benefited as aforesaid, but the failure to so ascertain the name of any such owner, or to state the same correctly, or to enter the same upon the assessment and report, shall not invalidate the said assessment nor bar the collection thereof.

Effort to ascertain owners of property.

91. Upon the receipt of such report, the justice shall cause such notice to be given as he shall deem proper, of the time and place when and where he will attend to hear any objections that may be made to such assessment, after such hearing, said justice may, by order, confirm said report, or may refer the same to said commissioners for revision and correction, and said commissioners shall return the same so corrected and revised within such time as said justice shall direct; and the same being so returned shall be confirmed or again referred by said justice in the manner aforesaid, as right and justice may require, and so from time to time until a report shall be made or returned, which said justice shall confirm; such report when so confirmed shall be final and conclusive, as well upon such city as upon the owners of any land and real estate affected thereby, and shall be filed in the office of the county clerk; the said justice shall thereupon cause a certified copy of such

Hearing objections to report.

Justice may confirm or refer report.

Confirmed report final.

report to be transmitted to the tax collector of such city; all such assessments shall be and remain a first lien upon the lands and real estate affected thereby, as of the date of the confirmation of the report, and shall be due and payable to such city upon the expiration of thirty days from and after the date of said confirmation, and shall draw interest from the date they are due at the rate of twelve per centum per annum.

Expenses paid by city.

92. The said justice shall tax and allow such costs, fees and expenses of the commissioners, clerks and other persons performing any of the duties prescribed in this proceeding, as he shall think equitable and right, which shall be paid by such city.

Notice of amount of assessment given by collector of taxes

93. It shall be the duty of the collector of taxes, to whom such assessments have been returned forthwith, to cause a notice of the assessment and the amount thereof to be given to each person assessed, either personally or by mail; service upon the agent or representative of the owner shall be deemed personal service, and service by mail shall be by letter postpaid, directed to the person assessed at his or her last known place of abode; but if for any reason, such notice is not given to or received by the person assessed, or his or her representative, it shall in no way impair the right of the city to collect the assessments so made and the interest thereon, from the date they became due and payable.

Assessment of benefits.

94. It shall be lawful for the city council in every case to cause so much of the cost, damages and expense of any public improvement authorized by and made under the authority of this act as represents the special and peculiar benefits conferred upon the owners of land and real estate benefited thereby to be assessed thereon in the manner herein provided in proportion to the benefit each shall be deemed to acquire, the balance of such cost, damage and expense to be imposed upon and borne by the city and provided for by general taxation, or the said city council may, at its option, provide that the entire expense of any such improvement shall be borne by the city at large and shall have power within the limitations herein imposed, to provide therefor by taxation.

Balance borne by city.

Taxes, etc., first lien.

95. All taxes and assessments heretofore or hereafter

levied, assessed or made upon any lands, tenements or real estate situate in such city shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrances thereof; and if the full amount of any such tax or assessment shall not be paid and satisfied within six months from the day such tax shall have become due or such assessment shall have been confirmed, it shall and may be lawful for the city council to cause such lands, tenements or real estate to be sold at public auction for the shortest term, not exceeding thirty years, for which any person will agree to take the same and to pay such tax or assessment or the balance due thereof remaining unpaid, with the interest thereon and all costs, charges and expenses; and to execute under the corporate seal of such city a declaration of such sale to be signed by the mayor and attested by the city clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their own proper use against the owner or owners thereof and all persons claiming under him or them until said term shall be completed and ended; *provided,* the said city council shall first have caused said sale to be advertised for at least one month in one or more newspapers, published in said city, and also by advertisements put up in at least five public places in such city, which advertisements shall describe the said lands, tenements or real estate by the letters or numbers by which they are designated on the city atlas, and specify the amount of such assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided also,* that the purchaser shall not be entitled to possession of lands so purchased until the period herein limited for the redemption shall have expired; *and provided also,* that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other persons in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate at any

Sale of property for unpaid taxes.

Proviso.

Proviso.

Proviso.

time within two years after the sale for either taxes or assessment, or for both, by paying to the collector of taxes of such city for the use of said purchaser, the purchase-money, together with any other sum paid for taxes or assessments which the said purchaser may have paid chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of twelve per centum per annum in addition thereto; and the certificate of the collector of taxes of the city stating the payments and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; and upon the delivery of such certificate to the county clerk, it shall be his duty to enter upon the margin of the record of the certificate of tax sale of the premises so redeemed, a declaration to the effect that such certificate of tax sale has been canceled; also the date of such entry; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by said sale until six months' notice in writing shall have been given to him personally; but nothing therein contained shall be so construed as to impair the lien created by such tax assessment or sale;

Proviso. *and provided,* the said term of time for which any lands, tenements or real estate were sold as aforesaid shall not commence nor shall said purchaser or those claiming under him have a right of possession of said lands, tenements or real estate, until the two years' limit for the redemption of the same shall have expired; and the said purchaser or those claiming under him shall at the expiration of the time limit in such declaration of sale quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted;

Proviso. *provided also,* that the said sale may be adjourned or

Proviso postponed from time to time; *and provided,* that if at any sale of lands, tenements or real estate for assessments for taxes, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be

lawful for such city to purchase the said lands, tenements or real estate for any term not exceeding thirty years for the benefit of the city, subject to the same redemption as hereinbefore provided; *provided also,* that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with the taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence over all other liens on said lands, tenements or real estate; *provided further,* that a complete record of all taxes and assessments shall be kept in the office of the collector of taxes, which record shall contain the time when such assessments and taxes were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale and to whom sold and if redeemed when and by whom; it shall be the duty of the collector of taxes to enter in a book to be called "record of tax sales," a minute of all declarations of all sales, and to cancel such declarations of sale when the property for which they were given shall be redeemed; it shall be lawful for the city council of such city to sell, assign and transfer any declaration of sale or any term in lands purchased for the benefit of such city as aforesaid, or any portion of a term for such price as such city council may obtain therefor, not less, however, than the amount due thereon.

Proviso.

Proviso.

"Record of tax sales" book.

96. All declarations of sales for taxes or assessments upon any lands, tenements or real estate shall be void as against subsequent purchasers or mortgagees without notice after the expiration of thirty days from the date of such sale, unless such declarations shall have been recorded within such period of time in the clerk's office of the county in which such city is situate.

Declarations of sales void unless recorded.

97. Taxes assessed in such city shall become due and payable on the twentieth day of December in each year; it shall be the duty of the collector of taxes to return a list of all unpaid taxes on real estate to the clerk of the county in which such city is situate, on or before

When taxes due.

the first day of February next following the date such taxes became due in each year.

Fees allowed in sale of property for taxes.

98. The fees to be collected by the tax collector, county clerk and other officers for performing any service in relation to the sale of lands, tenements and real estate for unpaid taxes and assessments and for the recording and cancelling of declarations of sales shall be the same as is now or may hereafter be provided by law.

Grades of streets and alleys.

99. It shall be the duty of city council to establish, by ordinance, the grades of the several streets and alleys which now are or may hereafter be opened in such city, and it shall not be lawful, after the same shall have been established, to alter the grade of any street or alley except by ordinance.

Ordinances regulating use of sewers, water and gas pipes.

100. The city council is hereby authorized and empowered to pass and adopt such ordinances and regulations as to said council may seem proper for regulating, controlling and prescribing the manner in which any sewer or drain, water or gas mains or pipes, constructed by order of said council shall be used and the manner in which connections therewith from any house, building, yard or other place shall be made, and for the keeping of the same in proper repair and providing for the cost thereof.

Taxes assessed upon lands as recorded in city atlas.

101. All assessments or taxes upon lot owners in such city which may be made for any purpose authorized by this act or to be authorized by law, shall be made upon the lots as they shall stand recorded on the city atlas; and in advertising the sale of the same for such assessments or for taxes, or in entering liens thereon it shall be sufficient to describe said lots by the letters and numbers by which they are designated on the city atlas, together with the name or names of the owner or owners thereof as the same appear in the tax duplicate or records of assessments; in case the name of the owner or owners is unknown and cannot be ascertained, such assessments and taxes shall be made against the lots so designated, with the declaration that the owner's name is unknown.

Proceedings set aside may be reinstituted.

102. Whenever, by reason of any informality or illegality, any proceedings relative to the condemnation of lands or other property, or relative to the making of assessments

for benefits, shall be set aside by judicial authority, it shall be lawful for the city council to reinstitute the proceedings set aside, and proceed therein the same as though the former proceedings had not been had; or the said city council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed; and whenever the city council shall discover that any such proceedings shall be liable to be set aside by judicial authority, they may reinstitute said proceedings from the point where such informality or illegality commences, and no condemnation or assessment shall be deemed invalid in consequence thereof; but no writ of certiorari shall be allowed or issued to set aside any proceedings taken for condemnation or in making any assessment for benefits unless the same be applied for within sixty days after the happening of the irregularity or act complained of, or after the confirmation of any assessment.

Suitable municipal buildings.

103. If in such city there are not public buildings, the property of the city, suitable and proper to accommodate the different officers and departments of the municipal government and for public and municipal uses, it shall and may be lawful for the city council of such city, by ordinance, to provide for additions to or the erection and construction of any and all such buildings, and to purchase, appropriate and condemn suitable lands and real estate therefor and to suitably furnish and equip the same.

Municipal ownership by purchase or condemnation.

104. It shall be lawful whenever the city council shall deem it necessary and for the public good, to purchase or condemn any lands for any of the purposes mentioned in the preceding section of this act, or to purchase or condemn the plant, property or franchise of any person or corporation for the purpose of supplying such city or the inhabitants thereof with gas, electric or other light or with water, or for the removal and disposition of the sewage thereof.

Council may issue bonds.

105. It shall be lawful for the city council, in the name of the city, under authority of this act, to issue its corporate bonds for any sum not exceeding fifteen per

centum of the taxable value of the property rated for assessment; and such obligations shall be issued in the name of the city and under its corporate seal and shall be signed by the mayor and attested by the city clerk and countersigned by the city treasurer; they shall be of such denominations and bear interest at such rate, not exceeding five per centum per annum, and be payable at such times and places not exceeding thirty-five years from the date of issue as the city council may determine; they shall be disposed of at not less than their par value; the proceeds of such securities may be used for the purpose of making any of the improvements authorized by this act and for other lawful purposes;

Proviso.

provided, that in every instance the issue of bonds shall be authorized by ordinance and the purpose for which the bonds are to be used shall be expressed therein, and the proceeds thereof shall be used for no other purpose; whenever bonds are issued to provide funds for any of the purposes authorized by this act, any part of the costs and expenses of which is authorized to be assessed upon the property benefited, the assessments for benefits in every such case shall be exclusively appropriated for the redemption of the bonds so issued and shall be kept separate from the other funds of such city and devoted exclusively to this use; and it shall be the duty of the city council to provide by taxation in the annual tax levy of such city, such sum in addition to the benefits so assessed as will be sufficient in every case to provide for the annual interest of the bonds so issued and a sinking fund for the redemption thereof, which shall not be less than two per centum of the amount so issued.

Redemption of bonds.

Temporary loans.

106. It shall be lawful for the city council of such city, by ordinance or resolution, to negotiate temporary loans for a period not exceeding, with any renewals thereof, two years; which loans shall only be in anticipation of city taxes, and of assessments for laying out and opening, straightening, altering or widening any street, road, highway or alley, and for the construction of sewers and drains and the regulating, grading and paving of streets and sidewalks, and for fees imposed for licenses, and shall not exceed ninety per centum of the amount of

such anticipated assessments, taxes and license fees; and all such temporary loans shall be retired and paid when the revenues anticipated are received; and it shall be lawful to appropriate and use the moneys so obtained on temporary loans in anticipation of revenues for city purposes and all moneys so appropriated and used shall be provided for in the annual tax levy.

Record of bonds kept by city comptroller.

107. Whenever any bonds shall be issued under the authority of this act it shall be the duty of the city comptroller to keep an account of all such bonds in proper books with the numbers, dates and amounts thereof, when redeemable, the place of redemption, the place where interest shall be paid and when payable, with the title of the ordinance authorizing the same and the names of the person or persons to whom the same shall be issued; and shall make report thereof to the city council from time to time and whenever required so to do; and it shall be the duty of the city comptroller to furnish to the commissioner of the sinking fund a statement showing the amount of every such issue and all the particulars herein required to be recorded as soon as the bonds authorized in any case shall have been issued.

City comptroller.

108. There shall be in every such city a city comptroller, who shall be appointed by the city council for the term of three years.

His duties.

109. It shall be the duty of such officer to sign all warrants on the city treasurer, to superintend all fiscal concerns of the city in such manner and to report thereon at such times as the city council shall, by ordinance, direct; to keep separate accounts of appropriations made by the city council to each and every department of the city government and to require each warrant on the treasurer to state particularly against which appropriation the said warrant is drawn; the said officer, on receiving a bill or claim against the city, shall examine the same and if it be for any purpose for which there is no appropriation, or the appropriation for which is exhausted, or to which for any other cause he cannot give his approval, he shall report the fact to the city council and the warrant in such case shall not be signed

except by special authority from or direction of the city council; he shall, upon the death, resignation, removal or expiration of the term of office of any officer or person who, by law, may be authorized to receive or disburse the moneys of such city for which said comptroller is acting as aforesaid, audit and examine the accounts of such officer or person and report the condition of his business to the city council; he shall, before signing any warrant on the treasurer, in payment of any claim against such city, first audit the bill containing or making up such claim with a view to ascertain whether the items and calculations are correct, and after so auditing shall deliver said bill to the officer, department or committee of city council having control of the appropriation against which said claim is made and against which the warrant is to be drawn; if the said officer, or department or committee, after examining the said bill or claim, shall find the same correct and that the supplies charged to said city, or the services alleged to have been rendered, have been furnished and rendered as stated, and that the sum or sums demanded therefor are proper, the said officer, or department or committee shall approve the bill or claim and return the same to the comptroller for payment in the manner herein provided; the said comptroller shall, as often as he may deem necessary, or as the city council may require, suggest plans to the said city council for the improvement, advantage and better management of the finances of such city; he shall have control of the fiscal concerns of all departments and officers of the city, and may require at any time from any and all of its departments and officers a full exhibit of their business and a statement and account in writing of any or all moneys and property of said city within the control or in the hands of said department and officers, and the said comptroller shall immediately, in case of any default, delinquency or official misconduct, report the same to the city council; and in order that he may fulfill his duties and make complete audits of the accounts, he shall have power, whenever he shall see fit, to examine all books, papers and vouchers pertaining to any and

Fiscal control

all departments of the city's business, and shall have free and unrestricted access to them for the purposes aforesaid; and said officer shall also be authorized whenever, in his judgment, the interests of the city shall require, to examine under oath any person presenting a bill or claim against such city for the payment of moneys, and also to examine witnesses and to investigate by other evidence and inquiry all facts relating to such claim which, in his opinion, are necessary to establish the accuracy and good faith of such claim and to ascertain the city's liability therefor; that it shall be deemed a misdemeanor for such officer to sign any warrant or order or otherwise procure the payment of any money from the city treasury not authorized by law.

Access to all departments.

110. There shall be in every such city a court to be called "recorder's court of ———" (inserting the name of such city), to be held by the recorder, which shall have power, authority and jurisdiction as follows: the said court shall have, possess and exercise all the jurisdiction, powers and authority in civil and criminal matters, which are or may be conferred upon justices of the peace in and for the several counties of this state, excepting such as are conferred on such justices of the peace by the following acts: an act entitled "An act constituting courts for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absent and absconding debtors" [Revision of 1901], approved March twentieth, one thousand nine hundred and one, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six, and the various supplements thereto; and an act entitled "An act to increase the jurisdiction of justices of the peace," approved March twelfth, one thousand eight hundred

Recorder's court; power, authority, jurisdiction.

Enforcement of ordinances recovery of penalties.

and seventy-nine; and the said court shall have exclusive jurisdiction for the purpose of enforcing and recovering any penalty for the violation of any ordinance or regulation of said city, or any board or department thereof, and is hereby empowered, on oath or affirmation made according to law, that any person or persons has or have been guilty of any violation of any of the ordinances or regulations of said city or any board or department thereof, to issue process at the suit of such city, board or department, either in the nature of a summons or warrant, as to the recorder thereof shall seem most advisable, against the person or persons, corporation or corporations so violating such ordinance or regulation, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than two nor more than fifteen days; such process shall state what ordinance or regulation has been violated by the defendant or defendants named therein, and on the return of such process, or at the time to which the matter shall have been adjourned, the said court shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and such court shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels or body of the defendant or defendants, which execution shall be executed and returned as near as may be in the manner in which executions are now by law issued and returned in courts for the trial of small causes; such recorder is further empowered to inflict and impose fines in his discretion, not exceeding the sum of one hundred dollars, on such person as shall be brought before him charged with disorderly conduct or breach of the peace, if found guilty; or, in his discretion, to order such person committed to the city prison, workhouse or county jail for any period not exceeding ninety days; and such recorder is hereby empowered to cause any person or persons who shall be found guilty of the violation of any ordinance or regulation of said city or any board or department thereof, and any person or persons found guilty of disorderly conduct, breach of

the peace or any other offense within his jurisdiction, and who may refuse to pay any fine or penalty imposed by him by reason of the same, to be sent to the city prison, workhouse or county jail for a term consisting of one day for every dollar of such fine or penalty, not exceeding a term of ninety days, and each day's imprisonment of the defendant or defendants shall be taken to satisfy one dollar of such fine or penalty; and at any time upon the payment to the said court of such fine or the amount remaining due thereon, the said recorder shall issue a warrant for the discharge of said prisoner; *provided, however,* that nothing in this act contained shall be held to repeal or alter any law of this state concerning any misdemeanor or crime. Proviso.

111. The said recorder shall keep a docket of the proceedings of such court, which docket shall contain the names of the parties and a record of the proceedings in every case; said docket shall be the property of the city and shall be kept in the court-room subject to the inspection of all persons lawfully entitled thereto, and all papers in every case (excepting complaints and recognizances required by law to be delivered to the prosecutor of the pleas of the county or grand jury), shall be filed and remain in said court; and no conviction other than the record in said docket shall be necessary in any case. Docket kept by recorder.

112. The officers empowered to serve any process issued by such court shall be, besides the constables elected or appointed in such city, the officers or members of the police force of such city, and such process shall be returned in the same manner, as far as circumstances shall permit, as similar processes shall be out of courts for the trial of small causes or before a justice of the peace; and such defendant or defendants shall, if such recorder see fit to adjourn the hearing of the cause and so order, enter into recognizance as near as may be in the same manner directed in courts for the trial of small causes or before a justice of the peace, in such sum and with such surety as may be approved by such recorder, such recognizance to be given to such city for the appearance of the said defendant or defendants, on Officers of court; return of processes. Recognizances.

the day to which said hearing may be adjourned, and in default of appearance, the said recognizance may be then collected in the same manner as when taken in a proceeding in a court for the trial of small causes or

Commitments.

before a justice of the peace: if a commitment shall be issued in any case when the defendant is not in custody, it shall be lawful for such defendant to be taken into custody under such commitment in the same manner as under a warrant and delivered to the keeper of the workhouse, city or county jail, as directed in such commitment; and the policemen of such city shall, in addition to the authority conferred upon them by the ordinances of such city, possess and have all the powers of constables within such city, for the purpose of preserving the peace and enforcing the ordinances of such city, and it shall be the duty of the said policemen, on witnessing any breach of the peace or violation of any of the city ordinances or laws of the state, to forthwith arrest such offender without warrant or process, and take such offender or offenders immediately before the recorder for a hearing.

Accommodations for court.

113. The city council of such city shall provide a suitable room or rooms for the transaction of the business of the said court and procure suitable furniture therefor, and such books and stationery as may be necessary, and such city council shall designate the place in such city where such court shall sit for the transaction of business, and the time during which said court shall be open on each day, to the end that the administration of justice by such court throughout such city may be facilitated and made convenient; and it is hereby made the official duty of such recorder to be in attendance at the time and place so designated; and the said city council shall designate and provide a police officer or officers to attend the sittings of such court and preserve order therein.

Court of record.

114. Such court shall be a court of record and shall have an official seal, and all persons shall be amenable to punishment for contempt of said court in the same manner as other courts of record in this state having

Rules.

power to punish for contempt of court, and such judge may make such rules as may be necessary for the orderly

conduct of business and proceedings in such court; such rules shall be approved by and be subject to revision by the judge of the court of common pleas of the county in which such city is situate.

Continuation of present laws.

115. All laws in force in such city not inconsistent with or repugnant to the provisions of this act shall remain and continue in force, and all powers conferred and duties imposed thereby upon the governing body or any municipal officer thereof, shall apply to and be conferred upon all boards and bodies created and officers to be elected or appointed under the authority of this act having like or corresponding powers or duties.

Referendum.

116. This act shall take effect immediately, but its provisions shall remain inoperative in any city of this state until assented to by a majority of the legal voters thereof voting at an election to be held in such city at any time to be fixed by the city council or other legislative body of such city, of which election the city clerk of such city shall cause public notice of the time and place of holding the same to be given by advertisements signed by himself and set up in at least twenty public places in such city and published in two or more daily newspapers printed or circulating therein for at least six days previous to the time of such election, and said clerk shall provide for each elector voting at such election ballots, to be printed or written or partly printed or partly written, on which shall be the words "For the adoption for this city of the provisions of an act of one thousand nine hundred and two, entitled 'An act relating to, regulating and providing for the government of cities;'" if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the adoption of this act; if not marked off or defaced the ballot shall be counted in favor thereof; submission may be made at a special election to be held for this purpose as above provided, or at any general or municipal election held in such city, and if any such election shall result in its rejection, it may be re-submitted in the same manner at any general election thereafter; if such submission or re-submission shall be made at any municipal or general election, then the said words

"For the adoption for this city of the provisions of an act of one thousand nine hundred and two, entitled 'An act relating to, regulating and providing for the government of cities,'" shall be printed on each ballot beneath the list of candidates thereon, and no separate ballot shall be required in such case; if submitted at a special election such election shall be held at the usual places of holding the annual election in such city; the polls shall open at six o'clock in the forenoon and close at seven o'clock in the afternoon; every such election shall be conducted by the proper election officers of such city for the time being and in the manner prescribed by law regulating elections therein, and such officers shall return to the city clerk of such city a true and correct statement, in writing, under their hands of the result of said election, and it shall be the duty of the city clerk to certify and report the same to the city council or other legislative body of such city or municipality at its first meeting thereafter and the same shall be entered at large in the minutes of said body; whereupon, if it is found that a majority of the votes cast are in favor of the adoption of this act, this act shall in all respects be and become operative in such city and binding on the inhabitants thereof and upon all persons and property to be affected thereby, and shall abrogate, repeal and annul all acts and parts of acts then existing, whether general or special, in anywise affecting the government of such city which are contrary to or inconsistent with the provisions of this act; *provided, however,* that this act shall not abrogate, repeal or annul an act entitled "An act concerning district courts" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight, or any supplement thereto or amendment thereof; *and provided further,* that sections sixty-one to sixty-five, both inclusive, of this act shall not apply, nor affect any school district created or acting under any special act of the legislature of this state nor where the boundaries of a school district of which such city is a part includes other lands

Conduction of special election.

Returns of election.

Proviso.

Proviso.

than those within the limits of such city, nor shall this act affect any legislation applying to such school district.

Approved April 3, 1902.

CHAPTER 108.

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.

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

Construct sewer notwithstanding objections.

1. 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 or drain, object to the construction of the same in the manner prescribed in said act or supplements, the board having control of the streets 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,* that the board of public health of any city in which it is proposed to construct such sewer or drain shall certify, in writing, to said board having control of the streets of any city, that a resolution has been unanimously adopted by said board of health that it is the opinion of said board that the construction of said proposed sewer or drain is necessary to preserve the public health.

Proviso.

Repealer.

2. That all acts, so far as they conflict herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 109.

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

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

Validating certain acts of former commissioner of deeds.

1. 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 commission was void at the time of taking such acknowledgment or proof, and the record 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. This act shall be deemed a public act and shall take effect immediately.

Approved April 3, 1902.

CHAPTER 110.

An Act to amend an act entitled "A further supplement to an act entitled 'An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment,' passed March thirtieth, one thousand eight hundred and eighty-six," which supplemental act was approved April twenty-first, one thousand eight hundred and ninety-eight.

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

Section amended.

1. Section one of the 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; which supplement was approved April twenty-first, one thousand eight hundred and ninety-eight, be and the same is hereby amended to read as follows:

Redemption of land.

1. Whenever any person shall desire to redeem any lands and real estate, sold under and by virtue of the provisions of the act to which this is a supplement, and the acts supplementary thereto and amendatory thereof, every such person shall, in addition to the payments now provided by law, pay, when approved by the mayor, as required in section five of a supplement to the act to which this is a supplement, approved April fifth, one thousand eight hundred and ninety-two, to the purchaser of said lands and real estate, or to his assignee in case of assignment, or to the city for the use of said purchaser, all the costs and expenses necessarily incurred in ascertaining the owner or owners, mortgagee or mortgagees, owning or having a mortgage upon said lands and real estate, including fees for searching, to make such ascertainment, at the rates allowed by law to the clerks and registers of deeds for like services, but not including counsel or attorney fees; *provided, however,* that no search fee shall be demanded, allowed, approved or required to be paid in excess of the sum of twenty-five dollars for any lot, plot, or tract sold as one parcel, although said parcel may actually contain one or more lots of land; and that whenever the owner of lands and premises sold under and by virtue of said act to which this is a supplement, or any supplement thereto or act amendatory thereof, shall tender to or deposit with the comptroller, or other financial officer of any

Proviso.

city of this state having such matters in charge, for the use of said city or other purchaser, the amount due for any assessment or tax, and interest thereon, together with the amount of the costs necessarily incurred as aforesaid, the said assessment or tax, as the case may be, shall at once be canceled by the proper officer of the city, upon the production of the certificate of sale issued to the purchaser, or a satisfactory bond of indemnity in case of loss of said certificates; *and provided further,* that upon the redemption of any such land and real estate, no purchaser or assignee shall be allowed any search fees who has not then filed with the city clerk of the city in which said lands are situate, an abstract of the search thus necessarily made, duly certified, together with a statement of the costs thereof and the number of books examined in making said search; *and provided further,* that the certificate of any incorporated company engaged in the business of examining titles and guaranteeing the same, certifying the names of the owners and mortgagees of any property sold under the provisions of the act to which this is a supplement, together with a statement of the fees paid for the same, may be filed with the said clerk, without any abstract of the search made by such company, or statement of the number of books examined by it in ascertaining the names of said owners and mortgagees, and such fees for the certificate of such company shall be paid by the person redeeming such property before redemption thereof; *and provided further,* that any person redeeming lands and real estate sold under the provisions of the act to which this is a supplement, or any act supplemental thereto or amendatory thereof, shall be entitled to such search or such certificate so filed as aforesaid.

Proviso.

Proviso.

Proviso.

Repealer.

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

3. This act shall take effect immediately.

Approved April 3, 1902.

JOINT RESOLUTION No. 2.

Joint Resolution directing the state board of education to inquire into the facilities now provided for the training of teachers and the cost thereof and to report thereon to the legislature at its next session.

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

Ascertain necessity for additional training schools for teachers.

1. The state board of education is hereby directed to ascertain what increase, if any, should be made in the facilities now provided in this state for the training of persons who desire to fit themselves to teach in the public schools; if said board shall find that the best interests of the state require the establishing of another institution for the instruction of persons desiring to become teachers, then said board shall inquire into the approximate cost of the building or buildings for such institution, the general character of the instruction which should be given, and, taking into consideration sanitary conditions, means of access, the estimated cost, distribution of population, and the probable extent of local patronage, the general location which, in the judgment of said board, is best suited for such building or buildings; also the probable annual cost of maintaining such institution; said board shall report its findings to the legislature at its next session.

Report.

Appropriation.

2. To enable said board to carry out the provisions of this resolution, it is hereby authorized to incur expenses to an amount not exceeding the sum of one thousand dollars, which expenses shall be paid by the state treasurer on the warrant of the state comptroller, on bills certified by said board.

3. This resolution shall take effect immediately.

Approved April 3, 1902.

CHAPTER 111.

An Act providing for the paving of any street or avenue or section thereof which forms the boundary line between two adjoining municipalities.

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

Municipalities may join in paving.

1. It shall be lawful for the governing bodies of any two municipalities in this state without regard to the form of their incorporation, to jointly provide for the paving of and to cause to be paved any street or avenue or section of street or avenue which forms the boundary line between such municipalities; and to that end such governing bodies may meet at such time and in such place in either municipality as they may agree upon and may in such joint meeting elect a president, who shall be a member of one of said governing bodies, and a secretary who need not be a member of either governing body; if such governing bodies in joint meeting as aforesaid shall by resolution agreed to by a majority of the members of each governing body, declare that it will be to the advantage of the public and of the owners of property adjacent thereto to pave the street or avenue or section of street or avenue which forms the boundary line between such municipalities, then it shall be lawful for such governing bodies meeting jointly as aforesaid, to prepare and cause to be prepared, and adopt a plan and specifications of the improvement proposed; it shall be the duty of the secretary of the joint meeting to file, as soon as practicable, with the clerk of each of said municipalities a duplicate of said plan and specifications and it shall thereupon become the duty of each municipal clerk to publish at least once in each week, for two weeks successively, in the official paper of the municipality of which he is clerk, or, if there be none, in a newspaper published in the county and circulating in such municipality, a notice stating that said plan and specifications have been filed with him and setting forth the time and place to be designated by the govern-

Joint meeting.

Public notice by clerks.

ing body of the municipality of which he is clerk, when and where said governing body will meet to consider objections in writing to the proposed improvement; the said clerk shall file in his office an affidavit of the publication of said notice and such affidavit shall be presumptive evidence of the facts therein recited in all courts and places; any person or corporation owning real estate fronting on the street or avenue or section thereof proposed to be paved may, at the time specified in said notice, object in writing thereto to the governing body of the municipality in which his real estate is situated, and if the owners of a majority of the real estate fronting on the proposed improvement, in either municipality, shall object in writing thereto, no further proceedings shall be taken under this act except to pay the expenses incurred hereunder which shall be borne and paid equally by each municipality; if the owners of a majority of the real estate fronting on the proposed improvement, in either municipality, do not in manner aforesaid object thereto, then the governing body of each municipality, by the votes of a majority of all the members thereof, may adopt a resolution confirming the proceedings for said improvement then already had and taken; it shall be the duty of the clerk of each municipality to transmit to the secretary of the joint meeting a certified copy of said resolution; and thereupon said governing bodies meeting and acting jointly shall be vested with full power and authority to pave and to provide for the paving of such street or section of street in the manner set forth in the plan and specifications hereinbefore provided for.

Objections considered.

Confirmation of proceedings by each governing body.

2. The said governing bodies meeting and acting jointly, may at any time after confirmation as aforesaid by each municipality, advertise for proposals for the doing of the work and for the furnishing of the materials for the proposed improvement, in the manner provided by said plans and specifications, and on the coming in of proposals therefor may let the contract to such responsible bidder or bidders whose terms are considered most advantageous to the municipalities and who will furnish

Proposals and contracts.

security, satisfactory to said joint bodies; the joint meeting shall appoint a competent engineer and such assistants to him as they may deem necessary, and may appoint not more than two inspectors on the work.

Cost of improvement, how met.

3. The cost and expense of making the improvement shall be paid by each municipality in equal proportions and may be either in money or in improvement certificates bearing interest at a rate of not exceeding six per centum per annum, payable within ten years after the date thereof, which improvement certificate either municipality is hereby authorized to issue under the seal of the municipality; in case either municipality shall determine to make its payments in money, the governing body thereof is hereby authorized and empowered to issue the corporate bonds of the municipality for an amount sufficient to pay its proportion of the cost of the improvement; such bonds to run not exceeding ten years and to bear interest not exceeding five per centum per annum.

Method of paying contractor.

4. Payments to the contractor or contractors shall be made only on the certificate of the engineer in charge of the improvement, a duplicate thereof being furnished to the governing body of each municipality, and on receiving any such certificate each municipality shall provide for the payment of one-half of the amount called for by the same and each municipality shall be liable to the contractor for one-half thereof and no more.

Commissioners appointed to determine cost and assess benefits.

5. At any time after the letting of the contract, the joint meeting may appoint three disinterested commissioners, of whom one shall be a resident in and freeholder of each municipality, and one of whom shall be a resident of the county in which the municipality is situate, but shall not be a resident of or own property in either municipality; each of said commissioners, before entering upon the duties hereinafter prescribed, shall make and file with the secretary of the joint meeting an affidavit that he is not interested in the said improvement or in the assessment to be made therefor and that he will perform the duties of his office faithfully and impartially and to the best of his skill and ability; said commissioners, after the completion of the improvement,

shall ascertain and determine the whole cost and expense thereof and shall make an assessment of such cost and expense, as far as practicable, upon all the lots and parcels of land in both municipalities, which are specially benefited by said improvement, each lot or parcel being assessed in proportion to the benefit received, and no lot or parcel shall be assessed more than it is specially benefited; if the total cost of the improvement shall exceed the aggregate assessable special benefits, the amount of such excess shall be set forth in the report of the commissioners, and such excess shall be borne and paid by said municipalities in equal proportions; said commissioners shall make or cause to be made a map or maps showing each lot or parcel of land assessed for the said improvements in which each lot or parcel shall be designated by a number, which map or maps shall accompany their report, and the said commissioners shall, either on the said maps or in a schedule to be annexed to and accompany their report, set forth the names, so far as the same can be ascertained, of the owners of the several lots and parcels of land assessed and the amount assessed upon each lot or parcel of land; *provided, however,* that no assessment shall be held to be illegal or defective because of the omission of or mistake in the names of any such owner or owners; after the completion of their assessment the said commissioners shall file their report, maps and schedule with the secretary of the joint meeting, and it shall be the duty of said secretary to file a duplicate thereof with the clerk of each municipality; after the filing of said duplicates the joint meeting shall designate a time and place not less than thirty days thereafter when and where it will meet to consider all objections, in writing, to said assessment that may be presented; and the secretary of the joint meeting shall thereupon publish for three weeks once in each week successively in two newspapers published in the county in which such municipalities are situate and circulating in each of said municipalities, and shall also post in five public places in each municipality a notice setting forth that the report, map and assessment of said commissioners and stating the officer

Proviso.

File report.

Hearing of objections.

in each municipality with whom a duplicate thereof has been filed and designating the time and place when and where the said governing bodies, meeting jointly, will meet to consider all objections to said assessment that may be presented in writing; any person interested as owner or incumbrancer of any lot or parcel of land assessed for said improvement may, before the expiration of the time mentioned in said notice, file a written objection to the said assessment, either with the secretary of the joint meeting or with the clerk of the municipality in which he resides; the joint meeting, at the time and place specified in said notice, shall consider and adjudicate all objections, in writing, to said improvement presented in writing, and at such meeting, or at a subsequent meeting, may confirm the said assessment or may correct the same and confirm it as corrected; *provided, however,* that the assessment made by the commissioners upon any lot or parcel of land shall not be increased except upon at least five days' notice to the person or persons designated as owners in the commissioners' schedule; the secretary of the joint meeting shall file in his office affidavits of publishing and posting, which affidavits shall, in all courts and places, be presumptive evidence of the facts therein recited; the secretary of the joint meeting shall, in writing, notify the clerk of each municipality of the action of the joint meeting with respect to the assessment; from and after the confirmation thereof said assessment shall be and remain a lien on each lot and parcel of land assessed prior and paramount to any conveyance, mortgage, devise, descent or other alienation or incumbrance thereof until paid, and shall, in each municipality be collected by the same officer who is charged by law with the collection of other assessments therein; any assessment made under the provisions of this act shall bear interest at the rate of five per centum per annum after the expiration of one month from and after the date of confirmation thereof and may be paid in ten annual equal installments, the first installment thereof to be payable without interest, and with the second and all subsequent installments interest at the rate aforesaid upon the unpaid balance of such

Confirm assessments.

Proviso.

Assessments a prior lien.

Interest on assessments.

assessment shall be paid; if any such assessment or any part thereof shall remain unpaid and in arrears at the expiration of ten years from the date of confirmation thereof it may be enforced by sale of the lands assessed in the same way and manner as other assessments for public improvements are or may be enforced by sale in such municipality; all moneys received by either municipality in payment of assessments made under the provisions of this act shall be held, kept and applied to the payment and redemption of bonds and improvement certificates issued by it under authority of this act, and shall not be used for any other purpose until all such bonds and improvement certificates shall have been paid and redeemed.

Allowance of writ of certiorari.

6. No writ of certiorari or other writ or process to review proceedings taken under this act shall be allowed or granted after the award of the contract for the making of the improvement, and no writ of certiorari to review any assessment for any improvement made under the provisions of this act shall be allowed or granted after the expiration of thirty days from the time of the confirmation of such assessment.

Particular boards to exercise foregoing duties.

7. Where in any municipality affected by this act the power to pave streets is vested in any particular board or department thereof, the powers and duties herein vested in and imposed upon the governing body of such municipality shall be exercised and performed by such board or department; and all the acts herein required to be done by the clerk of such municipality shall be done and performed by the clerk of such board or department thereof, and where in any municipality affected by this act the power to issue bonds and disburse moneys is vested in any particular board or department having the management and control of the finances of said municipality, the power to issue bonds herein vested in the governing body thereof shall be exercised and performed by said last named board or department.

Maintenance.

8. After the completion of any improvement made under the provisions of this act, the same shall be maintained and kept in repair at the joint and equal expense of the municipalities making the same.

Rules governing joint meetings.

9. The governing bodies of two municipalities meeting jointly under authority of this act shall at and after their first meeting have power to meet and adjourn from time to time and as often as in their judgment it shall be necessary to fully carry into effect the provisions of this act; the said governing bodies in joint meeting may make and adopt rules for their government and appoint such other officers as they may deem necessary; no act or proceeding of said governing bodies in joint meeting shall be valid or effective unless assented to or adopted by the votes of a majority of the members of each of said governing bodies; the members of said governing bodies, for their services under this act, shall be entitled to receive the sum of two dollars for each joint meeting attended by them, and the secretary, engineer and assistants, commissioners and inspectors appointed by or at any joint meeting, shall receive such compensation for their services as said governing bodies in joint meeting shall determine to be proper.

Compensation; assistants.

Repealer.

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

Approved April 3, 1902.

CHAPTER 112.

An Act to provide for the destruction of foxes and the payment of premiums therefor.

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

Premium for destruction of foxes.

1. For the benefit of agriculture and the protection of game within this state, there are hereby established the following provisions for the destruction of foxes and the payment of premiums therefor by the respective counties in which the same are slain.

Affidavit before justice.

2. It shall be the duty of any person, having killed any fox within this state, who is desirous of availing himself of the premiums therein provided, to produce

such slain animal before any justice of the peace of said county in which the same was killed, and make affidavit of the time and place of killing the same; *provided,* that the pelt, if entire from the tip of the nose of any such animal, may be produced in lieu of such animal, when so preferred; and upon the production of any such animal, or pelt, it shall be the duty of said officer, in the presence of said person killing such animal, and one qualified voter of said county, to cut off the ears of such animal, and, in the presence of said persons, burn the same. Proviso.

3. Upon the destruction of said ears, said officer shall give to the person producing such animal or pelt, a certificate of compliance with the provisions of this act, directed to the board of chosen freeholders of the county in which such animal was slain, which certificate shall contain the following facts: The kind of animal and when, where and by whom killed, and the date, by whom and in the presence of what qualified voter the ears of such animal were destroyed; and the residences of the person killing said animal and of said voter, and, upon production and surrender of such certificate, the said board shall pay out of the county funds to the person killing said animal the sum of three dollars; and it shall be the further duty of said officer, taking the affidavit provided for in the second section of this act, to file the same forthwith, or cause the same to be filed, in the office of the county collector of the county; and upon filing the same, the said officer shall receive from the funds of the county the sum of fifty cents in full for all his services under this act. Certificate given. Amount of premium.

4. If any person shall willfully and fraudulently collect any premium or premiums provided in this act, or shall aid, abet or assist in any official capacity, or otherwise in the same, he, she or they shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not exceeding five hundred dollars and undergo an imprisonment in the county jail of the proper county not exceeding one year, or both, or either, at the discretion of the court. Fraudulent collection of premium. Penalty.

5. All acts and parts of acts inconsistent with the Repealer.

provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 113.

An Act to amend an act entitled "An act concerning district courts" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

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

Execution against body.

179. An execution against the body shall be granted only in the following cases:

By this act.

I. Where a warrant has issued upon an order made in accordance with the provisions of the fiftieth section of this act and such order has not been set aside;

Action in tort.

II. Where, no warrant having been issued for the same cause of action, due proof is made on oath or affirmation to the satisfaction of the judge of the district court that the judgment debtor, at the time when execution is applied for, is not a freeholder in the county where such district court is established and judgment has been rendered in an action of tort; *provided, however,* that in such a case no execution against the body shall be granted upon a judgment obtained in an action brought to recover damages for the conversion by the defendant of property of the plaintiff where the defendant, as disclosed by the pleadings and evidence in the case, obtained possession of said property lawfully and under a contract for the conditional sale of said property, or under any lease or other agreement whereby the title to said property was to vest in him only after a certain amount of money had been paid thereon;

Proviso.

Where no warrant has issued.

III. When no warrant has issued for the same cause

of action, and this action being founded upon contract, express or implied, due proof is made to the satisfaction of the judge, by affidavit or affidavits filed, establishing the particulars specified in the first subdivision of the forty-ninth section of this act or establishing that the judgment debtor has rights or credits, moneys or effects, either in his own possession or in the possession of any other person or persons to his use, of the value of ten dollars or over, which he unlawfully and fraudulently refuses to apply in payment of such judgment.

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

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 114.

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

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

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

47. An execution against the body shall be granted only in the following cases: Execution against body.

I. Where a warrant in the nature of a capias ad respondendum has issued upon an order made in accordance with the provisions of the fourteenth section of this act, and such order has not been set aside, or if set aside has been subsequently approved by a justice of the supreme court; Where warrant has issued.

II. Where no warrant in the nature of a capias ad respondendum having been issued for the same cause of action, due proof is made on oath or affirmation to the satisfaction of the justice, that the defendant, at the time when execution is applied for, is not a freeholder Judgment in tort.

in the county where the same shall be issued, and judgment has been rendered in an action of tort; *provided, however,* that in such a case no execution against the body shall be granted upon a judgment obtained in an action brought to recover damages for the conversion by the defendant of property of the plaintiff where the defendant, as disclosed by the pleadings and evidence in the case, obtained possession of said property lawfully and under a contract for the conditional sale of said property, or under any lease or other agreement whereby the title to said property was to vest in him only after a certain amount of money had been paid thereon.

Proviso.

Where no warrant has issued.

III. Where no warrant in the nature of a capias ad respondendum has issued for the same cause of action, and the action being founded upon contract, express or implied, due proof is made to the satisfaction of the justice by affidavit or affidavits, filed as aforesaid, establishing the particulars specified in the first subdivision of the thirteenth section of this act, or establishing that the defendant has rights or credits, moneys or effects, either in his own possession, or in the possession of any other person or persons, to his use, of the value of ten dollars or over, which he unlawfully and fraudulently refuses to apply in payment of such judgment.

Repealer.

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

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 115.

An Amendment to an act entitled "An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants," approved March twenty-fourth, one thousand eight hundred and ninety-seven.

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

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

31. The city treasurer shall receive all moneys belonging to the city and shall disburse the same as directed by the law, and shall keep an account of all receipts and expenditures, in such manner as the common council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law, or by an ordinance or a resolution of the common council; the said treasurer shall, for the space of two weeks next preceding and one week after the nomination of members of the common council, assessors and collectors, publish, or cause to be published, in one or more newspapers published and circulating in such city, a full and true account of the receipts and expenditures during the portion of the fiscal year then elapsed, and shall, at the close of the fiscal year, make out a true and full account of receipts and expenditures during the year, and also the state of the treasury, and within twenty days thereafter deliver said account to the city clerk, who shall lay the same before the common council at their next meeting, and if, upon examination, it shall be found correct, it shall be filed in the office of the city clerk; the fiscal year shall commence on the third Tuesday in January in each and every year. Duties of city treasurer. Publish receipts and expenditures. Fiscal year.

Approved April 3, 1902.

CHAPTER 116.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture, and provide open season and close season for such capture and possession," approved March twenty-second, one thousand nine hundred and one.

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

Section amended.

1. The second section of the act of which this is amendatory is hereby amended so that the same shall read as follows:

When certain game may be taken.

2. It shall be unlawful to take, kill, injure, or destroy or to have in possession, any ruffed grouse (frequently called partridge or pheasant), quail (frequently called partridge), hare (frequently called rabbit), or any gray, black or fox squirrel, or any English or any ring-necked pheasant, excepting only between the tenth day of November and the thirty-first day of December, inclusive, in each and every year; or any woodcock, excepting during the months of July, October, November and December; under a penalty of twenty dollars for every ruffed grouse, quail, hare, squirrel, English pheasant, ring-necked pheasant or woodcock so taken, killed, injured or had in possession.

Repealer.

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

Approved April 3, 1902.

CHAPTER 117.

An Act to amend an act entitled "An act to enable the board of chosen freeholders of any of the several counties of this state to construct and reconstruct bridges over and across navigable rivers or streams therein, in certain cases, and providing for the regulation thereof," approved March twenty-eighth, one thousand eight hundred and ninety-two.

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

Section amended.

1. Section one of the act entitled "An act to enable the board of chosen freeholders of any of the several counties of this state to construct and reconstruct bridges

over and across navigable rivers or streams therein, in certain cases, and providing for the regulation thereof," approved March twenty-eighth, one thousand eight hunderd and ninety-two, be amended so as to read as follows:

Erection of bridge declared necessary over navigable stream.

1. Whenever in any county of this state it shall be necessary or advisable to erect a bridge over and across any navigable river or stream, in said county, or whenever any draw or other bridge of such county, under the operation and control of the board of chosen freeholders thereof, extending or stretching over and across any navigable river or stream in such county, shall be in a state of dilapidation or decay, and such board shall deem the erection of a bridge, or the reconstruction of the old bridge, or the construction of a new bridge to take the place of such bridge in such state of dilapidation or decay, a public necessity and shall so declare at a regular meeting by resolution adopted by an affirmative vote of not less than a majority of all the members of such board, then and in that case such board may, by resolution to be adopted in like manner, order and provide for and proceed with the erection, construction or reconstruction of such bridge, with the draw or draws and all necessary apparatus, appliances and things required therefor; *provided,* the entire cost and expense thereof shall not exceed the sum of one hundred thousand dollars.

Proviso.

Repealer.

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

Approved April 3, 1902.

CHAPTER 118.

A Supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

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

Card system in place of book of signatures.

1. Any savings bank or savings institution of this state, whether chartered or incorporated under a general or a special act of the legislature of this state, may, in all cases where the law provides for using a book or books for the entry of signatures, or for the purpose of designating to whom moneys shall be paid in case of death, use cards or a card system, and the same shall in all respects have the like legal force, meaning and effect as though a book or books had been used.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 119.

An Act to appropriate money for erecting a battle monument at Fort Lee.

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

Appropriation for Fort Lee monument.

1. The sum of one thousand ($1,000) dollars be and hereby is appropriated for the erection of a battle monument to mark the site of the old Fort Lee of Revolutionary times, at the village of Fort Lee, in the county of Bergen and state of New Jersey.

Custody and use of fund.

2. Said sum of one thousand ($1,000) dollars be placed in trust with the Palisade Park commission, and that said commission be and hereby is authorized to expend it for the erection of the aforesaid monument.

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

Approved April 3, 1902.

CHAPTER 120.

An Act to authorize two or more municipalities in this state to jointly establish and maintain hospitals for contagious and infectious diseases.

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

Municipalities may join in maintaining hospital.

1. It shall be lawful for any two or more municipalities in this state, without regard to their form of incorporation, to jointly provide for and cause to be established and maintained, a joint hospital or hospitals for the treatment of persons suffering from contagious or infectious diseases in the manner herein provided; and to that end the boards of health of any two or more municipalities in this state may unite and jointly cause to be established and maintained a hospital or hospitals which shall be devoted exclusively to the treatment and relief of persons suffering from contagious or infectious diseases within the limits of the municipalities in and for which said boards of health are established; *provided,* the provisions of this act shall have been adopted by the several municipalities by the passage of a resolution by a majority of the common council or other governing body of each such municipality, which resolution shall limit the cost of such hospital and of the land and equipment and furnishing therefor.

Proviso.

May contract with other municipalities to use same.

2. It shall be lawful for the boards of health of any two or more of such municipalities adopting the provisions hereof to thereafter respectively authorize by a resolution duly passed by each of such boards of health, the making and entering into by and upon behalf of such boards of health, respectively, of a joint contract or contracts in writing (for which authority is hereby given) with such other board or boards of health of such other municipality or municipalities adopting the provisions hereof as may then or thereafter desire to unite for the joint establishment and maintenance, or either, of a hospital or hospitals for the relief of persons suffering from contagious or infectious diseases at the joint cost and expense of such contracting or associated boards of health as may be provided and specified in said contract.

Joint meetings of boards of health.

3. After the execution by two or more boards of health in this state of a contract pursuant to the provisions hereof, it shall be lawful for the respective boards of health of the municipalities so adopting the provisions hereof, and it shall be their duty to meet in joint

meeting at such time and place as may be fixed, in writing, by a majority of the presiding officers of such boards of health; each of such boards of health shall be entitled to two representatives at the joint meetings, one of whom shall be the presiding officer of the boards of health, and the other (whose term shall be for two years) to be elected by the several boards of health respectively from among their own number, and the said representatives to have full power and authority to act in joint meeting for and on behalf of the boards of health which they represent for the carrying into effect of all the provisions of this act; and the representatives of such contracting boards of health shall meet at the time and place so to be designated as aforesaid and shall

Organization. proceed at once to organize as a joint meeting by electing by ballot one of their number a permanent chairman of such joint meeting; and said joint meeting shall immediately after selecting a permanent chairman and at the same meeting, proceed to elect a secretary and a treasurer from among their own number, and at such meeting, or any subsequent meeting, shall have full

Appoint assistants. power and authority to appoint, by a majority vote, such other servants and agents and fix their compensation as such joint meeting shall deem advisable; such joint meeting shall continue to exist during the establishment and maintenance of such hospital or hospitals and shall make rules for the government of themselves, and shall be entrusted with the establishment of such hospital or hospitals and the government thereof, and shall have full

Rules and regulations. power and authority to make rules and regulations regarding the maintenance of such hospital or hospitals so to be established in conformity with the provisions hereof, and shall have full power and authority to make and enter into in the names and on behalf of the said

Contract for buildings and supplies. contracting boards of health, a contract or contracts for the purchase, erection and construction of a hospital building or buildings, the purchase of necessary equipment and supplies therefor, the renting and leasing of lands and real estate and the acquiring by purchase or otherwise (as hereinafter stated), of such lands and real estate as they may deem necessary and proper for the

site or sites for such hospital or hospitals, the title to said land and real estate so purchased or acquired, to be taken in the joint names of all the municipalities adopting the provisions hereof whose boards of health have entered into such joint contract.

Acquiring property by condemnation.

4. In case no agreement for securing by purchase, or otherwise, the lands and real estate necessary for the site or sites for such hospital or hospitals can be made between such joint meeting and the owner or owners of such land and real estate, the said joint meeting shall certify the facts in writing together with a description of the lands and real estate which the said joint meeting deems necessary for the purpose of a site or sites as aforesaid to the common councils or other governing bodies of the several municipalities adopting the provisions hereof and whose boards of health have contracted as aforesaid, and it shall thereupon be the duty of such common councils or other governing bodies to take the necessary legal proceedings in the joint names of such municipalities, or a majority of them, for acquiring, by condemnation, the said lands and real estate, in the manner provided in a certain act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use [Revision of 1900]," approved March twentieth, one thousand nine hundred, and any supplements thereto; and the title to said lands and real estate whether acquired by purchase or condemnation, shall be taken in the joint names of all of the municipalities whose boards of health have contracted as aforesaid, whether said condemnation proceedings shall have been taken in the joint names of all or a majority of said municipalities.

Defraying expenses.

5. For the purpose of defraying the cost and expense of the purchase of lands and real estate for such site or sites and the erection, construction and establishment of said hospital building or buildings, after the expense thereof shall have been ascertained by said joint meeting and certified to the respective governing bodies of such municipalities, it shall be the duty of such governing body to borrow money for defraying the expenses thereof,

Temporary obligations.

and secure the payment of the same by notes or other temporary obligations of such municipalities, which notes and obligations may be renewed from time to time until the work of such erection, construction and establishment of such hospital building or buildings be completed, whereupon after the entire cost and expense thereof and of the equipment and furnishing of such hospital building or buildings shall have been finally determined by such joint meeting and certified to said governing bodies, as aforesaid, it shall be the duty of each of such governing bodies, and they are hereby

Bonds issue.

authorized and empowered to issue, in the name of each of such municipalities, bonds for its share of the expense of such erection, construction, establishment and equipment, the same to be issued for a term not exceeding thirty years, to bear interest at a rate not to exceed five per centum per annum, and to be signed by the mayor or acting mayor, or chairman, or president of the governing body or board, or chief officer of such municipality, and the clerk of the same, as may be directed, by resolution of such governing body; and the proportion of the expense of the acquirement of such lands and real estate, and of the erection, construction, establishment and equipment of such hospital building or buildings shall be divided between the several municipalities establishing and maintaining such hospital according to the population of each at the next preceding national or state census, and shall thereafter be apportioned in like manner as each succeeding national or state census shall be made.

Money raised by taxation to pay bonds, etc.

6. It shall be lawful for the governing body or board having control of the finances of each municipality as aforesaid, pursuant to the terms of this act, and they are hereby authorized and directed to raise by tax in each year, as other moneys are raised in such municipality, such sum of money as may be necessary to pay the principal and interest on the notes, bonds and temporary obligations issued as aforesaid, and in addition thereto, its share of the cost and expense of the maintenance of such hospital building or buildings, the latter to be certified to the said governing body by the said board of health thereof and the amount thereof to be fixed and

determined in accordance with the provisions of the joint contract above referred to and to which said board of health shall be a party; the said moneys so to be raised to be in addition to any other moneys raised for health purposes in pursuance of any other statute.

Site and plans of hospital.

7. The selection of a site or sites for the said hospital building or buildings, the making and approval of plans for the same and the control and government of the said building or buildings and their surroundings, shall be vested in the said joint meeting and the said site or sites shall be within the limits of one or more of the municipalities whose board of health has entered into said joint contract, and no consent for the erection and use of such hospital building or buildings shall be required from any governing body other than the passage of the said resolution adopting the provisions of this act as hereinbefore provided; and it shall be lawful for any of such contracting boards of health and the officers, agents and employes thereof and of the joint meeting, to use the streets of any intervening municipality in conveying patients to the said hospital building or buildings.

Money placed to credit of board of health.

8. All moneys raised by taxation or upon notes, temporary obligations or bonds, for the purpose of this act, shall be placed to the credit of the local board of health, and shall by said board of health be paid over to the treasurer of the joint meeting; all moneys expended by said joint meeting shall be so expended by a vote of a majority thereof, and shall be by order in writing under the hands of the president and treasurer; the treasurer of said joint meeting shall give bond to all of the contracting boards of health in their joint names, conditioned for the faithful performance of his duties as such treasurer in such sum as may be agreed upon in and by said joint contract.

"Joint meeting" construed.

9. The words, "joint meeting," as used in this act, shall be construed to mean the meeting or assembly of the representatives of the several boards of health having authority to make and enter into a contract for the establishment and maintenance of a joint hospital or hospitals for the treatment and relief of persons suffering

from contagious and infectious diseases, pursuant to and by authority of the provisions of this act.

Repealer.

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

Approved April 3, 1902.

CHAPTER 121.

An Act to amend an act entitled "An act concerning district courts" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

1. Section thirty of the act to which this act is amendatory, be and it is hereby amended so as to read as follows:

Jurisdiction.

30. Every suit of a civil nature at law, or to recover any penalty imposed or authorized by any law of this state, where the debt, balance, penalty, damage or other matter in dispute does not exceed, exclusive of costs, the sum or value of three hundred dollars, shall be cognizable in district courts of this state; district courts shall also have jurisdiction in proceedings between landlords and tenants, and in actions of forcible entry and detainer, and in actions of replevin, and in attachments, as hereinafter provided in this act.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 122.

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

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

1. Section one of the act entitled "An act to facilitate the acquirement of lands and the erection of buildings for county purposes," be and the same is hereby amended so as to read as follows: Section amended.

1. Whenever in any county of this state the board of chosen freeholders shall adopt a resolution declaring the court house and buildings in use for the public offices to be inadequate, a county building committee shall be constituted in such county, which shall consist of the person who shall be director of the board of chosen freeholders at the time of the adoption of such resolution and two other members of said board, who shall be selected and appointed by such director, and said committee, when so appointed, and any such committee heretofore appointed shall continue in office until said court house and buildings shall be erected and furnished, and ready for occupancy; if any vacancy shall occur by death, resignation, removal from the county or otherwise, such vacancy shall be filled by the appointment of another member of said board, which appointment shall be made by the director of the board of chosen freeholders at the time such vacancy occurs; that each of said committee shall receive such compensation for his services as said board of chosen freeholders shall, by resolution adopt; *provided, however,* said compensation shall not exceed five dollars per day to the directors nor three dollars per day to the other members of said committee for each day actually engaged in the work for which they were appointed. Committee on new county buildings. Continuation of committee. Vacancies. Proviso.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 123.

An Act to amend an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

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

Section amended.

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

Power to raise money for sundry purposes.

52. The council shall have power to pass ordinances appropriating and providing for raising, by taxation, moneys for the following purposes:

I. For lighting the streets of the town;

II. For the support of the police department;

III. For the maintenance of the fire department;

IV. For regulating, cleaning and keeping in repair streets and highways;

V. For repairs to public buildings;

VI. For the relief of the poor;

VII. For water for the extinguishment of fires;

VIII. For the payment of interest upon the debt of the town and such part of the principal as shall from time to time become due and payable;

IX. For the sinking fund required to be raised;

X. For the general and incidental expenses of the town, including the printing and publication of minutes of council, ordinances and such other matters required by law to be published;

XI. For the support of public schools;

And no appropriation shall be made or ordered for any other purpose, except by a majority of the voters of the town voting at an annual town election.

Repealer.

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

Approved April 3, 1902.

CHAPTER 124.

An Act to authorize incorporated towns to construct, operate and maintain a system of sewers, or a system of sewers and drains, and to provide for the payment of the costs of the construction, operation and maintenance thereof.

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

Construction of sewerage system and necessary adjuncts.

1. It shall be lawful for any town which has been incorporated under any general or special law, to provide for and cause to be built and constructed in the manner hereinafter provided a system of sewers, or a system of sewers and drains, and as part of such system to cause to be built and constructed beyond the limits of such incorporated town, a sewer or sewers connecting the sewers or the sewers and drains within the limits of such incorporated town with any outlet or trunk sewer, or with filtration beds or disposal works, and if necessary for the proper operation of such system, to build, construct and maintain a pumping station or stations, receiving tank or tanks, vat or vats, place or places of deposit, filtration beds or disposal works, and flushing tank or tanks, within or without such incorporated town, or both, and to provide for the disposal of the sewage or the sewage and drainage from such incorporated town by connecting and joining with any outlet or trunk sewer, or in such other way and manner as shall be deemed most advantageous and for the best interests of such incorporated town, and thereafter to maintain and operate such system, and keep the same in proper repair.

Petition for system.

2. Whenever a petition, in writing, signed by not less than fifty residents and freeholders of such incorporated town, shall be presented to the mayor and board of aldermen or other governing body of such incorporated town, asking for the construction of a system of sewers, or system of sewers and drains, in the whole

or any particular section of such incorporated town, it shall be the duty of the mayor and board of aldermen or other governing body of such incorporated town to apply immediately to the judge of the circuit court of the county wherein such incorporated town is situated, for the appointment of a board of sewerage; and such judge shall, without unnecessary delay, appoint four persons who shall be freeholders and residents of such incorporated town (not more than two of whom shall be of the same political party), such board of sewerage; the judge shall have power to remove any member of said board so appointed for malfeasance in office, and to appoint another in his place, and also to fill any vacancies that may occur by reason of the death, resignation, refusal to serve or disability of any member of said board, or for any cause whatever; the members of said board, 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 faithfully, justly and honestly, according to the best of their skill and understanding, perform the duties of their said office, which oath or affirmation shall be filed with the clerk of the circuit court of such county.

Board of sewerage.

Organization.

3. The members of said board of sewerage having thus qualified, shall meet and elect one of their members chairman, and another secretary of said board; on failing to agree upon a chairman, the oldest member of the board shall act as such officer; the chairman and secretary shall not be of the same political party.

Determination regarding system.

4. After the said board of sewerage shall have been organized they shall determine the system of sewers, or the system of sewers and drains most advantageous and for the best interests of such incorporated town, whether such system shall extend throughout the whole town, if not, in what parts and through what streets, highways and avenues it shall be constructed, in what manner the sewage or sewage and drainage shall be disposed of, and if by connecting with any outlet or trunk sewer, or with filtration beds or disposal works without the limits of such incorporated town, the general loca-

tion of such connecting sewer or sewers, and shall report their determination, in writing, under the hand of the chairman and secretary, to the mayor and board of aldermen or other governing body of such incorporated town, together with an estimate of the total cost thereof, or if they fail to agree, then to report the fact to said mayor and board of aldermen or other governing body of such incorporated town; the said board of sewerage, in order to make such report, may employ counsel, and a competent engineer or engineers, and make all necessary plans, surveys, maps, estimates and other investigations at an expense not to exceed the sum of fifteen hundred dollars; all bills and expenses so incurred, shall be paid by the mayor and board of aldermen or other governing body of such incorporated town, when approved by a majority of the members of said board of sewerage, and the money so expended shall be added to the amount to be raised by general tax, in the next succeeding year.

Make report.

Employ assistants.

Expenses.

5. Upon receiving the report and estimate from the board of sewerage, the mayor and board of aldermen or other governing body of such incorporated town shall cause notice to be given, by publication in one or more of the newspapers circulated in said town, for two weeks successively, of the time and place when and where they will hear any objections that may be made to accepting said report, and after hearing any matter which may be alleged against the same, may, by resolution, accept said report, or refer the same to the said board of sewerage for revision or modification, and the said board of sewerage to whom said report may be so referred, shall return the same with or without such modification and revision, or may make a new report, and the same being so returned shall be accepted or rejected or again referred until a report shall be made which will either be accepted or rejected by said mayor and board of aldermen or other governing body of such incorporated town; if such report be rejected, or in case the board of sewerage shall fail to agree, the duties of said board of sewerage shall end, but a new petition may be presented to the mayor and board of aldermen or other governing body

Hearing upon report and estimate.

of such incorporated town as provided for in the second section of this act.

If report accepted, notice of special election.

6. If the said report is accepted, it shall be the duty of the mayor and board of aldermen or other governing body of such incorporated town, to pass a resolution or ordinance for the holding of a special election for the purpose of submitting the question of the acceptance or rejection of this act to the voters of such incorporated town; notice of such special election shall be given by advertisement published in two newspapers, one of which at least shall be printed and published in such incorporated town, but if there be none, then in two newspapers published in the county and circulated in such incorporated town, for three weeks successively, next preceding the day appointed for holding such special election, and by printed notices posted in at least twenty-five conspicuous places in such incorporated town, at least fifteen days prior to the date appointed for holding such special election, which advertisement and notices shall specify the time and place or places and the object and purpose of holding such special election.

Manner of holding election.

7. Any special election held under the provisions of this act shall be by ballot, and shall be conducted under the general laws regulating elections; the vote shall be counted and canvassed in the manner provided by law for counting and canvassing the votes at a municipal election held in such incorporated town; the ballots shall contain the words "accepting the provisions of an act entitled 'An act to authorize incorporated towns to construct, operate and maintain a system of sewers, or a system of sewers and drains, and to provide for the payment of the costs of the construction, operation and maintenance thereof,'" with the word "for" and the word "against" printed above, and immediately preceding such proposition; if the word "for" be marked off or defaced upon a ballot it shall be counted as a vote against the same; if the word "against" be marked off or defaced upon a ballot it shall be counted as a vote in favor thereof, and in case neither the word "for" or "against" be marked off or defaced upon a ballot, or in case both said words shall be marked off or defaced

Ballots.

upon a ballot, it shall not be counted as a vote either for or against such proposition; if a majority of the votes so cast at any such election shall be in favor of accepting the provisions of this act, it shall then go into effect and be operative in such incorporated town, but not otherwise.

Election, by whom conducted.

8. The members of the board or boards of registry and election conducting such special election, shall receive the same compensation as is allowed by law for like services at a municipal election held in such incorporated town; all the expenses incident to such special election shall be paid by such incorporated town; if the special election shall be against accepting the provisions of this act, the duties of the said board of sewerage shall end, and the question shall not be again submitted to the people of such incorporated town for two years.

If accepted, sewers to be built.

9. If the terms of this act shall be accepted, the said board of sewerage shall, as soon as possible, cause to be built and constructed the sewers or sewers and drains, and all other works, contemplated in their report as accepted by the mayor and board of aldermen or other governing body of such incorporated town, and in substantial compliance with the same; the said board of sewerage shall continue to exist until the completion of such contemplated work, and are authorized to adopt and make rules governing their meetings, and for the government of their officers, servants, agents and employes; they shall cause to be prepared by a competent engineer or engineers, specifications of the work and materials required and shall advertise that bids for the construction of the same as a whole, or in such portions as the said board of sewerage may deem advisable, will be received by such board of sewerage, at a certain time and place; said advertisement shall be published for three weeks successively, at least once a week in two newspapers circulated in said incorporated town; all work and materials amounting to over two hundred dollars shall be done or furnished by contract; all contracts shall be awarded to the lowest bidder or bidders, who will give satisfactory security in such amount as

Continuation of board.

Specifications and proposals.

Awarding contracts.

the board of sewerage shall determine for the faithful performance of the same; the said board of sewerage may, however, in their discretion reject all bids, and advertise for new bids; the total cost of completing the work mentioned in the reports so accepted by the mayor and board of aldermen or other governing body of such incorporated town, including the amount to be paid for lands and rights of way, and any sum required to be paid to join any outlet or trunk sewer (not including, however, any sum to be paid in the nature of an annual charge or rent) shall not exceed five per centum of the assessed value of the property of such incorporated town as shown by the books of the assessor for the last assessment made previous to the adoption of this act; the said board of sewerage shall, without unnecessary delay, report the contract or contracts so awarded, together with the security offered for the faithful performance of the same, to the mayor and board of aldermen or other governing body of such incorporated town who, upon being satisfied that such contract or contracts has been awarded to the lowest bidder, after due advertisement, that the security offered is ample, and that the total amount required to complete the contemplated work, will not exceed the aforesaid authorized cost thereof, shall execute such contract or contracts, but not otherwise; all work shall be done and materials furnished under the supervision and management of the said board of sewerage and their duly appointed employes and agents; and the said board of sewerage shall have full power to reject any and all work and materials that shall not fully comply with the terms of the contract so entered into as aforesaid.

Limit of cost.

Security offered by contractors.

Power and authority in constructing sewers in streets, etc.

10. It shall be lawful for such board of sewerage, and they shall have full power and authority to construct such sewers or sewers and drains through any street, road, highway and through any public or private lands, along, under, over or across any street, turnpike, road, county road, railroad or other way within such incorporated town, and may enter upon and dig up any road, street, highway, or private or public land for the purpose of constructing such system and for repairing and main-

taining the same; and to construct flushing tank or tanks, pumping station or stations, receiving tank or tanks, vat or vats, place or places of deposit, within or without such incorporated town, or both, and to take, appropriate and use for that purpose, so far as necessary, any lands and real estate within or without the lines of any public street or highway of such incorporated town, and to acquire, by purchase or condemnation, on behalf of and in the name of such incorporated town, all rights of way, lands and real estate so required, to appropriate and use any such rights of way, lands and real estate upon making compensation to the owner or owners as hereinafter stated; in case any sewer or drain shall be laid through or across any public street or highway in such incorporated town, or if it shall be necessary afterwards to cleanse, repair or replace such sewer or drain, such work shall be done without unnecessary delay to the traveling public, and the street, or highway, shall be restored to its original condition by said board of sewerage.

Acquire property by purchase or condemnation.

11. It shall be lawful for said board of sewerage to build and construct a sewer or sewers connecting the sewer or sewers and drains within such incorporated town, with any outlet or trunk sewer, or filtration beds or disposal works located without the limits of such incorporated town, and for this purpose to pass through or partly through territory situate within the bounds of any other township, borough or municipality; it shall be lawful for such board of sewerage, and they shall have full power and authority to construct such sewer or sewers and appurtenances through any township, borough or other municipality (upon such terms as may be agreed upon between such board of sewerage, and the authority of such township, borough or other municipality through the streets and highways of which it is proposed to construct such sewer or sewers; and in case no agreement can be made between such board of sewerage and the authorities of the township, borough or other municipality, through the streets of which such sewer or sewers is to run, the circuit court of the county wherein the township, borough or other municipality,

Connection of sewers with those of another municipality.

In case of not agreeing.

through whose streets such sewer or sewers is to run, is situated, shall appoint three disinterested commissioners to determine the streets and fix the terms upon which the said board of sewerage may use and occupy such streets of the township, borough or other municipality through which such sewer or sewers shall run; such commissioners shall be appointed in the same manner as is provided for in the thirteenth section of this act), along, under or over any water course, or under, or over, or across, or along any street, turnpike or road (when agreed upon or determined upon), or railroad, canal, highway or other way, or public park or grounds, and in or upon private or public lands, or under water, in such way and manner, however, as not unnecessarily to obstruct or impede travel or navigation, and may enter upon and dig up any road, street, highway or private or public land for the purpose of constructing such sewer or sewers and appurtenances, and for repairing and maintaining the same, and with the consent of the board or body having control of the streets and highways in any township, borough or other municipality, may alter or change the location or grade of any highway, public street or way crossed or intercepted by such sewer or sewers and appurtenances constructed under the provisions of this act, and in general may do all other acts and things necessary, convenient and proper in connection with the making and maintaining of the improvements contemplated by the provisions of this act; in case any such sewer or sewers shall be laid through or across any public street, public place or highway, or be cleansed, repaired or replaced, the work shall be done under such reasonable regulations, if any, as may be imposed by the borough, township or municipality in which such work is done in respect to like work done therein by itself, and such street, highway or public place shall be, as far as possible, restored to its original condition, by such board of sewerage, for whose benefit the work is done.

Not impede travel.

Acquire lands for filtration, etc.

12. In addition to the lands that may be necessary for the purpose of laying sewers or drains, or either of them, it shall be lawful for the board of sewerage, on

behalf of and in the name of such incorporated town, to acquire, by purchase or condemnation, in manner hereinafter mentioned, any other lands, either within such incorporated town or beyond the corporate limits of the same, that may be needed for filtration beds, flushing tank or tanks, disposal works or places of deposits for such sewage or for pumping station or stations, receiving tank or tanks, vat or vats, or for any other purpose connected with such system of sewers, or system of sewers and drains; all lands purchased or acquired by condemnation, for any of the purposes mentioned in this and preceding sections, shall be taken in the corporate name of such incorporated town.

Securing right of way in case of disagreement.

13. In case no agreement for the securing of the rights of way, or for the purchase of the lands and real estate which it may be necessary to take for any of the purposes aforesaid, can be made between the said board of sewerage 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 such land is situated shall, on application in writing, made on behalf of such incorporated town by said board of sewerage, and after notice of the time and place of making such application, published at least ten days previous thereto once a week in two newspapers published or circulated in the said 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 circuit court; without unnecessary delay, the said commissioners, after having taken an oath faithfully to perform their duties as such commissioners according to the best of their skill and ability, before some person authorized to administer oaths, shall give notice, either by advertisement in two newspapers printed and circulated in such county or by mailing the same to the last known post-office address of

Commissioners appointed to estimate and assess damages.

such owner, of the time and place of their first meeting, at least ten days prior thereto, and such commissioners when met, or a majority of them, shall have power to examine witnesses under oath to be adminstered by any 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, or the owners of lands adjacent thereto, will sustain by the taking and appropriating in manner aforesaid such land and real estate, and in estimating and assessing such damages the commissioners shall have regard to the value of the land and real estate taken, and the injury to the remaining land.

Report of commissioners; action thereon.

14. The 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 by 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 objections 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 said report or refer the same to the same commissioners for revision or correction, or to new commissioners to be appointed by it, or may, upon a hearing had before it, modify or alter such report, and any award of damages made therein, in such manner as it may deem 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 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 file with the clerk of said court; and such report, when so confirmed, shall be final and conclusive, as well upon such incorporated town as upon the owner of any land affected thereby, except as herein provided, and the said circuit court shall cause a certified copy of said report to be transmitted to the clerk of such

Confirmed report final.

incorporated town, with a certified copy of the rule or order of said court confirming the same.

Certified copy as evidence.

15. Said report or a certified copy thereof shall be plenary evidence of the right of such incorporated town, and of the said board of sewerage and its agents, to enter upon, take and use the said land and real estate, with the appurtenances, the said board of sewerage first tendering to the owner or owners thereof, if resident in this state, the amount so awarded, and if any such owner be not a resident of this state, or upon due inquiry cannot be found therein, or is unknown, or is a lunatic, or an 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 any dispute arises 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 to that effect, and filed in the office of the clerk of said circuit court, and the amount awarded to any such owner or owners shall be deposited in said circuit court, before such incorporated town or the board of sewerage shall have the right to take and use the said land and real estate; in case of such dispute as aforesaid, the matter may be determined by said circuit court, in such mode, summary or otherwise as may be deemed proper, or in case of any want of jurisdiction in such circuit court, then by the proper tribunal.

Dispute as to accepting compensation.

Right of appeal.

16. Any person aggrieved by an 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; such trial shall be conducted as in other cases of trial by jury, and set aside or reviewed in like manner; *provided, however,* that the completion of said work shall not be delayed thereby, and that such board of sewerage may proceed therewith as though said appeal had not been taken.

Proviso.

Compensation of commissioners.

17. The commissioners shall be paid by such incorporated town such sum as the circuit court shall deter-

mine proper and adequate for the services rendered by them.

Engineers.

18. The board of sewerage may, from time to time, employ a competent engineer or engineers to oversee the construction of said system of sewers, or system of sewers and drains, or any portion of the same, and the building and construction of filtration beds or disposal works, and the erection and construction of machinery and other apparatus for the disposal or deodorizing of such sewage or sewage and drainage, and all other works connected with such system, and may employ one or more persons to secure the necessary lands, real estate and rights of way, and may also employ counsel, at such salary or salaries, or for such compensation as may be agreed upon between such board of sewerage and the persons so employed.

Quarterly estimates of funds needed.

19. The said board of sewerage shall, from time to time, certify to the mayor and board of aldermen or other governing body of such incorporated town the amount of money that will be required to prosecute such work during the next succeeding three months, and the mayor and board of aldermen, or other governing body of such incorporated town, are required to raise the same on the note or notes or temporary obligations of such incorporated town and to pay for all lands, rights of way, work, material, salaries and other proper expenses connected with such work when the bills for the same shall be approved by a majority of the said board of sewerage; such note or notes or temporary obligations so issued as aforesaid shall bear such rate of interest, not exceeding six per centum, as shall be agreed upon between such incorporated town and the persons or corporations furnishing the money, and shall be payable at any time within three years, and may be renewed from time to time, but no renewal of any note or other obligation shall extend the time of payment beyond the said period of three years; the total amount of notes or temporary obligations so issued as aforesaid, shall not exceed the amount authorized to be expended in completing the work.

Compensation of board of sewerage.

20. The members of the board of sewerage shall receive such compensation for their services as shall be allowed by the judge of the circuit court of the county in which such incorporated town is located, which sums shall be considered as part of the cost of the construction of such system, and shall be paid by the mayor and board of aldermen or other governing body of such incorporated town.

May contract with others for use of sewers.

21. The mayor and board of aldermen, or other governing body of such incorporated town, accepting the provisions of this act, may, after the completion of such system, or while such system is being constructed, with the consent of the board of sewerage, enter into a contract with the authorities of any other municipality in this state, or with the board of managers of any county or state institution, or other person or persons, corporation or corporations, granting the privilege of connecting the sewers of such municipality or institution, or the sewer owned by any person or corporation with such system, or with the sewer or sewers connecting the sewer or sewers and drains within such town with any outlet or trunk sewer, or with filtration beds or disposal works without the limits of such incorporated town, upon such terms, and for such consideration and length of time as may be mutually agreed upon, and it shall be lawful for the mayor and board of aldermen, or other governing body of such municipality, or the board of managers of any county or state institution, to enter into such contract.

May enter into contract with municipalities.

22. The mayor and board of aldermen, or other governing body, of any incorporated town that has accepted the provisions of this act, may enter into a contract with the municipalities that have constructed or are now constructing, or that may hereafter construct and maintain any outlet or trunk sewer, to allow such incorporated town to connect its system of sewer or system of sewers and drains with such outlet or trunk sewer, upon such terms, and for such consideration and length of time as may be mutually agreed upon, and to pass all necessary ordinances and resolutions to carry such contract into effect; *provided, however,* if such contract be made

Proviso.

before the completion of such system, the consent of the board of sewerage shall be first obtained; all payments required to be made before the system is completed, shall be included as part of the cost of constructing such system and paid in the same manner as hereinbefore provided; but in case the said consideration to be paid, or any part thereof, shall be in the nature of an annual charge or rent, it shall be considered and taken as part of the operating expenses of such system, and paid as provided in the thirty-eighth section of this act.

Commissioners appointed to assess benefits.

23. Upon the completion of such system it shall be the duty of the mayor and board of aldermen or other governing body of such incorporated town to apply to the circuit court of the county in which such town is situated for the appointment of three commissioners to ascertain if any lots or parcels of land and real estate within such incorporated town have been specially benefited or increased in value by the construction of such system, and if so, to estimate and assess such special benefits; the said commissioners, after having taken an oath faithfully to perform their duties as such commissioners to the best of their skill and ability, before some person authorized to administer oaths, shall give notice, by advertisement in two newspapers circulated in such incorporated town, of the time and place of their first meeting, at least once a week for two weeks prior thereto; and said commissioners when met, or a majority of them, shall have full power to examine witnesses, under oath, to be administered by any of them, and to enter upon and view the premises, and to adjourn from time to time.

Duties of commissioners.

24. Said commissioners shall ascertain and determine the total cost of such system, and whether any lots or parcels of land within such incorporated town have been specially benefited thereby, and if so, to assess such cost, so far as can be, on the lands and real estate so specially benefited, in proportion to the benefits received, but no lot or parcel of land shall be assessed more than it is so specially benefited, and no benefits shall be assessed upon lands or real estate without the limits of such incorporated town; the said commissioners, or any two of them, shall, within sixty days

after their appointment, unless the court shall, before or after its expiration, extend the time, make a report, in writing, to the said court of their determination, and if any lots or parcels of land have been specially benefited, they shall accompany their report with a survey and map, prepared under their direction by a civil engineer appointed by them, showing the lots or parcels of land and real estate specially benefited by such system, and the total cost of such system, the amount assessed as special benefits upon said lots or parcels of land, and the name or names of the owner or owners, so far as the same can be ascertained; in case the total cost of such system shall exceed the amount of special benefits, the excess of such cost, or in case there shall be no special benefits, then the total cost, shall be paid by the incorporated town as herein provided.

Report to court.

25. The proceedings upon the coming in of said report shall be, in all respects, similar to those prescribed in section fourteen hereof; and the courts shall have the same power to confirm, alter and refer such report as is given by that section of this act, 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; the court shall fix and determine the fees to be paid said commissioners, which sum shall be paid by the mayor and board of aldermen or other governing body of such incorporated town.

Proceedings upon report.

26. All assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby from the time of the confirmation of such report, notwithstanding any error or omission in stating the name or names or the owner or owners of such lands and real estate, and shall be immediately due and payable to the collector or receiver of taxes; it shall be the duty of the mayor and board of aldermen or other governing body of such incorporated town to 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 four weeks in two newspapers circulated in said town, at least once in each week, that said assess-

Assessments a first lien.

ment has been delivered to him, and requiring the payment of the sums assessed within two years from and after the date of the confirmation of such report; and in case said assessment shall not be paid within sixty days after the same shall become a lien, the said assessment shall draw interest thereon from that time at the rate of six per centum per annum.

Sale of property for unpaid assessments.

27. If any assessment or assessments shall remain unpaid for two years after the confirmation of the report of said commissioners, the collector or receiver of taxes of such incorporated town shall immediately give notice, by advertisement in two of the newspapers circulated in such incorporated town, that unless such assessment or assessments, with interest thereon as aforesaid, together with all costs and fees, shall be paid to him at his office before a certain day, to be named by such collector or receiver of taxes, which day shall not be more than three months from the date of such notice, he will, at the time and place therein specified, between the hours of one and five o'clock in the afternoon of said day, sell the lands and real estate whereon such unpaid assessment or assessments shall have been imposed; this notice of sale shall be published at least four weeks successively, once a week, next preceding the day of sale, and shall contain a brief abstract of such assessment or assessments, the name or names of the owner or owners, when known, a brief description of the land and real estate, and the amount of unpaid assessments due thereon.

Terms of sale.

28. At the time mentioned in said notice the collector or receiver of taxes shall proceed to sell, at public auction, the several lots or parcels of land and real estate upon which assessments 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 expenses of advertisement and sale; payment shall be made by the purchaser before the conclusion of the sale; if not so paid, the said collector or receiver of taxes may re-sell the property, or such incorporated town may have its

action against the purchaser for the payment of the whole amount due, with interest thereon as aforesaid; the sale may be adjourned from time to time, at the discretion of said collector or receiver of taxes, until all of the said lands and real estate shall have been disposed of, and such lots or parcels as are not bid for when offered for sale or re-sale, shall be struck off and sold to the incorporated town for the term of fifty years.

Certificate of sale given purchaser.

29. Within ten days after the date of the sale, the said collector or receiver of taxes shall deliver to the purchaser a certificate of the sale, under his hand and seal and duly acknowledged according to law; such certificate shall contain a short description of the property and shall state the term of years for which it was sold, the amount of assessment, interest, costs, fees, charges and expenses in detail, the particular assessment under which the sale was made, and the time when the right to redeem shall expire (which time of redemption shall be three years from the date of such sale) such certificate shall be presumptive evidence of the facts therein stated, but any misrecital shall not vitiate it; the certificate shall, within twenty days after its receipt, be recorded in the office of the county clerk in a book to be kept for that purpose, and such certificates may be assigned, but no assignment shall have any effect until the same shall be recorded in the office of said county clerk; upon recording such certificate the purchaser shall be entitled to the immediate possession of the property described in said certificate and to the rents, issues and profits therefrom, and may proceed to obtain possession of said lands in the same manner as purchasers under decrees of foreclosure and sale of mortgaged premises.

Record of sales kept.

30. The collector or receiver of taxes shall keep a full and accurate record in his office of the proceedings upon such sales, including a statement of all certificates granted for property sold by him, to which record all persons claiming to be interested shall have free access at all reasonable times; if such incorporated town becomes the purchaser of any lands and real estate at such sale, the certificate of sale shall be assignable as aforesaid, and all other provisions of this act in relation to

the sale shall apply to said incorporated town, the same as to any other purchaser.

Rights of, and notice to, mortgagee.

31. No mortgagee or assignee of any mortgage whose mortgage shall have been duly registered or recorded before any sale for unpaid assessments, shall be divested of the rights in the property covered by such mortgage, unless six months' notice of the sale, and the time the right to redeem said land will expire, shall have been given, in writing, by the purchaser or by any person claiming under him, previous to the date such right will expire; the notice shall be served personally upon the said mortgagee or assigneee of said mortgage if a resident of said county, or if not so resident, by being mailed to said mortgagee or assignee of the said mortgage, directed to the place of residence as stated in said mortgage or assignment thereof, with postage prepaid; in the latter case said notice shall be likewise published for the space of eight weeks, at least once a week, in two newspapers circulated in such incorporated town, and within one month after the service or publication of such notice, it shall be the duty of the person serving or causing the same to be served, to file in the office of such 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 creditable person), as to the manner of service or publication thereof.

Right of redemption.

32. The owner, mortgagee, occupant or any other person having a legal or equitable interest in any land or real estate sold as aforesaid, may redeem the same at any time within three years from the date of such sale, by paying to the purchaser, his legal representatives or assigns, the amount of the purchase money mentioned in such certificate, together with any taxes or other assessments which said purchaser may have paid, with interest at the rate of one per centum per month on such purchase money from the time of such sale; upon receiving such payment or payments the rights of the purchaser in said lands shall end; if the person so redeeming be a judgment creditor or mortgagee or 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 said amount had been included in his mortgage or judgment, and he may enforce the payments in the same manner.

After three years.

33. If any lands and real estate so sold shall not be redeemed as aforesaid within three years from the date of such sale, such incorporated town shall, in its corporate name, execute to the purchaser or his legal representatives or assigns, a deed for the same, signed by the mayor or other head officer of such incorporated town and attested by the clerk, containing a short description of the premises, together with a brief statement of the assessment, advertisement and sale, including the date of sale, and the terms for which such premises were sold; such deed shall be recorded in the office of the county clerk, and until the same shall be recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of three years from the time of such sale may have expired; such deed shall be presumptive evidence in all courts and places, that the sale and proceedings were regularly made according to the provisions of this act, and no misrecital shall vitiate it; but no deed shall be executed or delivered until the certificate shall have been filed with the clerk of such incorporated town, unless the loss or destruction thereof be established by affidavits, to the satisfaction of the mayor and board of aldermen, or other governing body of such incorporated town.

Final surrender of property.

34. The purchaser and his legal representatives or assigns shall, by virtue of such deed, lawfully hold and enjoy said 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 com-

mitted by him, her or them, in the same manner as a tenant, for a term of years.

Cancellation of redeemed property.

35. In addition to recording the aforesaid certificates and assignments of such certificates, the county clerk shall cancel such certificates and assignments thereof, whenever the lands and real estate for which they were given shall be redeemed, and the presentation and filing in the office of the county clerk of such certificate duly receipted, shall be sufficient evidence of such redemption.

Additional compensation to receiver of taxes.

36. Besides the compensation which is now or hereafter may be allowed to a collector or receiver of taxes, he shall be allowed such additional compensation, for services under this act, as may be, from time to time, determined by the mayor and board of aldermen or other governing body of such incorporated town; he shall also be entitled to receive from each purchaser the sum of one dollar for every certificate; the county clerk shall be entitled to receive from such purchaser the sum of one dollar for every certificate or assignment of such certificate recorded by him, and the sum of fifty cents for canceling every such certificate or assignment.

Operation of sewerage system after completion.

37. Upon receiving written notice from the board of sewerage that the system of sewers or system of sewers and drains is completed and ready for operation, the mayor and board of aldermen or other governing body of such incorporated town, shall take possession thereof and operate the same, and may, by ordinance, prescribe the manner in which sewer connection shall be made, and compel all persons owning property fronting on street or streets through which any of the sewers or drains of such system are constructed, or through which lateral sewers or drains connecting therewith may hereafter be constructed, to connect with such system, and to use the same, and deposit the sewage or the sewage and drainage from such property into such sewers; and also, by ordinance, to fix a rate or tax to be paid by the owner or owners of property or properties so connecting and using such system, which sum, so fixed, shall be in proportion to the benefits such owner or owners will derive from the use of the same, and the sum so fixed shall be paid yearly, and shall become a

Property connections.

lien against the property so connected with such sewers, and be collectible in the same manner and at the same time with the other taxes assessed on real estate in said incorporated town; the said mayor and board of aldermen or governing body of such incorporated town may, by ordinance, from time to time, alter or change the rate of tax for the use of such sewers, as occasion may require.

Management and care of system.

38. The mayor and board of aldermen or other governing body of such incorporated town, upon taking charge of such system, may employ a person to manage and oversee the same, and may also employ such labor and purchase such material and pay all such reasonable expenses as shall be necessary successfully to operate said system and to keep the same in repair; the cost of maintaining and operating such system shall be paid out of the tax or rates charged for the use of such sewers, but if the expenses of conducting the same shall be more than the income derived from the tax or rates collected for the use of said sewers, the excess shall be paid out of the moneys raised by tax as herein provided.

Issue sewer bonds; time, rate, amount.

39. The mayor and board of aldermen or other governing body of such incorporated town are hereby authorized to borrow money, by issuing bonds in the name and on the credit of such incorporated town, to be denominated "sewer bonds," for the purpose of paying and redeeming the notes or temporary obligations issued as aforesaid; the mayor and board of aldermen or other governing body of such incorporated town, shall, by resolution, determine the time or times when such bonds shall become payable, whether at the same time, or at different times, and the rate of interest, when such interest shall be paid, and the general form of such bonds, but the bonds shall not be payable in less than ten years or in more than fifty years after date, and shall not bear more than four per centum interest or be sold for less than par; the said mayor and board of aldermen or other governing body of such incorporated town may issue all of said bonds after the completion of the system, or may issue bonds from time to time during the progress of the work, but no bonds shall be issued at any time in

excess of such note or notes or temporary obligations then due and outstanding; the total issue of such bonds shall not exceed the amount of notes or temporary obligations authorized to be issued under the provisions of this act.

Sinking fund.

40. The mayor and board of aldermen or other governing body of such incorporated town shall create a sinking fund for the payment of the principal of said bonds; such sinking fund shall be under the care and control of the mayor and board of aldermen or other governing body of such incorporated town, and shall be invested in United States, state or municipal bonds, or used in the purchase, at a price not above par, of the bonds issued under this act, and when such sewer bonds are purchased they shall not be re-issued, but shall be immediately canceled; all income derived from the taxes or rates charged for the use of said sewers above the expense of operating such system, shall be annually carried to this fund, and there shall be also raised each year by tax and added to this fund such sum not less than one per centum or more than two per centum of the outstanding sewer bonds, as the mayor and board of aldermen or other governing body of such incorporated town shall direct; the amount collected for the assessment of special benefits, if any, shall also be added to said fund; *provided, however,* that if any of such assessments be paid before all of the notes or temporary obligations issued as aforesaid shall have been paid, the money so received shall be used towards satisfying such notes or temporary obligations.

Proviso.

Interest on bonds met by taxation.

41. The mayor and board of aldermen or other governing body of such incorporated town, shall cause to be raised by tax each year, as other moneys are assessed and collected in such incorporated town, in addition to the amount of tax now or that may hereafter be authorized to be raised, such sum as will be necessary to pay the interest on the bonds, notes or obligations issued as aforesaid, and any deficiency there may be between the amount collected from the tax or rate charged for the use of such system, and the cost of operating and main-

taining the same for the preceding year, also the sum required to be annually added to the sinking fund.

Extension of system.

42. The mayor and board of aldermen or other governing body of such incorporated town, after the completion of such system may, by ordinance, if occasion requires, cause to be constructed through any street or streets of such incorporated town, lateral sewers or drains to connect with such system, and shall, upon the written application of persons owning at least two-thirds of the lineal frontage along any street or streets, through which lateral sewers or drains are applied for, by ordinance, cause the same to be constructed; all special benefits derived by property from such lateral sewer or drain shall be assessed by commissioners appointed by the circuit court, and the said assessments shall be assessed and collected and be a lien in all respects as in this act directed; all such work to be by contract given to the lowest bidder who will give satisfactory security, after four weeks' notice published in two of the newspapers circulated in such incorporated town, of the time when and where bids will be received for the same; *provided, however,* the cost of such lateral sewers or drains shall not exceed the sum of five thousand dollars in any one year.

Benefits, etc.

Proviso.

Cost of extension assessed.

43. In case any lateral sewers or drains shall be constructed, the amount of the costs of the same, above the special benefits assessed upon the property specially benefited thereby, shall be added to the amount to be raised by general tax in the next fiscal year.

Effect of act.

44. The powers granted and provisions contained in this act shall be in extension and not in limitation of the powers already conferred by statute upon towns, and this act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 125.

An Act to provide for assistant prosecutors in the several counties of this state.

Amended P.L. 1905, p. 57.

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

Assistant prosecutor.

1. In each county of this state it shall be lawful for the prosecutor of the pleas to appoint one assistant prosecutor, who, after having taken an oath or affirmation before the clerk of the court of common pleas of the county wherein he is appointed to faithfully and justly perform the duties of the appointment to the best of his ability, shall hold said appointment unless removed by the prosecutor of the pleas.

When paid by prosecutor.

2. In counties which now have or hereafter may have a population of not more than one hundred thousand inhabitants the services of such assistant prosecutor shall be paid for by the prosecutor of the pleas making the appointment out of the salary or fees of such prosecutor of the pleas.

When salaried.

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

Payments by county collector.

4. The county collector of each county which now has or hereafter may have a population of more than one hundred thousand inhabitants shall pay to the assistant prosecutor appointed for such county his annual salary, as hereinbefore provided, in equal monthly installments

out of the funds of such county, and such salary shall be in addition to the salary, fees and allowances received by the prosecutor of the pleas of such county.

Census as basis of classification.

5. The above classification shall be based in the first instance upon the national census of the year one thousand nine hundred, and hereafter upon each state or national census from the time of the official promulgation thereof; and this act shall apply from the date of its taking effect to assistant prosecutors heretofore appointed and now holding office.

Repealer.

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

Approved April 3, 1902.

CHAPTER 126.

An Act to establish a sanatorium for persons afflicted with tuberculous diseases, and to provide for the selection of a site and the erection of buildings therefor, and the government thereof.

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

Tuberculous sanatorium.

1. There is hereby established in, by and for the state of New Jersey an institution whose name shall be "The New Jersey Sanatorium for Tuberculous Diseases," for which a site shall be selected and buildings erected, and which shall be governed in the manner hereinafter set forth.

Board of managers; appointment, term, vacancies.

2. The said sanatorium shall be governed by a board of eight managers, each of whom shall be a resident of this state, not more than four of whom shall belong to any one political party, and not less than four of whom shall be physicians in good standing; they shall be appointed in the following manner and for the following terms: within thirty days after this act shall take effect, the governor shall appoint (with the advice and consent of the senate, if the legislative session at the time of

such appointment be not adjourned sine die, and if it be so adjourned then without such advice or consent), two members who shall hold office for one year, two members who shall hold office for two years, two members who shall hold office for three years, and two members who shall hold office for four years, from the first day of April, in the year of our Lord nineteen hundred and two, and thereafter he shall annually appoint, with the advice and consent of the senate, two members who shall respectively hold office for four years from the date of the expiration of the terms of their predecessors in office; the governor shall also have the power to fill vacancies in the board of managers, with the advice and consent of the senate, but for the unexpired terms only.

Official name; organization.

3. The board of managers shall be known as "the board of managers of the New Jersey sanatorium for tuberculous diseases," and shall annually organize on, or as soon as practicable after the first day of April, by electing from their number a president and vice president, and by electing either from their number, or from persons not members of the board, a treasurer and secretary.

Site.

4. The board of managers shall, as soon as possible after their first organization, select a site for said sanatorium, which may be the whole or any part of any one tract of land now vested in the trustees for the support of public schools, or in the sinking fund of the state of New Jersey, or any other lands acquired by said board by purchase from any other owner or owners thereof, and cause suitable buildings to be erected thereon; *provided,* that the selection of such site and the plans for the buildings to be erected thereon be approved by the governor, and that the cost of the lands so to be acquired and the buildings so to be erected thereon shall not exceed the sum of fifty thousand dollars, and that no proceedings shall be taken under this section until a specific appropriation for the purposes of this act shall have been made by the legislature in its annual appropriation bill.

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Powers of managers.

5. The said board of managers shall be a corporation with power to sue in any court of this state upon any contract to which it is by law authorized to be a

party; to manage and control the property and concern of the sanatorium; to appoint a superintendent who shall be a well-educated physician; to appoint, on the nomination of the superintendent, such stewards, matrons, assistant physicians and nurses, as the board may from time to time deem necessary or proper; to appoint, without nomination, such other employes, laborers and helpers as the board may from time to time deem necessary or proper; to determine the salaries and compensation of all persons rendering service to the board of managers or sanatorium; to take and hold in trust for the state any grant, devise, bequest or donation of land, money or other property for the use of the sanatorium, or for the maintenance or help of any patient or patients in said sanatorium, and to adopt such by-laws and rules as the board may deem necessary or proper for the management of their own business affairs, and for the government of the sanatorium and the patients therein.

Records.

6. It shall be the duty of the board of managers to keep a full record of all their proceedings, which shall be open at all times to the inspection of the governor and to any member of either house of the legislature, and to all persons whom the governor or either house of the legislature may appoint to examine the same, and to such persons only; to maintain an efficient inspection of the sanatorium; to make to the governor, on or before the first day of December in each year, a report of the finances and of the work done in the sanatorium during the last preceding fiscal year, with such recommendations as the board may deem necessary or proper for the accomplishment of the work for which the sanatorium is established, which report shall, by the governor, be presented to the legislature; and to hold meetings not less frequently than once in each month at the sanatorium, and such other meetings from time to time as the interests of the sanatorium may demand.

Annual report.

Officers.

7. The president, vice president, secretary and treasurer of the board of managers shall be known as the officers of that board, and the superintendent, stewards, matrons, assistant physicians and nurses shall be known

as officers of the sanatorium; the officers of the board of managers shall severally hold their respective offices from the date of their election and qualification until their successors shall be duly elected and qualified, and the officers of the sanatorium shall hold their several offices during the pleasure of the board of managers.

Duties of treasurer.

8. The treasurer shall have the custody of all moneys, securities and obligations belonging to the board of managers, including such moneys as shall be appropriated to the sanatorium by the legislature of this state, which appropriation shall be paid by the treasurer of the state upon the warrant of the comptroller in quarterly installments; shall deposit in bank, in his name as treasurer, immediately upon the receipt thereof, all moneys coming to his hands as such treasurer and draw and make drafts upon the same only in the manner prescribed in the by-laws of the board; shall keep full and accurate accounts of all receipts and disbursements and such other accounts as the board of managers shall require; shall balance all accounts annually on the last day of October in each year, and, on or before the tenth day of November in each year, make to the board of managers a full and detailed report of said receipts and disbursements and balances for the fiscal year ending on said last day of October, and submit such report, with all vouchers and books of account, on or before said tenth day of November, to an auditing committee to be appointed by the board of managers for examination by said committee; shall also render to the board of managers monthly statements of his receipts and disbursements; and shall give, as such treasurer, proper receipts and acquittances for all moneys belonging or appropriated to said board of managers.

Admission of indigent persons.

9. Any person who has been a resident of this state for at least one year continuously next preceding the application for his or her admission to said sanatorium, and who is in indigent circumstances, may be admitted into said sanatorium and treated therein, without cost, subject to such rules and regulations as the board of managers may from time to time prescribe; *provided, however,* that before any person shall be admitted as

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an indigent patient a written application to the board of managers for such admission shall be signed by him or her, or by some relative or friend of such indigent person, which application shall be presented to the judge of the court of common pleas of the county within which such indigent person resides; the said judge, upon such presentation, shall take the evidence of a reputable physician and of such other witnesses as may be necessary to a full investigation of the facts, and in a summary manner determine whether the person by or for whom the application is made is afflicted with a tuberculous disease and whether he or she is in indigent circumstances, and if he determine that such person is so afflicted and is in indigent circumstances, he shall approve the application in writing, and upon the delivery of such application and such approval thereof to the superintendent or person in charge of the sanatorium such indigent person may be admitted as a patient therein.

Concerning compensation.

10. The members of the board of managers, other than the secretary and treasurer when elected from the managers, shall receive no compensation for their services, but shall receive their actual expenses incurred in the discharge of their duties under this act, to be paid by the treasurer of the board of managers upon the board's orders on the rendering of itemized bills for said expenses; the treasurer of the board of managers shall, before entering upon the duties of his office, enter into a bond to "the board of managers of the New Jersey sanatorium for tuberculous diseases" in such penal sum, and with such sureties, as shall be approved by the said board of managers, conditioned for the faithful performance of his duties as such treasurer.

Treasurer's bond.

11. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 127.

Supplement to an act entitled "An act concerning disorderly persons" [Revision of 1898,] approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Giving false alarms a disorderly act.

1. Any person who shall willfully and maliciously ring or cause to be rung any bell or alarm of any fire company in any township of this state, and thereby give or cause to be given a false alarm of fire, shall be deemed and adjudged to be a disorderly person.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 128.

An Act appointing a commission to purchase the old tavern house, in the borough of Haddonfield, making an appropriation for the payment of the same and providing for the care and management thereof.

Preamble.

Whereas, There is in the borough of Haddonfield, in the county of Camden, this state, a building known as the old tavern house, in which, in the early history of this state, the legislature held frequent sessions, in which building many of the early important laws were passed; it was in said building that the council of safety for New Jersey was organized on March eighteenth, anno domini one thousand seven hundred and seventy-seven; in the said building the bill substituting the word "state" for "colony," in all state papers, was passed on September twentieth, anno domini one thousand seven hundred and seventy-seven, and many other important laws were enacted; and

Whereas, By reason of the very many important events that transpired within said building during revolutionary times, it is a place dear to the heart of every true Jerseyman and should be preserved.

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

Commission to purchase property.

1. The governor be and he is hereby authorized to appoint a commission to consist of five persons, residents of the state of New Jersey, for the purpose of purchasing, on behalf and in the name of the state of New Jersey, a plot of ground in the borough of Haddonfield, in the county of Camden, this state, with the building thereon erected known as the old tavern house, and said commission, when appointed, shall have power to purchase said property at a price not to exceed six thousand five hundred dollars.

Appropriation.

2. The sum of six thousand five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the state fund, for the purpose of purchasing the said the old tavern house, to be drawn from the state treasury on a warrant to be signed by said commissioners, or a majority of them, upon the approval of the governor.

Care and management.

3. The governor be and he is hereby authorized to appoint a commission to consist of five persons, residents of this state, who shall hold their office at the pleasure of the governor, to have the care and management of said property, which commission, when so appointed, shall have full charge of said property, to keep the same open for public inspection, and who shall have full power to permit the same to be occupied by such persons or societies as to said commission shall seem proper, and who shall make report annually, or oftener if required, to the governor, of the acts of the said commission.

Approved April 3, 1902.

CHAPTER 129.

An act to amend an act entitled "An act to authorize any town or city of this state to enter into contracts with railroad companies whose roads enter their corporate limits, to change or elevate their railroads, and, when necessary for that purpose, to vacate, change the grade of, or alter the lines of any streets or highways therein," approved March twentieth, one thousand nine hundred and one.

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

Section amended.

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

Providing money necessary.

2. Said town or city shall provide the money necessary to do the work and make the payments required by any such contract, by the levy of a general tax for one or more years, or by the issue and sale of bonds of such town or city, to run, not exceeding fifty years, at a rate of interest not exceeding five per centum per annum; such town or city shall have power, by annual taxation or otherwise, to provide a sinking fund for the retirement of said bonds.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 130.

A Further Supplement to the act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

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

When mandamus may be issued to compel action by local board of health.

1. Whenever, within the limits of the territorial jurisdiction of any local board of health of this state, there shall be any person or persons suffering from any contagious, infectious or communicable disease, it shall be lawful for the state board of health, if they shall deem it necessary or prudent so to do, to cause a notice in writing, signed by the secretary of said board, to be sent to such local board requiring it to take such action for the restriction of the spread of such contagious, infectious or communicable disease, within such time as the said state board by said notice may specify, and if such action shall not be taken by such local board within the time specified in such notice, then it shall be lawful for the state board to apply to the supreme court for a writ of mandamus to compel such local board to take such action.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 131.

An Act to annex a portion of the town of Hammonton, in the county of Atlantic, and a portion of the township of Waterford, in the county of Camden, to the county of Burlington, and to annex the territory so acquired by the county of Burlington to the townships of Shamong and Washington, in said county of Burlington.

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

Portions of town of Hammonton and township of Waterford annexed to Burlington county.

1. All that portion of the town of Hammonton, in the county of Atlantic, and all that portion of the township of Waterford, in the county of Camden, which is included within the following boundary lines, viz.: Beginning at a point in the present line between Burlington and Atlantic counties, at the mouth of Sleepy creek, where the said creek empties into Atsion river (some-

times called Mullica river), and at the east end of the line dividing the town of Hammonton from the township of Mullica; thence (1) leaving said river and extending in a straight line northwestward, to the middle of Embriams bridge, over the said Atsion river, where the said river is crossed by the road leading from the Burnt House (so-called) to Bobby's Causeway (so-called); thence (2) southeastwardly, along the several courses of the said Atsion river to the place of beginning, shall be and the same hereby is annexed to and made a part of the said county of Burlington; and shall be subject to all the laws applying to the said county of Burlington, and shall have all the privileges and immunities of the other portions of Burlington county.

How divided.

2. The above-described territory so annexed to the county of Burlington shall be and the same hereby is divided by extending the present line dividing the townships of Shamong and Washington southwestward, on the same course as it now exists until the said line so extended intersects the westerly boundary line of the territory above described.

Portion annexed to township of Shamong.

3. All that portion lying northwestward of the said township line so extended as aforesaid shall be and the same hereby is annexed to and made a part of the said township of Shamong, and that the inhabitants thereof shall have all the privileges and immunities of the inhabitants of the other portions of Shamong township.

Portion annexed to township of Washington.

4. All that portion lying southeastward of the said township line so extended as aforesaid shall be and the same is hereby annexed to and made a part of the township of Washington, and that the inhabitants thereof shall have all the privileges and immunities of the inhabitants of the other portions of Washington township.

5. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 132.

A Further Supplement to an act entitled "An act to enable cities in this state to furnish suitable accommodations for the transaction of public business," approved April fifteenth, one thousand eight hundred and eighty-seven.

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

Private sale.

1. The commissioners appointed under the act to which this is a supplement may, in their discretion, sell at private sale any of the real estate which, by the said act and the various supplements and amendments thereto, they are authorized to sell; *provided,* that the said sale shall be concurred in by the finance committee of the common council or board of aldermen and be approved by the mayor.

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2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 133.

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

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

Opposition to government a misdemeanor.

1. Any person who shall, in public or private, by speech, writing, printing or by any other mode or means advocate the subversion and destruction by force of any and all government, or attempt by speech, writing, printing or in any other way whatsoever to incite or abet, promote or encourage hostility or opposition to any and all government, shall be guilty of a high misdemeanor,

and punished by a fine not exceeding two thousand dollars, or imprisonment at hard labor not exceeding fifteen years, or both.

Furthering such opposition by membership of society, etc., a misdemeanor.

2. Any person who shall become a member of any organization, society or order organized or formed, or attend any meeting or council, or solicit others to do so, for the purpose of inciting, abetting, promoting or encouraging hostility or opposition to any and all government, or who shall in any manner aid, abet or encourage any such organization, society, order or meeting in the propagation or advocacy of such a purpose shall be guilty of a high misdemeanor, and punished by a fine not exceeding two thousand dollars, or imprisonment at hard labor not exceeding fifteen years, or both.

Circulation of books, etc., against government a misdemeanor.

3. If any person, organization, society or order shall bring, introduce, circulate or aid, assist or be instrumental in bringing, introducing or circulating within this state any printed or written paper, pamphlet, book or circular with intent to incite, promote or encourage hostility or opposition to, or the subversion or destruction of any and all government, such person or the members of such organization, society or order in anywise responsible therefor, shall be guilty of a high misdemeanor and punished by a fine not exceeding two thousand dollars, or imprisonment at hard labor not exceeding fifteen years, or both.

Assault on president, governor, etc.

4. Any person who shall assault the president or vice-president of the United States, or any official in the line of succession to the presidency of the United States, or the governor of this state, or the ruler, governor or other chief executive of any state, or the heir apparent or heir presumptive to the throne of any foreign state, with intent to kill and with intent to thereby show his or her hostility or opposition to any and all government, or any person who shall incite, promote, encourage or attempt any such assault, or aid or assist therein, such assault not resulting in the death of such official, or any person or persons who shall conspire to kill such official,

Penalty.

shall be guilty of a high misdemeanor and shall suffer death unless the jury trying the case shall recommend

the defendant to the mercy of the court, in which case the punishment shall be imprisonment for life.

5. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 134.

An Act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this state.

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

1. Ten or more persons may become a corporation for the purpose of making any of the following kinds of insurance, to wit: Association for purposes of insurance.

First. Against loss or damage to property by fire, lightning, or tempest on land;

Second. Upon vessels, freights, goods, moneys, effects, bottomry and respondentia interests, and every insurance appertaining to or connected with marine and inland risks of transportation and navigation;

Third. Upon the lives or health of persons, and every insurance appertaining thereto, and to grant, purchase or dispose of annuities;

Fourth. Against bodily injury or death by accident;

Fifth. Against loss or damage resulting from accident to, or injury suffered by, any person, for which loss or damage the insured is liable;

Sixth. Against damage to property of the insured, or loss of life, or damage to the person or property of another for which the insured is liable, caused by the explosion of steam boilers;

Seventh. Against loss from the defaults of persons in positions of trust, public or private, or against loss or damage on account of neglect or breaches of duty or obligations guaranteed by the insurer;

Eighth. Against loss or damage on account of encumbrances upon, or defects in titles to, real property;

Ninth. Against loss from bad debts, commonly known as credit insurance;

Tenth. Against loss by burglary or theft;

Eleventh. Against the breakage of glass;

Twelfth. Against loss or damage to property by any other casualty which may lawfully be the subject of insurance.

Companies may be formed, upon the stock plan, to transact any kind of insurance authorized by this section, or upon the mutual plan to transact the kinds of insurance described in subdivisions first, third and fourth hereof.

Must engage in insurance specified.

2. No company shall be formed for the purpose of engaging in any other kind of insurance than that specified in some one of the subdivisions of the preceding section, or more kinds of insurance than are specified in a single subdivision, except that a company may be formed (1) for the purposes specified in subdivisions first and second; or (2) for the purposes specified in subdivisions third and fourth; or (3) for any or all of the purposes specified in subdivisions fourth to twelfth, both inclusive; no policy issued by any company shall embrace more kinds of insurance than are specified in one of such subdivisions, except that the same policy may embrace risks specified in subdivisions fourth and fifth.

Certificate of intention.

3. Such persons shall sign a certificate, stating their intention to form a corporation under this act, and setting forth:

First. The name of said company, which shall contain the words "insurance company;" it shall not so closely resemble the name of any existing corporation as to be likely to mislead the public, and shall be approved by the commissioner of banking and insurance;

Second. The place where the principal office of said company is to be located and its general business conducted, which shall be within this state;

Third. The kind or kinds of insurance proposed to be transacted by said company, stating the subdivisions of section one of this act authorizing the same;

Fourth. If formed under the first, third or fourth

subdivisions of section one, whether the company is to be a stock company or a mutual company;

Fifth. If a stock company, the amount of its capital stock, which shall not be less than one hundred thousand dollars, the number of shares into which it is divided, and the par value of each share;

Sixth. The period, if any, limited for the duration of the company;

The certificate of incorporation may contain such other particulars as may be necessary to explain and make manifest or limit the objects and purposes of the corporation, and such other provisions, not inconsistent with this act, or the constitution or laws of this state, which the corporators may choose to insert for the conduct of the affairs of the company, the regulation of its business, or for defining, regulating and limiting the powers of the directors or stockholders.

Proof and record of certificate.

4. The certificate of incorporation shall be proved or acknowledged as required for deeds of real estate, and recorded in a book to be kept for that purpose in the office of the clerk of the county where the principal office and place of business of the company is to be located, and after being so recorded shall be filed in the department of banking and insurance; *provided, however,* that before the certificate of incorporation shall be recorded or filed as aforesaid, it shall be submitted to, and examined by, the attorney-general, and if found by him to be in accordance with this act and not inconsistent with the constitution or laws of this state, he shall endorse thereon or annex thereto his certificate to that effect; such certificates, or copies thereof, duly certified by the commissioner of banking and insurance, shall be evidence in all courts and places.

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Body corporate.

5. Upon executing the certificate of incorporation and causing the same to be recorded and filed as aforesaid, the persons signing the same, their successors and assigns, shall from the date of such filing be and constitute a body corporate by the name set forth in said certificate; no such company, however, shall transact the business for which it is incorporated until it has received a certificate of authority from the commissioner of banking and in-

Approval of commissioner of banking and insurance.

surance as hereinafter provided, and if any such company shall fail to obtain such certificate of authority within one year from the date of the filing of its certificate of incorporation, such company shall, ispo facto, be dissolved and its certificate of incorporation shall be null and void.

Capital necessary to begin business.

6. No stock insurance company organized under this act shall be entitled to commence business unless it has a capital stock of at least one hundred thousand dollars, actually paid in cash, with an additional capital stock of fifty thousand dollars, actually paid in cash, for every kind of insurance more than one which it is authorized to transact as specified in section two of this act; no mutual fire insurance company so organized shall be entitled to commence business until engagements shall have been entered into for insurance with said company, the premiums on which shall amount to ten thousand dollars, and notes of solvent parties, based on bona fide applications for insurance upon property located within this state, shall have been received in advance therefor; such notes shall be considered the capital stock of such company and shall be valid and collectible for paying any losses which may accrue or any other lawful use or purpose; no mutual life, health or accident insurance company so organized shall be entitled to commence business until engagements by not less than one hundred persons shall have been entered into for insurance with said company, the premiums on which shall amount to at least one hundred thousand dollars and shall have been received by the proposed corporators of said company in cash.

In mutual companies.

Examination before authority given.

7. Before granting authority to any such company to issue policies or make contracts of insurance, the commissioner of banking and insurance shall be satisfied, by such examination and evidence as he sees fit to make and require, that the required capital stock of such company, if a stock company, has been actually paid in cash, and is possessed by said company in money, or in such stocks, bonds or bonds and mortgages as are authorized by section sixteen hereof; or, if a mutual company, that it has received and is in possession of the cash premiums,

capital stock notes and bona fide engagements for insurance to the extent of the value hereinbefore required.

Deposit with insurance commissioner.

8. No company organized under this act, other than a mutual fire insurance company, shall be authorized to transact any business of insurance until it shall have deposited with the commissioner of banking and insurance of this state the sum of fifty thousand dollars in stocks, bonds, or bonds and mortgages; such stocks or bonds shall be the public stock or bonds of this state, or of the United States, or the states of New York, Ohio, Massachusettts or Pennsylvania, or of any of the counties, cities, towns or townships of this state the market value of which shall not be less than par; such mortgages shall be on unencumbered improved real estate within this state worth double the amount so invested, and the said commissioner may, from time to time, after such company shall have commenced business, require it to make further deposits of stocks, bonds or bonds and mortgages as aforesaid, up to the sum of one hundred thousand dollars; to every mortgage deposited with said commissioner, the president of the company depositing the same shall annex his affidavit that said mortgage was made and taken in good faith for money loaned by the company to the amount therein named, and that no part thereof has since been paid or returned, and that he has reason to believe, and does believe, that the premises thereby mortgaged are worth at least double the amount of the mortgage thereon.

Authority to do business.

9. When satisfied that such company has complied with all the requirements of this act to entitle it to engage in business, the commissioner of banking and insurance shall issue to said company a certificate setting forth that fact and authorizing it to commence business, specifying in said certificate the particular kind or kinds of insurance it is authorized to transact.

Use of interest on deposits and right of substitution.

10. The commissioner of banking and insurance shall hold the stocks, bonds or bonds and mortgages, deposited as aforesaid, for the benefit and security of all the policy-holders of the company depositing the same, but shall, so long as the company shall continue solvent and comply with all the requisites of the laws of this

state applicable to it, permit the company to collect the interest or dividends on the securities so deposited, and, from time to time, with his assent, to withdraw any of such securities, on depositing with said commissioner other like securities, the par value of which shall be equal to the par value of such as may be withdrawn; each mortgage so substituted to be also accompanied with an affidavit, as required in section eight of this act; and the commissioner shall prescribe such regulations for ascertaining the title and value of the real estate covered by the mortgage so substituted as he may deem necessary.

Delivery of deposits upon dissolution.

11. Whenever any insurance company of this state shall voluntarily dissolve or a receiver thereof shall be appointed, the commissioner of banking and insurance shall thereupon deliver to such receiver or the directors or trustees on dissolution, the stocks, bonds or bonds and mortgages, deposited as aforesaid, and upon such delivery the said commissioner shall be relieved of all further responsibility or obligation in regard to the securities so deposited.

Engage in no other business.

12. No company formed under this act shall transact any other business than that specified in its certificate of incorporation, original or amended.

Change name, amend charter; manner of.

13. Any insurance company of this state may change its name, extend its corporate existence, or amend its charter or certificate of incorporation in the manner following: the board of directors shall pass a resolution declaring that such amendment, change or alteration is advisable, and calling a meeting of the stockholders or members to take action thereon; the meeting shall be held upon such notice as the by-laws provide, and, in the absence of such provisions, upon ten days' notice in writing to each stockholder or member, given personally or by mail; if two-thirds in interest of the stockholders, or, if a mutual company, of two-thirds of the members, shall vote in favor of such amendment, change or alteration, a certificate thereof shall be signed by the president and secretary under the corporate seal, acknowledged or proved as in the case of deeds of real estate, and such certificate, together with the written

assent, in person or by proxy, of two-thirds in interest of such stockholders, or if a mutual company, of two-thirds of its members, shall be filed in the department of banking and insurance, and upon the filing of the same the charter or certificate of incorporation shall be and be deemed to be amended accordingly; *provided,* before such certificate shall be filed as aforesaid, it shall be submitted to and approved by the attorney-general in the manner hereinbefore provided for certificates of incorporation; *and provided further,* the certificate to be made and filed in pursuance of this section shall contain only such provisions as it would be lawful and proper to insert in an original certificate of incorporation made at the time of making such amendment, change or alteration; no change shall be made in the charter or certificate of incorporation of any insurance company whereby the rights, remedies or security of existing creditors shall be in any manner impaired; said certificate, or a copy thereof, duly certified by the commissioner of banking and insurance, shall be evidence in all courts and places; any stock insurance company of this state may increase its capital stock or decrease it to an amount not less than the minimum required by this act, by proceeding in the manner, and subject to the conditions hereinabove set forth.

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14. The whole of the increased capital shall be paid, and may be invested, and an examination thereof shall be made as is provided in section seven of this act for the original capital stock; and thereupon the said increase shall be deemed a part of the capital of said company, subject to all the provisions of this act applicable to the same.

Increased capital.

15. Whenever, in the judgment of the board of directors of any insurance corporation of this state, it shall be deemed advisable and most for the benefit of such company that it should be dissolved, the board, within ten days after the adoption of a resolution to that effect by a majority of the whole board at any meeting called for that purpose, of which meeting every director shall have received at least three days' notice, shall cause

Method of dissolution.

notice of the adoption of such resolution to be mailed to each stockholder, or if a mutual company, to each member, residing in the United States, and also beginning within said ten days cause a like notice to be published in a newspaper published in the county wherein the company shall have its principal office, at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of the stockholders or members to be held at the office of the company to take action upon the resolution so adopted by the board of directors, which meeting shall be held between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of the day so named, and which meeting may, on the day so appointed, by consent of a majority in interest of the stockholders or members present, be adjourned from time to time for not less than eight days at any one time, of which adjourned meeting notice by advertisement in said newspaper shall be given; and if at any such meeting two-thirds in interest of all the stockholders, or if a mutual company, of two-thirds of the members, shall consent that a dissolution shall take take place and signify their consent in writing, such consent, together with a list of the names and residences of the directors and officers, certified by the president and the secretary or treasurer, shall be filed in the department of banking and insurance, whereupon, if the commissioner of banking and insurance shall be satisfied by due proof that the requirements aforesaid have been complied with, he shall issue a certificate that such consent has been filed, and the board of directors shall cause such certificate to be published, four weeks successively, at least once a week, in a newspaper published in said county; and upon the filing in the department of banking and insurance of an affidavit that said certificate has been so published, the company shall be dissolved and the board shall proceed to settle up and adjust its business and affairs; whenever all the stockholders or members shall consent, in writing, to a dissolution, no meeting or notice thereof shall be necessary, but on filing said consent in the department of banking and insurance, the commissioner of banking and insurance shall forth-

with issue a certificate of dissolution, which shall be published as above provided.

Investments.

16. Any insurance company of this state, for the purpose of investing its capital, surplus and other funds, or any part thereof, may purchase and hold as collateral security or otherwise, and sell and convey, any bonds or public stock issued or created by the United States, or by this state, or by any of the other states of the United States or the District of Columbia, or any or either of them, or by any of the incorporated cities, counties, townships or other municipal corporations thereof, or bonds authorized to be issued by any commission appointed by the supreme court of this state, or invest said capital, surplus and other funds, or any part thereof, in bonds or notes secured by mortgages or trust deeds on unencumbered real estate located within said states, or the District of Columbia, or either of them, worth at least double the sum invested or loaned, or lend on or purchase mortgage bonds of railroad companies organized under the laws of said states, or the District of Columbia, or either of them, or operated therein, or the capital stock, bonds, securities or evidences of indebtedness created by any corporation or corporations created under the laws of the United States, or of this or any other state, except the stock of mining and manufacturing companies and stocks commonly known as "industrials;" *provided,* that no loan shall be made or retained on any of the above-mentioned securities, except the bonds or stock issued or created by the United States or this state, exceeding ninety per centum of the market value thereof; *and provided further,* that no purchase shall be made of stock of any company which has not regularly paid dividends for the five years preceding the time of such purchase, and that no loan shall be made by any company on its own stock; and any life insurance company of this state may, in addition to the foregoing, purchase for its own benefit any policy of insurance or other obligation of the company and any claims of policyholders, and may lend to the holders of policies of the company a sum not exceeding the surrender value of the policies at the time the

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loan is made, for the payment of which loan the policies and all profits thereon shall be pledged; and any company organized for the purpose of marine insurance may, in addition to the foregoing, lend their funds on bottomry and respondentia and change and reinvest the same as occasion may from time to time require.

Reinsurance.

17. Any insurance company of this state may make reinsurance of any risks taken by it, but no life insurance company shall reinsure any of its risks except as provided in section thirty-two of this act.

Dealing in real estate.

18. Any insurance company of this state may purchase, hold and convey real estate for the purposes (and no other) and in the manner herein set forth, that is to say:

I. Such as shall be requisite for its accommodation in the transaction of its business;

II. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for moneys due; or,

III. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or,

IV. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts.

No such company shall purchase, hold or convey real estate in any other case or for any other purpose; and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of such company, in the convenient transaction of its business, shall be sold and disposed of within five years after such company shall have acquired title to the same, unless the company shall procure a certificate from the chancellor that the interests of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such a time as the chancellor shall direct in said certificate;

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provided, nothing herein contained shall prevent any such company from improving and conveying its real estate, notwithstanding the lapse of five years as aforesaid without having procured the certificate aforesaid.

Liability of directors and corporators.

19. The directors and corporators of any company organized under this act shall be jointly and severally liable for all obligations incurred by the said company by reason of its having transacted any business before it has received legal authority so to do.

Mutual companies may change to stock companies.

20. Any mutual insurance company of this state may, with the consent of all its members, after giving notice once in each week for six weeks in a newspaper of this state published in the county where such company is located, change to a joint stock company, by proceeding in accordance with, and conforming its charter to, the provisions of this act.

Capital stock increased to amount of net surplus.

21. Whenever it shall appear to the satisfaction of the commissioner of banking and insurance, as the result of examination as provided for by this act, that any stock insurance company of this state shall have a net surplus, after providing for the capital stock, reinsurance and all claims for losses and other actual liabilities, of not less than fifty thousand dollars, which amount shall be represented by scrip issued by said company, said commissioner shall issue a certificate of the amount of such net surplus, and such company, upon a vote therefor of a majority of all the directors thereof, may increase its capital stock to the amount of such certificate, or any portion thereof, in exchange for said scrip, and may issue certificates of such stock, which shall contain the same provisions and in shares of similar amount with that originally issued; in the case of any mutual insurance company of this state, if upon such examination said commissioner shall find a net surplus, after providing for reinsurance and all claims for losses and other actual liabilities, equal to the amount of scrip issued, he shall, upon the request of such company, issue a certificate of the amount of such net surplus, and such company, upon a vote therefor, of a majority of all the directors thereof, may create a capital stock for the whole or any portion of the amount of such scrip in exchange for said scrip, and may issue certificates of such stock, which shall be divided into shares of such amount as the board of directors may determine, and the holders of such stock shall be non-assessable, and

shall have the same rights and powers in respect to such company as pertain to stockholders in corporations organized under "An act concerning corporations" [Revision of 1896], not inconsistent with the powers conferred on the directors of such company by its charter or certificate of incorporation, and such company may issue policies that are not mutual, participating or assessable, and may, by by-laws, determine the relative voting powers of stockholders and holders of mutual policies, and provide that no policyholders, other than holders of mutual policies, shall be members of such company, or entitled to vote at its meetings.

Deposits to do business in other states.

22. The commissioner of banking and insurance may receive from any insurance company of this state a deposit of such securities as shall be necessary to enable such company to transact business in any other state under the laws of said state.

Holding of such deposits.

23. The said securities shall be held by said commissioner so long as such company shall desire to transact business in the state requiring such deposit, but the company making the deposit shall be at liberty to draw the dividends or receive the interest on such securities; and whenever any such company shall desire to discontinue its business in said state, and such deposit shall no longer be required by the law of said state, the said commissioner shall return said securities to the company depositing the same.

Annual report.

24. It shall be the duty of every life insurance company of this state to make returns in January of each year to the commissioner of banking and insurance, showing all its policies and annuity bonds in force on the first day of said month, with such particulars of the same as are necessary for the valuation thereof, as is hereinafter directed; the commissioner of banking and insurance shall thereupon cause to be computed the value of such policies and bonds, or what is known as the reinsurance fund therefor, according to the American experience table of mortality and interest at the rate of four and a half per centum, or according to the actuaries' mortality and four per centum interest, or according to any other recognized standard of valuation, as he may

Commissioner to value policies.

deem best for the security of the business and the safety of the persons insured.

Valuation of lapsed or forfeited policies, and their continuation.

25. Whenever any policy of life insurance hereafter issued by any life insurance company of this state, after being in force three full years, shall, by its terms, lapse or become forfeited for the non-payment of any premium or any note given for a premium or loan made in cash on such policy as security, or of any interest on such note or loan, the net reserve on such policy, including existing dividend additions, computed according to the American experience table of mortality at the rate of four and one-half per centum per annum, shall, on demand made in writing, with the surrender of the policy within three months after such lapse or forfeiture, be taken as a single premium of life insurance at the published rates of the corporation at the time the policy was issued, and shall be applied, as shall have been agreed in the application or policy, either to continue the insurance of the policy in force at its full amount, including dividend additions, so long as such single premium will purchase temporary insurance for that amount at the age of the insured at the time of the lapse or forfeiture, or to purchase upon the same life, at the same age, paid-up insurance, payable at the same time and under the same conditions, except as to payments of premiums, as the original policy; if no such agreement be expressed in the application or policy, such single premium may be applied in either of the modes above specified, at the option of the owner of the policy, notice of such option to be contained in the demand hereinbefore required to be made to prevent the forfeiture of the policy.

Payment of indebtedness on policy.

26. If there be any indebtedness on the policy which has been acknowledged by the assured, in writing, such indebtedness shall be paid off in cash before the provisions of sections twenty-five to thirty-one, inclusive, of this act shall be applicable to the policy.

Net value not less than two-thirds reserve.

27. The net value of the insurance given for such single premium, computed according to the American experience table of mortality, with interest at the rate of four and one-half per centum per annum, shall in

no case be less than two-thirds of the entire reserve, computed according to the rule prescribed in section twenty-five of this act; but such insurance shall not participate in the profits of the corporation.

Excess of reserve paid in cash.

28. If the reserve upon any endowment policy applied according to the provisions of section twenty-five of this act as a single premium of temporary insurance be more than sufficient to continue the insurance to the end of the endowment term named in the policy, and if the insured survive the term, the excess shall be paid in cash at the end of such term, on the conditions on which the original policy was issued.

When policy incontestable.

29. Any policy issued by any life insurance company of this state shall be incontestable after two years from its date of issue, provided all due premiums have been paid, except that such policy may be adjusted for misstatement of age in the application for original policy.

When paid up value less than fifty dollars.

30. On policies of prudential or industrial life insurance the paid-up value of which, in accordance with section twenty-five of this act, shall be less than fifty dollars, it shall be optional with the company issuing such policy to pay to the legal holder or holders thereof the cash equivalent; and upon such payment the company shall be absolutely released from all further claims or demands whatsoever, under or by reason of said policy, which shall thereupon be canceled.

Application of six preceding sections.

31. The six last preceding sections of this act shall not apply to policies issued on the lives of persons under twelve years of age, until three years after such persons shall attain that age.

Reinsurance.

32. No life insurance company of this state may reinsure any of its outstanding risks or policy obligations in any other company, or itself reinsure such risks or obligations of another company, unless two-thirds in number of the holders of the policies proposed to be reinsured shall assent thereto in writing; and the contract for such reinsurance shall be utterly invalid and of no force until it shall have been submitted to the commissioner of banking and insurance of this state and by him approved, which he shall only do after due inquiry and upon satisfactory evidence that the interests

of the policyholders are fully protected, and that the consent of two-thirds of them has been had in writing as aforesaid; *provided,* any life insurance company may reinsure individual risks in whole or in part simultaneously with the making of the original contract of insurance without complying with the requirements of this section. Proviso.

Reinsurance by receiver of life insurance company.

33. The receiver of any life insurance company of this state, whenever the assets of such company shall be sufficient for that purpose, and the consent of a majority of the policyholders thereof shall have been had in writing, may reinsure all the policy obligations of such company in any solvent life insurance company, or whenever the assets are insufficient to secure the reinsurance of all the policies in full, he may reinsure such a percentage of each and every policy outstanding as the assets will secure; *provided,* that there shall be no preference or discrimination as against any policyholder, and that the contract for such reinsurance by the receiver shall be approved by the commissioner of banking and insurance before it shall have effect. Proviso.

Elections in benefit companies.

34. All elections of directors of any stock insurance company incorporated by this state by special charter, whose object is to assist its sick or needy members, or to aid in defraying funeral expenses of deceased members and make provision for the families, shall be by the stockholders of such company, and no policyholder or person insured in such company shall be entitled to vote at any such election, unless such policyholder or person insured shall also be a stockholder in such company.

Insurance by married woman.

35. Any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, may cause to be insured, for her sole use, the life of her husband for any definite period or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or his creditors.

If wife die before husband.

36. In case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable, after the death, to her children, for their use, and to their guardian, if under age.

If married after taking policy.

37. Any married woman holding a policy of insurance on the life of her husband or other person, may transfer and assign the same to her husband or to any other person or persons, with his assent, as if she was at the time of the making of such transfer and assignment a single female, and the assignee or assignees of such policy or policies shall hold the same in as full and ample a manner as if the assignor at the time of making such assignment had been sole and unmarried.

Beneficiary of policy.

38. When a policy of insurance is effected by any person on his own life, or on another life in favor of some person other than himself having an insurable interest therein, the lawful beneficiary thereof, other than himself or his legal representatives, shall be entitled to its proceeds, against the creditors and representatives of the person effecting the same; and the person to whom a policy of life insurance is made payable may maintain an action thereon in his own name; *provided*, that, subject to statute of limitation, the amount of any premiums for said insurance paid in fraud of creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy; but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payment, the company shall have written notice by or in behalf of some creditor, with specification of the amount claimed, claiming to recover for certain premiums paid in fraud of creditors.

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Policy to inure to benefit of married woman.

39. Every policy of life insurance made payable to or for the benefit of a married woman, or after its issue assigned, transferred or in any way made payable to a married woman, or to any person in trust for her or for her benefit, whether procured by herself, her husband or by any other person, and whether the assignment or transfer is made by her husband or by any other person, shall inure to her separate use and benefit, and to that of her children, according to the terms and provisions

of the policy or assignment, subject to the above provisions relating to premiums paid in fraud of creditors.

Mutual companies may borrow money.

40. The directors of any mutual fire insurance company of this state may borrow money to an amount not exceeding twenty-five thousand dollars, for and on behalf of said company and in the name thereof, to pay losses and expenses for which the company has or hereafter may become liable, and to raise moneys by assessments to pay the sums so borrowed, in the same manner as they are now authorized and directed to raise money to pay losses.

Assessments by mutual companies.

41. The directors of any mutual fire insurance company of this state, whenever they make an assessment, may assess over and above the amount of the losses and liabilities existing and unpaid at the time of making said assessment, any sum which the directors in their discretion may determine; *provided,* that the assessment shall be made against each member in proportion to the amount of insurance upon which such member is liable to assessment by the rules and regulations of such company, not to exceed one per centum of the amount of insurance, or in proportion to the original amount of his or their deposit note or notes, which are assessable according to the constitution and by-laws of the company making the assessment, and in the latter case does not exceed twenty per centum of said deposit note, and the surplus, if any, collected upon said assessment, shall be placed in the treasury of said company and be used only for the payment of losses and expenses, according to the provisions of its charter or certificate of incorporation; and the same rights and remedies shall exist for the collection of such assessment as are given in and by the charter or certificate of incorporation of the company making the same for the collection of the assessments therein provided for.

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When mutual companies must make assessment.

42. Whenever the liabilities of any such mutual fire insurance company for unpaid losses shall amount to the sum of twenty-five thousand dollars, it shall be the duty of the board of directors thereof to raise money by assessment to pay the same, and on neglect or refusal so to do, after sixty days' notice from the treasurer

that the said liabilities amount to the sum of twenty-five thousand dollars, the said directors so neglecting or refusing shall be personally liable to pay the said liabilities to the person or persons to whom the same may be due; *provided,* that until the liabilities of any such company reach the sum of twenty-five thousand dollars, the directors thereof shall neither be personally responsible for their payment nor obliged to make an assessment to raise money to pay the same; *provided, also,* this section shall not apply to stockholders of mutual companies having a capital stock.

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Rewards by mutual fire insurance companies.

43. The directors of any mutual fire insurance company of this state may offer, in the name of said company, such sum or sums of money as in their judgment may be proper as rewards for the apprehension and conviction of any person or persons who shall burn or cause to be burned any property on which said company has a policy of insurance in force, and to raise the money necessary to pay said reward or rewards and pay the same in the same manner as they now are or may hereafter be authorized to raise and pay moneys for losses.

May issue policies to others than the insured.

44. Any mutual fire insurance company of this state, at the time of issuing a policy of insurance, may, with the assent of the insured, make the whole or any part of the loss which may occur under said policy payable to any person or corporation, other than the insured, who may have an interest in said property, and make indorsement thereof on the said policy; and that where the assent of the insured to such appropriation of the money to be paid in satisfaction of any loss that may occur under said policy is indorsed on the application for insurance or survey of the property insured, it shall constitute a part of such application or survey, and be sufficient authority to the company for the issuance of said policy in the manner therein prescribed.

Insurance by mutual fire insurance companies.

45. Any mutual fire insurance company of this state may insure dwellings, school-houses and houses for religious worship, mechanic-shops, barns, wagon-houses and other farm buildings, with or without their contents, against loss or damage by lightning or fire, without

regard to the distance which any one building stands from or is connected with any other building or other dwelling-house, shop, barn or other building, and may insure buildings, farm produce and other personal property against loss or damage by lightning or fire, wheresoever the same may be located.

Surety companies as bondsmen for officials etc.

46. Whenever any bond, undertaking, recognizance or other obligation is by law, or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court or public officer, required or permitted to be made, given, tendered or filed, with surety or sureties, and whenever the performance of any act, duty or obligation, or the refraining from any act, is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guarantee may be executed by any company of this state organized to carry on the business authorized by subdivision seven of section one of this act and authorized to carry on such business; and such execution by such company of such bond, undertaking, obligation, recognizance or guarantee shall be, in all respects, a full and complete compliance with every requirement of every law, charter, ordinance, rule or regulation that such bond, undertaking, obligation, recognizance or guarantee shall be executed by one surety or by one or more sureties, or that such sureties shall be residents or householders or freeholders, or either, or both, or possess any other qualification; and all courts, judges, heads of departments, boards, bodies municipalities and public officers of every character shall accept and treat accordingly such bond, undertaking, obligation, recognizance or guarantee, when so executed by such company, as conforming to and fully and completely complying with every such requirement of every such law, charter, ordinance, rule or regulation.

Requirements.

47. Such company, to be qualified to so act as surety or guarantor, must comply with all the requirements of this act applicable to such company, must have good available assets exceeding its liabilities, which liabilities, for the purposes of this act, shall be taken to be its capital stock, its outstanding debts and a premium reserve at the rate of fifty per centum of the annual

premiums on all outstanding bonds, undertakings, recognizances and obligations of like character in force.

Procedure for merging companies.

48. Any two stock insurance corporations of this state carrying on such kinds of insurance as may lawfully be carried on by one company organized under this act, are hereby authorized to merge in manner following: the directors thereof may enter into and make an agreement for the merger of one of said companies into the other of them, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the amount of capital and number of shares of the stock into which the same is to be divided (which capital shall not be larger in amount than the aggregate amount of capital of the two companies), with such other particulars as they may deem necessary, not inconsistent with the provisions of this act, which agreement shall be subject to the approval of the commissioner of banking and insurance.

Consent by stockholders.

49. Such agreement of the directors shall not be deemed to be the agreement of the said companies so proposing to merge one into the other, until the assent of one-half of the stockholders owning two-thirds of the stock of each of said companies so proposing to become merged into one be obtained; and when such agreement of the directors has been sanctioned and approved by one-half of the stockholders of each of said companies, owners of two-thirds of the stock thereof, in the manner hereinafter prescribed, then such agreement of the directors shall be deemed to be the agreement of the said companies, and such assent, in writing, or a duplicate thereof attached to the said agreement, shall be evidence of the assent of such stockholders.

When merger effected.

50. Upon the making, sanctioning and approving of the agreement in the two preceding sections mentioned in the manner therein required, and the filing of the originals or duplicates thereof, and of the assent, in writing, mentioned in the last preceding section, with the approval of the commissioner of banking and insurance, in the office of the clerk of the county where the principal office of the said company is located, and in the department of banking and insurance, then and imme-

diately thereafter the said companies shall be merged in the company provided for in said agreement, and the details of such agreement shall be carried into effect as provided therein; and it shall be lawful for said company to require the return of the original certificates of stock held by each stockholder in each of the companies, and in lieu thereof to issue new certificates for such number of shares of its own stock as the said stockholders may be entitled to receive.

Rights, franchises, interests transferred.

51. Upon the merger of any company in the manner provided in the preceding sections, all and singular the rights, franchises and interests of the said company so merged, in and to every species of property, real, personal and mixed, and things in action thereunto belonging, shall be deemed to be transferred to and vested in such company, as the other of them has become merged without any other deed or transfer; and said last-named company shall hold and enjoy the same, and all the rights of property, franchises and interests in the same manner and to the same extent as if the said company so merged should have continued to retain the title and transact business of such company; and the title and real estate acquired by said companies so merged shall not be deemed to revert by means of such merger, or anything relating thereto.

Rights not impaired by merger.

52. The rights of creditors of any company that shall be so merged shall not in any manner be impaired by any such merger, nor shall any liability or obligation for the payment of any money now due or hereafter to become due to any person or persons, or any claim or demand in any manner or for any cause existing against any such company or against any stockholder thereof, be in any manner released or impaired, but such company into which the other shall become merged is declared to succeed to such obligations and liabilities, and to be held liable to pay and discharge all such debts and liabilities of the merged company in the same manner as if such company into which the other shall become merged had itself incurred the obligation or liability to pay such debt or damages, and the stockholders of the respective companies so entering into such agreement

shall continue subject to all the liabilities, claims and demands existing against them as such at or before such merger, and no suit, action or other proceeding then pending before any court or tribunal, in which any company that may be so merged is a party, shall be deemed to have abated or discontinued by reason of any such merger, but the same may be prosecuted to final judgment in the same manner as if the said companies had not entered into said agreement, or the said last-named company may be substituted in the place of any company so merged as aforesaid, by order of the court in which such action, suit or proceeding may be pending.

Compensation of directors.

53. The directors of any insurance company of this state, acting as officers of the same, may receive such compensation as in the opinion of the majority of the board of directors shall be just and reasonable, and the directors may also receive such compensation as in the opinion of the majority of such board may be reasonable, for each occasion of their attendance at meetings of the board of directors, or meetings of the committees thereof.

Voting in person or by proxy.

54. At any election of directors, managers or other officers of any insurance company of this state, every person entitled to vote at such election may vote in person, or by attorney or proxy, but no proxy shall be voted or allowed or received after three years from its date.

Make by-laws.

55. The directors of any insurance company incorporated by this state by special charter shall have full power to make by-laws; *provided,* such power shall have been expressly given to such directors by such special charter.

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Regarding insolvent companies.

56. Whenever any insurance company of this state shall become insolvent or shall suspend its ordinary business for want of funds to carry on the same, or whenever the commissioner of banking and insurance shall ascertain, as the result of an examination as authorized by this act, or in any other manner, that any such insurance company is exceeding its powers, or violating the law, or that its condition or methods of business are such as to render the continuance of its operations hazardous to the public or to its policyholders; or, in the case of any stock insurance company other than a life

insurance company, that its assets, after charging it with an amount requisite for the reinsurance of all its outstanding risks and with its other liabilities, including capital stock up to the minimum amount required by this act, amount to less than such minimum amount of capital stock; or, in the case of any mutual insurance company other than life, if the assets, less unsettled claims and other actual liabilities amount to less than the sum requisite for reinsurance; or, in the case of any life insurance company, that the assets are not equal to the net value of all its outstanding policies computed according to the actuaries' or combined experience table of mortality, with interest at the rate of four per centum per annum, or according to such other standard of valuation as said commissioner may adopt pursuant to the authority of section twenty-four of this act, and its other liabilities, said commissioner may apply by bill of complaint to the court of chancery for an injunction to restrain such company from the transaction of further business and from disposing of any of its assets and for the appointment of a receiver to wind up the said company; upon being satisfied of the truth of the allegations in such bill of complaint, the chancellor may thereupon grant an injunction as prayed for, but permit the directors of the company to continue its business for the purpose of fulfilling the existing obligations of such company, or, in his discretion, may appoint a receiver, in which case the duties and powers of the said receiver shall be the same as if he had been appointed under the provisions of the act concerning corporations, approved April twenty-first, one thousand eight hundred and ninety-six, and of the supplements to and amendments thereof.

Restrained by injunction.

57. All companies organized under this act, and the stockholders, members and directors thereof, shall have all the powers granted and be subject to all the duties and obligations imposed by the act concerning corporations, approved April twenty-first, one thousand eight hundred and ninety-six, and the acts supplementary thereto and

Powers and obligations of directors, etc.

amendatory thereof, except so far as they may be inconsistent with the provisions of this act.

Admission of foreign companies.

58. Any insurance company formed by authority of another state or foreign government, upon complying with the conditions hereinafter specified, may be admitted to transact in this state any class or classes of insurance authorized by this act to be transacted by an insurance company of this state.

Requirements.

59. No such company shall be so admitted until:

First. It shall file in the department of banking and insurance a certified copy of its charter, or deed of settlement or certificate of organization, and a statement of its financial condition and business, in such form and detail as the commissioner of banking and insurance may require, signed and sworn to by its president and secretary or other proper officer;

Second. It shall satisfy the commissioner of banking and insurance that it is fully and legally organized under the laws of its state or country to do the business it proposes to transact; that it has, if a stock company, a fully paid-up, well invested and unimpaired capital of not less than the amount required by this act to be possessed by a stock insurance company of this state transacting the same class or classes of insurance, or if a mutual company, that it has net cash assets of that amount;

Third. It shall by a duly executed instrument filed in the department of banking and insurance, constitute the commissioner of banking and insurance and his successor in office its true and lawful attorney, upon whom all original process in any action or legal proceeding against it may be served, and therein shall agree that any original process against it which may be served upon said commissioner shall be of the same force and validity as if served on the company, and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this state; the service of such process shall be made by leaving a copy of the same in the office of the commissioner of banking and insurance with a service fee of two dollars to be taxed in the plaintiff's costs of suit;

such service upon said commissioner shall be deemed sufficient service upon the company;

Fourth. It shall obtain from the commissioner of banking and insurance a certificate that it has complied with all the requirements of this act applicable to it, and is authorized to transact business in this state; which certificate shall expire on the first day of March of the following year, and shall be renewed each year before the first day of March.

Deposit by foreign company.

60. If the company is organized under the laws of any foreign country it shall not be admitted until, in addition to complying with the foregoing conditions, it shall have made a deposit with the insurance commissioner or other officer of some state of the United States, designated by the laws of such state to hold the same, of not less than two hundred thousand dollars, nor less than the capital required of a stock company of this state transacting the same kinds of business; such deposit must be in exclusive trust for the benefit and security of all the policyholders of the company in the United States, and shall be deemed for all the purposes of this act the capital of the company making it.

Trustees of foreign company.

61. Any admitted company of a foreign country may appoint trustees who are citizens of the United States and approved by the commissioner of banking and insurance, to hold funds in trust for the benefit of its policyholders in the United States; such trustees shall be named by the directors of the company and a certified copy of record of the appointment of such trustees and of the deed of trust, shall be filed in the department of banking and insurance, and the commissioner of banking and insurance may examine such trustees and the assets in trust and all books and papers relating thereto in the same manner that he may examine the officers, agents, assets and affairs of insurance companies; the funds so held by such trustees, so far as the same are in securities, moneys or credits admissible as sound assets in the financial accounts of insurance companies shall, together with its deposits, made in accordance with the last preceding section, constitute the assets of such company as

regards its policyholders and creditors in the United States.

When authority of foreign company to do business may be revoked.

62. The authority of an insurance company of another state or foreign country may be revoked if it shall violate or neglect to comply with any provision of law obligatory upon it, or whenever in the opinion of the commissioner of banking and insurance its condition is unsound, or its assets above its liabilities, exclusive of capital and inclusive of unearned premiums or reinsurance reserve, are less than the minimum amount of capital or net assets required by this act.

Business done through authorized agents.

63. No officer or agent of any insurance company of another state or foreign country shall make or procure to be made, or act or aid in any manner in the negotiation of any insurance with such company until he shall procure from the commissioner of banking and insurance a certificate of authority so to do, which shall state in substance that the company is authorized to do business in this state, and that the person named therein is the constituted agent of the company for the transaction of such business; upon receipt of a certificate by such company of its appointment of a suitable person to act as its agent in this state, said commissioner shall, if the facts warrant it, grant such certificate, which shall continue in force until the first day of March next after its issue, and by renewal thereof before the first day of March of each year until revoked by said commissioner for non-compliance with the laws, or until the appointment of such agent is revoked by written notice from the company to that effect, filed with the commissioner of banking and insurance.

Serving process upon insurance commissioner.

64. When any original process is served upon the commissioner of banking and insurance as attorney for an insurance company of another state or foreign country under subdivision three of section fifty-nine of this act, and a service fee of two dollars paid to said officer, he shall forthwith notify the company of such service by letter directed to its secretary, or in the case of a company of a foreign country to its resident manager, if any, in the United States; and shall within two days after such service forward in the same manner a copy

of the process served on him to such secretary or manager, or to such other person as may have been previously designated by the company by written notice filed in the department of banking and insurance; said commissioner shall keep a record of all such process, which shall show the day and hour of service.

Annual statement of foreign companies.

65. Every insurance company, other than life, of another state or foreign country, transacting business in this state, shall, on or before the fifteenth day of February of each year, make to the commissioner of banking and insurance a report, signed and sworn to by an officer of the company, or by its United States manager if a company of a foreign country, stating the gross amount of premiums received by such company and by each agent thereof on business of the said company in this state for the preceding calendar year, and the amount of premiums returned to the insured during said year on policies canceled, and shall pay to said commissioner, on or before the fifteenth day of February, a tax of two per centum upon such gross amount of premiums, less such returned premiums; *provided,* any taxes hereafter paid to the treasurer of any firemen's relief association of this state, by fire insurance companies of other states and foreign countries and their agents, in accordance with the provisions of the act entitled "An act to facilitate the collection from fire insurance companies not organized under the laws of this state, but doing business herein, and from agents and brokers, of certain premiums for the benevolent funds of the several duly incorporated firemen's relief associations in this state," approved May second, one thousand eight hundred and eighty-five, shall be considered a part of the tax payable by such companies under this section, and nothing herein contained shall be construed to repeal, alter or change the provisions of the said recited act.

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Imposition of obligations as placed by other states.

66. When, by the laws of any other state or foreign country or the rules, regulations, requirements or impositions thereof, or of any department or officer thereof, any taxes, fines, penalties, licenses, fees, deposits of moneys or of securities, or other obligations or prohibitions additional to, or in excess of, those imposed by

the laws of this state upon insurance companies of such other state or foreign country or their agents, are imposed on insurance companies of this state, doing business in such other state or foreign country, or upon their agents therein, so long as such laws continue in force, the same excess taxes, fines, penalties, licenses, fees, deposits, obligations and prohibitions, of whatever kind, shall be imposed upon all such insurance companies of such other state or foreign country doing business within this state and upon their agents here.

Right to hold real estate.

67. Any insurance company of another state or foreign country transacting business in this state, shall be permitted to purchase, hold and convey real estate situate therein, for the purposes, and no other, and in the manner provided by this act for insurance companies of this state.

Evidence of authority to act.

68. Whenever any insurance company of another state or foreign country shall comply with the laws of this state and shall have issued to it the certificate of the commissioner of banking and insurance, authorizing it to transact business in this state, in any action at law or in equity in which such company is plaintiff or defendant, or in any criminal proceedings under the laws of this state, a certified copy of such certificate of authority, under the hand and official seal of said commissioner, shall be prima facie evidence of the incorporation of such company.

Compliance with act necessary to recovery in courts.

69. No insurance company not incorporated under the laws of this state, doing business on the mutual plan, shall recover in any action in any court in this state upon any policy of insurance upon property in this state which has been or may be hereafter issued by such company, or upon any premium note given therefor, or for any assessment made upon such policy or note, unless such company has, or shall have, previously to the time of the issuing of such policy of insurance or the making of such premium note, complied with the provisions of this act.

File statement of condition.

70. Every insurance company transacting business in this state shall annually, on or before the thirty-first day of January, file in the department of banking and insurance a statement, subscribed and sworn to by its

president and secretary, or in their absence by two of its principal officers, showing its financial condition at the close of business on the thirty-first day of December of the year last preceding, and its business for that year, which statement shall be in such form and contain such matters as the commissioner of banking and insurance shall prescribe; said commissioner may also address any inquiries to any such company or its officers in relation to its condition or affairs, or any matter connected with its transactions, and it shall be the duty of the officers of such company to promptly reply in writing to all such inquiries; for good cause shown the commissioner may extend the time within which any such statement may be filed; the annual statement of a company of a foreign country shall embrace only its business and condition in the United States, and shall be subscribed and sworn to by its resident manager or principal representative in charge of its American business.

Penalty for not filing statement.

71. Any such company that neglects to make and file its annual statement in the form and within the time provided by the last preceding section shall forfeit one hundred dollars for each day's neglect, and upon notice by the commissioner of banking and insurance to that effect its authority to do new business in this state shall cease while such default continues.

Examination into affairs of insurance companies.

72. The commissioner of banking and insurance shall have the power whenever he deems the same expedient, to make or cause to be made an examination of the assets and liabilities, method of conducting business and all other affairs of every insurance company authorized to transact business in this state, and for the purpose of said examination may employ such person or persons to assist therein or conduct the same as he may deem advisable, which examination may be conducted in any state or country in which the company examined is incorporated or has an office, agent or place of business; the expenses of such examination shall be borne by the company so examined; in the case of any company of this state, if after such examination such company shall, on the application of said commissioner, be declared insolvent by the chancellor, the expense of such exam-

ination shall be taxed in the costs of the proceedings in the court of chancery and paid out of the assets of said company.

Companies to facilitate examination.

73. It shall be the duty of the officers, agents and employes of any such company to exhibit all its books, records and accounts for the purpose of such examination, and otherwise to facilitate the same so far as it may be in their power to do, and for that purpose the commissioner of banking and insurance, and his deputy, assistants and employes shall have the power to examine, under oath, the officers, agents and employes of any such company relative to its business and affairs.

Advertisements of assets to include liabilities.

74. Whenever any insurance company doing business in this state advertises its assets it shall, in the same connection and equally conspicuously, advertise its liabilities, the same to be determined in the manner required in making the annual statements to the commissioner of banking and insurance; and all advertisements purporting to show the capital of such company shall exhibit only the amount of such capital as has actually been paid up in cash; in the case of a company organized under the laws of a foreign country, its assets shall be considered to be only the amounts deposited with the officials of the several states of the Union or held by trustees in the United States for the benefit of the policyholders and creditors of such company in the United States; all policies, renewals, signs, circulars, cards, or other means by which public announcements are made, shall be held to be advertisements within the meaning of this section.

Commissioner's annual report to legislature.

75. The commissioner of banking and insurance shall make annual report to the legislature containing an abstract of the statement of every insurance company filed in his department as required by law for the preceding year, together with such facts and information as may be in his possession, which report shall be made as of December thirty-first of the preceding year, and shall be published in the same manner as other legislative documents.

Amount of insurance.

76. No insurance company other than life, transacting business in this state, shall issue or renew any policy or

policies on any one risk in excess of ten per centum of its net assets; so much, however, of any such risk as shall be reinsured in any company lawfully transacting business in this state, shall not be considered part of said risk.

Standard form of fire insurance policy.

77. The commissioner of banking and insurance having in accordance with law prepared a printed form in blank, of a contract or policy of fire insurance, together with such provisions, agreements or conditions as may be endorsed thereon, and form a part of such contract or policy, and filed the same in the office of the secretary of state, on or before the first day of July, one thousand eight hundred and ninety-two, similar in all respects, except as hereinafter mentioned, to the contract or policy of fire insurance provided by law for the states of Pennsylvania and New York, such form being known and designated as the "Standard fire insurance policy of the states of New York, Pennsylvania and New Jersey," no fire insurance company, corporation or association, their officers or agents, shall make, issue, use or deliver for use, any fire insurance policy, or a renewal of any fire policy on property in this state other than such as shall conform in all particulars as to blanks, size of type, context, provisions, agreements and conditions, with such printed form of contract or policy filed in the office of the secretary of state as aforesaid, and no other or different provisions, agreement, condition or clause shall in any manner be made a part of said contract or policy, or be endorsed thereon or delivered therewith, except as follows, to wit:

Name, location, date.

I. The name of the company, its location and place of business, the date of its incorporation or organization, whether it is a stock or mutual company, the names of its officers, the number and date of the policy, and if it be issued through a manager or agent, the words "this policy shall not be valid until countersigned by the duly authorized manager or agent of the company at ———," may be printed on policies issued on property in this state;

Matters clearly expressed.

II. Printed or written forms of description and specification, or schedules of the property covered by any

particular policy, and any other matter necessary to clearly express all the facts and conditions of insurance on any particular risk (which facts or conditions shall in no case be inconsistent with, or a waiver of any of the provisions or conditions of the standard policy herein provided for), may be written upon or attached or appended to any policy issued on property in this state;

Legal provisions may be printed.

III. A company, corporation or association organized or incorporated under and in pursuance of the laws of this state or elsewhere, if entitled to do business in this state, may, with the approval of the commissioner of banking and insurance, if the same is not already included in the standard form filed in the office of the secretary of state, as aforesaid, print on its policies any provision which it is by law required to insert therein, if such provision is not in conflict with the laws of this state, or of the United States, or of the provisions of the standard form provided for herein; but said provision or provisions shall be printed apart from the other provisions, agreements or conditions of the policy, under a separate title, as follows: "Provisions required by law to be stated in this policy;"

Any policy issued contrary to the provisions of this section shall nevertheless be binding upon the company issuing the same.

May not require additional insurance.

78. No fire insurance company doing business in this state may issue any policy or contract of insurance covering property in this state which shall contain any clause or provision requiring the insured to take out or maintain a larger amount of insurance than that expressed in such policy, nor in any way providing that the insured shall be liable as co-insurer with the company issuing the policy for any part of the loss or damage which may be caused by fire or lightning to the property described in such policy, and any such clause or provision shall be null and void and of no affect; *provided,* that it may be optional with the insured to accept a policy or contract of insurance containing a co-insurance clause or provision when a reduction in the rate for insurance on the property described in such policy is the consideration named in such clause, and when so accepted the co-

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insurance clause or provision shall be binding on the insured.

Selection of umpire by court when appraisers have not done so.

79. When any contract or policy of fire insurance covering property in this state contains any clause or provision for the ascertainment by appraisers of the amount of any loss or damage to the property described in such contract or policy, and the clause or provision of such ascertainment of loss by appraisers provides that the insured and the insurer shall each select an appraiser and the two appraisers so chosen shall select an umpire, and the loss to the property described in such contract or policy of fire insurance shall have occurred, and the insured and the insurer shall have each selected an appraiser, and the appraisers so selected shall have failed or neglected, for a space of ten days after they have both been chosen, to agree upon and select an umpire, it shall be lawful for either the insured or the insurer to apply to the inferior court of common pleas of the county in which said property is or was situated, on five days' notice, in writing, to the other party of his or its intention so to do, to appoint a competent and disinterested umpire; and said notice in writing, when served by the insured, may be served upon any local agent of the insurer; and the judge or judges of said inferior court of common pleas shall, on proof by affidavit of the failure or neglect of the said appraisers to agree upon and select an umpire within the time aforesaid, and of the service of notice aforesaid, forthwith appoint a competent and disinterested person to act as umpire in the ascertainment of the amount of said loss; and the acts of the umpire so appointed shall be binding upon the insured and the insurer to the same extent as if such umpire had been selected in the manner provided for in said contract or policy of insurance.

Foreign companies must act through authorized agents.

80. No fire insurance company of another state or foreign country may transact business in this state except through duly constituted and appointed agents resident herein, who shall maintain a bona fide duly operated business office in this state, and shall issue and countersign all policies and contracts so issued; this section shall not apply to direct insurance covering the

rolling stock of railroad corporations operating between different states or property received for shipment from one state to another while in the possession or custody of railroad corporations or other common carriers.

Licensed brokers.

81. The commissioner of banking and insurance may license any person as a broker to negotiate contracts of fire insurance for others than himself, for a compensation, by virtue of which license he may effect insurance with any qualified insurance company of this state, or with agents resident and having a bona fide place of business in this state of any company of another state or foreign country licensed to do business in New Jersey, but with no others, and may license any person to place or cause to be procured insurance in companies other than fire of another state or foreign country authorized to transact business in this state, although such person may not be the commissioned agent of such company; for such license he shall pay a fee of ten dollars, authorizing him thus to act until the thirty-first day of December then next; and on payment of a similar fee his license may be renewed from year to year.

License agents of companies not authorized to do business in this state.

82. The commissioner of banking and insurance may issue to any citizen of this state a license, revocable at any time, permitting the person named therein to procure fire insurance as agent on property in New Jersey in insurance companies not authorized to do business in this state; but before the person named in such license shall procure any insurance in such companies on any property in this state he shall execute and file with said commissioner an affidavit that after diligent effort he is unable to procure, in companies admitted to do business in this state, the amount of insurance necessary to protect said property, and he shall only procure insurance under such license after he has procured insurance in companies authorized to do business in this state to the full amount which said companies are willing to write on said property; *provided,* that such licensed person shall not be required to offer any portion of such insurance to any company which is not possessed of cash assets amounting to at least twenty-five thousand dollars, or one which has, within the preceding twelve months, been

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in an impaired condition; each person so licensed shall keep a separate account of the business done under such license, which shall be at all times open to the inspection of the commissioner of banking and insurance, his deputy, or any person employed by him to inspect the same, a certified copy of which account the licensee shall forthwith file with the commissioner of banking and insurance, showing the exact amount of such insurance placed for any person, firm or corporation, the gross premium charged thereon, the companies in which the same is placed, the date of the policies and the terms thereof, and before receiving such license shall execute and deliver to the commissioner of banking and insurance a bond to the state of New Jersey in the penal sum of three thousand dollars, with such sureties as said commissioner shall approve, conditioned that the licensee will comply with all the requirements of this act, and will pay to the commissioner of banking and insurance, or where such policies cover risks in any city, town, borough, township or portion of a township, or fire district in this state, which now has or may hereafter have, a duly incorporated firemen's relief association, to the treasurer of such association, in January and July of each year, the sum of three dollars for each one hundred dollars and at that rate upon the whole amount of gross premiums charged for insurance procured or placed under such license during the preceding six months; the amount of taxes paid to the commissioner of banking and insurance under the provisions of this section shall be distributed by him in the manner now or hereafter provided by law as to taxes collected by him from fire insurance companies of other states and foreign countries.

Licensee's accounts.

Bond given.

Payment to firemen's relief association.

83. No life insurance company doing business in this state shall make any distinction or discrimination between white persons and colored persons, wholly or partially of African descent, as to the premiums or rates charged for policies upon the lives of such persons, or in any other manner whatever; nor shall any such company demand or require a greater premium from such colored person than is, at that time, required by such company from white persons of the same age, sex, general

No discriminations between white and colored persons.

condition of health and prospect of longevity; nor make or require any rebate, diminution or discount upon the amount to be paid on such policy in case of death of such colored person insured: nor insert in the policy any condition, nor make any stipulation whereby such person insured shall bind himself or his heirs, executors, administrators or assigns to accept any sum less than the full value or amount of such policy in case of a claim accruing thereon by reason of the death of such person insured, other than such as are imposed on white persons in similar cases; and any such stipulation or condition so made or inserted shall be void; but this section shall be applicable only to contracts of insurance issued on the lives of persons resident in this state at the time the application for such insurance shall be made, and nothing in this act shall be so construed as to require any agent or company to take or receive the application for insurance of any person or to issue a policy of insurance to any person.

Applicable to life insurance of residents.

Deposit by surety companies.

84. Any insurance company of another state or foreign country transacting the business of insuring against loss or damage on account of neglect or breaches of duty or obligations guaranteed by the insurer, and not engaging in the business of executing or guaranteeing bonds, undertakings, recognizances or other obligations, in actions or proceedings, legal, equitable or otherwise, or which are required by law or by the charter, ordinances, rules or regulations of any county, municipality, township, town, village or borough commission for the performance of any written contract for work or supplies or for the enforcement of any penalty or forfeiture provided for in such contract, may be authorized to transact such business in this state under the same requirements and regulations as other insurance companies of other states and countries; but any such corporation desiring to engage in this state in the business of suretyship and indemnity as provided in subdivision seven of section one of this act, in the same manner and to the same extent as allowed to corporations created under this act, shall deposit with the comptroller of this state the sum of fifty thousand dollars in good securities, worth at par

and at market value at least that sum, and to be held for the benefit of the holders of the obligations of such company in this state, and in addition thereto shall have on deposit with the superintendent of insurance or other state officer of the state where incorporated, if a company of another state of the United States, or if a company of a foreign country, with the proper state officer of some one of the United States, the sum of one hundred thousand dollars in good securities, worth at par and at market value at least that amount, held for the security of its obligations and has a fully paid-up, safely invested and unimpaired capital of at least two hundred and fifty thousand dollars.

Insurance commissioner's certificate as to authority.

85. The certificate of authority issued by the commissioner of banking and insurance in pursuance of this act to any such company of this or any other state or foreign country, shall be evidence of the qualification of such company and of its authorization to become and be accepted as sole surety on all bonds, undertakings, recognizances and obligations required or permitted by law, or the charter, ordinances, rules or regulations of any municipality, board, body, organization or public officer, and the solvency and credit of such company for all purposes and its sufficiency as such surety.

Certificate of authority may be surrendered.

86. Any insurance company of any other state or foreign country authorized to transact the business of insuring against loss or damage on account of neglect or breaches of duty or obligations guaranteed by the insurer, may at any time surrender to the commissioner of banking and insurance its said certificate of authority and thereafter cease to engage in the said business; such company shall thereupon be entitled to the release and return of its said securities deposited as aforesaid, in manner following: said company shall file with said commissioner a statement in writing, under oath, giving the date, name and amount of all its then existing obligations of suretyship or indemnity in this state, setting down the facts of each case, and said commissioner after an examination of the facts, shall require said company to file with the comptroller a bond to the state, in the penalty of not less than twenty nor more than fifty thou-

Manner of release.

sand dollars, executed by said company and two or more responsible freeholders of this state, or company of this state, duly authorized to transact such business, conditioned for the prompt fulfillment by said company of all its said outstanding obligations of suretyship and indemnity, and stipulating that the makers of said bond may be joined as defendants to any action upon any of the aforesaid obligations of suretyship or indemnity of said company, and that if judgment in such action be rendered against said company it may at the same time be rendered and enforced against the makers of said bond, without further or other action against them, and such bond shall stand for the security and benefit of all persons interested in said outstanding obligations of suretyship and indemnity; upon approving and filing such bond said comptroller shall deliver said securities to said company.

Fees for filing certificates.

87. On filing any certificate, executed by an insurance company of this state, in the department of banking and insurance, there shall be paid to the commissioner of banking and insurance, for the use of the state, the following fees: for certificate of incorporation, twenty cents for each thousand dollars of the total amount of the capital stock authorized, but in no case less than twenty-five dollars; for certificate of increase of capital stock, twenty cents for each thousand dollars of the total increase authorized, but in no case less than twenty dollars; for certificate of extension of corporate existence, the same as required by this section for the original certificate of incorporation; for certificate of dissolution, change of name, or for amended certificates of incorporation (other than those authorizing increase of capital stock), twenty dollars, and for all certificates not hereby provided for, five dollars; said commissioner shall also charge and collect for his services under the provisions of this act and pay into the state treasury the following fees: for filing the certified copy of the charter, deed of settlement or certificate of organization of an insurance company of another state or foreign country, twenty dollars, and for filing the statement of any such company on admission, twenty dollars; for filing each annual

statement of each insurance company, twenty dollars; for each certificate of authority to an agent of an insurance company of another state or foreign country, two dollars; for each license to an insurance broker, ten dollars; for each license to an agent to procure insurance in unauthorized fire insurance companies, twenty dollars; for computing the value of policies and annuity bonds of life insurance companies, one cent for each one thousand dollars of the whole amount insured by the policies valued and the gross amount of the annuity bonds valued, which sum, less the charges of the actuary employed to make such computation, shall be paid into the state treasury as aforesaid; for each certificate of the valuation of such policies and annuity bonds, one dollar, and for each certificate of the condition or qualification of an insurance company, one dollar; for each service of lawful process upon said commissioner as attorney, two dollars; for each copy of any paper filed by an insurance company, eight cents a sheet or folio of one hundred words and one dollar for certifying the same; and all other fees and charges due and payable into the state treasury for any official act or service of said commissioner.

Illegal to do business unless authorized.

88. No person or firm nor any company organized under the laws of this state or of any other state or foreign country, himself, itself or theirselves, or by his, its or their brokers, agents, solicitors, surveyors, canvassers or other representatives of whatever designation, nor any such broker, agent, solicitor, surveyor, canvasser or other representative, shall solicit, negotiate or effect any contract of insurance of any kind, including all kinds of insurance described in this act, or sign, deliver or transmit, by mail or otherwise, any policy, certificate of membership or certificate of renewal thereof, or receive any premium, commission, fee or other payment thereon, on any property or thing, or on the life, health or safety of any person, or in any manner, directly or indirectly, transact the business of insurance of any kind whatsoever, within this state, unless such company, per-

son or firm, shall be authorized to do the same under the provisions of the laws of this state.

Penalty for violation; collection of.

89. The penalty for each violation of this act, except any failure of any company to file an annual statement, shall be five hundred dollars and all costs of suit; all penalties provided by this act shall be sued for and collected by the commissioner of banking and insurance in an action upon contract in the nature of an action for debt in the name of the state; the first process against any person may be a capias ad respondendum, and any person against whom any judgment shall be obtained shall be committed to the county jail until such penalty and costs are paid; one-half of such penalty, when recovered, shall be paid by the commissioner of banking and insurance to the local firemen's relief association in the city, town or township wherein the violation was committed, if there be such an association therein, and if not, then to be paid in equal shares to the several firemen's relief associations in the county wherein the violation occurred, and if none exist in the county then to be paid to the said commissioner, to be distributed by him pro rata to each of the firemen's relief associations in the state, as other funds are by law distributed by him to such associations, and the other half to the said commissioner for the use of the state; and the necessary expenses for enforcing the provisions of this act, when not otherwise provided for, shall be paid by said commissioner out of the fines so collected and the fees and taxes paid by insurance companies of other states and foreign countries.

To whom act does not apply.

90. The provisions of this act shall not apply to corporations now or hereafter authorized to transact business in this state under the act entitled "An act relating to assessment insurance," approved March seventeenth, one thousand eight hundred and ninety-three, nor to corporations provided for in the act entitled "An act to provide for the incorporation and regulation of life insurance companies on the assessment plan," approved April twenty-second, one thousand eight hundred and ninety-seven, nor to associations described in the act entitled "An act regulating fraternal beneficiary societies, orders

or associations," approved March eleventh, one thousand eight hundred and ninety-three.

91. All acts and parts of acts inconsistent herewith are hereby repealed. Repealer.

Approved April 3, 1902.

CHAPTER 135.

A Supplement to an act entitled "An act concerning evidence (Revision of 1900)," approved March twenty-third, one thousand nine hundred.

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

1. Whenever a cause is depending in the court of chancery for a divorce or for annulment of marriage, and the defendant has not entered an appearance or made defence to the bill or petition, and the cause has been referred to a master in chancery, according to the practice of that court, it shall be lawful for the chancellor, upon application on behalf of the complainant or petitioner, and on good cause shown, to order such master to take ex parte and without notice the testimony of any witness named in the order, in another state or territory, and to make use of depositions so taken in making his report, and to return such depositions therewith. Take testimony ex parte without state.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 136.

An Act concerning the lien of unpaid taxes on lands, tenements, hereditaments or real estate assessed since the first day of January, in the year one thousand eight hundred and ninety-eight, or to be hereafter assessed.

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

Unpaid taxes a prior lien for five years from year levied.

1. Any and all unpaid taxes laid, assessed or imposed since the first day of January, in the year one thousand eight hundred and ninety-eight, pursuant to the laws of this state, within any city, town, borough or other municipality of this state against any person or persons or corporations for or on account of any lands, tenements, hereditaments or real estate situate, lying and being in said city, town, borough or other municipality, respectively, together with lawful interest thereon, and all costs, fees, charges and expenses in relation to the levy, assessment and collection of such taxes shall be and remain a full and complete first and paramount lien on the lands, tenements, hereditaments or real estate on account of which such levy and assessments shall have been made, for and during the period of five years next after the dates on which they respectively became delinquent.

All taxes to be a prior lien for five years.

2. Any and all taxes which shall or may hereafter be laid, assessed or imposed pursuant to the laws of this state within any city, town, borough or other municipality of this state against any person or persons or corporations for, or on account of any lands, tenements, hereditaments or real estate situate, lying and being in such city, town, borough or other municipality, respectively, together with lawful interest thereon accruing, and all costs, fees, charges and expenses in relation to the levy, assessment and collection of such taxes, shall become and remain from and after the date on which such taxes shall become delinquent, respectively, a full and complete first and paramount lien on all the lands, tenements and hereditaments or real estate on account of which such levy and assessment shall be made for and during the period of five years thereafter.

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 137.

A Supplement to an act entitled "An act relative to the state house and adjoining public grounds," passed May twenty-fifth, one thousand eight hundred and ninety-four.

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

State house commission authorized to acquire adjacent property.

1. The governor, treasurer and comptroller constituting the state house commission, are hereby authorized to acquire, by gift, grant, purchase, condemnation, through municipal action, or in any other lawful manner, in the name of the state and for its use, so much land, in the city of Trenton, with the buildings thereon erected, lying between West State street and the Delaware river, and immediately adjoining the state house grounds, as at present laid out, on either or both sides thereof, as in their discretion they may think desirable, not exceeding, however, one hundred feet in each direction.

Improvements.

2. The said officers composing the state house commission as aforesaid, are hereby further authorized in their discretion, to remove any of the buildings from the said lands, or any portion thereof, and to lay out and improve the same as part of the capitol grounds.

Official residence.

3. The said officers composing the state house commission as aforesaid, are also hereby authorized to renovate, furnish and set apart for the use of the governor of this state, as an official residence, any one of the houses or buildings that may be upon any portion of the premises acquired by virtue of the authority of this act.

Appropriation.

4. Not more than one hundred and twenty-five thousand dollars shall be expended by virtue of the authority conferred in this act.

5. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 138.

An Act to authorize the erection of additions or extensions to county lunatic asylums and additional buildings or pavilions to be used in connection therewith.

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

Lawful to increase accommodations.

1. Wherever in any county in this state a lunatic asylum is owned and maintained by the county, and it becomes necessary from time to time either to enlarge such asylum by the building of additions or extensions thereto, or to erect additional buildings or pavilions for the accommodation of the insane, it shall be lawful for the board of chosen freeholders of any such county, from time to time, to build such additions, extensions, new building or buildings, pavilion or pavilions, and to properly fit, furnish and equip the same; *provided, however,* that such board shall not within any one year contract for the erection of any such extensions, additions, buildings or pavilions the cost of which shall exceed one-fifth of the cost of the building to which such additions or extensions are made, or such buildings or pavilions are auxiliary; it being the purpose of this act to enable such boards of chosen freeholders from time to time, as the demand increases and as occasion requires, to provide and furnish proper accommodations for the insane.

Proviso.

Issue bonds to meet expense.

2. In order to provide the funds wherewith to erect such additions, extensions, additional buildings or pavilions, if in the judgment of such board the cost thereof, when placed in the tax levy for any one year, would be too burdensome on the taxpayers, it shall be lawful for such board, but not more than once in five years, to issue bonds therefor, which bonds shall not exceed the one-fifth cost mentioned in the first section hereof, to be signed by the director or director-at-large of the board and the county collector, under the corporate seal, which bonds shall state upon their face for what purpose the same

are issued, and shall be of such denomination as said board shall fix, and may be either registered or coupon, and shall bear interest at not exceeding four per centum per annum, payable half-yearly, and to run not exceeding ten years, and which bonds may be sold either at public or private sale, for the best price that can be obtained therefor, but shall be sold for not less than par and accrued interest.

Building by contract.

3. If the cost of erecting, fitting, furnishing and equipping such additions, extensions, buildings or pavilions shall exceed the sum of one thousand dollars, the work shall be done and the materials furnished under contracts in writing, which shall be awarded upon bids duly advertised for according to law, for at least ten days prior to the reception of bids, and such board shall award the contract to the lowest responsible bidder who shall furnish satisfactory security; *provided, however,* such board may, if it deems it for the best interests of the county, reject all bids.

Proviso.

Payment of bonds.

4. Such board shall annually place in the tax levy an item for the payment of said bonds.

5. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 139.

An Act concerning forest fires and the prevention thereof.

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

Fire marshal.

1. In any city, township or other municipality where any sum of money shall be appropriated or raised to defray the expenses of preventing, fighting or extinguishing forest fires, it shall be the duty of the city council, township committee or other governing body at its next meeting after such sum shall have been ordered, appropriated or raised, to appoint a suitable person, being a resident of said city, township or other municipality, to

act as fire marshal thereof, and at the same time to determine the amount of compensation per diem to be paid such fire marshal when in the active performance of his duties; upon notice from the person so appointed of the acceptance of the said office the said governing body shall issue to him a certificate of his appointment; after receiving his certificate of his appointment he shall have the power to designate one or more proper persons to act as his deputy or deputies in case of his absence or disability from any cause, and the said deputy shall, while engaged in the active duties of the said office, have the same powers and duties and receive the same compensation per diem as his chief.

Term.

2. The said fire marshal shall hold his office for the term of one year, and until his successor shall be appointed and accept his appointment; *provided, however,* that the said fire marshal shall be subject to removal from office by the body that appointed him at any time during the year, for malfeasance or neglect of the duties of his office, after having notice of the charges against him and an opportunity to be heard thereon.

Proviso.

Powers of constable.

3. The said fire marshal, while in the active performance of his duties, shall have all the powers of a constable in criminal cases.

Power and authority during fire.

4. It shall be the duty of said fire marshal, on being apprised of the existence of any forest fire, either in his own city, township or other municipality, or in any adjoining one, by which the safety of any property in his own city, township or other municipality may be imperiled, to assume absolute direction and control of all operations to be undertaken within the bounds of his own city, township or other municipality for the extinguishing or prevention of the spread thereof; he shall have power during the continuance of said fire to appoint as many persons to act as aids in carrying out his instructions as he may deem necessary, and all persons present who are actively engaged in subduing such fire shall act solely to his orders and those of his authorized aids; he shall keep an account of the persons so appointed by him as aids and of all other persons actively engaged in fighting such fire, together with the time during which

they are employed, and in a reasonable time after such fire shall have been extinguished he shall report said account to the governing body of said municipality, who shall have power to make reasonable compensation for such services out of any moneys that may have been appropriated therefor; if, in the judgment of the said fire marshal, a forest fire in an adjoining city, township or other municipality shall imperil the safety of any property in his own city, township or other municipality, he may, with his aids appointed as aforesaid, and with such other persons as he may employ, render such assistance as he may think necessary for the extinguishment and prevention of the spread of said fire, and any assistance given him in such service shall be reported to and paid for by the governing body of his own municipality in like manner as aforesaid.

May assist in adjoining district.

5. The governing body of such city, township or other municipality shall have power, from time to time, either by ordinance or by resolution, to prescribe such other duties to be performed by the said fire marshal, and to make such regulations for the safe-keeping and disbursement of moneys appropriated for this purpose, and for the prevention, fighting and extinguishment of forest fires, as in their judgment shall be efficacious for that purpose.

Further duties.

6. The said fire marshal shall make a report to the body by which he is appointed, at their first meeting after the first day of January of each year, concerning all forest fires which have occurred within his jurisdiction during the past calendar year, where and how the same originated, as far as he is able so to do, with an estimate of the number of acres burned over, and of the amount of damage occasioned thereby within his jurisdiction, together with any other matters concerning the same, and also any suggestions or recommendations as to the prevention and extinguishment of forest fires as he shall deem best.

Annual report.

7. No person shall burn, or cause to be burned, any pit of charcoal, or shall willfully or negligently set fire to or burn, or cause to be set fire to or burned, any brush, grass, leaves or other material whereby the property of

Care in burning charcoal, etc.

any other person is endangered or destroyed, unless he shall keep and maintain a careful and competent watchman in charge of said burning pit, brush, grass, leaves or other material, from the beginning of said fire until it is extinguished.

Penalty for violation.

8. Any person offending against any of the provisions of any of the last section of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding three years, or both.

Investigation of fires.

9. Upon the application of not less than ten freeholders of any city, township or other municipality in which any forest fire has occurred, to the fire marshal, or, in case there shall be no fire marshal, then to any constable, representing that they believe an investigation of the origin and other matters pertaining to said fire should be had, it shall be the duty of said fire marshal, or constable, to apply to some justice of the peace to investigate the same, and it shall be the duty of said justice to make such investigation; for the purpose of such investigation said justice shall have power to issue subpœnas for and swear witnesses, and shall have like powers and duties as in the examination and hearing of persons brought before him charged with crime, and said investigation shall be conducted, as far as can be, in like manner thereto; the said fire marshal, or any constable, shall have power to serve all subpœnas, warrants or other papers required to be served in the course of said investigation, or of any proceedings for the arrest and commitment of any person as the result of said investigation.

Report of investigation.

10. At the conclusion of said investigation the said justice shall make, in writing, a certificate thereof, in which he shall find and certify how and in what manner such fire happened or was attempted, and all the circumstances attending the same; if he shall find that there is evidence that the said fire probably originated from, or was fostered by, the act of any person or persons in violation of any law of this state in force at the time of said fire he shall so certify, and who was or were guilty thereof, either as principal or accessory, and in what

manner; if he shall be unable to ascertain the origin or circumstances of such fire, he shall find and certify accordingly.

May issue process to bring offenders before grand jury.

11. If the said justice shall find that there is evidence that the said fire probably originated from, or was fostered by, the act of any person or persons in violation of any law of this state, as above specified, he shall issue process for the arrest of the person or persons who have so violated such law, and may, after due examination, in his discretion, commit him or hold him to bail, to await the action thereon of the next grand jury of the county; and said justice shall also have power, when in his judgment necessary so to do, to bind over the witnesses to appear and testify at the next court of quarter sessions of the peace of said county.

Testimony returned.

12. The testimony of all witnesses examined before the said justice in said investigation shall be reduced to writing by the said justice or under his direction, and shall be returned by him, together with his certificate of his said investigation, and all recognizances and examinations taken under his hand and seal to the next court of quarter sessions of the peace of said county.

Cost of investigation.

13. The costs and expenses of such investigation shall be ascertained, taxed and paid in the same manner as is provided for like services in the examination of persons brought before a justice of the peace charged with crime.

Appropriation by state.

14. Whenever in any city, township or other municipality, there shall have been appropriated or raised in any year any sum of money to defray the expenses of preventing, fighting or extinguishing forest fires, the state comptroller shall, upon the written certificate of the governing body of such municipality, draw his warrant on the state treasurer in favor of the treasurer or other custodian of the moneys of such city, township or other municipality, for double the amount so appropriated or raised by said city, township or other municipality for said purpose; *provided, however,* that the amount so to be paid out of the funds of the state to any one municipality in any one year shall not exceed the sum of two hundred dollars; *and also provided,* that the total amount

Proviso.

Proviso.

to be so paid out of the funds of the state in any one year shall not exceed the sum of ten thousand dollars.

Moneys used for expressed purpose.

15. All of said moneys, both that so appropriated or raised by the city, township or other municipality, and that so paid out of the funds of the state, shall not be transferred to any other account, but shall be used and expended for no other purpose than the prevention, fighting or extinguishing of forest fires.

16. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 140.

An Act concerning the appointment of an acting city clerk in cities of this state.

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

Acting city clerk; duties.

1. In any city of this state where the city clerk, by reason of sickness or disability, has or may hereafter be incapacitated from performing the duties of his said office, it shall be lawful, by resolution, to suspend the salary or other compensation of the said city clerk so incapacitated until such incapacity ceases, and to elect or appoint an acting city clerk, in the same manner as the city clerk is elected or appointed in such city, who shall perform all the duties and be entitled to the same powers as said city clerk until such sickness or disability shall cease, and such acting city clerk shall be entitled to such compensation as such common council or other legislative body may at any time, by resolution, determine; *provided,* such compensation shall not exceed the regular salary of such city clerk for the time of such incapacity.

Proviso.

Who eligible.

2. Any member of such common council or other legislative body of such city shall be eligible to such election or appointment.

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

4. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 141.

An Act to establish the rate of interest on arrears of taxes and assessments in cities of this state.

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

1. The common council or other boards having charge and control of the finances of any city in this state may, by the same vote required to expend moneys, fix and change, by resolution, the rate of interest on all past due taxes and assessments of all kinds which are due prior to January first, one thousand nine hundred and two, at and after a rate of not less than seven per centum per annum; *provided, however,* that such rate shall apply only to any taxes and assessments as are still due and unpaid to said city; and shall not apply to any taxes or assessments that have been or may be adjusted under the act of the legislature entitled "An act concerning the settlements and collection of arrearage of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien and instead of such arrearage and to enforce the payment thereof, and to provide for the sale of lands subjected to further taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six. Rate of interest on unpaid taxes. Proviso.

2. That all acts or parts of acts, so far as may conflict herewith, be and the same are hereby repealed and this act shall take effect immediately. Repealer.

Approved April 3, 1902.

CHAPTER 142.

A Supplement to an act entitled "An act relative to the time of election and appointment and terms of office of officers elected or appointed in cities in this state," approved February twenty-eighth, one thousand nine hundred and one.

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

Expiration of term of office.

1. The term of office of every elective officer (except justices of the peace) holding office in any city at the passage of the act to which this is a supplement, which term, prior to the passage of said act, would regularly expire after the first and on or before the seventh day of January in any year, shall be and hereby is limited and abridged so as to expire at twelve o'clock noon on the first day of January of the year in which his term of office would otherwise expire.

Pertaining to officers heretofore elected.

2. The election of all persons voted for as elective officers of any city, and officially returned as elected after the passage of the act to which this is a supplement, and before the passage of this supplement, to succeed elective officers theretofore elected for terms expiring after the first and on or before the seventh day of January last (except justices of the peace), is hereby ratified and confirmed, and the terms of their predecessors terminated, and all persons so officially returned as elected shall be deemed legally elected and shall continue to hold office for the terms for which they were respectively elected, or intended to be elected as aforesaid, and with the same force and effect as if the terms of their predecessors had in fact expired on the first day of January last.

Repealer.

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

Approved April 3, 1902.

CHAPTER 143.

A Supplement to an act entitled "An act concerning evidence" [Revision of 1900], approved March twenty-third, one thousand nine hundred.

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

Examination of witness without state.

1. If a material witness in any action or proceeding of a civil nature pending in any of the courts of this state, or a party thereto, be absent from the state, whether the residence of such witness or party be within or without the state, it shall be lawful for a court in which such action or proceeding is pending, in its discretion, or for any judge of such court in term or vacation, in his discretion, on affidavit or proof thereof, to the satisfaction of said court or judge, and on such terms as the court or judge may direct, to award and issue, under the seal of the court, a commission to such person or persons, as the court or judge may think fit, authorizing such person or persons, or any two or more of such persons, to examine *de bene esse* the said witness or party on oath or affirmation, in the same manner and with the same force and effect as in the case of a material witness who resides out of the state.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 144.

An Act relating to usury.

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

Plea of usury not a defense.

1. No corporation shall hereafter plead or set up the defense of usury to any action brought against it to recover damages or enforce a remedy on any obligation

Proviso. executed by said corporation; *provided*, that this act shall not apply to any such action which is now pending.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 145.

An Act to establish excise departments in cities of the first class in this state.

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

Excise commission. 1. In all cities of the first class in this state there shall be and hereby is established a board of excise commissioners to consist of four persons to be appointed by the mayor, two of which said commissioners shall be selected and appointed from the political party which at the last preceding election for mayor in said city cast the largest number of votes for mayor, and two from the political party at said election casting the next largest number of votes for mayor; the commissioners so appointed shall serve for the term of two years and until their successors shall be appointed.

Continuation of a like board. 2. Every local board of excise commissioners now existing in any city of the first class in this state, which is in fact constituted in the manner required by the first section of this act, shall be deemed, held and taken to be a board of excise commissioners created under the provisions of this act, and every such board is hereby perpetuated and continued and is hereby authorized without reorganization to exercise all the powers and required to perform all the duties applicable to boards of excise commissioners mentioned in this act; the members of every such board shall continue in office until the expiration of the terms for which they were originally appointed; and all ordinances, rules and regulations which have heretofore been passed or adopted by any such board, which might be adopted or passed under the authority of this act, shall continue to be the ordinances.

rules and regulations of such board of excise commissioners and shall be of the same force and validity as if they had actually been adopted or passed under the provisions and authority of this act.

Vacancies.

3. Any vacancy which may happen in the office of member of excise commissioners in such city shall be filled by the mayor of said city for the unexpired term only and that the member so appointed to fill such vacancy shall be selected from the same party as the member for whose expiring term he is appointed.

Salary.

4. The annual salary of such commissioners shall be one thousand dollars each, and shall be paid to them by the city treasurer in monthly installments.

Powers.

5. Such board of excise commissioners shall have the sole power in such cities to license and regulate inns, taverns, restaurants, beer saloons and all places where any kind of vinous, malt, brewed, spirituous or other intoxicating liquor is sold, and after the licensing, to revoke and transfer such licenses under the laws of this state pertaining thereto, and under such regulations as such commissioners, subject to such laws, may prescribe; and no license for such purposes within any such city shall be granted by any other authority, and any license purporting to be granted for such purposes by any other authority shall be unlawful and void; *provided, however,* that any such license lawfully granted before the passage of this act shall, subject to its conditions, remain valid and in full force and effect until the expiration of the term for which it was legally granted; nothing in this act shall prevent such board of excise commissioners from revoking any existing license for proper cause.

Proviso.

Further duties and powers.

6. In addition to the powers conferred in the foregoing section, the said board of excise commissioners shall perform all the duties, possess all the powers and be subject to all the liabilities now or hereafter conferred or imposed on members of the board of excise commissioners in the cities of the first class in this state.

License fees.

7. The fee for licenses granted by said board of excise commissioners shall be such as are from time to time

prescribed by law in such cities, and when the amount is by law discretionary with the licensing authority, then such as said commissioners shall by ordinance, regulation or rule provide, and all fees for licenses so granted by said commissioners shall be paid to the city clerk who shall, in addition to his duties, act as clerk of said commissioners, and such fees shall be by him paid over to the city treasurer forthwith.

Oath.

8. Each of such commissioners shall, before he enters upon the duties of his office, take and subscribe an oath to faithfully, fairly and impartially perform the duties of his office, and such oath shall be filed with the city clerk, there to remain of record, and perjury may be assigned thereon in case of any willful violation thereof; should any person or persons appointed to be a member or members of any such board fail to qualify as herein provided within twenty days after appointment, such failure shall cause a vacancy or vacancies to exist in said board.

Organization.

9. Said board of excise commissioners shall meet for organization annually on the first day of January, except when the first day of January is on Sunday, in which event they shall meet on the second day of January; they shall annually elect one of their number to be president of said board; the acts of any three members of the board shall be the acts of the board; the board shall meet on stated days at least twice in each month, and a suitable and proper place for the holding of said meetings shall be provided by the municipal body or board having charge of the finances of the city.

Meetings.

Funds for board of excise commissioners.

10. The common council, board of aldermen, board of finance, or such other board or body having charge or control of the finances of the city, shall annually appropriate sufficient funds for the maintenance of the board of excise commissioners, said funds to be appropriated from the license moneys received by such city, or said funds or moneys may, in the discretion of said board or body, be provided for in the annual tax budget or levy; in case no appropriation has been made or set apart as herein provided for the maintenance of said board of excise commissioners for the current fiscal year, then and

in such case the said common council, board of aldermen, board of finance, or other board or body having charge and control of the finances of the city, shall forthwith provide for and set apart sufficient moneys for the maintenance of said board of excise commissioners for the current fiscal year; and for the purposes of providing said funds or moneys temporary loan bonds may be issued, the amount thereof with interest to be raised by making provision therefor in the next annual tax budget or levy of such city.

Repealer.

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

12. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 146.

An Act appropriating the sum of ten thousand dollars for, and authorizing the appointment of a commission to purchase a silver service for the United States battleship "New Jersey," and to present the same to that ship when it is placed in commission.

Preamble.

Whereas, On the fifth day of February, anno domini one thousand nine hundred and one, a commission was created by concurrent resolution bearing date of that day, which commission did, on Monday, January twenty-seventh, one thousand nine hundred and two, submit the following report bearing date of October twenty-ninth, one thousand nine hundred and one:

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

To the Members of the Senate and General Assembly:

Pursuant to the concurrent resolution, approved February 5th, 1901, appointing the undersigned a Commission to consider in what form the testimonial to be presented to the battleship "New Jersey" on behalf of the State, should be made, and requesting their report

thereon, the members of the Commission named in such resolution beg leave to submit the following:

A number of suggestions were received from prominent citizens of the State and distinguished officers of the Navy. Those recommended for presentation were silverware, books, medallions, clocks, ship's bells, figure-head for prow of the ship and several others. Of all those recommended, it seems to the Commission that a silver service would be the most popular and appropriate. It is the one recommended by those officers of the Navy whose opinions were requested. A gift in this form is alike the property of the officers and the crew and one most acceptable to them. It supplies the need for articles which are not, under the rules of the Navy Department, furnished to the officers, and yet they are very necessary on the occasion of public entertainments or in the entertainment of guests of the ship.

The Commission would therefore recommend that a silver service be purchased and presented to the battleship "New Jersey," in the name of the people of this State, as the one most appropriate and serviceable. Upon investigation it is found that different States have presented gifts in this form to the different battleships named for them, at a cost ranging from four to ten thousand dollars. It seems to be eminently fitting that the gift to be presented to the namesake of our own State should be inferior to none in design and price.

A number of manufacturers of silver were invited to submit designs and prices, preference being given to those who could manufacture the service in this State. After careful consideration, the designs submitted by Messrs. Tiffany & Co., whose factory is located at Forest Hill, near Newark, were the ones which most strongly commended themselves to the Commission. The cost would be ten thousand dollars, but the Commission believes that if the recommendation be accepted and these be selected, the gift to the "New Jersey" will be among the most useful and artistic services afloat. It would therefore recommend the Legislature to empower the Commission to authorize the purchase of the several pieces designed by the Messrs. Tiffany, a list of which

accompanies this report. It would also recommend that a committee to be chosen by this Commission, or in such other manner as you think best, be named to present the service to the battleship when it is placed in commission, provided such presentation shall be without cost to the State.

The Commission desires to express its thanks to Captain Charles D. Sigsbee, of the United States Navy, for the aid he has given it in his recommendations as to the form which the testimonial should take, and especially for his suggestions as to the proper pieces of silverware most desirable for use on board ship.

(Signed) FOSTER M. VOORHEES, *Governor.*
MAHLON PITNEY, *President of the Senate.*
WILLIAM J. BRADLEY, *Speaker of the House.*
GEORGE WURTS, *Secretary of State.*
ALEXANDER C. OLIPHANT, *Adjutant-General.*

October 29th, 1901.

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

Appropriation for silver service.

1. The sum of ten thousand dollars is hereby appropriated for the purchase of the silver service recommended by the commission above referred to in its report bearing date of October twenty-ninth, one thousand nine hundred and one.

Commission to execute law.

2. The execution of the provisions of this statute is vested in a commission consisting of the governor, president of the senate, speaker of the house, the secretary of state and the adjutant-general.

Presentation.

3. The commission, together with a suitable number of representative citizens of this state to be named by the commission, are authorized to present, in the names of the citizens of New Jersey, the said silver service to the said battleship when the same is placed in commission.

Approved April 3, 1902.

CHAPTER 147.

An Act to enable private library associations to take and hold real estate.

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

Private library may acquire property.

1. It shall and may be lawful for any private library association, duly incorporated under the laws of this state, to take by gift, grant or devise, any real property, and the same to grant, convey, assign, sell, or otherwise dispose of for the purposes of said association, provided that the same shall not exceed in value the sum of sixty thousand dollars, and shall not be exempt from taxation.

Repealer.

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

Approved April 3, 1902.

CHAPTER 148.

An Act to authorize townships to construct and maintain sewers and to provide for the payment of the cost thereof.

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

Construction of sewers in townships.

1. In any township in this state it shall be lawful for the township committee, whenever in their opinion the public good requires it, by ordinance duly adopted, engrossed and published in the manner prescribed by law for the adoption and publication of other ordinances in townships of this state, to order and cause any main outlet sewer or sewers, or lateral outlet sewer or sewers, or system of outlet sewers, to be constructed in any part of the township with suitable outlets or disposal works, and to use and occupy the streets, roads, highways and other public places of the township for that purpose,

and to acquire by purchase or condemnation and take and appropriate any land or any interest in land that may be needed for the purpose of constructing such sewer or sewers or system of sewers and for sewage disposal works and their appliances, upon making compensation to the owner or owners thereof; said ordinance shall specify generally the route of the sewer or sewers or system of sewers and the streets, roads, highways and public places wherein the same is or are to be located; in case the township committee shall deem it necessary for the efficient sewerage or drainage of such township or of any part thereof to construct an outlet sewer or sewers to tide or other waters, or to an outlet or disposal works outside of such township, or to connect any such outlet sewer or sewers with the sewage system of any adjoining municipality, it shall be lawful for them to do so under the provisions of this section; *provided,* that where it is proposed to make the outlet of such sewer or sewers in any creek or ditch, the location of such outlet shall be fixed with the consent of the "state sewerage commission," and if for the purpose of reaching any such outlet, it shall be necessary to occupy territory within the bounds of any adjoining municipality, it shall be lawful for such township committee to take, appropriate and use for this purpose, so far as necessary, any land or interest in land within or without the lines of any public street, place or highway of such adjoining municipality, and to acquire by purchase or condemnation any land or interest in land in such adjoining municipality needed for that purpose; in case such sewer or sewers be laid through or across any public street, place or highway of any such adjoining municipality, or be repaired therein, it shall be done under such reasonable regulations, if any, as may be imposed by the governing body of such municipality so adjoining, with respect to like work done by or for such adjoining municipality, and the surface of any such street, public place or highway shall be restored for traffic at the cost of such township; nothing in this section contained shall, however, be construed as conferring upon townships the right to obtain by condemnation the privilege of outlet or right

Proviso.

Take lands, etc.

of draining any sewer or sewers into the sewage system or sewage disposal works of any adjoining municipality; such right shall be obtained, if at all, only upon agreement with the municipality owning such sewage system or disposal works, and upon such terms and conditions and at such cost to such township as may be agreed upon between the governing bodies of said municipalities; to the making and performance of which said agreement or contract the said municipalities are hereby fully empowered.

Acquire right to use sewers of other municipalities by agreement.

Petition for sewers.

2. Whenever a petition in writing of any owners of property to be benefited, not less than ten in number, shall be presented to the township committee of any township, asking for the construction of a sewer in a whole or any particular part or section of any street, road or highway in such township, it shall be lawful for such township committee to adopt a resolution declaring its intention to cause such sewer to be constructed; and the said committee shall forthwith cause public notice of such intention to be given by the township clerk, in two or more newspapers printed in the county in which such township is located and circulating in such township, for the space of at least two weeks, and to be published during said period at least three times a week, briefly describing the proposed work and approximately the section or part of the township which may be drained or sewered by such proposed sewer, and requesting such owners of land within the approximated drainage area of such proposed sewer as may wish to object thereto, to present their objections in writing at a meeting of said committee to be held at a time and place in said township appointed by said committee and specified in said notice, which meeting shall be at least three weeks after the first publication of such notice, and a hearing shall be held upon said objections at said time and place, whereupon it shall be lawful for such committee, at such meeting, or at any subsequent meeting to which the matter may be continued, if they deem said objections well taken, or said sewer unnecessary, to discontinue all proceedings for the construction of the same, but if they deem said sewer

Notice of intent.

Objections.

Hearing.

necessary for the public good and health, to adopt an ordinance in the manner provided in the preceding section, providing for the construction of such sewer, and thereafter to award a contract for the construction of the same, and to take all necessary steps for the properly carrying into effect the desired improvement notwithstanding said objections.

Proposals invited.

3. At any time after any ordinance of the nature described in the preceding sections of this act shall take effect, the township committee may direct the township clerk to advertise for proposals in such manner and for such time as the township committee may direct, to do the work and furnish the materials necessary for the making of the improvement contemplated by such ordinance, and may thereafter enter into a contract to furnish the work and materials for said improvement, with such other agreements and covenants therein contained as shall be approved by the township committee, with the person or persons who are the lowest bidder or bidders for the whole work and who shall give satisfactory proof of his or their ability to furnish the requisite materials and perform the work properly and offer sufficient and satisfactory security for the faithful performance of the contract.

Award contract.

Inspectors.

4. The township committee may appoint one or more inspectors over the work to be done and the materials to be furnished in the making of any such improvement, and may fix a reasonable compensation for such services, and the amount of such compensation shall be included in and form part of the cost of such improvement.

Issue improvement certificates to meet cost.

5. In order to meet the cost of such improvement the township committee shall have power, as the work progresses, to issue improvement certificates of the township to the amount of seventy per centum of the contract price of the work done on any such improvement, when certified to by the engineer in charge of such work for said township, and when the contract is fully completed and the work accepted by the township committee they may issue additional improvement certificates of the township to an amount, including all former certificates

for said improvement, of ninety per centum of the contract price, and in ninety days after the acceptance of the work 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 errors or defects are rectified to the satisfaction of the township committee; the improvement certificates shall bear interest at the rate to be fixed by the township committee, not exceeding six per centum per annum, shall be payable within three years from their respective dates, shall in no event exceed in amount the total cost of the improvement, including all lawful expenses, shall not be issued by the township for less than par, and shall be redeemable at the pleasure of the township committee.

Bond issue.

6. In case such improvement certificates shall not have been paid at maturity, the township committee shall issue registered or coupon bonds of such township for the purpose of redeeming any such outstanding improvement certificates; such bonds may be made payable at times to be therein specified, which time shall, in case of improvements made under the first section of this act, be not more than twenty years after date, and in case of improvements made under the second section of this act, be not more than ten years after date, but always so that an equal amount shall fall due each year after the year of issue; the rate of interest on such bonds shall not exceed five per centum per annum, and the denominations of the same shall be fixed by the township committee issuing the bonds and they may be sold at public or private sale for not less than par.

Commission to ascertain cost of improvements and assess benefits.

7. As soon as possible after the performance of any contract for work to be performed under the provisions of this act, three commissioners shall be appointed, by resolution of said township committee; said commissioners shall be resident freeholders of said township but shall not be interested in any land within the drainage area of such sewer or sewers, and shall not otherwise be interested in said improvement; they shall, before entering upon their duties, hereinafter defined, take and subscribe, before some officer by law empowered to ad-

minister oaths, an oath in which they shall swear that they are not interested in any land within the drainage area of such sewer or sewers and not otherwise interested in said improvement, and that they are resident freeholders of such township and that they will faithfully execute the duties of their office; after taking said oath said commissioners may proceed immediately to execute the duties of their office, and they shall, after having first ascertained the exact drainage area of such sewer or sewers and the names of the persons owning the land within such area and the amount of land owned by each of such persons, cause a map of such drainage area to be made showing such sewer or sewers and the subdivisions of the land within said area as owned by such owners; they shall then ascertain the cost of said improvement, including all damages and awards for the taking of property, the cost of any outlet obtained by purchase, if any, and all lawful expenses, and shall then assess the said cost and expenses, so ascertained, upon the land and real estate benefited by such improvement and in proportion to the benefit 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 of land shall be assessed more than it is really benefited, and the excess, if any, of such cost and expenses, over and above the amount so assessed upon such land, shall be assessed upon the township at large wherein such improvement shall lie, which assessment shall be manifested by a report, in writing, to the township committee, signed by said commissioners, or any two of them, and accompanied by the map aforesaid showing the drainage area of such sewer or sewers and each lot or parcel of land within such drainage area to be separately assessed for benefits by reason of such improvement, and which said map shall also show the amount assessed upon each lot or parcel of land, whether such assessments are for immediate benefits and collectible at once or whether they are for prospective benefits as hereinafter provided, the names of the owners of such lands, so far as the

Map of drainage area.

same have become known to said commissioners, and the excess of such cost and expense, if any, assessed upon said township at large; but no assessment shall be deemed defective by reason of any mistake in the names of any of said owners or by reason of the omission of the names of any of such owners.

Method of ascertaining benefits.

8. In ascertaining and estimating assessments for benefits arising from the construction of a sewer or sewers under the first section of this act, such assessment shall, as to land which at the time of making such assessments front or abut on, or are in the vicinity of the line of any such sewer or sewers, whereby a direct tapping or drainage benefit is or may be secured, be collectible forthwith upon the adoption of the ordinance confirming said assessments, but where such benefit is prospective only, depending upon the construction of any other and connecting public sewer or sewers not yet built, such assessments shall be collectible and bear interest only from the time when the assessment to be made for benefits conferred upon such land by the construction of such other public sewer or sewers along the line of which such land and real estate fronts or abuts, or is in the vicinity of, shall be confirmed and is collectible, and such assessment shall be added to and collected with the assessment for benefits arising from the construction of such other and connecting public sewer or sewers.

Regarding prospective benefits.

9. In ascertaining and estimating assessments for benefit under the provisions of this act which shall be prospective and collectible only after the construction of any other public sewer or sewers, as provided in the preceding section, the benefit conferred upon all the land fronting or abutting on such sewer, or in the vicinity thereof, and having an immediate tapping or drainage benefit shall be first ascertained, and after deducting the amount thereof from the entire cost and expense of the construction of such sewer or sewers, the balance, or so much thereof as may properly be assessable upon such land not having an immediate tapping or drainage benefit, but which shall be situate in such drainage area or district, shall, to the extent that the same is benefited

by the construction of such sewer or sewers when such connecting sewer or sewers shall have been built, be assessed upon such land.

Report. 10. The report and map of said commissioners shall be filed in the office of the township clerk of such township, and thereafter said clerk shall, at the direction of the township committee, cause a notice to be published for at least three weeks, once in each week, successively, in two or more newspapers published in such county and circulating in said township stating that the commissioners of assessment for such improvement, generally describing the same, have filed their map and report in the office of the township clerk, and that the township committee will meet at a time and place within said township appointed by said township committee and specified in said notice, which day shall be at least thirty days after the first publication of such notice, to consider any objections to said assessment report which may be presented in writing to the township clerk on or before the day named and fixed in said notice; in case objections to any assessments in said report are made, and the township committee, after such hearing, shall not deem them to be well founded, the township committee may, by ordinance, confirm such report and the assessments thereby levied and imposed, or if they refuse to confirm the same, they return it to the said commissioners with any such objections that may have been received for such amendment as may, to said commissioners, seem reasonable and proper, and the township committee may thereafter, without any further notice to any person, by ordinance, confirm said report and the assessments thereby levied and imposed, whenever said report is again filed by said commissioners with the township clerk; said ordinance confirming said report and assessments shall be adopted by the township committee in the same manner as other ordinances are adopted in townships, and in said ordinance the township committee shall provide whether assessments for benefits then payable under said ordinance as heretofore provided shall be paid in one payment or in equal annual installments not exceeding ten; all assessments shall draw interest from the time they become due and pay-

Hearing objections to report.

Confirming report.

Assessments, how paid.

able at the rate of six per centum per annum, and if made payable in installments there shall be due and payable with each installment thereon, and on the unpaid portion of such assessment, interest at the same rate; but any assessment on any lot or parcel of land, or any and all installments thereof, may be paid at any time before the same become legally overdue, with all arrearages of interest to the time of payment, and all assessments for immediate benefit shall become due and payable upon the adoption of the ordinance confirming the report of the commissioners imposing the assessments.

Assessment a paramount lien.

11. Immediately upon the confirmation by the township committee of any report of commissioners levying and imposing assessments for benefits, such assessments shall constitute a first and paramount lien on the property assessed for the amount so assessed against it with interest and any costs of collection, and shall so remain until the said assessment, together with interest and costs of collection, if any, shall be paid, notwithstanding any device, descent, alienation, mortgage or other encumbrance thereof.

Notice to tax collector.

12. Within five days after the adoption of the ordinance confirming the report of the commissioners of assessment, it shall be the duty of the township clerk to deliver to the collector of taxes of said township a certified copy of such ordinance and of the report of such commissioners, and thereupon it shall be the duty of such collector to collect all assessments then payable according to the terms of such ordinance and in the manner therein provided with all due speed and to report such collections from time to time and to pay over the moneys so collected to the proper township authorities.

Collection of unpaid assessments.

13. Whenever any assessment for benefits under the provision of this act, or any installment thereof, shall remain due and unpaid for the period of one year after the same shall become due and payable under the ordinance confirming the report imposing such assessment, such assessment, or installment thereof, may be collected and enforced in the same manner as outstanding taxes are now enforced and collected in townships, and the land upon which the same is a lien may be sold therefor

in the same manner as is now provided in the case of taxes in townships; *provided, however,* that nothing herein contained shall be construed as regulating the time during which any such assessment shall be and remain a lien on the land against which it has been assessed and imposed. Proviso.

14. All sums collected for assessments made under this act and the interest thereon, shall be held and used for and applied to the payment or redemption of the obligations of the township incurred in purchasing any land or interest in land necessary for the construction or maintenance of the sewer or sewers for which such assessments were imposed and for the payment and redemption of improvement certificates or bonds issued to pay the cost of such improvement, and no money so collected shall be used for any other purpose whatsoever until all such obligations, improvement certificates and bonds shall have been fully paid. Use of moneys collected by assessments.

15. In the event of the drainage area of any sewer or sewers constructed under this act embracing the whole territory of any township, the assessment commissioners to be appointed to assess the benefits thereof shall not be residents of or freeholders in such township, but shall be residents of and freeholders in some other portions of the county in which such township is located, and the oath of office which the said commissioners shall take, shall, in that event, be conformed to the provisions of this section. If entire township in sewer district, commissioners non-resident.

16. For the purpose of acquiring any land or interest in land, either by agreement or condemnation, for the construction or maintenance of any sewer or sewers constructed under this act, it shall be lawful for the township committee to borrow money and to secure the payment thereof with interest by notes of the township or by bonds of the township issued for a period not to exceed five years, and the money so expended in the acquisition of land or an interest in land shall be added to and form part of the cost of any such improvement, and money sufficient to pay any such notes or bonds shall be retained and paid out of the moneys collected by way of assessments for benefits arising from such improvement. May borrow money to acquire lands.

When condemnation proceedings necessary.

17. Whenever it shall be necessary for the township committee to acquire any land or interest in land for the construction or maintenance of any sewer or sewers, and such land or interest in land cannot be acquired by agreement with the owner or owners thereof, and condemnation proceedings shall be necessary to acquire such land or interest in land, such condemnation proceedings shall be had in the manner now provided by law.

Compensation of commissioners.

18. Commissioners appointed by the township committee for the purpose of assessing benefits, shall receive for their services a sum to be fixed by the township committee not exceeding five dollars per day.

When writ of certiorari allowed.

19. No writ of certiorari to review any assessment made for benefits by reason of any improvement authorized by this act shall be allowed or granted unless application therefor be made within six months after the confirmation of the report levying and imposing any such assessments.

Act, how construed.

20. Nothing in this act contained shall be construed as in any way repealing or modifying the provisions of any other act providing a method for the construction of sewers in townships, but the powers hereby granted shall be considered as powers granted in addition to any such powers, and this act shall go into effect immediately.

Approved April 3, 1902.

CHAPTER 149.

An Act to amend an act entitled "An act for the taxation of all the property and franchises of persons, copartnerships, associations or corporations using or occupying public streets, highways, roads or other public places, except municipal and corporations taxable under the act entitled 'An act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four, or any of the supplements or amendments thereto," which act was approved March twenty-third, one thousand nine hundred.

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

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

8. The franchise taxes imposed by this act shall be in lieu of all other franchise taxes now assessed against the persons, co-partnerships, associations or corporations, subject to the provisions of this act and their property. Franchise tax.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 150.

An Act relative to a primary election law.

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

1. The governor is hereby authorized to appoint a commission consisting of three persons to examine into the advisability of a new primary election law for this state, to report their views thereon to the next legislature, and if their conclusion, or that of a majority of them, be favorable to the enactment of such an act, to present with their said report a draft of such a primary election law as they, or any of them, may approve of. Commission relative to primary elections.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 151.

An Act respecting notice of lis pendens [Revision of 1902].

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

1. Neither the issuing of a summons or subpœna, or other process or writ, nor the filing of a declaration or bill in any suit relating to or affecting the possession No process deemed constructive notice until lis pendens is filed.

of or title to lands or real estate, nor any proceedings had or to be had thereon, either at law or in equity, before a final judgment or decree, shall be deemed or taken to be constructive notice to any bona fide purchaser or mortgagee of any lands or real estate to be affected thereby, until the plaintiff or complainant in such action, or his attorney or solicitor, shall have first filed in the office of the clerk of the court of common pleas, except in counties where there is a register of deeds and mortgages, then in the office of the register of deeds and mortgages, of the county in which such lands or real estate lie, a written notice of the pendency of such suit, setting forth the title of the cause and the general object thereof, together with a description of the lands or real estate to be affected thereby; *provided,* nothing in this act contained shall be construed or taken to apply to any bill filed or to be filed for the satisfaction or foreclosure of any duly-registered or recorded mortgage; *provided further,* in case the plaintiff in any suit at law or the complainant named in any bill in chancery does not take steps to prosecute the suit diligently within three years after the filing of such notice, then the court in which such suit at law is brought, or the chancellor, may, upon application by any interested party, and upon notice to the plaintiff or his attorney, or to the complainant or his solicitor, declare the filing of such notice to be null and void and of no effect.

Proviso.

Record of lis pendens.

2. It shall be the duty of the clerk or register, with whom any such notice shall be filed, forthwith to record the same, together with the time of the filing thereof, in a proper book to be by him provided and kept in his office for that purpose, which book shall be properly indexed by said clerk or register and be a public record, to which all persons desirous of examining the same shall have access.

Fees for recording.

3. The following and no other fees shall be allowed for the services required by the last two preceding sections of this act, viz.: to the county clerk or register for filing and recording each notice, ten cents per folio; which fees shall be included with the other costs in the

cause, and taxed therewith by the clerk of the court in which such action shall be brought.

When decree in favor of defendant, abstract recorded.

4. Whenever a final decree or judgment shall be made in favor of the defendant or defendants, in any cause, notice of the pendency of which has been filed in the office of any county clerk or register, it shall be the duty of the said clerk or register to enter upon the margin of the record of such notice a statement of the substance of such decree or judgment, upon a copy thereof, certified under seal of the court, in which such decree or judgment shall have been obtained, being filed in his office, and thereafter the lands and real estate mentioned in the said notice shall be and remain discharged of all equities or claims set up in the bill of complaint or declaration in said suit, notwithstanding the said suit be thereafter revived.

Order discharging lands made upon defendant giving security.

5. In all suits for the enforcement of any claim for the payment of money upon any lands and real estate, except for the foreclosure of a mortgage, and notice of the pendency of which shall be filed in the office of any county clerk or register, it shall be lawful for the chancellor or any justice of the supreme court of this state, and they are hereby empowered to make an order discharging the said lands and real estate from such claim, upon the defendant giving sufficient and satisfactory security, in such sums and manner as such chancellor or justice may direct, for the payment of such sum or sums of moneys as may, by the final determination of the said cause, be ascertained to be chargeable upon the said lands and real estate; and upon filing a copy of the said order, certified under the seal of the court out of which such order may issue, with the said county clerk, such clerk or register shall make entry of said discharge, by reason of said order, on the margin of the record of said notice, and the lands and real estate shall be thereafter discharged from any claim which may be made in the said suit, except such as may be covered by the security given for the payment of such claim.

Clerk's fees.

6. The county clerk or register shall be entitled to receive the sum of fifty cents for each service required in the last two preceding sections.

When decree paid or suit settled, statement to be entered.

7. When any decree or judgment made in any suit, of the pending of which notice shall have been or shall be filed as provided in this act, shall have been paid, satisfied or performed, or when pending such suit the matters in difference shall be or shall have been settled by the parties, or such suit shall have been or shall be abandoned by the plaintiff or complainant therein, a statement of such payment, performance, satisfaction, settlement or abandonment of such suit may be entered by the attorney or solicitor of the party who filed such notice, or by the said clerk or register upon his receiving and filing a warrant for the purpose, executed by said party or his attorney or solicitor in the manner provided by law for the execution of warrants to satisfy judgments, and thereupon the land and real estate affected by said suit and described in said notice of lis pendens shall be discharged of all claims or equities set up in the declaration or bill of complaint in said suit, and the same fees shall be paid for services rendered under this section as are allowed in the supreme court upon satisfaction of a judgment therein.

Time for taking writ of error.

8. All writs of error and appeals from the final judgment or decree in any cause wherein the notice of the pendency of such cause has been filed as provided in this act, shall be taken within three months after the recovery of such judgment or decree; *provided,* in cases where the person entitled to such writ of error, or appeal, be an infant, feme covert, or insane, such writ of error or appeal shall be taken within three months after such disability is removed.

Proviso.

Approved April 3, 1902.

CHAPTER 152.

An Act relative to clerks of counties and of county courts [Revision of 1902].

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

County clerk's bond.

1. Every person who shall be elected clerk of a county of this state, shall, before he enters on the execution of his office, or be admitted to take the oath or affirmation prescribed by law, enter into bond to the state of New Jersey, with at least two good and sufficient sureties, being freeholders of the county, and approved of by the judge of the court of common pleas of the county, jointly and severally, in the sum of twenty-five thousand dollars; which bond, with the condition thereof, shall be in the form hereinafter mentioned, and when so executed and approved, shall, together with the oath or affirmation of office, duly taken and subscribed, be filed and recorded in the office of the secretary of state, to be kept among the public papers of his office; and in case any person appointed clerk, as aforesaid, before he shall enter into the security aforesaid, shall perform any of the duties required of him by law, in said office, he shall, for every such offense forfeit and pay, for the use of this state, one hundred dollars, to be sued for and recovered by the judge of the court of common pleas of the county in which the offense shall be committed, in an action of debt, with costs of suit, in the name of this state.

Form of bond.

2. The bond to be entered into, as aforesaid, with the condition thereof, shall be in the form following, that is to say: Know all men by these presents, that we, A. B., C. D. and E. F., of the county of ———, are held and firmly bound unto the state of New Jersey, in the sum of twenty-five thousand dollars, to be paid unto the state of New Jersey, to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals; dated the ——— day of ——— in the year of our Lord one thousand nine hundred and ———; the condition of this obligation is such that if the above bounden A. B. shall well and truly execute the office of the clerk of the county of ——— and in all things touching and concerning said office, shall well and truly, faithfully and impartially, execute and perform the same, and account for all money received therein, according to law, as well with respect to all persons concerned as the said county and the state of

New Jersey, and at the expiration of his said office, shall deliver to his successor in office all the books, papers, records and writings remaining in the same, or appertaining thereto, then this obligation to be void, otherwise to be and remain in full force and virtue.

Removal to suitable office.

3. In every county where an office hath been or hereafter may be built, at the expense of the county, of materials not liable to be destroyed by fire, and the same is or shall be finished and completed, and be situate within half a mile of the court house of such county, the clerk of said county and his successors in office shall, and they are hereby required to remove to the office so provided, all the books, records and papers appertaining to the office.

Penalty for failure to move.

4. If the clerk of any county shall neglect or refuse, for the space of ten days after notice from the board of chosen freeholders of the county, to remove all the books, records and papers appertaining to his said office to the office which hath been or may be built and completed as aforesaid, every clerk so offending shall forfeit and pay for each day he shall so neglect or refuse, after the expiration of the said ten days, the sum of ten dollars, to be sued for and recovered by the director of the board of chosen freeholders in the county where the delinquency shall happen in his own name, to be applied, when recovered, to and for the use of the county.

Record book of sheriff's bonds.

5. The clerk of each county shall enter of record in a book to be kept for that purpose, all bonds given to the state of New Jersey by the sheriff of his county, who shall be hereafter elected, for the fulfillment of his duty; and the record of such bond, or a transcript of such record, certified to be a true transcript, by the said clerk, shall be received in evidence in any court of this state, as if the original bond were then and there produced and proved; the said clerk for recording each bond shall receive thirty cents, and no more, to be paid by the sheriff giving the same.

Fee.

Clerk to deliver all documents, etc., to his successor.

6. Upon the expiration of his office, the county clerk shall, in the presence of the judge of the court of common pleas, deliver to his successor in office the books, papers, records, writings and every document appertaining to

said office, and transfer all moneys on deposit with him as clerk to such successor, and it shall be the duty of the said judge to certify under his hand and seal such delivery and payment; which certificate, together with the receipt from the successor in office, shall be transmitted by said clerk to the secretary of state, to be by him filed in his office; and in case any county clerk shall die during his continuance in office, it shall be the duty of his executors or administrators to deliver over, in like manner, to the successor in said office, all the books, papers, records, writings and every document appertaining to said office and pay and transfer all moneys on deposit with the clerk which may come to their hands or under their control to such successor, and transmit, in like manner, the certificate of the judge and the receipt of the successor to the secretary of state, to be by him filed in his office.

Clerk to acknowledge receipt.

7. Every person who shall be elected clerk of a county shall, on receiving any books, papers, records or moneys from his predecessor, or the executor or administrator of his predecessor, sign and acknowledge a receipt for the same before the judge of the court of common pleas, whose duty it shall be to deliver the said receipt to the secretary of state, to be by him filed in his office.

Clerk's report to state treasurer.

8. It shall be the duty of the clerk of every county as clerk of the courts therein, to make out, within ten days after the session or term of the said courts, a true abstract from the minutes of all fines and amercements awarded, and the amount of all judgments entered on forfeited recognizances for the use of the state during the said session or term, and to transmit the same to the treasurer of the state on or before the first day of November annually; which abstract shall contain the names of the persons fined and amerced, and against whom judgment as aforesaid has been entered, and also the names of the sheriff and collector of the county for the time being.

If clerk does not file abstract.

9. If any clerk shall refuse or neglect to transmit such abstract to the treasurer, at or before the time hereby appointed, he shall, for every offense, forfeit and pay one hundred dollars, to be recovered by action of debt,

with costs, in the name of the comptroller of the state, for use of the state; it shall be the duty of the state treasurer, within two days after the first day of November annually, to make out and return the name of every delinquent clerk to the comptroller, who, upon receipt thereof, shall prosecute such clerk for the recovery of the said penalty.

Clerk not to practice in county.

10. The clerk of a county shall not be allowed to practice or act as an attorney-at-law in the county in which he may be so elected, or to hold or exercise the office of justice of the peace; and if any clerk shall practice or act contrary to the prohibition aforesaid, for each offense he shall be liable to the penalty of fifty dollars, to be recovered in an action of debt, by any person who shall prosecute for the same, in any court where the same is cognizable, with costs of suit, and shall also be liable to be removed from office by impeachment.

Act as clerk of courts.

11. The clerks of the respective counties shall be the clerks of the circuit court, the court of common pleas, the court of oyer and terminer, the court of quarter sessions and the court of special sessions in and for the counties in which they are respectively elected clerks, and shall perform all the duties appertaining to or devolving on clerks of said courts, or upon the order of said courts respectively.

Attendance on courts.

12. It shall be the duty of every county clerk to attend the daily sessions of the courts of which he is the clerk, either in person or by deputy, or by some competent person, whose duty it shall be, under the direction and control of the judge thereof, to keep a minute of the proceedings of said court or courts, and the public shall have access to said minutes at all proper and reasonable hours, and the said county clerks shall receive no extra compensation therefor, notwithstanding the duties of the respective county clerks may have been or shall be increased; but the clerks of the respective counties shall receive three dollars per diem, and no more, for such attendance.

Temporary clerk of court.

13. If at any term or session of any of the courts of which the clerk of the county is clerk, the said clerk or his duly appointed deputy shall not be present, the court

may appoint some fit person to act as clerk during the absence of such clerk and deputy; the duties of said temporary clerk shall be confined to the clerical work of keeping the records of the court, swearing jurors, witnesses, taking verdicts, pleas or recognizances, and such other duties as are performed by the clerk in the presence of or under the direction of the court.

Clerk's liability for moneys.

14. The clerks of the several counties shall be liable for all moneys paid into their hands as such officials, or as clerks of the courts hereinbefore named, and for such care, custody and liability the officials before named may retain for their own use, out of the moneys so paid into their hands, the same fees as the clerk of the court in chancery is now or may hereafter be by law permitted to retain from moneys paid to him as such clerk; the clerk shall not use such moneys so deposited with him for his own benefit while in his care.

Depository.

15. The justice of the supreme court holding the circuit court in each county shall, in writing, designate the bank or banks or trust company in this state in which the county clerk shall deposit all moneys paid to him officially and prescribe the manner in which the same may be withdrawn, and the clerk shall be released from personal liability for the safe keeping of moneys so deposited; the court in which any fund is deposited may on application of any party interested therein specially direct the deposit of such fund in a bank or trust company of this state to be designated by the court, and prescribe the manner in which the same may be withdrawn.

Taking acknowledgments.

16. A clerk of a county is hereby authorized, during his continuance in office, to perform all the duties and exercise all the powers belonging to the office of a notary public, or a commissioner for taking the acknowledgment and proof of deeds; and each clerk aforesaid, upon taking any acknowledgment or affidavit, by virtue of the powers conferred by this act, shall affix to his signature the words "county clerk."

Taking and preserving newspapers.

17. The clerks of the several counties are hereby authorized and required to subscribe for such newspapers, at least one (and not exceeding two), printed

and published in the county in which they officiate, as the boards of chosen freeholders in said counties may determine, and file the same in their respective offices, causing them to be bound from time to time in a substantial manner, in volumes of convenient size for the use of the inhabitants of the county, who shall have access to them free from all charge or expense during office hours; such papers, and the binding thereof, shall be paid for by the respective boards of chosen freeholders out of the county treasury, upon the order of the clerk of the county; and the said board of chosen freeholders are hereby authorized and required to pay all orders drawn as aforesaid by the said clerk for the papers and binding thereof aforesaid.

Deputy clerk.

18. It shall be lawful for each of the clerks of the different counties, to appoint, under his hand and seal, an assistant in his office, to be known and denominated as his "deputy clerk," who shall hold office during the pleasure of the clerk, but no longer than the term for which said clerk shall be elected; such deputy clerk, before he enters upon the duties of such office, shall take and subscribe before the judge of the court of common pleas an oath of like form and character as that required to be taken by the said clerks; which appointment, with the certificate of the oath or affirmation indorsed thereupon and attested by the said judge, shall be filed and always thereafter kept in the office of said clerk so making the appointment, and the deputy clerk, as aforesaid, shall, during the absence or inability of the clerk, have the same powers and perform all the duties which are now or shall be imposed or conferred by law upon the different clerks of the counties respectively; *provided*, no additional compensation shall be paid such deputy by the county, except as provided by law.

Proviso.

Validating certain acts of deputy clerk.

19. Where any clerk of any county shall have heretofore appointed a deputy clerk, and such deputy shall have authenticated acts or signed certificates in his own name as deputy clerk, instead of the name of his principal, all such authentications heretofore made and all certificates heretofore so signed by any deputy clerk, shall be taken and deemed as valid and effectual in law

as if the same had been done in the name of the clerk and under his own hand.

Approved April 3, 1902.

CHAPTER 153.

An Act concerning mortgages on chattels [Revision of 1902].

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

Concerning removals.

1. Every chattel mortgage shall vest in the mortgagee or owner thereof the right to the possession of the chattels therein described, so far as may be necessary for the purpose of preventing the removal thereof out of the county wherein they were at the time of the execution or delivery of such mortgage, and of recovering such chattels in case the same shall have been removed out of such county.

Disposition of recovered goods.

2. When such chattels shall be so removed by any party and recovered by the mortgagee or owner of the mortgage by means of legal proceedings, or when the removal thereof shall be prevented by like proceedings, the court in which such proceedings are had may regulate the disposition of such chattels and prescribe such terms for the possession thereof by any person interested therein as will protect the rights of such mortgagee or owner of such mortgage.

Exceptions.

3. The above provisions shall not apply to any vessel, rolling stock of railroads, or to any chattels which, in the ordinary use thereof at the time of the excution of the mortgage, are taken from time to time out of the county wherein they were when so mortgaged.

Mortgage void unless affidavit of mortgagee recorded.

4. Every mortgage or conveyance intended to operate as a mortgage of goods and chattels hereafter made, which shall not be accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor, and as against

aff. may be by officer of a corporation. See 46 Vr. 721

subsequent purchasers and mortgagees in good faith, unless the mortgage, having annexed thereto an affidavit or affirmation made and subscribed by the holder of said mortgage, his agent or attorney, stating the consideration of said mortgage and as nearly as possible the amount due and to grow due thereon, be recorded as directed in the succeeding section of this act; *provided,* nothing contained in this act shall be taken, construed or held to apply to any mortgage of personal property included in a mortgage of franchise and real estate heretofore or hereafter made by any railroad company, and which hath been or shall be recorded or registered as a mortgage of real estate in every county in which such railroad or any part of it is or shall be located, and it shall not be necessary to record as a chattel mortgage any such mortgage as is in this proviso described.

Proviso.

Instruments recorded.

5. The instruments mentioned in the preceding section, and not excepted in the proviso, shall be recorded in suitable books provided for that purpose in the clerk's office of the county where the property so mortgaged shall be at the time of the execution of such instrument; *provided,* in any county where the office of the register of deeds and mortgages exists, or hereafter may be created, such instrument shall be recorded in the office of such register; and the said clerks and registers shall enter at the foot of the record of each mortgage an instrument so recorded, the time when the same was received by him at his office to be recorded, and endorsed on each mortgage and instrument when recorded the time when the same was received at his office to be recorded and the book and page in which the same has been recorded, and shall thereupon deliver the same to the party entitled to it, or his order.

Proviso.

Time of entry.

Mortgage not recorded unless execution acknowledged.

6. No chatted mortgage or conveyance intended to operate as a mortgage of goods and chattels shall be recorded unless the execution thereof shall be first acknowledged or proved, and such acknowledgment or proof certified thereon in the manner prescribed by the act entitled "An act respecting conveyances."

Mortgages indexed.

7. Such chattel mortgages shall be properly indexed, and the records and certified copies thereof shall be

evidence in the same manner and in like cases as the record of deeds, and the said clerks and registers shall be entitled to the same fees for recording and indexing such chattel mortgages, and for copying such records, as they are entitled to for the recording, indexing and copying deeds.

Recorded mortgage valid until canceled.

8. Every chattel mortgage heretofore recorded according to law or hereafter recorded pursuant to the provisions of this act shall be valid against the creditors of the mortgagor, and against subsequent purchasers and mortgagees, from the time of the recording thereof until the same be canceled of record in the manner now provided by law for the canceling of mortgages of real estate.

False swearing.

9. If anyone 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.

Joint action by man and wife.

10. Every chattel mortgage, bill of conditional sale, conveyance or other instrument, in writing, of the nature of a chattel mortgage hereafter made upon, or for any household goods and furniture in the use and possession of any family, not given to secure the purchase-money for such goods and furniture thus in use and possession, shall be absolutely void and of no effect or validity, unless such mortgage, bill of conditional sale, conveyance or instrument, in writing, intended to affect such household goods and furniture shall be first duly signed, sealed, executed and acknowledged, according to law, by the husband and wife of the family, and be recorded as herein provided in the county where such household goods and furniture may be situate at the time of the execution thereof.

Cancellation by order of the court.

11. Any chattel mortgage may, upon application to the judge of the circuit court or of the court of common pleas of the county wherein any such mortgage is recorded, be canceled of record by the order of the judge in the same manner, and upon the same proceedings, and under the same conditions and circumstances as is provided by

law for the cancellation of a mortgage upon real estate by order of a judge of the said courts.

Approved April 3, 1902.

CHAPTER 154.

An Act concerning marriages [Revision of 1902].

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

I. WHO MAY NOT MARRY.

Degrees within which marriage prohibited.

1. A man having a wife alive shall not marry another woman; a man shall not marry any of his ancestors or descendants, or his sister, or the daughter of his brother or sister, or the sister of his father or mother, whether such collateral kindred be of the whole or half blood; a woman having a husband alive shall not marry another man; a woman shall not marry any of her ancestors or descendants, or her brother, or the son of her brother or sister, or the brother of her father or mother, whether such collateral kindred be of the whole or half blood; a marriage or attempted marriage in violation of any of the foregoing provisions shall be absolutely void.

II. WHO MAY SOLEMNIZE A MARRIAGE.

Who may solemnize marriages.

2. The chief justice and each justice of the supreme court, the chancellor and each vice chancellor, and each judge of the court of common pleas, and justice of the peace, recorder and police justice, and mayor of a city of this state, and every stated and ordained minister of the gospel, is hereby authorized to solemnize marriages between such persons as may lawfully enter into the matrimonial relation, and every religious society in this state may join together in marriage such persons as are of the said society, or when one of such persons is of such society, according to the rules and customs of the society to which they or either of them belong.

III. MARRIAGE OF MINORS.

Regulations concerning marriage of minors.

3. No person having, or pretending to have, authority to join persons together in the holy bonds of matrimony, shall marry any male under the age of twenty-one years, or female under the age of eighteen years, unless the parent or parents, guardian or guardians, or person or persons under whose care and government such minor or minors shall be, be present and give consent thereto, or until the minor applying to be married, whether male or female, shall have produced a certificate of consent, in writing, under the hand of the parent or parents, guardian or guardians, or if such minor so applying to be married have no parent or guardian, then under the hand of the person or persons under whose care and government he or she may at that time be; and if any certificate be produced as aforesaid, the same shall be proved to be genuine by the oath or affirmation of at least one person, of full age and discretion, who was present at the signing of the same, and affixed his or her name as a witness thereto, which oath or affirmation may be administered by any person authorized to solemnize marriages as aforesaid, and shall be entered upon the back of said certificate of consent.

Penalty for marrying minors without consent.

4. If any person having or pretending to have authority to join persons together in the holy bonds of matrimony, shall marry any minor, without such consent had and obtained, according to the direction of this act, and contrary to the true intent and meaning thereof, every such person shall, for every such offense, forfeit three hundred dollars, to be recovered in an action on contract, in any court of record in this state, by the parent, guardian or person having charge of such minor, as shall be so joined in marriage as aforesaid, the one-half of said forfeiture to be paid to the treasurer of the state, for the use of the state, and the other half to be for the use of the plaintiff.

Records and returns of marriages of minors.

5. Every person having, or pretending to have, authority to join persons in marriage, who shall marry any minor by virtue of a certificate of consent had and

proved as above directed, shall register the same, or cause it to be registered, in a book by him to be kept for the purpose of registering marriages, and shall attach the original certificate of consent to the certificate of marriage by him required to be made, and shall transmit the same, with said certificate of marriage, to the officer to whom, by law, he is required to transmit the certificate of marriage, to the end that the same may be forwarded to and filed with the state bureau of vital statistics.

IV. MARRIAGE LICENSES.

If both parties non-resident, license necessary.

6. No marriage shall hereafter take place or be solemnized in this state, where both the parties proposing marriage are non-residents of the state, until a license therefor shall have been obtained from the clerk of the county where the marriage is to be performed, at least five days prior to the marriage; and no such license shall be issued unless at least one of the parties to such proposed marriage shall be first identified before such clerk, and it shall be made to appear to such clerk that no legal impediment to the marriage exists.

Form of license

7. The said license shall be in form as follows:

State of New Jersey,

County of ———

To any person authorized by law to solemnize marriages, greeting:

It appearing before me that no legal impediment thereto exists, you are hereby authorized, within the county of ———, to join together in the holy state of matrimony, in accordance with the laws of the state of New Jersey, A——— B———, of (giving place of residence), and C——— D———, of (giving place of residence).

In witness whereof I have hereto attached my name and official seal, this ——— day of ———, one thousand ———.

(*Seal.*) ———————,

Clerk of the county of ———.

The said license shall have appended thereto two certificates, which said certificates shall be numbered to

correspond with the license above set forth, one of said certificates to be marked "original," and the other of them marked "duplicate;" said certificate shall be in form as follows:

I, ——— (minister of the gospel, or as the case may be), do hereby certify that A——— B———, of ———, and C——— D———, of ———, were by me united in marriage in accordance with the license for that purpose issued by ———, clerk of the county of ———, in the state of New Jersey, on the ——— day of ———, one thousand ———, said license and certificate being numbered ———.

———————,

Minister, &c. (or as the case may be).

Return duplicate to clerk.

8. It shall be the duty of the minister or other person performing such marriage to deliver to the parties the certificate marked "original," and to return, within thirty days, the certificate marked "duplicate" to the office of the clerk who shall have issued the license to which said certificates were originally attached, under a penalty of one hundred dollars, to be sued for and collected as other penalties are by law collected, by the clerk issuing such license, for the use of the county of which he is the clerk.

Marriage by forms of a religious society; license for.

9. In all cases in which the parties as aforesaid to any proposed marriage shall intend solemnizing such marriage in accordance with the customs of any religious society as now allowed by law, the license therefor shall be in form as follows:

State of New Jersey,

County of ———

To A——— B——— and C——— D———:

Application having been made to me by the above named A——— B———, of (giving place of residence), and C——— D———, of (giving place of residence), for a license authorizing the solemnization of marriage between them in accordance with the customs of the ———, and without the intervention of any person authorized to solemnize marriages, and due proof being by me taken that no legal impediment to such pro-

posed marriage exists, the said A——— B——— and the said C——— D——— are hereby authorized to become joined in marriage in accordance with the customs of such ——— and in the manner required by law.

(*Seal.*) ———,

Clerk of the county of ———.

The said license shall have appended thereto two certificates, which said certificates shall be numbered to correspond with the license above set forth, one of said certificates to be marked "original," and the other of them marked "duplicate;" said certificate shall be in form as follows:

We hereby certify that on the ——— day of ———, anno domini one thousand ———, we were united in marriage at ———, in the county of ———, state of New Jersey, in accordance with the customs of the——— and in accordance with the laws of this state, having first obtained for that purpose a license from the clerk of the county ———, said license and this certificate being numbered ———.

A——— B———.
C——— D———.

We, the undersigned, do say that we were present at the marriage above certified to between the said A——— B——— and C——— D———.

Duplicate returned to clerk of county.

The said certificates shall be duly signed by the parties to said marriage, and duly attested by at least two witnesses who were present at such marriage; the certificate marked "original" shall be retained by the parties, and the one marked "duplicate" shall be returned by the clerk or keeper of the minutes of such religious society, within thirty days, to the office of the clerk who shall have issued the license to which such certificates were originally attached, under a penalty of one hundred dollars, to be used for and collected as other penalties are by law collected, by the clerk issuing such license, for the use of the county of which he is the clerk.

Issuance of license.

10. Before any county clerk shall issue any marriage license, as provided in the sixth section of this act, he shall demand of the party applying therefor, under oath or affirmation, the facts respecting the legality of the

same, and he shall issue the said license only if it shall be made to appear before him that no legal impediment to such proposed marriage exists; for such license he shall be entitled to receive the sum of fifty cents.

Forms and statistics.

11. It shall be the duty of the attorney-general to cause to be issued to the state bureau of vital statistics the form and substance of the several inquiries to be made of any applicant as aforesaid, in order that the several county clerks shall be enabled to obtain the information herein required and ascertain whether any legal impediment to any proposed marriage exists; and the bureau of vital statistics shall cause the same, which shall include inquiries concerning the name, age, parentage, birthplace, occupation and residence of each of the persons to be married, and the condition of each of them, whether single, widowed or divorced, to be printed and supplied to the several county clerks in the same manner that other blanks are now furnished.

County clerk to transmit duplicates.

12. It shall be the duty of every county clerk to transmit to the state bureau of vital statistics, at Trenton, between the first and tenth days of each and every month, all "duplicate" certificates of marriage filed with him during the preceding month, together with a copy of the marriage license, and all duplicate certificates received by said bureau shall be alphabetically indexed and filed and preserved in the archives of said bureau in the same manner that marriage certificates have heretofore, by law, been required to be indexed, filed and preserved; and every clerk who shall neglect or refuse to comply with the provisions of this section shall for every such offense forfeit and pay the sum of one hundred dollars, to be sued for and recovered by the prosecutor of the pleas for the use of the county in and for which such clerk acts as an officer.

Issuance of license to minors.

13. If any such male applicant for license to marry shall be a minor under the age of twenty-one years, or any such female applicant under the age of eighteen years, such license shall not be issued, unless the parents or guardian of the said minor, if there be any, shall first certify, under their hands and seals, in the presence of two reputable witnesses, their consent thereto, and no

license shall be issued where the parties to such proposed marriage shall, at the time of applying for such license be under the influence of liquors, opiates or other stupefying drugs; any consent given in accordance with this section shall be delivered to the clerk issuing the license and be transmitted to the state bureau of vital statistics, with the papers required to be transmitted to said bureau by the next preceding section.

Penalty for violation.

14. If any county clerk shall violate any of the provisions of this act, or shall fail to comply therewith, he shall pay a fine of one hundred dollars for each and every offense, to be recovered by the county of which he is clerk; if any person applying for license under this act shall make willful and false answer to any of the inquiries required to be asked by any county clerk, he or she shall be deemed guilty of perjury, and shall be subject to the penalties imposed therefor by the laws of this state; if any person shall perform any marriage ceremony between parties, both of whom, at the time of such marriage, are non-residents of this state, without the presentation to him of a license therefor, obtained in due time, in accordance with the provision of this act, he shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine not exceeding five hundred dollars.

Duplicates in evidence.

15. Every duplicate certificate of marriage and copy of marriage license transmitted to the state bureau of vital statistics of this state under the authority of this act, and any copy thereof certified to be a true copy under the hand of the medical superintendent of said bureau, shall be received in evidence in any court of this state to prove the facts therein contained; the records herein provided shall be public records and open to the inspection of the public at all reasonable hours.

Intention of act.

16. Nothing in this act contained shall be deemed or taken to render any marriage, otherwise lawful, invalid by reason of the failure to take out a license as is herein provided.

Right to administer oath.

17. Any person having authority to join persons together in the holy bonds of matrimony is empowered to administer to any male or female applying to be married,

or both, as the case may require, an oath or affirmation as to the residence and age of such party or parties, which oath or affirmation shall be entered upon the back of the certificate of marriage required by law to be made by the person solemnizing such marriage, and shall be his justification should the parties so married, or either of them, deceive him as to his or her place of residence or age.

Approved April 3, 1902.

CHAPTER 155.

An Act respecting the clerk in chancery and the clerk of the supreme court [Revision of 1902].

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

Oath required.

1. Every person who shall be appointed clerk in chancery or clerk of the supreme court shall, before he enters upon the execution of his office, or be admitted to take his official oath or affirmation, enter into bonds of the state of New Jersey, with surety as now provided by law conditioned that if he shall well and truly execute the office of clerk in chancery or clerk of the supreme court (as the case may be) of the state of New Jersey, and in all things touching and concerning the said office shall well and truly, faithfully and impartially execute and perform the same, according to law, as well with respect to all persons concerned, as to the said state of New Jersey, and at the expiration of his said office shall deliver all moneys deposited in his office, together with the books, papers and records remaining in the same, or appertaining thereto, to his successor in office, then the obligation shall be void, otherwise shall be and remain in full force and virtue.

Surety.

Bond required.

2. The bond of the clerk in chancery shall be in the sum of fifty thousand dollars, and must be approved by the chancellor; the bond of the clerk of the supreme court shall be in the sum of twenty-five thousand dollars,

and must be approved by a justice of a supreme court; and said bonds shall be recorded and filed in the office of the secretary of state.

Offices in Trenton.

3. The clerk in chancery and the clerk of the supreme court shall keep their offices within the city of Trenton.

Disposition of fees, etc.

4. The fees, costs, allowances, percentages and all other perquisites of whatever kind which, by law, the clerk of the supreme court or the clerk in chancery may receive for any official acts or services rendered by said clerks, respectively, or by any assistant or other person in their office or employment for any acts done or services rendered in connection with said offices, shall continue to be payable and shall be received and collected by said clerks, respectively, for the sole use of the state of New Jersey, as public moneys belonging to the state, and shall be accounted for by said clerks and paid over as such in manner hereinafter provided.

Accounts kept and returns made to comptroller.

5. The said clerks shall, respectively, keep an account of all fees and moneys received by them, pursuant to the provisions of this act, for the use of the state, and shall, on or before the tenth day of each month, make a full and itemized statement and return, verified by oath, to the comptroller, of the fees, costs, allowances, percentages and all other perquisites of whatever kind received by them or by any assistant or other person in their office or employment for any acts done or services rendered in connection with said offices, and of all sums which may have been charged or taxed, or which shall have accrued or become payable for any such services during the month preceding the making of such statement, which statement shall be made under oath and upon blanks prescribing the form of the said statement and oath, to be furnished to said clerks by the comptroller, and shall be filed in the office of the comptroller, there to remain as public records; such statements shall be forthwith audited by said comptroller, and on or before the fifteenth day of each month said clerks shall, respectively, pay over the amount of such fees and moneys to the state treasurer, under a penalty of one hundred dollars for each day's neglect to file such statement or to pay over such moneys, to be recovered in the name

Payments to state treasurer.

of the state of New Jersey for the use of the state, in an action in the supreme court.

Clerks liable for fees; may demand payment before acting.

6. The said clerks shall, respectively, be personally liable to the state for the payment of all such fees and costs as are mentioned in the fourth section of this act; and for their own protection it shall be lawful for them to exact the payment of such fees and costs before filing any paper, entering and docketing any writ, order or decree, making any copy or any search or performing any other service in their said offices for which costs, fees or compensation is allowed; and for convenience it shall be lawful for the clerk to receive from suitors and their attorneys and solicitors reasonable deposits of money in advance to answer such fees and costs, rendering an account thereof to the persons making such deposits at the end of each term of court.

Salary.

7. The said clerks shall each receive a salary of six thousand dollars per annum, to be paid by the treasurer on the warrant of the comptroller in equal monthly payments, in full compensation for all services rendered by said clerks, and in lieu of all fees and other compensation whatever heretofore provided or allowed by law; said clerks shall select and employ the necessary assistants for said offices, respectively, who shall receive such compensation as shall be approved by the governor, and which shall be paid monthly by the treasurer on warrants drawn by the comptroller.

Payment of clerical help.

Additional quarters for court of chancery.

10. The clerk in chancery, with the approval of the chancellor, shall provide, at the expense of the state, duly-furnished rooms in the cities of Camden, Jersey City and Newark for the use of the chancellor, vice chancellors and advisory masters in the hearing of causes and actions, and the rent and expenses thereof shall be ascertained and certified by the chancellor and paid by the treasurer of the state, and shall not exceed in all the sum annually appropriated therefor by the legislature.

Deputy clerk of supreme court.

11. It shall be lawful for the clerk of the supreme court to appoint a deputy in his office, who shall be commissioned by the governor to be deputy clerk of the supreme court; and said deputy clerk shall hold his

office during the pleasure of the clerk of the supreme court making the appointment, but in no case to extend beyond the term for which the said clerk of the supreme court is commissioned, and the said deputy clerk shall be required to take and subscribe an oath of like form and character as required to be made by the clerk of the supreme court, and shall give bond to the state in the sum of two thousand five hundred dollars, with like conditions, and to be approved in like manner, as is required by the first section of this act; and the deputy clerk shall, during the absence or inability, through sickness or other cause of the clerk of the supreme court, have the same powers and perform all the duties which are now imposed by law upon the clerk of the supreme court.

Approved April 3, 1902.

CHAPTER 156.

An Act relative to justices of the peace [Revision of 1902].

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

To ascertain number of justices of the peace.

1. In order to ascertain the number of justices of the peace which each township or ward may elect at each annual election, the abstract of the last previous census taken under the authority of a law of the United States, or of this state, as published by law, shall be conclusive evidence of the number of inhabitants in each township or ward.

Resignations.

2. When any justice of the peace shall be desirous of resigning his office, he shall send or deliver his resignation in writing to the governor or person administering the government, and deliver a copy of such resignation forthwith to the clerk of the municipality within which such justice shall have been elected, to be by him filed, and thereupon his said office shall be considered vacant.

Bond.

3. Every person elected to the office of justice of the peace in any of the counties of this state, shall give bond

to the state of New Jersey in such sum as the judge of the court of common pleas of such county, may deem sufficient, not less than five hundred nor more than three thousand dollars, with good freehold security, to be approved by such judge, conditioned for the payment, on demand, to the person entitled or authorized to receive the same, of all moneys that may come into his hands as such justice of the peace during his continuance in office; such bonds shall be filed in the office of the clerk of the county, and shall be for the benefit of any person concerned or aggrieved; and the court of the common pleas of the county may, from time to time, upon application in writing by any person concerned or aggrieved, order a prosecution of the bond to be conducted at the expense of the applicant.

Acting before qualified.

4. If any justice of the peace shall enter upon the execution of his office before taking his official oaths and filing such bond, he shall forfeit for each offense the sum of one hundred dollars.

Monthly report to county collector.

5. Every justice of the peace shall report monthly, during his term of office, on the first of each month, to the collector of his county the amount of fines imposed and received by him during the preceding month, and shall at the same time pay over all fines so by him imposed and received, the said fines to be received and held by the county collector for the use of the county; *provided,* this act shall apply only to such fines as are declared to be for the use of the county.

Proviso.

Failure to report.

6. If any justice shall fail to report and make payment as above directed for thirty days after notice in writing from the county collector so to do, such justice shall be deemed guilty of a misdemeanor.

Disposition of fines.

7. All fines which may be authorized under any proceedings before any justice of the peace, and which have not been appropriated by law to any distinct use, shall be and they are hereby appropriated and made payable to the county collector of the county in which the justice may reside, for the use of the county.

Exercising civil jurisdiction.

8. No justice of the peace resident within the limits of any city where a district court is or may be established, shall exercise any civil jurisdiction whatever.

Justice of peace not to hold liquor license.

9. It shall not be lawful for any court or municipal authority to grant to any person a license to keep an inn or tavern or to sell spiritous, vinous, malt or brewed liquors, who shall be at the same time a justice of the peace, or in virtue of his office exercising the powers of a justice of the peace, and if any person shall be elected or appointed a justice of the peace or an officer with the power of a justice of the peace, in any of the counties or municipalities within this state, during the time that he holds such a license, and shall accept of said office, such license shall thenceforth be absolutely void.

Approved April 3, 1902.

CHAPTER 157.

See New Revision, P. L. 1907, p. 216. (Effective Jan. 1, 1908.)

An Act providing for divorces and for decrees of nullity of marriage and for alimony and the maintenance of children [Revision of 1902].

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

I. DECREES OF NULLITY.

When decree of nullity rendered.

1. Decrees of nullity of marriage may be rendered in all cases where:

I. Either of the parties has another wife or husband living at the time of a second or other marriage; or

II. The parties are within the degrees prohibited by law.

II. CAUSES FOR DIVORCE.

Causes for divorce.

2. Divorces from the bond of matrimony may be decreed for the following causes:

I. Adultery by either of the parties;

II. Willful, continued and obstinate desertion for the term of two years;

III. In case the parties, or either of them was at the time of marriage physically and incurably impotent,

or was incapable of consenting thereto, and the marriage has not been subsequently ratified.

3. Divorces from bed and board forever thereafter, or for a limited time, as shall seem just and reasonable, may be decreed for extreme cruelty in either of the parties. As to cruelty.

III. JURISDICTION.

4. The court of chancery shall have jurisdiction of all causes of divorce or nullity and of alimony and maintenance, by this act directed and allowed: Jurisdiction in divorce proceedings.

I. In cases of adultery (*a*) where the adultery was committed within this state, and the parties complainant and defendant, or either of them, resided in this state at the time of filing the bill or petition, or (*b*) where the adultery was committed without this state, and the parties complainant and defendant, or either of them, resided in this state at the time of the adultery and at the time of filing the bill or petition;

II. In cases of desertion, provided the parties complainant and defendant, or either of them, shall have been resident in this state during two years of the time for which the desertion relied on for cause of divorce shall have continued, and such residence shall have continued until the filing of the bill or petition;

III. In cases of a former wife or husband living, (*a*) if the marriage was solemnized in this state, and the parties complainant and defendant, or either of them, reside in this state at the time of filing the bill or petition, or (*b*) if the marriage was not solemnized in this state, then provided the defendant is a resident of this state at the time of filing the bill or petition, or the complainant is a resident of this state at the time of filing the bill or petition, and has been such resident for two years next preceding the time of filing the bill or petition;

IV. In cases of marriage within the prohibited degrees, or of physical impotency, or of incapacity to consent, provided the marriage was solemnized in this state and the parties complainant and defendant, or

either of them, reside in this state at the time of filing the bill or petition;

V. In cases of extreme cruelty, provided the parties complainant and defendant, or either of them, resided in this state at the time any of the acts of extreme cruelty were committed, and at the time of filing the bill or petition;

VI. In cases of alimony or maintenance only, provided (*a*) the defendant is a resident of this state at the time of filing the bill, or provided (*b*) the matrimonial domicile was in this state at the time of the neglect complained of, and the complainant resides in this state at the time of filing the bill, and the defendant is served with process in this state, or has property within this state at the time of filing the bill;

VII. In all cases except desertion when either of the parties is a resident of this state at the time of filing the bill or petition and the defendant is served with process within this state.

Collusion.

5. The court of chancery shall not have jurisdiction of any cause for divorce, unless the complainant or petitioner shall make his or her oath or affirmation, which shall be annexed to the bill or petition, that his or her complaint is not made by any collusion between him or her and the defendant, for the purpose of dissolving their marriage, but in truth and good faith, for the causes set forth in the bill or petition.

IV. PROCEDURE AND PRACTICE.

Process and answer.

6. The like process and procedure shall be had and pursued in all such causes as are usually had and pursued in other causes in the court of chancery, except that the answer of defendants shall not be under oath.

Suits by petition.

7. All suits in the court of chancery for divorce, may be commenced by filing a petition with the clerk of the court; which petition shall plainly and fully state the cause or causes of the application for such divorce and the relief prayed.

Copy of petition and citation served.

8. Upon filing the said petition, the clerk shall, if required, make out a certified copy thereof, to be served

on the defendant, and issue a citation under the seal of the court, for the defendant to answer the said petition on or before such day as shall be mentioned for that purpose in the said citation, which may be any day, either in term time or vacation, not less than thirty days subsequent to the date of issuing the said writ; such citation shall bear date the day of issuing thereof, and be tested in the name of the chancellor; to every citation, a notice shall be added that the defendant is not required to appear at Trenton in person, at the return day, but if he intend to make a defense, it is only necessary for him to answer, plead or demur, to the petition within the time required by law.

Serving citation and returns.

9. It shall be the duty of the sheriff or coroner, as the case may require, of any county, to whom any such citation and certified copy of the petition shall be directed or delivered, to serve the same, and to make return of the said citation at the time and place therein mentioned, which shall be filed by the clerk.

How served.

10. Every such citation shall be served either by delivering to the defendant a copy thereof, together with a certified copy of the petition, or by leaving the said copies at his or her dwelling-house or usual place of abode, at least twenty entire days before its return.

Proceedings after citation returned served.

11. On a citation being returned "served" or "cited" by the sheriff or coroner, as the case may require, the defendant shall, on the day mentioned therein for him or her to answer the said petition, or within three days thereafter, file his or her answer to the said petition, unless the court shall grant the defendant further time for that purpose; which answer shall plainly and fully set forth the cause or causes of his or her defense, and shall be signed by the defendant, but not sworn to; after which, without any replication or further pleadings or rule, the parties shall proceed to take their evidence and bring on the hearing of the cause as in other cases in the court of chancery.

Answer.

If no answer, order for proof.

12. If a defendant upon the citation being returned "served" or "cited" as aforesaid, shall not file his or her answer to the petition within the time limited by this act or granted by the court, the court may make

an order that the petitioner proceed to take depositions and other evidence to substantiate and prove the allegations in the petition, and to bring on the hearing of the cause ex parte.

If defendant absent, order of publication.

13. When a bill or petition shall be filed under this act, and it shall be made to appear by affidavit or otherwise, to the satisfaction of the chancellor, that such defendant is out of this state, or cannot, upon due inquiry be found therein, or that he or she conceals himself or herself within this state, the chancellor may thereupon, by order, direct such defendant to answer the said bill or petition, at a certain day therein named, not less than two nor more than six months from the date of such order, ~~which order~~ shall, within twenty days thereafter, be served on such defendant by delivery of a copy thereof to him or her, or by leaving it at his or her dwelling-house or usual place of abode, or be published in one of the newspapers printed in this state, and designated in such order, and continued therein for four weeks successively, at least once in every week, and shall be published in such other manner as the particular circumstances of the case may require, if in the opinion of the chancellor any other or further publication shall be necessary, and in case such defendant shall not file his or her answer within the time so limited, or within some further time, to be allowed by the chancellor, on proof of due service or publication of said order the court may order and direct the complainant or petitioner to produce depositions or other evidence to substantiate and prove the allegations in the bill or petition, and to bring on the hearing of said cause ex parte.

See P. L. 1903, p. 122

Defense of co-respondent.

14. In actions for divorce because of adultery, it shall be lawful for the chancellor, in his discretion, at any time before final decree, to allow any person charged in the pleadings with committing adultery with either of the parties in the suit, to intervene for the purpose of defending himself or herself against the charge so made.

Amending proceedings.

15. No proceedings in any suit commenced under this act shall be set aside or otherwise annulled or made void for any defect in matter of form, or for any mis-

take or omission not affecting the real merits of the cause, and the chancellor may permit either party to amend his or her proceedings in the cause, either in matters of form or substance, and proceed to give judgment according to the merits of the case.

Enrollment.

16. When any cause shall be finally determined, the clerk of the court of chancery shall enter or enroll together, in order, the proceedings, decretal orders, reports and final decree in such cause, in his book of decrees, which enrollment shall be signed as in other cases.

Fees.

17. There shall be allowed in the taxation of costs, for the petition, the sum of one dollar; for the answer, the sum of one dollar; to the clerk, for the citation and certified copy of the petition, seventy-five cents; to the sheriff, for serving and returning the citation, one dollar and fifty cents, and to the examiner, for taking the examination of every witness, for each sheet, twenty cents, and for certifying every exhibit shown to a witness, ten cents; and no other or greater fee shall be allowed for the said services.

Trial by jury.

18. If, in the opinion of the chancellor, any matter of fact shall render the intervention of a jury necessary in any suit or proceeding for divorce or nullity, then the court of chancery is hereby authorized to direct an issue for the trial of the same in the supreme court, or in one of the circuit courts.

V. ALIMONY AND MAINTENANCE.

Alimony and maintenance.

19. Pending a suit for divorce or nullity, or after decree of divorce, it shall be lawful for the court of chancery to make such order touching the alimony of the wife, and also touching the care, custody, education and maintenance of the children, or any of them, as the circumstances of the parties and the nature of the case shall be render fit, reasonable and just; and to require reasonable security for the due observance of such orders; and upon neglect or refusal to give such reasonable security as shall be required, or upon default in complying with the order, to award and issue process for the immediate sequestration of the personal estate, and

Sequestration of property.

the rents and profits of the real estate of the party so charged, and to appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate, or so much thereof as shall be necessary, to be applied toward such alimony and maintenance as to the said court shall from time to time seem reasonable and just, or to enforce the performance of the said orders by such other lawful ways and means as is usual, and according to the course and practice of the court of chancery; orders so made may be revised and altered by the court from time to time as circumstances may require.

When husband compelled to support wife.

20. In case a husband, without any justifiable cause, shall abandon his wife or separate himself from her, and refuse or neglect to maintain and provide for her, it shall be lawful for the court of chancery to decree and order such suitable support and maintenance, to be paid and provided by the said husband for the wife and her children, or any of them, by that marriage, or to be made out of his property, and for such time as the nature of the case and the circumstances of the parties render suitable and proper in the opinion of the court, and to compel the defendant to give reasonable security for such maintenance and allowance, and from time to time to make such further orders touching the same as shall be just and equitable, and to enforce such decree and orders in the manner mentioned in the last preceding section of this act; but during the time such maintenance shall be allowed by the decree or order of the court, the husband shall not be chargeable with her debts; in cases where a husband cannot be found within this state to be served with process, his estate, property and effects within this state, and the rents and profits thereof, may be sequestered to compel his appearance and performance of any decree or order which may be made in the suit, but the process of sequestration shall be issued only upon special order therefor, to be made upon proof of the claim alleged in the bill, and that the defendant cannot be found within the state for the service of process; upon process of sequestration, a bond as provided in cases of ne exeat may be given in

Property sequestered.

discharge of the writ, and the sum in which the party shall give bond, with sufficient surety or sureties, shall be endorsed upon the writ in words at length; where the proceedings are by process of sequestration and defendant does not appear, the decree shall be enforceable only out of and against the estate sequestered.

Security for costs.

21. In any such suit as is mentioned in the last preceding section, it shall be lawful for the chancellor, if application therefor be made before answer filed, to order a bond to be given in the sum of one hundred dollars, by one or more sufficient sureties, with condition to pay such costs as shall or may be awarded by the court to be paid to the defendant.

V. MISCELLANEOUS PROVISIONS.

Collusion of parties.

22. If it appear to the court that the adultery complained of shall have been occasioned by the collusion of the parties, and done with an intention to procure a divorce, or that the complainant was consenting thereto, or that both parties have been guilty of adultery, then no divorce shall be decreed.

Suit by poor persons.

23. Whenever any poor person shall have cause of suit under this act, and shall make an affidavit or affirmation that he or she is not worth one hundred dollars clear estate, the chancellor may, at his discretion, assign to such poor person a solicitor and counsel learned in the law, to prosecute the said cause, who, together with all other officers, shall perform their respective duties therein without fee or reward.

Fees of examiners.

24. The fees of examiners in chancery for taking examinations of witnesses on applications for divorce, shall be the same as the fees provided for the same service in other cases.

Imprisonment as continued desertion.

25. Willful and obstinate desertion shall be regarded, held and construed to be "continued" within the meaning of this act, notwithstanding that after such desertion has or shall have begun, the deserting party has or shall have been imprisoned in this or any other state or country upon conviction by due process of law for a crime, misdemeanor or offense, not political, committed in this

or any other state or country, or for any other reason shall have been under restraint, either by due process of law or his or her voluntary act.

Approved April 3, 1902.

CHAPTER 158.

An Act respecting the court of chancery [Revision of 1902].

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

I. THE COURT. WHEN OPEN.

Terms of court.

1. The court of chancery shall hold, annually, at Trenton, three stated terms, commencing on the first Tuesday of February, the third Tuesday of May, and the third Tuesday of October, respectively, and such special terms, at the same or any other place as the chancellor shall from time to time appoint; if the court shall not sit or be opened at any of the said terms, whether stated or special, the writs and process then returnable, and the bills, suits, pleadings and proceedings depending before the said court, shall be continued, of course, till the next term, and so from term to term, until the court shall sit.

If court does not sit, suits, etc., continued

Always open for certain purposes.

2. The court of chancery shall be considered as always open for the granting and return of writs, and for making all orders and decrees, interlocutory or final.

II. SUBPOENA AND PROCESS FOR APPEARANCE, AND HOW SERVED.

Bill first filed.

3. No subpœna or other process for appearance shall issue out of the court of chancery until after the bill shall have been filed; every writ or process shall be issued by a solicitor, or by the clerk, at the instance of the party, and before the service or execution thereof shall be subscribed or endorsed with the name of the

said solicitor or party, and also signed and sealed by the clerk, and shall be in the form prescribed by the rules of the court of chancery; the names of all defendants in any suit, who are resident in the same county, shall be inserted in one subpœna or process; to every subpœna ad respondendum, a notice shall be added that the defendant is not required to appear at Trenton in person, at the return day, but if he intend to make a defense, it is only necessary for him to answer, plead or demur to the bill within the time required by law.

Names in process.

Notice added to subpœna.

4. Where a bill shall be filed on any mortgage, or instrument in the nature thereof, for a foreclosure or sale of the premises contained in the same, or any part thereof, and the complainant shall deem it expedient to make any person a defendant therein, other than the mortgagor, his heirs, executors, administrators, or assigns, such complainant shall, with the subpœna to be issued against such other defendant, cause to be issued a ticket, in writing, shortly making known for what cause he is subpœnaed to answer; which ticket shall be, by the officer serving the subpœna, left with the said defendant at the time of such service, and no charge be made therefor.

When ticket to issue.

5. Every subpœna or process for appearance shall be served by the sheriff or other officer authorized to serve writs of summons and other common law processes, on the person to whom it is directed, by giving to him personally a copy or leaving a copy thereof at his dwelling-house or usual place of abode, at least ten days prior to its return, and it shall be the duty of the sheriff or other officer, as the case may require, of any county in this state, to whom any subpœna, order, attachment, process of sequestration, writ of execution or other process issuing out of the court of chancery, shall be directed or delivered, to serve or execute the same, and to make return thereof at the time and place therein mentioned, which shall be filed by the clerk.

Officer to serve process or subpœna.

6. A written appearance in any suit in chancery, or a written acknowledgment of the service of any subpœna to answer, signed by a defendant, or his solicitor, shall have the same force and effect as if such defendant had

Written appearance equivalent to subpœna.

been regularly served with a subpœna to answer, by the sheriff or any other proper officer; *provided,* such signature of the party be verified by affidavit.

Proviso.

Writ of ne exeat.

7. No writ of ne exeat shall be granted, unless satisfactory proof be made that the defendant designs quickly to depart from this state; and if granted, the chancellor, a vice chancellor, or an injunction master, shall direct to be indorsed thereon the sum in which the party shall give bond, with satisfactory surety or sureties.

Security for costs required.

8. If the complainant reside out of this state, he shall, before the issuing of a process to appear, cause a bond to be executed by at least one sufficient person, being a freeholder and resident within this state, to the defendant in the penal sum of one hundred and fifty dollars, conditioned to prosecute the suit with effect and to pay costs to the defendant, if he shall be entitled thereto, and have the same filed with the clerk, or, in default thereof, the complainant's solicitor, who shall file the said bill and issue process thereon, shall be responsible to pay the defendant such costs as he may be entitled to by the order of the court, to an amount not exceeding the penalty of said bond; and whether the said bill and process be signed by the complainant or his solicitor, the said suit may be stayed until such bond be filed, and if it be not filed by the time appointed by the court, the bill shall be dismissed with costs; *provided,* in lieu of such bond the complainant may deposit with the clerk the sum of one hundred and fifty dollars in money.

Proviso.

III. DESCRIPTION OF PARTIES WHOSE NAMES ARE UNKNOWN.

When christian name of woman unknown.

9. In any suit hereafter to be commenced in the court of chancery wherein it shall be thought necessary or proper to make any married woman a party, and it shall appear by the affidavit of the complainant, or his solicitor, annexed to the bill of complaint, and filed therewith, that, notwithstanding due inquiry has been made therefor, the christian name of such married woman cannot be ascertained, it shall be lawful and sufficient to

designate any such married woman by the name of her husband, with "Mrs." prefixed thereto; it shall be lawful for any married woman so designated in any suit, to appear and plead, answer or demur, either by the name by which she shall have been made a party, or by her own christian name, but if by the latter, she shall also state the name by which she was made a party.

When it cannot be ascertained whether absent defendant is alive, or addresses of heirs or representatives.

10. In all actions hereafter commenced in the court of chancery, whenever it shall appear by the allegations of the bill or petition, duly verified by affidavit thereto annexed, that any person mentioned in said bill or petition, or his heirs, devisees or personal representatives, are proper parties defendant to said bill of complaint or said petition; and that the complainant or petitioner, after diligent and careful inquiry therefor, made as in case of absent defendants, has been unable to ascertain whether such person is still alive, or if he is known or believed to be dead, has been unable to ascertain the names and residences of his heirs, devisees or personal representatives, or such of them as may be proper parties defendant as aforesaid, such action may proceed against such person by name, and his heirs, devisees and personal representatives, as in the case of absent defendants whose names are known; and such notice as is required by law to be published against absent defendants in default of personal service, addressed to such person by name, and to "his heirs, devisees and personal representatives," and containing such further statements and giving such further time as the chancellor may by his order direct, shall be first published and mailed in such manner as the chancellor may, by his order in said action, direct; and in case such person, or his heirs, devisees or personal representatives, shall not appear, plead, answer or demur within the time limited in said notice, or further allowed by the chancellor, if he shall think proper, on proof to the satisfaction of the chancellor of mailing and publication of said notice as directed, such action may proceed in all respects as if such person, or his heirs, devisees or personal representatives had been duly named and described and served with process of subpœna in said

Notice, what to contain.

action, and had failed to plead, answer or demur within the time thereto allowed by law.

Such defendants bound by decrees.

11. All such defendants, and all persons falling within the description of "heirs, devisees or personal representatives" of the defendant supposed to be dead as aforesaid, shall thereupon be bound by all orders and decrees in said cause as if they had been duly named and described and served with process in this state, and proofs may be made, costs allowed, security ordered and proceedings for restitution or other relief from said decrees and orders had in like manner as the same are now allowed by law in the case of absent defendants.

IV. PROCEEDINGS AGAINST NON-RESIDENTS.

Notice to absent defendant to plead, answer or demur to bill.

12. In case of a bill filed against any defendant against whom a subpœna or other process to appear shall issue, and such defendant shall not cause his appearance to be entered in such suit, as according to the practice of said court the same ought to be entered, in case such process has been duly served, and it shall be made to appear, by affidavit or otherwise, to the satisfaction of the chancellor, that such defendant is out of the state, or cannot, upon due inquiry, be found therein, or that he conceals himself within this state, or that none of the officers or directors of a defendant corporation of this state is resident in this state or can be found therein to be served with process, every such defendant shall be deemed and taken to be an absent defendant, and thereupon the chancellor may, by order, direct such absent defendant to appear and plead, answer or demur to the complainant's bill or petition, at a certain day therein to be named, not less than one nor more than three months from the date of such order.

Served personally or by publication.

13. Such notice of said order as the chancellor shall by rule direct shall, within ten days thereafter, be served personally on such absent defendant, by a delivery of a copy thereof to him, or be published in one or more of the public newspapers printed in this state and designated in such order, for four weeks successively, at least once in each week; and in case of such publication, a

4 insertions

copy of such notice shall be mailed to such defendant, prepaid, directed to him at the post-office nearest his residence or the post-office at which he usually receives his letters, unless such residence or post-office be unknown and cannot be ascertained upon making such inquiries as the chancellor may, by rule, prescribe in such case, which said notice shall also be published or served in any other manner that the chancellor may see proper in the same to direct; the solicitor shall be entitled to one dollar and fifty cents for every notice served or mailed as aforesaid.

Failing to appear, decree of confession.

14. In case such absent defendant shall not appear, plead, answer or demur within the time so limited, or within some further time to be allowed by the chancellor, if he shall think proper, and on proof of personal service, or the publication and the mailing of said notice as aforesaid, and of the performance of the direction contained in said order, to the satisfaction of the chancellor, the chancellor may order and direct that the complainant's bill or petition be taken as confessed against such absent defendant so failing to plead, answer or demur, or the chancellor may, at his discretion, order the complainant to produce documents, depositions, exhibits or other evidence to substantiate and prove the allegations in the bill or petition, or the chancellor may examine the complainant on oath or affirmation, touching or concerning such allegations, and thereupon such decree shall be made in either case as the chancellor shall think equitable and just.

Defendant bound by decree as if served with process.

15. Any defendant upon whom such notice is served as herein directed shall be bound by the decree in such case as if he were served with process within the state, but in such cases where the same shall be published and sent by mail, if such defendant shall make oath that he did not receive the same, and that it did not in any way come to his knowledge, within ten days after the time within which it was directed to be served; or in cases where actual service is sworn to, if it shall be made to appear by satisfactory proof that such service was not made, the chancellor may, in his discretion,

Security, when required.

before executing such decree, proceed to take security in the manner provided in this act.

Ex parte statements taken out of state.

16. Any ex parte affidavits required in any suit in chancery may be taken out of this state before any master in chancery of this state or any officer authorized to administer oaths in the state or territory of the United States where the same is taken; and in any foreign state or country, before any notary public or any minister, secretary of legation, charge d'affaires, consul or vice-consul of the United States there being.

Enforcing decree against absent defendant.

17. When a decree shall be made against an absent defendant, the chancellor, before issuing process to compel the performance of such decree against such absent defendant, may, if he deems it equitable so to do, require the complainant to give bond, with such security and in such sum as he may direct, to abide such decree or order touching the restitution of the estate and effects of such absent defendant, or the repayment of any sum of money which the complainant may receive by virtue of such decree, but which shall afterwards be made to appear, as hereinafter provided, not to have been due and owing to him; and in case no such security shall be given, no process or execution shall issue to compel the performance of the decree so made against such absent defendant, but the estate and effects of such absent defendant may, by order of the chancellor, be sequestered, and remain under the direction of the chancellor, to abide such order as he shall think just and proper respecting the same.

Time allowed defendant.

18. In case any such absent defendant, against whom any decree shall be made as aforesaid, his heirs, devisees, executors, administrators or assigns, shall, within six months after notice in writing be given to him or them of such decree, or within three years after such decree in case no notice as aforesaid shall be given, petition the chancellor touching the matter of such decree, and pay or secure to be paid, such costs as the chancellor shall think reasonable to order and direct, then and in such case the person so petitioning may be permitted to appear and answer the complainant's bill, and thereupon such proceedings shall be had as if such absent defendant

had appeared in due season and no decree had been made; or such absent defendant may, within the times aforesaid, file his bill of complaint in the said court, for an account and settlement of the amount which was due to the complainant at the time of the decree, and to compel the said complainant to refund and repay what he may have wrongfully recovered and received, together with the interest from the time of the receipt thereof, with costs of suit, the former decree against such absent defendant notwithstanding; but in case no petition shall be presented, or bill filed, as before provided for, within six months from the time notice as aforesaid shall be given, due proof thereof being made, or within three years from the date of the decree, the decree shall be deemed and adjudged to be confirmed; which confirmation shall have relation to the time of making said decree; and the decree shall be executed and performed as in cases where the defendant had duly appeared.

May file bill.

Decree confirmed.

V. PLEADINGS AND PROCEEDINGS AFTER RETURN OF SUBPOENA.

19. The complainant may, in any bill in chancery, pray that the defendant answer without oath, in which case the answer need not be sworn to, and the allegations and statements therein, whether responsive or not, shall not be evidence against the complainant, except on a motion to grant or dissolve an injunction, on which motion the statements and denials in an answer duly sworn to, shall have the same effect as heretofore; and when an answer without oath is so prayed, the complainant may annex to the bill interrogatories, founded on statements in the bill, and the same or any part thereof may be addressed to all or any of the defendants, and each defendant to whom such interrogatories are addressed, shall answer the same, under oath or affirmation, fully, directly and responsively, confining the answer to the interrogatory proposed; and such answers shall be annexed to the answer to the bill, be filed therewith, and be liable to be excepted to, as a part of the answer; and so far as responsive to such interrogatories,

Bill may pray for answer without oath.

Answers.

shall have the same effect as the responsive allegations in answers required to be sworn to; and any defendant omitting to answer any such interrogatory directly and fully may be compelled so to do, or the allegations in the bill upon which the interrogatory is founded, shall be taken as admitted to be true, and a decree made thereon accordingly.

When plea or demurrer to be filed.

20. When a subpœna to answer shall have been returned duly served by the proper officer, or the appearance of the defendant shall have been signed, or service of a subpœna acknowledged, as hereinbefore mentioned, the defendant shall file his plea or demurrer to the bill of complaint within thirty days from the return day of the subpœna, unless further time be granted and the cause, within ten days thereafter, shall be noticed and set down for argument for the next term, by the party demurring or pleading; the answer to any bill in chancery shall be filed within thirty days from the return day of the subpœna, in case no plea or demurrer be filed, unless further time be granted.

Frivolous demurrer.

21. When a demurrer shall have been filed which shall not be actually argued, or which, upon argument, appears to the chancellor to be frivolous, or intended for the purpose of delay, the same shall be overruled as frivolous, and the chancellor shall not grant in such suit any order extending the time to answer herein limited, unless, upon full examination of the circumstances of the case, it shall be made to appear to him that evident injustice would be done without such extension, and then he shall grant such extension only as may be absolutely necessary, with proper diligence, to prepare such answer.

Affidavit and certificate to plea or demurrer.

22. Every plea or demurrer in chancery shall have annexed thereto the affidavit of the defendant or defendants filing the same, or his or their agent in the suit, that the same is not interposed for delay, but in good faith; and also the certificate of counsel that he has perused the complainant's bill, and that such plea or demurrer is well founded in point of law; and every plea or demurrer filed without such affidavit and certificate may be treated as a nullity.

If answer not filed, decree made as confessed.

23. If the defendant shall not file his plea, demurrer or answer within the time hereby limited, or that granted by the court, the bill of complaint shall be taken in term time or vacation, as confessed against such defendant, and such decree made thereon as by the court shall be deemed equitable and just; or the chancellor may, at his discretion, order the complainant to produce documents and witnesses to substantiate and prove the allegations in the bill of complaint; or the chancellor may examine the complainant on oath or affirmation, to ascertain the truth of the allegations in the said bill; and such decree shall be made in either case as the chancellor shall think equitable and just; *provided,* to prevent fraud or mistake, the chancellor may, at any time, upon notice and sufficient cause shown, grant a rule staying proceedings and to open such decree.

Proviso.

Issue on plea.

Demurrer argued.

24. When the complainant conceives the plea to be good, though not true, he may reply to and take issue upon it, and proceed as in case of an answer; if the defendant file a demurrer and answer, the complainant shall not proceed on the answer until the demurrer has been argued or disposed of; if the plea or demurrer be overruled, no other plea or demurrer shall be thereafter received; but in such case the defendant shall file his answer to the complainant's bill in twenty days after such overruling, and if he fail to do so, the said bill shall be taken as confessed; if the plea or demurrer be allowed, the complainant shall pay costs, and if overruled, the defendant shall pay them.

Costs.

When exception or replication filed.

25. The complainant shall file exceptions or a replication, or set down a cause for hearing upon bill and answer within thirty days after the expiration of the time limited or granted for filing the answer, or on failure thereof his bill shall be dismissed with costs, unless good cause be shown to the contrary; on filing a replication the cause shall be deemed to be at issue.

Rule to refer exceptions.

26. When exceptions shall be filed to an answer, either party may move on notice for a decision upon them, and the chancellor may hear the motion or refer it to a master to report within such time as the chancellor may fix; the complainant, if his exceptions be overruled,

Costs.

shall pay costs to the defendant; and the defendant, if his answer shall be adjudged insufficient, shall pay costs to the complainant.

When second answer required.

27. When an answer shall be adjudged to be insufficient, the defendant shall file a second or further answer within thirty days after such adjudication; if such second or further answer shall be adjudged to be insufficient, the defendant shall pay double costs, and may, by leave of the court and not otherwise, file a third or further answer within twenty days after such adjudication; if such third or further answer shall be adjudged to be insufficient, the defendant shall pay treble costs; and further time to answer shall not be allowed; and in such case or in case of default in the filing of the second or third answer within the time limited, the said bill shall be taken as confessed, and such proceedings be had thereon as if the first or original answer had not been filed in due time.

Further answer.

Costs.

Consequences.

Cross-bill and answer.

28. If a cross-bill be exhibited, the defendant to the first bill shall answer thereto before the defendant to the cross-bill shall be compelled to answer such cross-bill.

Person acquiring interest after bill filed may be made a party.

29. Where after the filing of the bill, any person shall acquire such an interest in the subject-matter of the suit as would have made him a proper or necessary party, if such interest had been possessed by him at the time of the commencement of the suit, it shall not be necessary to file a supplemental bill to make such person a party, but the same may be done by petition filed in the cause, and which petition, verified by oath, shall state the interest of such person, and the manner in which the same was acquired; and a copy of the petition and notice of the application shall be served on the complainant or his solicitor, and notice of the application shall be served on such of the defendants as the chancellor shall direct, if made before the time for answering has expired, and, if after that time, on each defendant who has answered or appeared in the cause; and the chancellor may thereupon, if it appear that such person is entitled to be made a party to the cause, and has acquired his interest from some party to the same, order that he be made a party thereto; but such person shall be bound

by all orders and proceedings in the cause against the party whose interest he has acquired, and the cause shall not be delayed by the admission of such party, except for such time as it may seem to the chancellor to be necessary to take the evidence regarding such claim.

Parties added before or after final decree.

30. In all cases in which it is provided in this act that a person may be made a party by petition after the commencement of the suit, such person may be made a party either before or after an interlocutory or final decree therein, but such decree shall not be opened or set aside thereby, and in all cases where the person so made a party does not dispute the claim of the complainant, or any part of it, the complainant, or any defendant whose prior right is not disputed, shall not be delayed by the admission of such party; but his claim shall be fully heard and investigated in disposing of the residue of the subject-matter of the suit or of the proceeds thereof.

VI. EVIDENCE; INTERROGATORIES, EXAMINATION OF WITNESSES.

Hearing and answer.

31. If any complainant proceed to a hearing on bill and answer only, the answer shall be taken to be true in all points; and no evidence shall be received unless it be matter of record, to which the answer relates, and is provable by the same record.

Interrogatories to complainant.

32. The defendant, after he shall have filed his answer, may exhibit interrogatories to the complainant, which shall be answered by him on oath or affirmation; and such answer shall be evidence in the cause in the same manner and to the same effect as the defendant's answer to the complainant's bill is evidence; and if the complainant shall not answer such interrogatories by the time appointed by the court, he shall be in contempt, and his bill may be dismissed, with costs.

Examination of witnesses.

33. All examinations of witnesses hereafter to be taken and made use of at the hearing of any cause in the court of chancery, except such as shall be taken before the chancellor, a vice chancellor or an advisory master shall be taken and reduced to writing by one of the examiners

of said court, or before a commissioner or commissioners appointed by the chancellor according to the course of the court, who are hereby authorized to administer the proper oath or affirmation to the witnesses examined by them, or any of them; and unless otherwise specially ordered by the court all examinations of witnesses before examiners shall be taken on ten days' notice of the time and place of taking such examination, given by the party or his solicitor to the opposite party or his solicitor; and either of the parties in the cause shall, in their proper persons, or by their solicitor or counsel, have liberty to be present and examine and cross-examine such witnesses; all which examination of witnesses so taken shall be filed with the clerk of the court, to be made use of and read in evidence upon the hearing of the cause, saving all legal exceptions; witnesses shall be allowed the same fees as by law are allowed to witnesses in the supreme court.

Printed proceedings.

34. It shall be lawful for the chancellor in such cases as he may judge proper, to order the pleadings and evidence, or any part thereof, to be printed, and to order the expense of such printing to be taxed as part of the costs in the cause.

VII. SETTING DOWN THE CAUSE AND THE HEARING.

Hearing of cause.

35. Every cause, unless referred to a vice chancellor or a master, shall be set down for hearing at the next stated term after the filing of the replication; or, on failure thereof, the complainant's bill shall be dismissed, with costs, unless the court on just cause and reasonable terms, allow further time for the said hearing; and if the said hearing be not had within the time so limited or allowed, then the court shall dismiss the said bill, with costs; *provided*, there be fifteen days between the filing of the replication and the next stated term; and if there be not, then the hearing shall be had at the subsequent stated term or at a special term; a cause referred to a vice chancellor or a master shall be heard at such time as he shall on notice appoint.

Proviso.

If either party absent, decree.

36. If either party shall not attend at the time ap-

pointed for the hearing of the cause, the pleadings and proofs shall be read on the part of the party attending, and the court thereupon shall decree as the case may require.

Dismissal for cause.

37. When a hearing has been commenced before a vice chancellor or an advisory master and the taking of proofs upon such hearing has been begun by complainant upon his bill, or defendant upon his cross-bill, neither the complainant nor the defendant shall be allowed to dismiss his bill or cross-bill except upon good cause shown and by special order; and in case of the failure of the complainant or defendant to further prosecute his bill or cross-bill, after hearing of proofs thereunder has been begun by him, the defendant to the bill or cross-bill, instead of applying to dismiss the bill or cross-bill for want of prosecution, may apply to proceed to final decree upon the hearing, notwithstanding the failure of the complainant to the bill or cross-bill to take further proofs, or to further appear regularly at the hearing, and upon such application being granted, may so proceed to final decree.

Apply for final decree.

Papers at hearing.

38. The bill, answer, pleadings, papers, documents, examinations and proofs filed in the cause shall be used at the argument or hearing, for which no charge shall be made by the clerk.

VIII. DECREE, ITS ENROLLMENT AND EFFECT.

Pleadings, etc., enrolled.

39. When any cause shall be finally determined in the court of chancery, except where the suit, bill, or proceeding shall be dismissed by consent, the clerk of the court shall enter or enroll together, in order, the bill, answer, pleadings, reports, decretal orders, and decree in such cause, in a book to be kept for that purpose, which shall be signed by the chancellor as of the day on which such decree was pronounced; but such decree shall not contain any recital of the said bill, answer or other pleadings.

No enrollment if bill dismissed by consent.

40. Whenever any suit, bill or proceeding shall be dismissed in pursuance of any consent or agreement of the parties for that purpose, no enrollment of the bill, peti-

tion, answer or other proceedings had in such suit, shall be necessary; nor shall any fees be allowed or taxed; *provided,* either party may, at his or their own expense, require the same to be enrolled.

Proviso.

When clerk to enroll.

41. Whenever the proceedings and decree in any case are by law required to be entered or enrolled in manner aforesaid, it shall be the duty of the clerk to enter or enroll the same, so that the record may be ready to be signed by the chancellor within three months after the final decree in such cause shall have been filed with the said clerk; and no clerk shall charge any fee therefor until such service shall have been actually performed.

Enrollment by clerk's successor.

42. Whenever any cause shall be finally determined in the court of chancery, and the person then being clerk of the said court shall cease to be such, before he shall have entered or enrolled the proceedings in such cause, in manner aforesaid, if by law they ought to be so entered or enrolled, then it shall be the duty of his successor in office, within three months after his appointment, to make or cause to be made such entry or enrollment.

Signing decrees after chancellor out of office.

43. If the chancellor, by whom any cause shall have been finally heard and determined, shall go out of office, and some other person shall be appointed chancellor before the proceedings and final decree in such case shall have been enrolled and signed in the book kept for that purpose, then it shall be the duty of his successor in office, or the chancellor for the time being, to sign such enrollment with his own name, prefixing to such signature the words "by the statute;" and all proceedings 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 chancellor who pronounced such final decree.

Effect of decree.

44. The decree of the court of chancery shall, from the time of its being signed, have the force, operation and effect of a judgment at law in the supreme court, from the time of the actual entry of such judgment; and all decrees and orders of the court of chancery, whereby any sum of money shall be ordered to be paid by one person to another, shall have the force, operation and effect of a judgment at law in the supreme court,

from the time of the actual entry of such judgment, and the chancellor may order such executions thereon as in other cases; *provided,* no decree of the court of chancery, hereafter to be made, shall, as against any person not a party thereto, become a lien upon or bind any lands, other than those specifically mentioned and described in such decree, or in a bill of complaint on which the same is founded, until the parties interested in such decree, or some or one of them, shall have filed in the office of the clerk of the supreme court a statement or abstract of such decree, containing the names of all parties thereto, designating particularly those against whom it is rendered, with the state and county in which they respectively resided, the time at which the said decree was signed, and the amount of the debt, damages, costs or other sum of money thereby directed to be paid; which statement or abstract the said clerk shall forthwith record in a proper book, to be by him provided and kept in his office for that purpose; which book shall be properly indexed by the said clerk, and be a public record, to which all persons desirous to examine the same shall have access.

Proviso.

Lands not bound until abstract filed in supreme court.

45. Where a decree of the court of chancery shall be made for a conveyance, release or acquittance of lands or any interest therein, and the party against whom the said decree shall pass, shall not comply therewith by the time appointed, then such decree shall be considered and taken, in all courts of law and equity, to have the same operation and effect, and be as available as if the conveyance, release or acquittance had been executed conformably to such decree, and this, notwithstanding any disability of such party by infancy, lunacy, coverture or otherwise.

Effect of decree to convey lands.

IX. FINAL PROCESS AND DUTY AND LIABILITY OF SHERIFF.

46. The complainant having obtained a decree, it shall be lawful for the said court to issue process for the immediate sequestration of the real and personal estate of the defendant, or so much thereof as may be sufficient

Process after decree.

to satisfy the demand of the complainant in the decree specified, with costs, or to issue a writ of fieri facias against the goods and chattels, lands and tenements, hereditaments and real estate, of the defendant, upon which sufficient property shall be taken and sold to satisfy the said demand, with costs, or to issue a capias ad satisfaciendum against the defendant, upon which writs of fieri facias and capias ad satisfaciendum there shall be the same proceedings as at law; or to cause, by injunction, the possession of the effects and estate demanded by the bill and whereof the possession or a sale is decreed, to be delivered to the complainant or otherwise, according to such decree and as the nature of the case may require; and in case of sequestration, the court shall order payment and satisfaction to be made out of the estate so sequestered, according to the true intent and meaning of the decree.

Lien of writ of fieri facias.

47. A writ of fieri facias shall bind the property or the goods of the person against whom it is issued, from the time that it shall be delivered to the sheriff or other officer to be executed, as at law.

Sheriff amerced for neglect to perform duties.

48. If the sheriff or other officer shall neglect or refuse to execute any process of sequestration to him directed and delivered, or to make payment of the rents, issues and profits of the estate so sequestered, according to the order of the said court, or, where the execution shall be by fieri facias, shall neglect to file a just and true inventory of the goods and chattels, lands, tenements, hereditaments, and real estate so levied on and seized, unless he return that he hath levied to the amount of the demand or sum therein specified, with costs, or shall voluntarily or negligently omit, for the space of two months, to render to the complainant, or his representative or solicitor, the money which he shall have received from the sale of the estate, real and personal, of the defendant or otherwise, then such sheriff or officer shall be amerced by the said court to the amount of the demand of the complainant, with costs, for the use of the said complainant; *provided,* ten days' notice in writing shall be given to such sheriff or officer by the complainant, his representative or solicitor, of the intended applica-

Proviso.

tion for such amercement; which amercement, so ordered by the court, shall have the force, operation, and effect of a decree whereon execution, in the name and for the use of the said complainant, or his representative, may instantly, on motion in term time, and without further proceedings, be awarded and issued against the goods and chattels, lands, tenements, hereditaments and real estate of the said sheriff or officer.

Amercement of sheriff in certain cases.

49. If the sheriff or other officer shall neglect or refuse to execute any writ of fieri facias to him directed or delivered, for the space of two months, or shall adjourn the sale or vendue of the lands, tenements, hereditaments and real estate by him levied upon by virtue of such writ of fieri facias, more than twice or exceeding one month for each adjournment, he shall be and is hereby made liable to the amount of the debt or damages and costs, or sum or sums of money mentioned in the said writ, with interest, and for the recovery thereof may be amerced and proceeded against in the manner prescribed in and by the last preceding section of this act; *provided*, if the said sheriff or other officer shall, at any time before the entry of such amercement against him as aforesaid, sell the property levied upon, and bring the whole amount of the product of such sale (after deducting his lawful fees) into court, the said sheriff or other officer shall be exonerated from all liability on account of said amercement.

Proviso.

Further remedy for grievance.

50. If any party to a suit in chancery shall be aggrieved by the neglect, default, malpractice or misconduct of the sheriff, then such party, his representative or attorney, may apply and be redressed to the amount of the sum specified, in the order or decree, in the manner prescribed by the act entitled "An act concerning sheriffs."

Sheriff in contempt for not returning process.

51. If any sheriff or other officer, to whom any writ, process or order of the court of chancery shall be directed or delivered, shall not make return thereof at the day of return, and according to the tenor of such writ, process or order, the same not being countermanded, he shall be in contempt and process of contempt shall, on motion in term time, be issued against him; and before he shall

be discharged from such contempt he shall pay to the clerk for the use of the state as a fine for the said contempt, a sum not exceeding fifty dollars, to be imposed by the court, and the costs incurred by means thereof.

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

Amended by P.L. 1906. p. 82

52. When any sheriff or other person to whom any writ of execution issuing out of the court of chancery hath heretofore been directed and delivered or shall hereafter be directed and delivered, hath died or shall die, or hath or shall become disabled by law to discharge the duties of his office or appointment, or hath removed or shall remove out of the state and continue to reside thereout, without discharging the duties of his office or appointment in relation to the command of said writ, then, or in either of said cases, it shall be lawful for the court, upon presenting a petition setting forth the facts above mentioned, and verified to the satisfaction of the court, and upon due notice being given to any party who has entered an appearance in the suit or in whose behalf the decree was made, to award and order another execution, to be directed to the sheriff of the proper county, or to one of the masters of said court, commanding him to proceed to discharge the exigencies of said writ in the same manner as such officer so dying, becoming disabled, or removing as aforesaid, was commanded in and by said writ to do, and any proceeding had by such officer to whom such writ shall be directed and delivered shall be as good, valid and effectual as if the said execution first issued had been originally directed to him; and such sheriff or master shall be entitled to the same fees for services done, and subject to the same suits, penalties, amercements and proceedings for neglect of duty as if the said execution had been originally directed and delivered to such sheriff or master.

X. PROCEEDINGS IN FORECLOSURE.

Mortgaged premises sold by decree.

53. When a bill shall be filed for the foreclosure or satisfaction of any mortgage, it shall be lawful for the court to decree a sale of the mortgaged premises, or such part thereof as shall be sufficient to discharge the said mortgage or incumbrances on the said mortgaged prem-

ises, besides costs; which sale shall be made either by one of the masters of the court or by the sheriff of the county where the premises are situated, by virtue of a writ of fieri facias, issued for that purpose; which said writ of fieri facias shall, before it is sued forth, be recorded by the clerk of the said court in the book kept by him for recording of executions against real estate.

Proceedings in fieri facias.

54. The sheriff or other officer to whom such writ of fieri facias, as mentioned in the last preceding section, shall be directed and delivered shall make sale pursuant to the command of said writ, and shall make and execute a deed or deeds for the premises sold, as the case may require; and the moneys arising from the said sale shall be applied to pay off and discharge the moneys decreed to be paid, and the remainder, if any there be, and if the person or persons entitled to receive it shall be absent out of this state, may be invested at interest on such security as the said court shall think proper to order; and the same shall be delivered or paid to the person or persons entitled to receive it, upon his application to the court for the same; *provided,* no greater estate in the premises sold shall at any time be conveyed or granted to such purchaser than would have been vested in the mortgagee had the equity of redemption been duly foreclosed.

Proviso.

Writ of supersedeas.

55. In all cases of a decree for sale of mortgaged premises against any absent defendant, if such defendant shall, at any time before the sale made by the sheriff, in pursuance of any writ of execution, issued as aforesaid, cause his appearance to be entered in court, and shall pay such costs to the complainant as the court shall think reasonable, then it shall be lawful for the said court, by a writ of supersedeas, directed to the sheriff or other officer, to stay the proceedings on the execution for the sale of such mortgaged premises; and thereupon such proceedings shall be had, as if an appearance had been entered, within such time and in such manner as, according to the rules of the court, the same ought to have been entered, in case the first process in the suit had been duly served.

Sale when whole sum of mortgage not due.

56. When a decree of the court of chancery shall be made for the sale of mortgaged premises (in cases where the whole sum secured by the mortgage is not due) either for non-payment of any portion or installment of the debt or demand intended to be secured by the mortgage, or the non-payment of interest due, or both, and it shall appear to the court that a part of the mortgaged premises cannot be sold to satisfy the amount due without material injury to the remaining part of the mortgaged premises, and that it is just and reasonable that the whole of the mortgaged premises should be sold together, it shall be lawful for the said court to decree a sale to be made of the whole of the mortgaged premises, and to apply the proceeds of the sale of said premises or so much thereof as shall be necessary, as well to the payment of the interest, installments, or portions then due, and also the costs then due and payable as to the payment of the whole or residue of the debt or demand which hath not become due and payable, and the residue of the proceeds of such sale to be paid to the person or persons entitled to receive the same, or to be brought into court to abide the further order of the court, as the equity and circumstances of the case require; *provided,* when the residue of the debt or demand intended to be secured by the said mortgage is payable at a future day without interest, and the mortgagee is willing to receive the same, the court shall deduct a rebate of legal interest for what the mortgagee shall receive on the said debt or demand, to be computed from the time of the actual payment thereof to the time such residue of the debt or demand would have become due and payable.

Proviso.

Satisfaction of decree entered.

57. When the amount due on any decree in chancery for the foreclosure and sale of mortgaged premises shall be paid and satisfied in any other way than by a sale of the mortgaged premises, or when any decree in chancery for the payment of money shall be paid and satisfied, satisfaction shall be entered on the margin of the enrollment by the party receiving satisfaction, or his solicitor, or by the clerk, by virtue of a warrant of attorney from the party duly acknowledged or proved, in the same manner as satisfaction is entered of judgments at law;

and upon filing an acknowledgment of such satisfaction, under the hand of the solicitor of any party, such satisfaction may be entered for him by the clerk, and the same fees shall be paid as in the supreme court for like services.

Owners of unrecorded mortgages bound by decree.

58. In any suit for the foreclosure of a mortgage upon, or which may relate to real or personal property in this state, any person claiming an interest in, or an incumbrance or lien upon such property, by or through any conveyance, mortgage, assignment, lien or any instrument which, by any provision of law, could be recorded, registered, entered or filed in any public office in this state, and which shall not be so recorded, registered, entered or filed at the time of the filing of the bill in such suit, shall, if subpœna to answer be issued and returned before such recording, registering, entering or filing, be bound by the proceedings in such suit, so far as the said property is concerned, in the same manner as if he had been made a party to and appeared in such suit, and the decree therein made against him as one of the defendants therein; but such person, upon causing such conveyance, mortgage, assignment, lien, claim or other instrument to be recorded, registered, entered or filed, as provided by law, may cause himself to be made a party to such suit by petition, in the same manner as is by this act provided in the case of persons acquiring an interest in the subject-matter of a suit after its commencement; the petition in such case must set forth such instrument at length, and the title and interest of such party in such a manner as to show that he has an interest in the subject-matter, and is a proper party in that suit.

Amended, P. L. 1903, p. 385, and words in parenthesis omitted.

Person may be made party to suit.

Fees when mortgage not over three hundred dollars.

59. In all foreclosures of mortgages and the sale of mortgaged premises, where the amount due does not exceed three hundred dollars, the fees of the solicitor, clerk, chancellor, master and examiner, sheriff or any other official, shall be one-half the amount allowed by law, where the amount due exceeds three hundred dollars.

Gross sum in lieu of dower, etc., by consent.

60. If, upon the foreclosure of any mortgage and the sale of the premises therein described, there shall be paid into court any moneys representing an estate in

dower or by the curtesy or estate for life or for years in said premises or any part thereof, any person entitled to such estate may make application to the court for a sum in gross in lieu of the estate aforesaid, and the court shall direct the payment of such sum in gross out of the proceeds of the sale of the premises to the person entitled to such estate, as shall be deemed a just and reasonable satisfaction for such estate, and which the person so entitled shall consent in writing to accept in lieu thereof; but in case no such consent be given before the distribution of the proceeds thereof, then the court shall ascertain and determine what proportion of such proceeds will be a just and reasonable sum to be invested for the benefit of the person entitled to such estate, and shall order the same to be put at interest on sufficient security of real property or invested in public stock or deposited in some safe and reliable savings bank by order and under the direction and control of said court for the benefit of the parties entitled, and the interest thereon to be paid to them as the same may become due as a compensation for and in lieu of the said estate, and at the termination of said estate the principal sum shall be paid to or distributed among the parties entitled thereto.

If no consent, court to determine and order investment.

Set-offs.

61. In all suits where the amount due on any mortgage is in issue, all just set-offs shall be allowed in ascertaining the amount due, whether the holder of such mortgage be a party complainant or defendant, in the same manner and to the same extent as the like set-offs are allowed in actions at law.

Sale when property liable to deteriorate.

62. The court shall have power in any suit for the foreclosure or satisfaction of any mortgage covering real or personal property, or both, upon the petition of any party to such suit, where the property mortgaged is of such character or so situated as to make it liable to deteriorate in value pending said suit, or to make its care or preservation difficult or expensive, to order a sale to be made thereof at public or private sale, through a receiver, sheriff, master, or otherwise, as the said court may direct, and the proceeds of any such sale to be brought into court, there to remain subject to the same

liens and equities of all parties in interest as was the mortgaged property, and to be disposed of as the said court by its decree or order shall direct.

Surplus when mortgagor deceased.

63. The surplus money arising from the sale of mortgaged premises, in cases where the mortgagor, or person owning the mortgaged premises, shall be deceased at the time of the sale, may, if in the opinion of the chancellor the same shall be expedient or necessary for the proper administration of the estate, be paid to the administrator or executor of said deceased, to be administered in same manner as money arising from the sale of real estate made by administrators or executors; *provided,* said administrator or executor shall enter into bond as now required by law, upon their application for the sale of real estate.

Proviso.

XI. INJUNCTIONS.

Injunctions in personal action: deposit.

64. No injunction shall issue to stay proceedings at law in any personal action after verdict or judgment, on the application of a defendant in the said proceedings at law, unless a sum of money equal to the amount due at the time of such deposit upon said verdict or judgment, with costs, shall be first deposited with the clerk of the court by the applicant for such injunction, or unless said applicant shall give such security, by bond, as the chancellor shall deem good, to the party or parties at law against whom such injunction is prayed, in double the amount then due on such verdict or judgment and the costs at law, with condition to abide such order or decree as the chancellor shall make in the premises; or if the bill be dismissed, to pay the amount of the said verdict or judgment and costs, with the interest thereon.

In mixed actions.

65. No injunction shall issue to stay proceedings at law in any mixed action after verdict or judgment, on the application of a defendant in the said proceedings at law, unless the applicant shall first deposit with the clerk of the court such sum of money as the chancellor shall direct, or give such security, by bond, to the party against whom the injunction is prayed, as the chancellor shall direct.

Remedy if security not sufficient.

66. When any injunction shall be granted upon bond as aforesaid, and the party against whom the same has been granted shall think the said bond not sufficient security, such party may apply to the chancellor to have the security made sufficient; whereupon the chancellor, if he shall deem it expedient to hear such applicant, shall direct notice to be given to the party giving such bond to appear before him at such time and place as he shall appoint; and if, upon the hearing of the matter, it shall appear that the said bond is not sufficient security, then the chancellor shall have power to order further security; and if such further security shall not be given, according to the order made for that purpose, then, for that cause, the chancellor shall have the power to dissolve the injunction granted on such bond.

Chancellor may refer question.

67. The chancellor shall have the power to refer the whole matter of the last preceding section to a master in chancery, who shall hear the parties, after at least six days' notice to the party giving the said bond, and make report to the chancellor with all convenient speed.

Injunction before verdict.

68. No injunction shall be granted to stay proceedings in any suit at law before a verdict or judgment, unless the chancellor be satisfied of the complainant's equity, either by affidavit, certified at the foot or on the back of the bill, that the allegations thereof are true, or by other means.

Contempt.

69. The chancellor may, on motion supported by proof, order an attachment for contempt to be issued against any person charged with disobedience to any injunction; and if the person so offending shall be brought before the chancellor, by virtue of the said attachment, and if upon a hearing such disobedience shall appear, the chancellor may, in his discretion, order such offender to be committed and kept in close custody until he shall give further order therein.

XII. PROCEEDINGS WITH RESPECT TO UNSATISFIED JUDGMENTS AT LAW.

Bill for discovery.

70. Hereafter, whenever an execution against the property of a defendant shall have been issued on a

judgment at law, and shall have been returned unsatisfied in whole or in part, leaving an amount or balance remaining due exceeding one hundred dollars, exclusive of costs, the party suing out such execution may file a bill in chancery to compel the discovery of any property or thing in action belonging to the defendant in such judgment, and of any property, money or thing in action, due to him or held in trust for him, except such property as is now reserved by law, and to prevent the transfer of any such property, money or thing in action, or the payment or delivery thereof to the defendant, except when such trust had been created by, or the fund so held in trust has proceeded from some person other than the defendant himself.

Power to compel discovery.

71. The court shall have power to compel such discovery, and to prevent such transfer, payment or delivery, and to decree satisfaction of the sum remaining due on such judgment out of any personal property, money or thing in action belonging to the defendant, or held in trust for him, with the exception above stated, which shall be discovered by the proceedings in chancery; *provided,* if the personal property, money or thing in action, which shall be discovered as aforesaid does not amount to the sum of one hundred dollars, no costs shall be recovered by the plaintiff against the defendant in such proceeding.

Debtor examined.

72. When a bill is filed for the purpose aforesaid, and shall be duly verified by the oath of the complainant therein, or his solicitor or agent, that he believes the contents thereof are true, it shall be lawful for the chancellor, in term time or vacation, forthwith to make an order requiring the judgment debtor to appear, and make discovery on oath concerning his property and things in action, before a master of said court, to be designated in such order at a time and place in said order to be specified.

Order to prevent transfer of property.

73. If it shall appear by said bill, or by one supplemental thereto, and by proof by the oath of the complainant, or that of any other person, that any person owes the said judgment debtor, or holds money or property in possession or action, in trust for him or for

his use, except such property as is now reserved by law, or when such trust has been created by, or the fund so held in trust has proceeded from some person other than the debtor himself, and the income from such trust does not exceed the sum of four thousand dollars, it shall be lawful for the chancellor to make an order forbidding the payment of such debt, or the transfer of said property or money by or to the said debtor, until further order to be by him made.

Witnesses.

74. Witnesses may be required to appear and testify concerning said matters, by either party, by subpœna ad testificandum, issued out of the court of chancery, and the master may adjourn the examination from time to time, at the instance of either party; the said examination of said debtor and witnesses shall be certified by the master to the court of chancery, and thereupon it shall be lawful for the chancellor to appoint a receiver, pendente lite, of the property and things in action belonging or due to or held in trust for said debtor, who thereby shall receive authority to possess, receive and in his own name, as such receiver, sue for such property or things in action; and the chancellor may order said judgment debtor to convey and deliver to such receiver all such property and rights in action and the evidence thereof; and the receiver shall in all respects be subject to the authority of the chancellor, in accordance with the practice of the court, and shall and may dispose of the property and things in action in conformity with the final decree.

Receiver, pendente lite.

Use of deposition.

75. Either party, on the final hearing of said cause, may use his own deposition and that of the opposite party, or either of them, and the deposition or depositions of any other witness or witnesses so taken as aforesaid; *provided,* said party so intending to use the same shall file with the clerk of said court, within twenty days after the filing of said deposition in the clerk's office a written notice of his said intention; *and provided further,* the said deposition so designated would have been legal evidence in said suit if the same had been taken after issue joined, according to the practice of said court.

Proviso.

Proviso.

XIII. GENERAL PROVISIONS.

Rules entered by consent.

76. All rules, common or special, by consent of the parties or their solicitors, shall be entered, of course, with the clerk, whether in term time or in vacation.

Amendments.

77. All amendments shall be made with or without costs, and on such equitable terms as the court shall direct.

Notice taken of answers, etc.

78. Parties to suits in chancery shall take notice at their peril, of the filing of answers, demurrers, pleas, replications and other pleadings, and of the pronouncing and signing of decrees.

Reference to supreme court.

79. The court of chancery may send any matter of law to the supreme court for its opinion to be certified thereon; if any matter of fact shall render the intervention of a jury necessary, then the court of chancery is hereby authorized to direct an issue for the trial of the same in the supreme court.

Compensation for assistance.

80. Whenever the chancellor shall deem it necessary to call to his assistance one or more of the masters in chancery to advise with, upon the hearing of a cause or an argument, or upon matters of importance, or when any matter shall be referred to any of said officers, pursuant to the general rules of said court, or to any special order or decree in any cause, matter or proceeding depending therein, the fees for such services shall be proportionate, as nearly as may be, to the actual value of such service, and shall be regulated by the chancellor from time to time.

Moneys in hands of court deposited in bank.

81. It shall be lawful for the chancellor to cause any moneys brought into court, to be deposited by the clerk, in his name as clerk of said court, in any of the banks or trust companies of this state to the credit of the cause to which it belongs, or to be invested in any public stock of the United States, and the money so deposited or public stock in which it shall be so invested shall be from time to time accounted for, invested, transferred, or re-invested, or otherwise disposed of, as the court shall deem reasonable and proper; and on the resignation, death or removal of the clerk of said court of chancery, all moneys so deposited shall be carried to the

account of his successor in office, and the said banks or trust companies shall take notice thereof and transfer such accounts accordingly; and the chancellor may, from time to time, make such rules and regulations respecting such deposits and investments as to him shall appear just and right, and for the interest of all persons and parties concerned therein.

Punishment for contempt.

82. To enforce obedience to the process, rules and orders of the court of chancery, where any person shall be in contempt according to the law, practice or course of the said court, he shall, for every such contempt, and before he be released or discharged from the same, pay to the clerk in chancery, for the use of this state, a sum not exceeding fifty dollars, as a fine for the said contempt; and the said person being in court, upon process of contempt or otherwise, shall stand committed and remain in close custody until the said process, rule or order shall be obeyed and performed, and until the fine so imposed for such contempt, with the costs, be fully paid.

Fisher. Herold, 19 Dick. 371 See P. L. 1909, p. 270.

Account of fines.

83. The clerk in chancery shall account, on oath, and pay annually to the treasurer of this state, the fines which he shall have received by virtue of this act.

Costs discretionary.

84. Except where it is otherwise directed by this act or some other law, it shall be in the discretion of the court of chancery to award costs or not; and the payment of costs, when awarded, may be compelled by writ of fieri facias or capias ad satisfaciendum issuing out of the said court, or by subpœna and attachment.

Proceedings abolished.

85. Subpœna to hear judgment, attachment with proclamations, and commission of rebellion, shall, in all cases in chancery, be deemed unnecessary, and omitted accordingly.

Certain rules not registered.

86. It shall not be necessary for the clerk in chancery to register any rule, order or decree, or any master's report, that may be made in any cause or proceeding depending or hereafter to be brought or prosecuted in the said court of chancery; nor shall any fees be allowed or taxed for registering any such rule, order, decree or report; the filing of any rule, order or decree signed by the chancellor or advised by a vice chancellor, shall have the same effect as the registry of such rule, order or

Effect of filing rule, etc.

decree, and the rule, order or decree filed shall be the full minute of the rule, order or decree made by the court, and shall be taken and considered as made in open court and registered.

Chancellor to make rules.

87. It shall be the duty of the chancellor, from time to time, to make such rules and orders to regulate pleadings and practice and the taking and production of evidence in the court of chancery, as may, in his judgment, render the proceedings more efficient and simple, and prevent unnecessary cost and delay, and for that purpose he shall have full power to change and regulate such proceedings.

Issue of executions.

88. Execution may issue, without a revival of the decree, at any time within twenty years from the date of such decree; *provided,* the parties to the decree, or those of them during whose lives execution may now issue without a revival, be then living; *and provided further,* if more than six years have elapsed since the entering of the decree, a special order of the court shall be necessary before the execution issue to be made upon ten days' notice to the defendant of the application therefor, and proof to the satisfaction of the court of the amount remaining due upon the decree.

Proviso.

Proviso.

When chancellor unable to act.

89. In case of the sickness of the chancellor or his temporary absence from the state, he may, by order filed with the clerk, authorize such master in chancery as may be therein named for that purpose, to grant and dissolve injunctions, and perform such other duties of the chancellor as may be therein designated, not including the final hearing and determination of causes; and all orders and acts of such master within the scope of such authority, shall have the same force and effect as if made and done by the chancellor in person.

Trustees to care for property in certain cases.

90. In all cases where property is or shall be held in trust in another state, and any of the cestuis que trust for whose benefit said property is or shall be so held in trust, reside in this state, and desire the transfer of such trust property to this state, the chancellor may, upon petition presented to him for that purpose, and upon ten days' notice of the time of presenting said petition having been given to all persons having a beneficial in-

terest in the estate so held in trust, appoint a trustee for the purpose of receiving, holding and managing all such trust property as may be transferred from such other state in accordance with the laws thereof; and such trustee when so appointed, first having executed a bond to the chancellor in such an amount, and with such surety or sureties as the said chancellor shall approve, conditioned for the faithful execution of the trust, shall have all the powers and privileges and be subject to all the liabilities incident to the original trust.

Fees in taxable costs.

Counsel fee allowed in partition suits McMullin v. Doughty 2 Robbins, 776

91. It all causes it shall be lawful to include in the complainant's taxable costs, to be collected as a part thereof, a counsel fee to be fixed by the chancellor on final decree; in foreclosure causes the counsel fee shall be such percentage, not exceeding five per centum of the amount decreed, as the chancellor may by general rule from time to time prescribe.

Fees for searches in partition.

Amended, P. L. 1908, p. 34.

92. It shall be lawful in any action in the court of chancery for the partition and sale of lands or for the foreclosure of any mortgage, for the clerk to tax as a part of the taxable costs in favor of the complainant in said action any and all such legal fees and charges as may have been necessarily paid or incurred for or in behalf of said party in procuring searches against or in relation to the title of the mortgaged premises or lands sought to be partitioned or sold in said action, which fees or charges shall be ascertained in such way as the chancellor may direct.

Apply surplus to pay judgment.

93. Whenever on any sale of lands, sold by virtue of any order or decree of the court of chancery, there shall be a surplus which shall be deposited in said court, and any person shall hold a judgment in any of the courts of this state against the owner of said lands or any other person who shall be entitled to such surplus money, or any part thereof, the chancellor is hereby authorized, empowered and directed, upon petition filed by or in behalf of such judgment creditor, and upon proof made to the satisfaction of the chancellor that the residence of the person entitled to such surplus moneys is unknown, and cannot be ascertained, to order and direct such surplus moneys to be applied upon said judg-

ment, notwithstanding such creditor was not made defendant in said cause; in such case it shall not be necessary for the judgment creditor to be admitted as party defendant in said cause, but said petition shall be entitled in the cause out of which such surplus was realized; and such proof as is by this act required, may be by affidavit, or otherwise, as the chancellor shall direct.

Report by sheriff after sale.

94. Whenever the sheriff or other officer shall by virtue of any decree or order of the court, sell any lands or any interest therein, he shall within five days thereafter, report such sale to the court making such decree or order of sale, and the court shall, if it approve the sale, confirm the same as valid and effectual in law, and shall by rule of court, allowed in open court or at chambers, direct said sheriff or other officer to execute good and sufficient conveyance in law to the purchaser or purchasers for the lands or interest therein so sold; *provided,* no such sale shall be confirmed until the court is satisfied by evidence that the lands or interest therein have been sold at the highest and best price the same would then bring, and such evidence may be in the form of affidavits; *provided further,* such sale and the confirmation thereof, shall be subject to such rules and orders in respect thereto as the court may at any time make.

Proviso.

Proviso.

XIV. VICE CHANCELLORS, THEIR DUTIES AND POWERS.

Vice chancellors; term.

95. There shall be not more than seven vice chancellors, who shall be counsellors-at-law of at least ten years' standing, and shall be appointed by the chancellor and commissioned by the governor, under the great seal of the state, and shall continue in office for seven years from the date of the commission.

Powers and duties.

96. The chancellor may refer to such vice chancellors any cause or other matter which at any time may be pending in the court of chancery, to hear the same for the chancellor, and to report thereon to him and advise what order or decree should be made therein; and any matter or cause in which the chancellor is interested may be so referred; the chancellor may also, by general

rule, provide for the reference to a vice chancellor of causes, matters and proceedings pending or future.

Take evidence.

97. When any cause or matter shall be so referred to a vice chancellor, it shall be lawful for him to take and hear the evidence of any or all witnesses in said cause or matter orally, in the same manner as the evidence is now taken and heard in the several courts of law in this state on trials before a jury; and if a report of the evidence so taken before him shall become necessary in the progress of said cause, for use on appeal from the decree of the chancellor thereon or otherwise, then such vice chancellor shall settle and sign such report.

Employ stenographer; apportion expense.

98. It shall be lawful for each vice chancellor to employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined before him, for the use of the court and the parties in the cause or matter; and to fix, allow and tax the fees of such reporter for writing out such evidence, and to apportion the same between the parties; and each party shall forthwith pay the part so apportioned to him, which shall be part of the taxable costs in the cause.

Divide state into districts.

99. It shall be lawful for the chancellor, from time to time, to divide the state into convenient districts, and appoint times and places for the sitting of said vice chancellors for the hearing of causes and matters referred to them, and to make all such general rules for the effectual execution and carrying out of this act as he shall deem necessary and proper.

Vice chancellors not to practice law; salary.

Amended, P.L. 1905, p. 232.

100. Said vice chancellors shall not engage in the practice of law as counsel or otherwise, in any of the courts of this state, and shall receive an annual salary at the rate of nine thousand dollars and no more; said salaries shall be paid in equal monthly payments by the treasurer of this state on the warrant of the comptroller, and shall be in full of all services to be rendered by said officers respectively, and said officers shall not be entitled to any per diem or other allowance over and above said salaries.

Sergeant-at-arms; compensation

101. The chancellor and vice chancellors shall have power to appoint suitable persons to hold office during their pleasure, as sergeant-at-arms of their respective

court-rooms, whose duty it shall be to attend the courts or hearings when required, for which service they shall each receive three dollars per day for each day they shall respectively be in attendance upon the court, to be paid by the treasurer of the state upon the certificate of the chancellor or vice chancellor.

May punish for contempt

102. The vice chancellors, when sitting as judges of the court of chancery for the transaction of the business of said court, shall have power to adjudicate upon and punish any and all contempts committed by any person or persons in the presence of the court so held by such vice chancellor, in same manner as the chancellor may now do, and the several sheriffs and keepers of the common jails of the several counties of this state shall respect and execute all orders and commitments made and signed by any of the vice chancellors in any matters of contempt in all respects the same as if made and signed by the chancellor, provided that any person adjudicated guilty of contempt under this act shall have the right of immediate appeal to the chancellor, which appeal shall operate as a stay of proceedings, and the chancellor shall provide by rule for the manner and method of such appeals, and shall hear them on the merits.

Compensation of stenographer.

103. The stenographer employed to report the proceedings in the vice chancellors' courts shall receive ten dollars a day for attending such courts, which shall be paid monthly by the state treasurer on the certificate of the vice chancellor; the vice chancellor, with the approval of the chancellor, may fix an annual salary for his stenographer in lieu of such per diems, and in such case a certificate stating the amount of the salary so fixed, signed by the vice chancellor and the chancellor, shall be filed with the state treasurer, who shall thereafter pay such salary monthly; this annual salary shall include payment for services to the vice chancellor in the preparation of his opinion or conclusions and other official work, when deemed necessary; and for services in his official work other than attendance upon and reporting proceedings in his court, a vice chancellor may employ other persons than the stenographer, paying for such services a salary, either monthly or annual, to be fixed and paid in like manner.

Employ other persons.

XV. ADVISORY MASTERS.

Reference to master.

104. The chancellor may refer to any master in chancery, who shall be a counsellor-at-law of at least five years' standing, any cause or other matter which, at any time, may be pending in the court of chancery, to hear the same for the chancellor, and to report thereon to him, and advise what order or decree should be made therein.

Master to take evidence.

105. When any cause or matter shall be so referred to a master, it shall be lawful for him to take and hear the evidence of any or all witnesses in said cause or matter orally in the same manner as the evidence is now taken and heard in courts of law in this state on trials before a jury; and if a report of the evidence, so taken before him, shall become necessary in the progress of said cause or matter, for use on appeal from the decree of the chancellor therein or otherwise, then such master shall settle and sign such report.

Employ stenographer; apportion expense.

106. It shall be lawful for such master, when any cause or matter is so referred to him, to employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined before him, for the use of the court and parties in such cause or matter, and to fix, allow and tax the fees of such reporter, for writing out such evidence, and to apportion the same between the parties, and each party shall forthwith pay the part so apportioned to him, which shall be part of the taxable costs in the cause.

Chancellor to name masters; compensation.

107. It shall be lawful for the chancellor, by rule of court, to fix and determine to what masters the references provided for by this act shall be made, and to remove and change the same at his pleasure, and to fix the compensation to be paid to such masters for their services, which compensation shall be proportionate, as near as may be, to the actual value of such services, and shall be paid them from the state treasury on the certificate of the chancellor, and the chancellor may make all such general rules for the effectual execution of this act as he shall deem necessary and proper.

Stenographer's compensation.

108. The stenographer employed to report the pro-

ceedings in causes before any advisory master, shall be paid for his services in attending before said master and taking down the evidence, ten dollars per diem, and the sum due such stenographer shall be paid by the state treasurer monthly, on the certificate of the advisory master, approved by the chancellor.

XVI. WHEN CHANCELLOR MAY EMPLOY STENOGRAPHER.

Employment of stenographer by chancellor.

109. Whenever the chancellor shall take and hear the evidence of witnesses orally in any cause, it shall be lawful for him to employ a competent stenographic reporter to take down the evidence of such witnesses for the use of the court and of the parties, and to fix, allow and tax the fees of such reporter for writing out such evidence, and to apportion the same between the parties, and each party shall forthwith pay the part so apportioned, which shall be part of the taxable costs in the cause.

Compensation.

110. The stenographer so employed shall be paid for his services in attending before the chancellor and taking down the evidence, ten dollars per diem, and the sum due such stenographer shall be paid by the state treasurer, on the certificate of the chancellor.

XVII. APPEAL.

Appeals: for what and when brought.

111. All persons aggrieved by any order or decree of the court of chancery, may appeal from the same, or any part thereof, to the court of errors and appeals; and all appeals, except from final decrees, shall be made within forty days after filing the order or decree appealed from; and all appeals from final decrees in the said court shall be made within three years after making such decree; unless a notice of lis pendens has been filed, or on bills to quiet title, in which cases all appeals from final decrees shall be made within three months after filing the decree appealed from; *provided*, in cases where the person entitled to such appeal from any final decree be an infant, feme covert, or insane, he shall have three years to bring such appeal, after such disability shall be removed, except where a notice of lis pendens has

Time to appeal from final decree reduced to 1 yr. by P. L. 1907, p. 452

Proviso.

been filed or the bill is filed to quiet the title of lands, in which case the appeal shall be taken within three months after such disability is removed.

Effect of appeal on injunction.

112. No appeal taken from an order or decree granting an injunction shall suspend or modify the operation of the injunction without an order of the chancellor or of the court of errors and appeals for that purpose, and such suspension or modification shall extend only so far as may be necessary to preserve the subject of the appeal, and shall not in any case be allowed to destroy the right established or protected by the order or decree appealed from.

Appeal not to continue injunction dissolved.

113. No appeal taken from an order or decree dissolving an injunction shall have the effect to continue in force the injunction unless the chancellor or the court of errors and appeals for good cause shall direct such continuance in whole or part and prescribe the terms thereof.

Approved April 3, 1902.

CHAPTER 159.

An Act concerning the taxation of corporate property, and providing for certain exemptions therefrom.

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

Exemption of mortgages held by corporations.

1. All mortgages which, under the laws of this state, are exempt from taxation when owned by natural persons, shall be and are hereby declared to be, to the same extent, exempt from taxation when owned by corporations of this state, and the value thereof shall be deducted from the value of the capital stock and property of such corporations in ascertaining the net amount of capital stock and property thereof subject to taxation; *provided, however,* that nothing in this act shall be construed as in anywise affecting or reducing any franchise tax.

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2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 160.

An Act to amend an act entitled "An act for the creation of a state board of children's guardians and for defining their duties and powers with respect to the maintenance, care and general supervision over indigent, helpless, dependent, abandones, friendless and poor children now or hereafter to become public charges of this state," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

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

4. It shall be the duty of the state board of children's guardians, when any child shall become a public charge, to place such child in the care of some family within this state, with or without the payment of board, and with or without indenture; and it shall further be the duty of such state board of children's guardians to place such child in the care of some family of the religious faith of the parent or parents of such child, and during the period in which the state board of children's guardians is seeking such family for such child and until such family is secured as hereinbefore provided, it shall be the duty of the state board of children's guardians to place such child in the custody of an institution in this state for the care of children; *provided,* that the institution in which the child is placed shall be one maintained for children of the religious faith of the parent or parents of such child when such an institution exists therein; in case no institution of such religious faith exists in this state, then the said board of children's guardians shall use its discretion in providing an institution for the care of such child until a family has been secured; *provided,* that nothing in this act contained shall be construed as giving such state board the custody of any child heretofore or hereafter placed by Placing of children in families. Proviso. Proviso.

a board of chosen freeholders in a duly-incorporated charitable institution located in the county where said child shall have been committed as a public charge, pursuant to an act approved March twenty-fifth, anno domini one thousand eight hundred and eighty-one, entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor' [Revision], approved March twenty-fifth, one thousand eight hundred and seventy-four."

Section amended.

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

Children committed by overseer of poor.

8. It shall be the duty of every overseer of the poor or other officer in any borough, city, county, township or any other municipality in any county in the state, having jurisdiction and power to do so, to commit such child or children to the care of the keeper of the almshouse or such other institution where he would commit such child or children, for the term of thirty days after the date of such commitment; thereupon he shall forthwith give a written notice of such commitment to the state board of children's guardians, which notice shall contain a description of such child or children, embracing its or their name, age, sex, religion, faith of its or their parent or parents, date of commitment and such information as such officer has been able to ascertain; upon such commitment being made by such officer as aforesaid, such child or children shall immediately become the ward or wards of the state board of children's guardians, and said state board of children's guardians shall thereupon, for all intents and purposes, become and be declared the legal guardian of such child and entitled to its custody, and which right of guardianship shall supersede any right of the parents of said child, so far as its custody is concerned; but said board may surrender such right to one or both parents, if in the opinion of said board the best interests of said child will be promoted thereby, and the parent or parents are of good moral character and capable of maintaining said child; and said keeper of the almshouse or other institution shall, within forty-eight hours after such child is placed in his care, notify

Notice to state board.

Surrender of child.

said board of children's guardians of the presence of said child in said almshouse or institution.

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

Approved April 3, 1902.

CHAPTER 161.

An Act to authorize cities of the first class of this state to purchase land and to erect hospital buildings thereon, and to issue and sell bonds to pay for the same, and to create a board of officials to have charge of the same.

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

1. Whenever, in the judgment of the municipal board or body having charge of the finances in any city of the first class in this state, the buildings and property devoted to the use of a city hospital shall be deemed to be unsanitary, improper or inadequate, it shall be lawful for the said municipal board, or body having charge and control of the finances of said city, to issue bonds, either registered or coupon, to an amount not exceeding three hundred thousand dollars, and to sell the same to raise money to pay for the erection and construction and furnishing of a new hospital building or buildings in place of the said hospital building or buildings determined as aforesaid to be unsanitary, improper and inadequate, and to purchase lands necessary for the same. Erection of new hospital. Bonds issued to pay for same.

2. The issue of bonds under the provisions of this act shall be exempt from taxation, and 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 sum as the board having charge and control of the finances of said city shall determine; these bonds shall be executed under the corporate seal of said city, and Nature of bonds.

the signature of the mayor and comptroller, or other proper financial officer thereto, and may be either registered or coupon bonds, as the said board may direct;

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provided, that in order to redeem the bonds ordered 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 by a special tax of not less than two per centum upon the issue herein provided for, to be annually levied and collected as other taxes in said city are now or may hereafter be levied and collected.

Interest charges.

3. The interest on the said 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 levied, raised and collected and paid within each year.

Sale and use of proceeds.

4. The board or authority having charge or control of the finances of said city may dispose of the bonds hereby authorized at public or private sale, but in no case for less than par; all of the moneys received from the sale of the said bonds shall be applied and used for the purposes of this act and for no other purpose.

Trustees of hospital; term, duties, etc.

5. Whenever the bonds authorized by this act shall have been directed to be issued by the said municipal board having charge of the finances in any such city, it shall be lawful for the mayor of such city to appoint a board of trustees of such city hospital; such board shall consist of five persons residents of such city, and at least two shall be physicians in good standing; and the trustees first appointed shall serve for the term of one, two, three, four and five years respectively, and upon the expiration of their respective terms of office the mayor of such city shall appoint their successors for the full term of five years; each of the said trustees shall give bond in the sum of ten thousand dollars for the faithful performance of their duties; the mayor of such city shall be, ex-officio, a member of said board; the said board of trustees shall be vested with and shall perform all the powers and duties in relation to the

management and control of city hospitals in such city as are now vested in or performed by the municipal board or body now having charge and control of any such hospital in such city; they shall have general charge and control of all city hospitals in any such city from the time of their appointment, and of the new city hospital authorized by this act, when erected; they shall have power to appoint and hire clerks, servants and other necessary employes, and fix their salaries, and to make proper rules and regulations for the government of said city hospitals, and generally to do all things necessary for the maintenance of such city hospitals in such city.

All transactions in name of board.

6. The lands to be purchased and the building or buildings to be erected pursuant to this act, shall be purchased, erected and furnished by the said board of trustees of the city hospital, and the money arising from the sale of the bonds hereinbefore authorized shall be placed to the credit of such board of trustees, to be expended for the purposes aforesaid; and all work and labor done and materials furnished in the erection and furnishing of the said building or buildings shall be done and furnished by contract, which contract shall be awarded upon at least two weeks' advertisement in two newspapers circulating within the county in which said hospital building shall be erected, to the lowest responsible bidder or bidders for the same; the said contract shall be awarded by the said board of trustees, with the concurrence of the mayor of said city and of the municipal board or body in such city having charge and control of the finances of said city.

Work done by by contract.

7. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 162.

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.

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

Section amended.

1. Section six of the 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, be and the same is hereby amended so as to read as follows:

Redemption.

6. Any person or persons having an estate in, or mortgage upon any lands and premises sold in pursuance of the fourth section of this act, whose estate or lien appears of record in the county, may at any time before the expiration of six months after notice shall have been given to him of such sale by the purchaser, his heirs or assigns, in the manner hereinafter provided, or before a deed of said premises shall have been delivered, as provided in this act, redeem said lands and premises by paying to the treasurer of the city, for the use of the purchaser, his heirs or assigns, the sum paid by him at such sale, with interest at the rate of ten per centum per annum from the date of the sale, and one dollar for each notice served as hereinafter provided; *provided, however,* that when the purchaser at the said sale shall

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pay for said property a sum in excess of the amount actually due for said taxes or assessments, water rates or water rents, as the case may be, notice of such sale shall be given by the purchaser, as herein provided, within six months after the sale, and in case of failure to give such notice within such time, the interest on the amount paid by the purchaser in excess of the taxes, or assessments, water rates or water rents, shall cease; and upon such redemption the city shall pay to such purchaser, his heirs or assigns, the amount received from the person redeeming; such notice shall be in writing and shall be served by the purchaser of the property or his agent on said owner or mortgagee, either personally or by leaving the same at his place of abode with a member of his family above the age of fourteen years; in case such owner or mortgagee is a non-resident or his residence cannot, upon due inquiry, be ascertained, then the notice may be served by publishing the same in a newspaper printed and circulating in the city for a period of six weeks, at least once in each week, and depositing a copy of such notice, within twenty days after its first publication, in the post-office of the city, enclosed in a wrapper, postpaid, directed to such owner or mortgagee at his or her last known post-office address, if the same can be ascertained; inquiry for the residence or post-office address of such owner or mortgagee shall be made by the purchaser or his agent upon the lands purchased at the sale, if they are occupied, and wherever else in the city the same may be likely to be ascertained, and also by an examination of the record of the deed or mortgage on account of which such notice is given; an affidavit shall be made by the purchaser or his agent, setting forth the manner and particulars of the service, and in case the same is made by publication, setting forth what inquiry was made to ascertain the residence and post-office address of such owner or mortgagee, and in such case an affidavit of the publication shall also be made by the person publishing such newspaper, or by someone in his employ having cognizance of the publication, stating the particulars thereof; and the affidavit or affidavits shall be filed in the office

Notice of purchase served.

Notice to non-resident.

Affidavit as to inquiry and publication.

of the clerk of the city within one month after the date of service, and shall be prima facie evidence in all courts and places of the facts therein stated; the purchaser shall be entitled to the possession of said lands immediately upon giving such notice to the owner thereof, in case the same are unoccupied, or if they are occupied, then within thirty days thereafter; and he shall have the same remedy by writ of assistance or otherwise in the circuit court of the county in which the city is situate, or in the court of chancery, for the recovery of the possession of the said lands as the purchaser of mortgaged premises at a foreclosure sale is now or may hereafter be entitled to by any law or practice of this state; *provided, however,* that if any estate in any of the said lands shall be held by any heir or devisee of a decedent whose estate appears of record in the county, or if any mortgage or lease shall be held by the executor or administrator of any decedent whose mortgage or lease appears of record in the county, such heir, devisee, executor or administrator shall be entitled to redeem and to have notice as aforesaid before the purchaser shall be entitled to the possession of the lands; *and provided also,* that the records and schedules of all sales made under this act shall be filed and kept in the same offices of the several cities wherein records of tax sales are now by law required to be kept.

Possession upon giving notice.

Proviso.

Proviso.

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

Repealer.

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 163.

A Supplement to an act entitled "A general act relating to boroughs" [Revision of 1897], approved April twenty-fourth, one thousand eight hundred and ninety-seven.

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

1. Whenever a main sewer system has been constructed in any borough, the cost of which has been assessed upon the property benefited, and in the judgment of the council the public good demands that the benefits of such main sewer or sewer system should be extended to other property by the building of lateral sewers or connections, the council may, by ordinance, cause such lateral sewers or connections to be constructed, and the cost and expense thereof shall be assessed as provided in said act. Construction of lateral sewers.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 164.

An Act to amend an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities, except cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment," approved May eighteenth, one thousand eight hundred and ninety-eight.

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

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

9. The town, township, borough or other municipality may become the purchaser in its corporate name at any sale of lands under this act, to the same effect as any other purchaser, and at the expiration of the period for redemption shall be entitled to a deed for the lands pur- Municipality may become purchaser.

chased by it, and in all cases where such lands shall be bought by the town, township, borough or other municipality under this act, it shall be lawful for the township committee or other governing body to sell and assign the certificate of sale or to sell and convey such property or any part thereof by good and sufficient deeds of conveyance; such sale of any property so purchased by the town, township, borough or other municipality shall be at public auction and shall be held at such times as may be ordered and directed, by resolution of the township committee or other governing body of such town, township, borough or other municipality; the collector of taxes shall make sale of such lands at some public place within the town, township, borough or other municipality, first giving notice of the time and place of such sale by advertisement in a newspaper circulating in said town, township, borough or other municipality for at least four weeks consecutively, once a week, and by posting the same in five public places of the town, township, borough or other municipality at least four weeks before such sale; he shall have power to adjourn such sale from time to time, but for not less than one week at each adjournment, and shall publish notice of such adjournment at least once in one newspaper circulating in the town, township, borough or other municipality, and the property so advertised shall be then sold to the highest bidder therefor (and upon payment of the purchase price the purchaser shall be entitled to have a deed of conveyance for said lands in fee-simple absolute, free from all taxes, liens and assessments prior to said sale).

Sale at public auction.

Notice of sale.

Deed in fee-simple.

Approved April 3, 1902.

CHAPTER 165.

A Supplement to an act entitled "An act to remove the fire and police departments in the cities of this state from political control," approved May second, one thousand eight hundred and eighty-five, and to provide for the establishment, management and distribution of a police pension or retirement fund.

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

Police pension fund.

1. In all cities in which the act to which this is a supplement is or may hereafter become operative, there shall be established a police pension or retirement fund, which shall be constituted, managed and distributed as hereinafter provided.

Management.

2. The said fund in each such city shall be managed and controlled by the board of police commissioners of that city; the secretary of said board of police commissioners shall be treasurer, ex-officio, of said fund, and all moneys of said fund shall be received and disbursed by him, and shall be deposited in such bank or banks of deposit as the board of police commissioners shall designate; all checks shall be countersigned by the president of the board of police commissioners before the same shall be payable; the said treasurer shall give bond in such sum as the board of police commissioners shall determine, with a surety or sureties to be approved by the said board for the faithful performance of his duties; if the surety on such bond is a corporation the premium and premiums upon such bond required by such corporation shall be paid by the board from the funds under its management; it shall be the duty of every such board of police commissioners to invest and keep invested the moneys of said fund, so far as the same can be done, in the securities authorized by law for the investment of trust funds.

Treasurer's surety.

If a corporation.

Sources of fund.

3. The board of police commissioners of every such city shall monthly and in each month, pay to the treasurer

of said fund all moneys collected in payment of fines imposed upon members of the police force, all moneys deducted or withheld from the pay of members of the police force by reason of absence from duty from any cause, which moneys shall constitute part of said police pension or retirement fund; to said fund there shall also be added any moneys, from time to time, donated to this purpose and all moneys derived from the sale of unclaimed goods or property coming into the possession of the police department of such cities; to said fund there shall also be added the moneys collected by subscription or assessment from or upon the members of the police force or department of such cities, which subscription or assessment shall be at least one per centum per annum of the annual salary of every such member of the police force or department in order to entitle him to the benefits of such pension or retirement fund, as hereinafter provided.

Amount of pension.

4. Each of the persons hereinafter specified shall be entitled to receive a pension for life from the fund herein directed to be established, equal to one-half of the amount of his salary at the time of his retirement;

Proviso.

provided, said fund shall be sufficient for the payment of the pensions hereinafter provided for, and in case it shall not be sufficient for that purpose at any time, then all of said pensions shall abate proportionately; every

Who entitled to pensions.

member of the police force or department of such cities having paid into the fund the full amount of the annual assessments or contributions of at least one per centum of his salary and who shall have received permanent disability from injury or sickness incurred while in actual service, so as to incapacitate him from duty, upon the certificate of the police surgeon or other physician or board of physicians designated by the police commissioners for this purpose; every member of the police force or department of such cities having paid into the fund the full amount of the annual assessments or contributions of at least one per centum of his salary and who shall have attained to the age of sixty years and have served in all for a period of twenty years in said police force or department, such service not being

required to be continuous and to include service in the "veteran reserve," may, upon application of such member, be so pensioned and retired; the widow of every member of the police force or department of such cities having paid into the fund the full amount of the annual assessments or contributions of at least one per centum of his salary, and who shall have lost his life in the performance of duty, shall, so long as she remains unmarried, receive a pension equivalent to one-half the pay of her deceased husband, and at her death, unmarried, her minor children, until the youngest reaches the age of fourteen years, shall receive the amount of said pension for their suport.

Pensions payable monthly.

5. The pensions hereby authorized shall be paid monthly by the said treasurer, and the board of police commissioners of any such city shall and are hereby empowered to regulate the pensions and matters above stated, and make all requisite rules and regulations necessary therefor, not inconsistent with this act; every member of such force or department shall be paid full compensation or salary during temporary disability occasioned while in the actual performance of his duty, upon the certificate of the police surgeon or other physician or board of physicians designated by the police commissioners for this purpose.

Repealer.

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

Approved April 3, 1902.

CHAPTER 166.

A Supplement to the act entitled "An act to authorize and provide for the establishment and maintenance of hospitals for contagious diseases for cities in this state," approved March twenty-third, one thousand nine hundred.

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

Hospital without city.

1. In selecting a site for a hospital, to be erected under the provisions of the act to which this act is a supplement, the board of health of any city of this state may choose a site outside of the limits of the city within which it has jurisdiction; *provided, however,* that before any hospital building shall be erected on such site, the selection of the site, and the erection thereon of a hospital for the treatment and relief of persons suffering from contagious and infectious diseases, shall be consented to by the governing body of the township, city, borough or municipality within which the proposed site is located.

Proviso.

Acquire lands.

2. The common council, board of aldermen or other board having charge and control of the finances of such city, may acquire lands for such hospital purposes as aforesaid, by gift or purchase.

Management.

3. The board of health of every city which shall have selected a hospital site outside of the limits of the city within which such board has jurisdiction, shall have the same power over and control and management of the hospital and of the hospital buildings erected upon such site, as if the hospital were located within the limits of such city.

4. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 167.

An Act relative to the law and equity reports of the state.

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

Purchase reports.

1. The state house commission is hereby authorized and directed to purchase eight sets of the New Jersey law and equity reports, one hundred and twenty-five volumes per set.

Payment.

2. Upon the delivery to the custodian of the said volumes, well bound in good law sheep, the comptroller

shall draw his warrant upon the state treasurer in favor of the publisher thereof, for the sum of nineteen hundred dollars.

3. Said copies shall be distributed as follows: to the sergeant-at-arms of the courts sitting at the state house, for the use of the said courts, five sets; to the sergeant-at-arms of the chancery chambers at Jersey City, Newark and Camden, for use in said chambers, one set each. Distribution.

4. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 168.

An Act to authorize cities to issue bonds for the purpose of placing police, telegraph and telephone wires, and fire telegraph and telephone wires owned by cities, in conduits located in the streets, alleys and highways of cities.

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

1. The board of aldermen, common council, or board having charge and control of the finances of any city in this state, may issue bonds to the amount of fifty thousand dollars for the purpose of placing police, telegraph and telephone wires, and fire telegraph and telephone wires owned by such cities, in conduits located in the streets, alleys and highways of such city; said bonds shall be payable in not less than ten years nor more than twenty years from the date of their issue, and shall bear and pay interest at not more than four per centum per annum, shall be signed by the mayor, countersigned by the comptroller and attested by the city clerk, and shall have the corporate seal affixed, and shall be sold for not less than their par value. Issue bonds for laying conduits for wires.

2. For the purpose of redeeming said bonds and meeting the interest thereon, such city shall provide a sinking fund and shall annually include in the tax levy or appropriations of such city the amount of interest and a Redemption of bonds.

sufficient proportion of said bonds issued to meet the principal of said bonds at maturity, and shall retire the same from the proceeds of said sinking fund.

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 169.

An Act to amend an act entitled "Supplement to an act entitled 'An act relative to morgues and morgue keepers,' approved March fourth, one thousand eight hundred and seventy-nine," which said supplement was approved May second, one thousand eight hundred and ninety-four.

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

Section amended.

1. Section one of the act entitled "Supplement to an act entitled 'An act relative to morgues and morgue keepers,' approved March fourth, one thousand eight hundred and seventy-nine," which said supplement was approved May second, one thousand eight hundred and ninety-four, be and the same is hereby amended to read as follows:

Designation of public morgues.

1. It shall be lawful for the judge of the court of common pleas of the several counties of this state to designate a place or places of proper charater, and furnished with sufficient accommodation and appliances, as a public morgue or morgues for said county, not to exceed four in number in any county; in designating such place or places the judge shall first select the city or cities within the county, and afterwards such other place or places as in his opinion may be necessary;

Proviso.

provided, that this act shall apply only to such counties as have within their limits a city or cities of more than four thousand inhabitants by the last state census.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 170.

An Act to enable cities in this state to extend city hall buildings.

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

Provide accommodations by extending city hall.

1. In any city in this state whenever it shall be made to appear to the satisfaction of the board of aldermen, common council or other governing body of such city that the city hall erected in said city and owned by such city does not afford sufficient accommodations for the proper transaction of municipal business, and sufficient facilities and accommodations for the transaction of the business of the district court located in such city, it shall be lawful for the said board of aldermen, common council or other governing body of such city to provide, by ordinance, for the erection of such necessary extension or extensions to such city hall as they may deem necessary for the proper transaction of the public business and the business of such court; *provided*, the cost thereof shall not exceed thirty-five thousand dollars.

Proviso.

Work done by contract.

2. The said extension or extensions shall be erected by contracting according to plans and specifications to be drawn for the purpose, and the contract for such work shall be awarded to the lowest bidder as provided by the city charter in other cases of public improvements, and the said board of aldermen, common council or other governing body shall have power to issue bonds for the purpose not to exceed the sum aforesaid in the corporate name of the city, duly executed and attested in form as in the case of bonds for other public improvements, bearing interest at a rate not to exceed five per centum per annum, and payable in not less than twenty years from date of issue, pledging the property and credit of such city for the payment thereof, which bonds shall be sold to the highest bidder.

Bond issue.

Redemption of bonds.

3. For the purpose of redeeming said bonds at maturity and defraying the interest thereon as the same matures, the assessor or assessors of such city shall include in the

annual tax levy a sum sufficient to discharge the said principal and interest at maturity, which sum shall be collected annually as in the case of other taxes collected in such city, and shall be deposited in a sinking fund to be created for the purpose of retiring the said bonds at maturity, and which fund shall be used for no other purpose.

Repealer.

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

Approved April 3, 1902.

CHAPTER 171.

An Act to amend an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

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

Section amended.

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

Town officials; how elected or appointed.

10. The councilmen from each ward, and the councilman at large, town clerk, town collector, assessor, constables, and members of the board of education shall be elected at an annual town election; the town treasurer, town attorney, recorder, commissioners of appeal, overseer of the poor, chief of police, chief of the fire department, town surveyor, board of assessors, and pound keepers, shall be appointed by the town council in the manner and for the terms hereinafter provided; the term of office of any officer elected or appointed, not herein otherwise provided for, may be fixed by council by ordinance; the council may in like manner appoint such other subordinate officer as may be deemed necessary, and fix their terms of office and compensation, and define their duties.

Terms.

Subordinates.

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

41. The chief of the fire department shall be appointed by the town council for the term of two years, from the first day of June next ensuing his appointment. Term of chief of fire department.

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

Approved April 3, 1902.

CHAPTER 172.

An Act to provide for and regulate appeals from any district court in any city of the state to the supreme court.

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

1. If either party in any action or proceeding in any district court established in any city of this state shall be dissatisfied with the determination or direction of such district court, in point of law or upon the admission or rejection of evidence, such party may appeal from the same to the supreme court if such party shall, within ten days after such determination or direction, give notice of such appeal to the other party or his attorney, and enter into bond to the other party with sufficient surety, to be approved by the district court judge, for the costs of the appeal, whatever be the result thereof, and for double the amount, if any, of the judgment rendered against him, conditioned for the payment thereof, if the appeal be not prosecuted by the appellant, or be dismissed; nevertheless, such security, so far as regards the amount of the judgment, shall not be required in any case where the judge shall permit the party appealing to pay the amount of such judgment into the hands of the clerk, and the same shall have been paid accordingly; such appeal shall operate as a stay of proceedings, only Notice of appeal from district court. P. L. 1910, p. 236 Bond given. Appeal as a stay.

after such security has been given or money paid; and the said supreme court may either order a new trial on such terms as it thinks fit, or may order judgment to be entered for either party, as the case may be, and may make such order with respect to the dismissal and costs of the said appeal as such court may think proper.

Form of case.

Sup. L. 1905, p. 259.

2. Such appeal shall be in the form of a case agreed on by both parties or their attorneys, and if they cannot agree, the judge on being applied to by them or their attorneys, shall settle the case and sign it, and such case shall be transmitted by the appellant to the clerk of the supreme court and filed by him in his office.

Time allowed.

3. Such case shall be agreed upon or settled within fifteen days after such determination or direction, unless the judge shall grant further time for that purpose.

Case when heard.

4. Such case shall be heard by the said supreme court at the next term after such determination or direction, unless said court shall, on good cause shown, postpone the hearing thereof to some subsequent term; *provided*, that there shall be twenty days between such determination or direction and said next term.

Proviso.

If all facts not returned.

5. Upon an allegation of diminution of the record or the failure to truly return any fact or facts by any district court judge, the supreme court or any justice of the supreme court at chambers, either in term time or vacation, may rule the judge of the district court to certify as to any fact or alleged fact claimed to be material and not found in the case as agreed or settled and sent up.

6. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 173.

A Supplement to an act entitled "An act to provide for the control and operation of roads and bridges owned or claimed to be owned by any plank road company whose charter has expired or may expire," approved March twenty-second, one thousand nine hundred and one.

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

Acquirement and maintenance of roads owned by plank road company.

1. Whenever the road and bridge or bridges of any plank road company, included within the terms of the act to which this is a supplement, constitute a continuous highway in any two or more counties of this state, it shall be the duty of the boards of chosen freeholders of such counties to acquire, maintain and operate such road and bridge or bridges at joint expense, and said boards may, by agreement, divide the expense thereof between such counties in such proportion as they may deem just, notwithstanding the share of such expense agreed to be borne by either of such counties may be more or less than the cost of acquiring, maintaining and operating the portion of such road or bridges located within the limits of such county; and if no such agreement shall be made it shall be lawful for the said boards of chosen freeholders or either of them to apply, by petition, to the court of chancery, which court is hereby given jurisdiction to hear the parties in a summary way on such notice as said court may prescribe, and to apportion and determine the part or proportion of said expense to be borne and paid by each of said counties respectively.

If no agreement may petition court.

Funds for above purposes.

2. For the purpose of furnishing the moneys necessary to carry out the provisions of this act as well as of the act to which this is a supplement and for defraying any expense thereby incurred, it shall be lawful for said boards of chosen freeholders to use any moneys of their respective counties not otherwise appropriated and to raise money from time to time by taxation.

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 174.

A Supplement to the act entitled "An act to reorganize the government of counties of the first class in this state," approved March twenty-second, one thousand nine hundred.

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

Representation of township in board of freeholders.

1. Whenever any township entitled to be represented in the board of chosen freeholders, under the provisions of the act to which this is a supplement, shall have become, or shall become a town, its representation in the board of chosen freeholders shall not be changed except in the manner provided in said act to which this is a supplement; nor shall the office of chosen freeholder be made vacant, but the chosen freeholder in office at the time when such township shall have become, or shall become a town, shall continue to hold said office until the expiration of the term for which he was or shall be elected.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 175.

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

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

Validating certain sales.

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

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 176.

A Supplement to an act entitled "An act concerning sheriffs," approved March fifteenth, one thousand eight hundred and seventy-six.

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

Execution of conveyance by sheriff after expiration of term.

1. If any real estate, levied upon by virtue of any valid writ of execution by any sheriff, shall have been or shall be sold by him under said levy during the term of his office, but shall not have been conveyed by deed by such sheriff during the term of his said office, or if conveyed, the deed conveying the same shall have been lost before the record thereof, and the purchaser or purchasers thereof shall have entered into and remained in possession of said real estate pursuant to such sale and purchase, such sheriff shall have full power and authority, after the expiration of his said term of office, to make, execute and deliver to the purchaser from him of any such real estate, a good and sufficient deed in law, which shall have the same force and effect as if the said sheriff had made, executed and delivered the same during his said term of office.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act be, and they are, in so far as they are inconsistent as aforesaid, hereby repealed.

3. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 177.

A Further Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to further taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

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

Appointment of members of board of adjustment when vacancies occur.

1. When in any city of this state proceedings have been taken under the act to which this act is a further supplement and a board of commissioners of adjustment has been appointed and the office of all the members of such board of commissioners of adjustment afterwards becomes vacant by death, resignation or otherwise, it shall be the duty of the circuit court, on the application of such city, to appoint other competent persons as commissioners under said act, in the same manner as original appointments are therein required to be made, to take the place of the former board of commissioners of adjustment; and the said commissioners, when appointed, shall have the same powers and shall perform all the duties and be compensated in the same manner as provided for the original board of commissioners appointed for such city under said act.

2. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 178.

An Act relative to the Princeton battle monument.

Preamble.

Whereas, "The Princeton battle monument association," a corporation organized under the laws of this state for the purpose of erecting a monument or statue in commemoration of the battle of Princeton, has received, by private subscriptions, large sums of money for the purposes of the association, and is now receiving, from week to week, private subscriptions for the said purpose; and

Whereas, The said association has not collected, and may not collect, a sum of money sufficient to erect a monument or statue of such size and finish as the importance of that historic event demands; therefore,

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

Sum named.

1. The sum of fifteen thousand dollars, if included in the annual appropriation bill, shall be paid as hereinafter specified, towards the erection of a monument or statue of granite or marble on a tract of land in the borough of Princeton, New Jersey; *provided,* that before said money, or any part thereof, be paid to the commissioners hereinafter mentioned, or simultaneously therewith, the said association shall convey their right in the premises on which said monument or statue is to be erected to the state of New Jersey, to be used for the said purpose only, and shall also pay to the said commissioners such a sum of money as will, together with the sum paid for the said land, amount to at least fifteen thousand dollars, to be used, with the sum hereby appropriated by the state, for the erection of said monument or statue.

Proviso.

Commission to erect monument.

2. The comptroller of the treasury, the adjutant-general and quartermaster-general of this state, the president of the senate and speaker of the house of assembly for the time being, together with five trustees of "the Princeton battle monument association," to be chosen by said association, be and the same are hereby

constituted a commission under this act to select a design, to contract for, erect and finish a suitable monument or statue, to be ornamented in such manner as the commissioners shall determine, and also to grade, fence and improve the grounds at an expense not exceeding the sum hereby appropriated, and the amount which shall be paid to said commission by said association, and that said commission commence work upon and finish said monument or statue as soon as practicable, and said commissioners shall not receive any compensation for their services.

Organization.

3. The persons who shall compose said commission shall meet at the council chamber of the borough of Princeton, at such time as shall be appointed by the president of said association (who shall notify the commissioners, in writing, at least ten days before the time), six of whom shall be a quorum for transaction of business, and shall at such meeting organize and pass by-laws, rules and regulations, and elect a treasurer and other officers, which treasurer, before he shall enter upon the performance of his official duties, shall enter into a bond to the state of New Jersey, conditioned for the faithful discharge of his duties, in such sum as the said commission shall determine, and shall not receive any compensation; and that the said association shall, within three months after such meeting, transfer to the treasurer of said commission all the moneys or evidences of indebtedness which now are or shall be in the hands of the treasurer of said association at that time, and shall, from time to time, pay to said commission the moneys which may thereafter be received by said association for the purpose of erecting the said monument or statue.

Treasurer's bond.

Payment to treasurer.

4. The treasurer of this state shall, on the warrant of the comptroller, pay to the treasurer of said commission the moneys hereby appropriated, to be used by said commissioners, together with the moneys contributed by said association, to erect and maintain a monument or statue in said borough of Princeton, as aforesaid, and to grade, fence and improve said grounds; *provided*, the said association shall, as aforesaid, transfer all moneys and evidences of indebtedness belonging, or

Proviso.

which shall then belong to said association, to the treasurer of said commission, and shall execute the deed aforesaid to the state of New Jersey; *provided, also*, that no part of said moneys hereby appropriated shall be drawn from the treasury of the state until a majority of the persons composing said commission (the comptroll being one) shall certify, in writing, that said moneys are needed and required for the purposes for which this appropriation is made, which certificate shall be filed in the office of the comptroller. Proviso.

5. After the said monument or statue shall be completed and unveiled, and the grounds properly graded, fenced and improved, the commission aforesaid shall make report to the governor of this state, to be laid before the legislature on the first day of the session next succeeding the completion of the work, and then the duties of said commission shall cease, and the care and supervision of said monument or statue, and of the grounds, shall devolve upon and be vested in "the Princeton battle monument association." Report to governor. Future care.

6. Said monument grounds shall always be open so that all persons may have access thereto without charge, under proper rules and regulations, enacted by said association, which shall not be inconsistent with the laws of this state or of the United States. Public grounds.

7. This act shall take effect immediately.

Approved April 3, 1902.

CHAPTER 179.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act for the preservation of fish in the Hackensack river and its tributaries or branches within the counties of Bergen and Hudson,' approved April twenty-sixth, one thousand eight hundred and ninety-four," which supplement was approved May eighteenth, one thousand eight hundred and ninety-seven.

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

Section amended.

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

Angling and trolling at certain seasons.

4. Hereafter it shall not be lawful for any person or persons to use any seine, net, gill, drift, purse-net or nets, anchor or sink-net, fixed-nets, trap, pound, fyke, weir, or other apparatus or tackling, except hook and line, commonly called angling, or scroll spoon, commonly called trolling, in the said Hackensack river and its tributaries, between the tenth day of June and the twenty-fifth day of February in each and every year, under the pain, penalties and forfeitures provided herein; but nothing in this act contained shall prohibit the taking of tomcods with fyke-nets only between the fifteenth day of December and the fifteenth day of January in each year, north of Secaucus bridge, and the taking of carp, catfish and eels with fyke-nets and eel-pots only between the tenth day of June and the fifteenth day of December in each and every year, south of Secaucus bridge; *provided,* that each and every other kind or sort of fish, other than carp, catfish and eels, and for which a close season is provided by law, shall, if taken during such close season, be immediately returned to the water whence taken, under the pains, penalties and forfeitures provided by law.

Exceptions.

Proviso.

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

Approved April 4, 1902.

CHAPTER 180.

An Act to provide for the purchase, construction and maintenance of public parks by the cities and other municipalities in this state.

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

Acquirement of lands for public parks.

1. In any city or other municipality in this state the common council, board of aldermen or other governing

body of such municipality may, by ordinance, purchase, or condemn, if unable to purchase, one or more tracts of land, lying wholly or partly within or without the limits of such municipality, for the use of the inhabitants of such municipality as a public park, or parks, and may dedicate the same to such use, and may lay out, embellish and maintain the same, and, from time to time, pass ordinances regulating the control of the same, and providing for the proper and convenient use thereof by the inhabitants aforesaid.

Power to issue bonds.

2. The common council, board of aldermen or other governing body of any city or other municipality in this state, shall have power to issue the bonds of such city or other municipality for the purpose of purchasing lands for such park or parks, and for constructing and maintaining the same.

Terms of bonds.

3. All bonds issued under this act shall run for not more than twenty-five years, and shall bear interest at a rate not to exceed five per centum per annum, and shall pledge the faith, credit and property of such city or other municipality for the payment of the principal and interest thereon; such bonds shall be designated as "park bonds," and shall be of such denomination as the said common council, board of aldermen or other governing body in any such city or other municipality may determine, and said bonds may be registered or coupon bonds, or may be registered and coupon bonds combined, at the option of such common council, board of aldermen or other governing body.

Sinking fund for payment of bonds.

4. There shall be included in the tax levy in any such city or other municipality annually the interest on the said bonds for that year, and also a sum equal to two per centum of the principal thereof, which sum shall be paid into the sinking fund of such city or other municipality already created or to be hereafter created, and the same shall be invested and re-invested, from time to time, for the purpose of providing for the payment of such bonds at maturity.

Payment for lands, how made.

5. The lands purchased under this act may be paid for out of the proceeds of said bonds, and in case of condemnation, if no other method is provided by law,

in any such city for the condemnation of lands for public purposes, the mode of procedure shall be that provided in an act entitled "An act to empower cities to acquire lands for public parks by condemnation," approved May twelfth, one thousand eight hundred and ninety.

Enacting clause. Proviso.

6. This act shall be deemed a public act and shall take effect immediately; *provided, however,* that this act shall not repeal or affect any other legislation or proceedings thereunder, for the purchase or condemnation of lands for park purposes and for maintaining such parks, and this act is declared to be additional legislation for such purposes.

Approved April 4, 1902.

CHAPTER 181.

An Act to amend an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act concerning cities of the first class in this state, and consituting municipal boards of street and water commissioners therein, and defining the powers and duties of such municipal boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such boards, and providing for the maintenance of the same,"' approved March twenty-eighth, one thousand eight hundred and ninety-one," which further supplement was approved March thirtieth, one thousand eight hundred and ninety-six, which amendment was approved June thirteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

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

3. The board having control of the finances of any city shall have power to borrow so much money as may be necessary for the purchase and acquirement of lands for the purpose mentioned in the first section of this act and for the laying out and improvement of the same, and issue the obligations of the city therefor, bearing interest at the rate not exceeding five per centum per annum, in an amount not exceeding three hundred and fifty thousand dollars, and make the same payable at such time and times as said board shall determine; and said board shall establish a sinking fund for the payment of said bonds. Borrow money. Amount.

2. This act shall take effect immediately.

Approved April 4, 1902.

CHAPTER 182.

An Act to enable the governing body of any city of the third class in this state to sell lands which have been dedicated or granted to such city, for the use of such city, or of the inhabitants thereof, and vest title in the purchaser thereof in fee, and turn the price thereof into the treasury of the city.

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

1. Where lands have been dedicated or granted to any city of this state which is now a city of the third class, or the inhabitants thereof, for the use of such city or the inhabitants thereof, whether in trust or otherwise, save and except lands dedicated to street purposes, and the governing body of such city of the third class deem it impracticable or inadvisable to use the same for any public or municipal purposes, and to the advantage of such city and to its inhabitants to sell the said lands, and shall make representation thereof to the chancellor of this state and apply for an order to sell the same, the chancellor may, upon such public notice as he may Dispose of lands dedicated; application to chancellor.

direct, in a summary manner, by reference to a master or otherwise, inquire into the merits of such application, and if it shall appear to the chancellor that it would be to the advantage of such city and the inhabitants thereof to sell said lands, and would not impair the rights of adjoining land owners, the chancellor may order and decree that said lands be sold by such governing body free and discharged from any and all uses and trust, in favor of the inhabitants thereof, to such purchaser or purchasers as they may be able to obtain, either in parcels or as a whole, either at private or public sale, as such governing body may deem for the best interest of the inhabitants thereof.

Decree.

Effect of decree.

2. The decree of the chancellor shall be deemed to authorize such sale to be had at any and all times hereafter, either at public or private sale, in a parcel or separate parcels, at a price to be fixed by the governing body, which price shall be fixed by resolution which shall require a two-thirds vote of such governing body for its adoption, and shall be approved by the mayor of such city, and, upon the passage of such resolution adopted and approved as aforesaid, a deed shall be given for such lands, which shall be signed by the mayor of such city and attested by the city clerk, and the common seal of said city shall be thereunto affixed, which deed shall convey to such purchaser or purchasers all the right, title and interest of said city to such lands or any of them in fee discharged from all uses whatever, and such deed or deeds shall be delivered to such purchaser or purchasers by the treasurer of such city upon payment to him of the purchase money so fixed upon by said governing body.

Conveyance given.

Repealer.

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

4. This act shall take effect immediately.

Approved April 4, 1902.

CHAPTER 183.

A Supplement to the act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," approved March twenty-first, anno domini one thousand nine hundred and one.

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

1. The twelfth section of the act to which this act is a supplement is hereby amended to read as follows: Section amended.

12. Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food or drug, shall, on the request therefor and the tender of the value thereof by any chief or other inspector appointed under the authority of this act, deliver to such chief or other inspector so much of any such article of food or drug as said chief or other inspector may request; if such request shall not be immediately granted said chief or other inspector shall thereupon have the power to demand and take so much of any such article of food or drug as such chief or other inspector may think proper, he, at the time of said demand and taking, tendering to the person in charge of such article of food or drug what he may deem to be the reasonable value thereof; said chief or other inspector shall, at the time of the delivery to him of such article of food or drug, or of his demanding and taking the same, divide the sample so delivered or demanded and taken, in the presence of one or more witnesses, into two parts, and shall duly seal each part in a suitable can, vessel or package, and, at the time of taking such sample, shall tender, and if accepted, shall deliver one part to the person of whom the request or demand was made, with a statement, in writing, signed by said chief or other inspector, that such

Upon request, samples furnished inspector.

If request refused.

Division of sample taken.

sample is taken for the purpose of analysis; and in any prosecution of any person for the violation of any provision of this act or of any other statute of this state relative to the prevention of deception in the sale of food products, no proof of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample shall have been sealed up and tendered, with such writing as aforesaid, to the person of whom the request or demand was made; the chief and every other inspector appointed under the authority of this act, whenever he has reason to believe that any of the provisions of this act concerning the sale or distribution of milk, or the offering or exposing of milk for sale, or the having milk in possession for the purpose of sale, is being violated, shall have power to open any can, vessel or package containing such suspected milk, whether the can, vessel or package be sealed or locked or not, and whether it be in transit or not; and if, upon inspection, he shall believe that such milk is being distributed or sold, or had in possession with intent to distribute or sell, or offered or exposed for sale, contrary to any of the provisions of this act, he may, in the presence of one or more witnesses, take a sample thereof and seal it in a can, vessel or package, and send the sample thus enclosed and sealed for analysis to any chemist appointed under the authority of this act; he may also in any such case condemn such milk and pour it upon the ground.

Concerning milk.

Section amended.

2. The sixteenth section of the act to which this act is a supplement, is hereby amended to read as follows:

Appeal may be taken.

16. If either the prosecutor or the defendant or defendants be dissatisfied with any judgment given under the provisions of either the fourteenth or the fifteenth section of this act, the dissatisfied party may appeal to the court of common pleas of the county in which the judgment appealed from shall have been rendered, which appeal shall be taken by filing with with the court, justice of the peace or recorder who gave the judgment, a notice of such appeal, signed by the appealing party, or his, her or their agent; *provided, however*, that no appeal shall be allowed to or taken by any defendant

Proviso.

from any judgment against such defendant unless, with said notice of appeal, such defendant shall also file a bond, with at least one sufficient surety to be approved by the court, justice of the peace or recorder who shall have given the judgment, in double the amount of the judgment, and conditioned that the appellant or appellants shall appear and prosecute the appeal in said court of common pleas, shall stand to and abide the judgment of said court of common pleas, and shall pay such costs as shall be taxed against the appellant or appellants, if the judgment appealed from be affirmed; the court, justice of the peace or recorder who shall have given the judgment appealed from shall send a transcript of the proceedings and judgment and said notice of appeal, together with any bond that may have been filed under the provisions of this section above contained, to the clerk of the court of common pleas to which the appeal is taken on or before the first day of the term of said court next ensuing such appeal; in any case of appeal by a defendant after execution shall have been issued, the court of common pleas to which the appeal is taken, upon receiving satisfactory proof that the notice of appeal above mentioned has been filed with the court, justice of the peace or recorder who gave the judgment, and upon filing with the clerk of the court of common pleas to which the appeal is taken, such bond as aforesaid, to be approved by said court of common pleas, may stay the execution until the further order of said last-mentioned court, a rule to which effect shall be entered in the minutes of the said last-mentioned court and a copy thereof, certified by the clerk of said last-mentioned court, shall be served on the constable in whose hands the execution may be; the proceedings for bringing on the hearing of such appeal, and for conducting such hearing, shall be the same as in the case of the trial of causes on appeal to the court of common pleas under the provisions of the act entitled "An act constituting courts for the trial of small causes," approved the twenty-seventh day of March, in the year

When appeal stays proceedings.

one thousand eight hundred and seventy-four, and the acts supplementary thereto and amendatory thereof.

Pure vinegar.

3. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as cider vinegar or as apple vinegar, any vinegar that is not the legitimate product of pure apple juice or not made exclusively from pure apple cider.

What constitutes pure vinegar.

4. No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any vinegar containing any artificial coloring matter, or any vinegar whose degree of acidity shall be less than what is equivalent to the presence of four and one-half per centum by weight of absolute acetic acid, or any cider vinegar that shall not contain, in addition to the degree of acidity hereinabove required for cider vinegar, at least two percentum by weight of cider vinegar solids upon full evaporation over boiling water.

Enforcement.

5. The provisions of the third, fourth and fifth sections of this act shall be enforced in the same manner as though they had been incorporated in the act to which this act is a supplement.

Standardize foods and drugs.

6. The state board of health shall, from time to time, have power to fix the limits of variability permissible in any article of food or drug, the standard of which is not fixed in any law of this state.

7. This act shall take effect immediately.

Approved April 4, 1902.

CHAPTER 184.

A General Act relating to negotiable instruments (being an act to establish a law uniform with the laws of other states on that subject).

TITLE I.

Negotiable Instruments in General.

ARTICLE I.

Form and Interpretation.

Be it enacted *by the Senate and General Assembly of the State of New Jersey:*

Requirements in negotiable paper.

1. An instrument to be negotiable must conform to the following requirements:

I. It must be in writing and signed by the maker or drawer;

II. Must contain an unconditional promise or order to pay a sum certain in money;

III. Must be payable on demand, or at a fixed or determinable future time;

IV. Must be payable to order or to bearer; and

V. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

Amount.

2. The sum payable is a sum certain within the meaning of this act, although it is to be paid:

I. With interest; or

II. By stated installments; or

III. By stated installments, with a provision that upon default in payment of any installment or of interest, the whole shall become due; or

IV. With exchange, whether at a fixed rate or at the current rate; or

V. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

When unconditional.

3. An unqualified order or promise to pay is unconditional within the meaning of this act, though coupled with:

I. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or

II. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

When payable.

4. An instrument is payable at a determinable future time, within the meaning of this act, which is expressed to be payable:

I. At a fixed period after date or sight; or

II. On or before a fixed or determinable future time specified therein; or

III. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

Not negotiable when contains other promises.

5. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable; but the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

I. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or

II. Authorizes a confession of judgment if the instrument be not paid at maturity; or

III. Waives the benefit of any law intended for the advantage or protection of the obligor; or

IV. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

Not affected by certain omissions.

6. The validity and negotiable character of an instrument are not affected by the fact that:

I. It is not dated; or

II. Does not specify the value given, or that any value has been given therefor; or

III. Does not specify the place where it is drawn or the place where it is payable; or

IV. Bears a seal; or

V. Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring, in certain cases, the nature of the consideration to be stated in the instrument.

When payable on demand.

7. An instrument is payable on demand:

I. Where it is expressed to be payable on demand, or at sight, or on presentation; or

II. In which no time or payment is expressed.

Where an instrument is issued, accepted or indorsed when overdue, it is, as regards the person so issuing, accepting or indorsing it, payable on demand.

When payable to order.

8. The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order; it may be drawn payable to the order of:

I. A payee who is not maker, drawer or drawee; or

II. The drawer or maker; or

III. The drawee; or

IV. Two or more payees jointly; or

V. One or some of several payees; or

VI. The holder of an office for the time being.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

When payable to bearer.

9. The instrument is payable to bearer:

I. When it is expressed to be so payable; or

II. When it is payable to a person named therein or bearer; or

III. When it is payable to the order of fictitious or non-existing person and such fact was known to the person making it so payable; or

IV. When the name of the payee does not purport to be the name of any person, or

V. When the only or last indorsement is an indorsement in blank.

Precise language not necessary.

10. The instrument need not follow the language of this act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

Date.

11. Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance or indorsement, as the case may be.

As to date.

Proviso.

12. The instrument is not invalid for the reason only that it is ante-dated or post-dated; *provided,* this is not done for an illegal or fraudulent purpose; the person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

Insertion of date in undated paper.

13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly; the insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

Filling the blanks.

14. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein; and a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a prima facie authority to fill it up as such for any amount; in order, however, that any such instrument when completed, may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time; but if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

When incomplete instrument invalid.

15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, with-

out authority, be a valid contract in the hands of any holder as against any person whose signature was placed thereon before delivery.

Contract on negotiable instrument incomplete until delivery.

16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto; as between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument; but where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed; and where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

Rules of construction.

17. Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply:

I. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount;

II. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof;

III. Where the instrument is not dated, it will be considered to be dated as of the time it was issued;

IV. Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail;

V. Where the instrument is so ambiguous that there

is doubt whether it is a bill or note, the holder may treat it as either at his election;

VI. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser;

VII. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

Liability of signer.

18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided; but one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

Signature by agent.

19. The signature of any party may be made by a duly authorized agent; no particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

When signing as agent, liability.

20. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

By procuration.

21. A signature by "procuration" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

Indorsement by corporation or infant passes property.

22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

When signature forged.

23. Where a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be ac-

quired through or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority.

ARTICLE II.

Consideration.

Consideration.

24. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value.

Value.

25. Value is any consideration sufficient to support a simple contract; an antecedent or pre-existing debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time.

Holder for value.

26. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

Holder to extent of lien.

27. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

Absence of consideration a defense.

28. Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense pro tanto whether the failure is an ascertained and liquidated amount or otherwise.

Accommodation signer; liability.

29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor or indorser, without receiving value therefor, and for the purpose of lending his name to some other person; such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

ARTICLE III.

Negotiation.

When negotiated.

30. An instrument is negotiated when it is transferred from one person to another in such manner as to con-

stitute the transferee the holder thereof; if payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder completed by delivery.

Indorsement.

31. The indorsement must be written on the instrument itself or upon a paper attached thereto; the signature of the indorser, without additional words, is a sufficient indorsement.

Operation of indorsement.

32. The indorsement must be an indorsement of the entire instrument; an indorsement, which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument; but where the instrument has been paid in part, it may be indorsed as to the residue.

Nature of indorsement.

33. An indorsement may be either special or in blank; and it may also be either restrictive or qualified, or conditional.

Special and blank indorsements.

34. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument; an indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

Blank indorsement converted into special.

35. The holder may convert a blank indorsement into a special indorsement by writing over the signaure of the indorser in blank any contract consistent with the character of the indorsement.

Restrictive indorsement.

36. An indorsement is restrictive, which either:

I. Prohibits the further negotiation of the instrument; or

II. Constitutes the indorsee the agent of the indorser; or

III. Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

Rights of restrictive indorsement.

37. A restrictive indorsement confers upon the indorsee the right:

I. To receive payment of the instrument;

II. To bring any action thereon that the indorser could bring;

III. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

Qualified indorsement.

38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument; it may be made by adding to the indorser's signature the words "without recourse" or any words of similar import; such an indorsement does not impair the negotiable character of the instrument.

Payment when indorsement conditional.

39. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not; but any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

Note payable to bearer, specially indorsed, negotiable.

40. Where an instrument, payable to bearer, is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.

When payable to two or more, all to indorse.

41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

When drawn to cashier.

42. Where an instrument is drawn or indorsed to a person as "cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

When name misspelled.

43. Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he think fit, his proper signature.

Indorsement as representative.

44. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

When negotiation effected.

45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been effected before the instrument was overdue.

Place of indorsement.

46. Except where the contrary appears every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

Continuation of negotiability.

47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Striking out indorsement.

48. The holder may at any time strike out any indorsement which is not necessary to his title; the indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

Transfer by holder without indorsing.

49. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer; but for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

When negotiated to prior party.

50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, reissue and further negotiate the same; but he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

ARTICLE IV.

Rights of the Holder.

Holder may sue.

51. The holder of a negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument.

Holder in due course.

52. A holder in due course is a holder who has taken the instrument under the following conditions:

I. That it is complete and regular upon its face;

II. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact;

III. That he took it in good faith and for value;

IV. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

Unreasonable time.

53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

Defect in instrument.

54. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

When title is defective.

55. The title of a person who negotiates an instrument is defective within the meaning of this act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

Notice of infirmity.

56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

Holder in due course may enforce payment.

57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

Defense of negotiable paper.

58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable; but a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

Holder in due course.

59. Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course; but the last-mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

ARTICLE V.

Liabilities of Parties.

Liability of maker.

60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor; and admits the existence of the payee and his then capacity to indorse.

Admissions by drawer.

61. The drawer by drawing the instrument admits the existence of the payee and his then capacity to indorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it; but the drawer may insert in the instrument an express stipulation negativing or limiting his own liability to the holder.

Acceptance.

62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits:

I. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and

II. The existence of the payee and his then capacity to indorse.

Who indorser.

63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Name placed in blank.

64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before

delivery, he is liable as indorser in accordance with the following rules:

I. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

II. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer;

III. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

What negotiator warrants.

65. Every person negotiating an instrument by delivery or by a qualified indorsement warrants:

I. That the instrument is genuine and in all respects what it purports to be;

II. That he has a good title to it;

III. That all prior parties had capacity to contract;

IV. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

Indorser warrants subsequent holders.

66. Every indorser who indorses without qualification, warrants to all subsequent holders in due course:

I. The matters and things mentioned in subdivisions one, two and three of the next preceding section; and

II. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

Indorsement on delivery.

67. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

Order of liability.

68. As respects one another, indorsers are liable prima facie in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise; joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

Agents' liability in negotiating instruments.

69. Where a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section sixty-five of this act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

ARTICLE VI.

Presentment for Payment.

As to presentment of instrument.

70. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part; but except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

Time of presentment.

71. Where the instrument is not payable on demand, presentment must be made on the day it falls due; where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

Conditions of presentment.

72. Presentment for payment, to be sufficient, must be made:

I. By the holder, or by some person authorized to receive payment on his behalf;

II. At a reasonable hour on a business day;

III. At a proper place as herein defined;

IV. To the person primarily liable on the instrument, or if he is absent or inaccessible to any person found at the place where the presentment is made.

Place of presentment.

73. Presentment for payment is made at the proper place:

I. Where a place of payment is specified in the instrument and it is there presented;

II. Where no place of payment is specified but the address of the person to make payment is given in the instrument and it is there presented;

III. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;

IV. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

Paper exhibited.

74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

Presentment during banking hours.

75. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

If person dead.

76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative, if such there be, and if with the exercise of reasonable diligence, he can be found.

Partnership liability.

77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

Presentment to all.

78. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

When presentment not required.

79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

Ditto.

80. Presentment for payment is not required in order to charge an indorser where the instrument was made

or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented.

Delay in presentment.

81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence; when the cause of delay ceases to operate, presentment must be made with reasonable diligence.

When presentment dispensed with.

82. Presentment for payment is dispensed with:

I. Where after the exercise of reasonable diligence presentment as required by this act cannot be made;

II. Where the drawee is a fictitious person;

III. By waiver of presentment express or implied.

Dishonored by non-payment.

83. The instrument is dishonored by non-payment when:

I. It is duly presented for payment and payment is refused or cannot be obtained; or

II. Presentment is excused and the instrument is overdue and unpaid.

Right of holder upon non-payment.

84. Subject to the provisions of this act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon, accrues to the holder.

Instruments due on holidays, etc.

Amended P.L. 1909, p. 227

85. Every negotiable instrument is payable at the time fixed therein without grace; when the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day; instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday.

Fixing time of payment.

86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

When payable at bank.

See P.L. 1909, p. 227

87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

88. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective. Payment in due course.

ARTICLE VII.

Notice of Dishonor.

89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged. When dishonored, to whom notice given.

90. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up would have a right to reimbursement from the party to whom the notice is given. By whom given.

91. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not. Notice by agent.

92. Where notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given. When notice by holder, who benefit.

93. Where notice is given by or on behalf of a party entitled to give notice, it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given. When notice by party entitled, who benefit.

94. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal; if he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder. If dishonored in hands of agent, notice.

95. A written notice need not be signed and an insufficient written notice may be supplemented and validated by verbal communication; a misdescription of the Nature of notice.

instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

Notice written or oral.

96. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by non-acceptance or non-payment; it may in all cases be given by delivering it personally or through the mails.

Notice of dishonor.

97. Notice of dishonor may be given either to the party himself or to his agent in that behalf.

If party dead.

98. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence, he can be found; if there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

Notice to partners.

99. Where the parties to be notified are partners notice to any one partner is notice to the firm even though there has been a dissolution.

Notice to joint parties.

100. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

When party bankrupt.

101. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

When notice of dishonor given.

102. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this act.

Time for giving notice, when parties reside in same place.

103. Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times:

I. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following;

II. If given at his residence, it must be given before the usual hours of rest on the day following;

III. If sent by mail, it must be deposited in the post-office in time to reach him in the usual course on the day following.

When residents of different places.

104. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

I. If sent by mail, it must be deposited in the post-office in time to go by mail the day following the day of dishonor, or, if there be no mail at a convenient hour on that day, by the next mail thereafter;

II. If given otherwise than through the post-office, then within the time that notice would have been received in due course of mail, if it had been deposited in the post-office within the time specified in the last subdivision.

Notice by mail.

105. Where notice of dishonor is duly addressed and deposited in the post-office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

Ditto.

106. Notice is deemed to have been deposited in the post-office when deposited in any branch post-office or in any letter box under the control of the post-office department.

Notice to antecedent parties.

107. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

Address of parties.

108. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows:

I. Either to the post-office nearest to his place of residence, or to the post-office where he is accustomed to receive his letters; or

II. If he live in one place, and have his place of business in another, notice may be sent to either place; or

III. If he is sojourning in another place, notice may be sent to the place where he is so sojourning.

But where the notice is actually received by the party within the time specified in this act, it will be sufficient, though not sent in accordance with the requirements of this section.

Waiving notice of dishonor.

109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omis-

sion to give due notice, and the waiver may be express or implied.

Waiver binding.

110. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only.

Waiver of protest.

111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

When notice dispensed with.

112. Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

When delay excusable.

113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence; when the cause of delay ceases to operate, notice must be given with reasonable diligence.

When notice of dishonor not given to drawer.

114. Notice of dishonor is not required to be given to the drawer in either of the following cases:

I. Where the drawer and drawee are the same person;

II. Where the drawee is a fictitious person or a person not having capacity to contract;

III. Where the drawer is the person to whom the instrument is presented for payment;

IV. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument;

V. Where the drawer has countermanded payment.

When not given to indorser.

115. Notice of dishonor is not required to be given to an indorser in either of the following cases:

I. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument;

II. Where the indorser is the person to whom the instrument is presented for payment;

III. Where the instrument was made or accepted for his accommodation.

Notice of subsequent dishonor.

116. Where due notice of dishonor by non-acceptance has been given, notice of a subsequent dishonor by non-

payment is not necessary, unless in the meantime the instrument has been accepted.

Omission to give notice.

117. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

Requirement of protest.

118. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment as the case may be; but protest is not required, except in the case of foreign bills of exchange.

ARTICLE VIII.

Discharge of Negotiable Instruments.

How instrument discharged.

119. A negotiable instrument is discharged:

I. By payment in due course by or on behalf of the principal debtor;

II. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation;

III. By the intentional cancellation thereof by the holder;

IV. By any other act which will discharge a simple contract for the payment of money;

V. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

Discharge of person secondarily liable.

120. A person secondarily liable on the instrument is discharged:

I. By any act which discharges the instrument;

II. By the intentional cancellation of his signature by the holder;

III. By the discharge of a prior party;

IV. By a valid tender of payment made by a prior party;

V. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;

VI. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

Rights of party secondarily liable, by payment.

121. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

I. Where it is payable to the order of a third person, and has been paid by the drawer; and

II. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

Renunciations.

122. The holder may expressly renounce his rights against any party to the instrument, before, at or after its maturity; an absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument; but a renunciation does not affect the rights of a holder in due course without notice; a renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

Cancellation.

123. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been canceled, the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

Alterations.

124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration and subsequent indorsers.

But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

Material alterations.

125. Any alteration which changes:

I. The date;

II. The sum payable, either for principal or interest;

III. The time or place of payment;

IV. The number or the relations of the parties;

V. The medium or currency in which payment is to be made;

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

TITLE II.

Bills of Exchange.

ARTICLE I.

Form and Interpretation.

Bill of exchange defined.

126. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

Bill does not operate until acceptance.

127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof and the drawee is not liable on the bill unless and until he accepts the same.

To whom addressed

128. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession.

Inland and foreign bills.

129. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this state; any other bill is a foreign bill; unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

When drawer and drawee same person, bill how regarded.

130. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

Referee in case of need.

131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by non-acceptance or non-payment; such person is called the referee in case of need; it is

in the option of the holder to resort to the referee in case of need or not as he may see fit.

ARTICLE II.

Acceptance.

Acceptance.

132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer; the acceptance must be in writing and signed by the drawee; it must not express that the drawee will perform his promise by any other means than the payment of money.

Holder may require acceptance.

133. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill and if such request is refused, may treat the bill as dishonored.

When acceptance on other paper than the bill.

134. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

Unconditional promise.

135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

Time for acceptance.

136. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance, if given, dates as of the day of presentation.

Failure to return a bill an acceptance.

137. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

When bill considered accepted.

138. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment; but when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to

have the bill accepted as of the date of the first presentment.

Acceptance general or qualified.

139. An acceptance is either general or qualified; a general acceptance assents without qualification to the order of the drawer; a qualified acceptance in express terms varies the effect of the bill as drawn.

A general acceptance.

140. An acceptance to pay at a particular place is a general acceptance unless it expressly states that the bill is to be paid there only and not elsewhere.

A qualified acceptance.

141. An acceptance is qualified, which is:

I. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;

II. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

III. Local, that is to say, an acceptance to pay only at a particular place;

IV. Qualified as to time;

V. The acceptance of some one or more of the drawees, but not of all.

Taking acceptance.

142. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance; where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance or subsequently assent thereto; when the drawer or an indorser receives notice of a qualified acceptance, he must within a reasonable time express his dissent to the holder, or he will be deemed to have assented thereto.

ARTICLE III.

Presentment for Acceptance.

Presentment for acceptance.

143. Presentment for acceptance must be made:

I. Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

II. Where the bill expressly stipulates that it shall be presented for acceptance; or

III. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

Presented within reasonable time.

144. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time; if he fail to do so, the drawer and all indorsers are discharged.

Time for acceptance.

145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and:

I. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only;

II. Where the drawee is dead, presentment may be made to his personal representative;

III. Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

As to holidays.

146. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of section seventy-two and eighty-five of this act; when Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock noon on that day.

If insufficient time for presentment.

147. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases: Presentment excused and bill dishonored by non-acceptance.

I. Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill;

II. Where, after the exercise of reasonable diligence, presentment cannot be made;

III. Where, although presentment has been irregular, acceptance has been refused on some other ground.

149. A bill is dishonored by non-acceptance: Dishonored by non-acceptance.

I. When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or cannot be obtained; or

II. When presentment for acceptance is excused and the bill is not accepted.

150. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorsers. If not accepted, how considered.

151. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary. If not accepted, right of recourse.

ARTICLE IV.

Protest.

152. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment; if it is not so protested, the drawer and indorsers are discharged; where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary. When foreign bill protested.

153. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify: Protest annexed; must specify.

I. The time and place of presentment;

II. The fact that presentment was made and the manner thereof;

III. The cause or reason for protesting the bill;

IV. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

Protest, by whom made.

154. Protest may be made by:

I. A notary public; or

II. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

Day of protest.

155. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided; when a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

Place of protest.

156. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

Protest for non-acceptance and non-payment.

157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

Protest to secure holder.

158. Where the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

When protest dispensed with.

159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor; delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence; when the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

Bill lost or destroyed.

160. Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

ARTICLE V.

Acceptance for Honor.

Acceptance by supra protest.

161. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security and is not overdue, any person not being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn; the acceptance for honor may be for a part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

Must be so indicated.

162. An acceptance for honor supra protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

For whose honor.

163. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

Acceptor's liability.

164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

Engages to &c.

165. The acceptor for honor by such acceptance engages that he will, on due presentment pay the bill according to the terms of his acceptance; *provided,* it Proviso. shall not have been paid by the drawee; *and provided* Proviso. *also,* that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him.

Maturity.

166. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor.

Protested for non-payment before presented for payment.

167. Where a dishonored bill has been accepted for honor supra protest or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need.

Presentment to acceptor for honor.

168. Presentment for payment to the acceptor for honor must be made as follows:

I. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity;

II. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section one hundred and four.

As to delay.

169. The provisions of section eighty-one apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

When dishonored by acceptor for honor.

170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

ARTICLE VI.

Payment for Honor.

Payment by supra protest.

171. Where a bill has been protested for non-payment, any person may intervene and pay it supra protest for the honor of any person liable thereon or for the honor of the person for whose account is was drawn.

How attested.

172. The payment for honor supra protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor which may be appended to the protest or form an extension to it.

Basis of attest.

173. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

Preference.

174. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

Rights and duties of payer for honor.

175. Where a bill has been paid for honor all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

176. Where the holder of a bill refuses to receive payment supra protest, he loses his right of recourse against any party who would have been discharged by such payment. If holder refuses payment supra protest.

177. The payer for honor on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest. Payer for honor to receive bill.

ARTICLE VII.

Bills in a Set.

178. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill. A set one bill

179. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill; but nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him. When parts are variously negotiated.

180. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills. Liability of indorser.

181. The acceptance may be written on any part and it must be written on one part only; if the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill. Acceptance.

182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon. Acceptor's liability.

183. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged. Payment of part discharges whole bill.

TITLE III.

Promissory Notes and Checks.

ARTICLE I.

Negotiable promissory note defined.

184. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand or at a fixed or determinable future time, a sum certain in money to order or to bearer; where a note is drawn to the maker's own order, it is not complete until indorsed by him.

Check defined.

185. A check is a bill of exchange drawn on a bank payable on demand; except as herein otherwise provided, the provisions of this act applicable to a bill of exchange payable on demand apply to a check.

Check presented promptly.

186. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

Certified check.

187. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

Freed from liability.

188. Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

95 Atl. Rep. 479

Bank's liability as to check.

189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

TITLE IV.

General Provisions.

ARTICLE I.

Act, how known.

190. This act shall be known as the negotiable instruments law.

Certain terms defined.

191. In this act, unless the context otherwise requires:

"Acceptance" means an acceptance completed by delivery or notification.

"Action" includes counter-claim and set-off.

"Bank" includes any person or association of persons carrying on the business of banking, whether incorporated or not.

"Bearer" means the person in possession of a bill or note which is payable to bearer.

"Bill" means bill of exchange, and "note" means negotiable promissory note.

"Delivery" means transfer of possession, actual or constructive, from one person to another.

"Holder" means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

"Indorsement" means an indorsement completed by delivery.

"Instrument" means negotiable instrument.

"Issue" means the first delivery of the instrument, complete in form to a person who takes it as a holder.

"Person" includes a body of persons, whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes print.

Primarily and secondarily liable.

192. The person "primarily" liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same; all other parties are "secondarily" liable.

Estimating time.

193. In determining what is a "reasonable time" or an "unreasonable time" regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case.

As to holidays.

194. Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

Act does not affect prior notes.

195. The provisions of this act do not apply to negotiable instruments made and delivered prior to the passage hereof.

When rules of law merchant govern.

196. In any case not provided for in this act the rules of the law merchant shall govern.

Repealer.

197. Of the laws enumerated in the schedules hereto annexed that portion specified in the last column is repealed.

Enacting clause.

198. This chapter shall take effect on

(SCHEDULE OF LAWS REPEALED.)

Approved April 4, 1902.

CHAPTER 185.

An Act to authorize the counties of this state to renew matured and maturing bonds.

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

Renewal of bonds.

1. Whenever any bonds heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of chosen freeholders of any such county may renew ninety per centum of said indebtedness, or any less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such county; which bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest not exceeding five per centum per annum, and be issued in such sums, not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall, by resolution, determine, and which bonds shall, except as hereinafter provided, have coupons attached for every year's interest until due, and which coupons shall be signed by the collector of said county, and numbered to correspond with the bond to which they shall be respectively attached; and when the said board judge best said bonds, or any of them, may be registered and made payable to the order of the purchaser, and shall thus be registered as provided by said board, and issued without coupons,

Amount, etc.

and be transferable only in person, or by power of attorney, on the books to be provided by said board for that purpose; and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing and name of person to whom issued, if registered, and time of payment shall be made by the collector in a book to be provided by said board for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be for less than par value, and all the real estate and property, within the county 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, but nothing in this act contained shall be held to permit any board to issue bonds the legality of which is now questioned or contested in any court of this state or of the United States, nor to renew or re-issue bonds held by any such court not to have been legally issued; *provided, however,* that if the purchaser of said bond or bonds so elect he may have issued one or more bonds for the aggregate amount of his purchase, no bond, however, to be less than one hundred dollars. Proviso.

2. The board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and shall yearly, and every year until said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in any such county are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable. Provision for payment.

3. This act shall take effect immediately.

Approved April 8, 1902.

CHAPTER 186.

An Act to incorporate the borough of Oakland, in the county of Bergen.

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

Corporate name.

1. The inhabitants of that portion of the township of Franklin, in the county of Bergen, hereinafter set forth are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Oakland," and shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The boundaries of said borough shall be as follows: beginning at a point where the southerly line of Hohokus township intersects the easterly line of Passaic county, and running thence southerly and easterly along the Passaic county line as the same runs, to its intersection with the center of the road leading from Preakness to Oakland; thence northerly, along the center of said road leading from Preakness to Oakland to an angle in said road, said angles being about eight hundred and fifty feet southerly from the corner of said road at the residence of Henry A. Hopper; thence running from said angle in the center of the road leading from Preakness to Oakland in a straight line to the center of the road leading from Oakland to Campgaw, where the same is intersected by the center of a brook, said brook being about one hundred feet easterly from the residence of Victor Mortier; thence continuing northerly in the same straight line to its intersection with the southerly line of Hohokus township, and thence westerly along said southerly line of Hohokus township to the Passaic county line and the point of beginning; containing about eight and sevententh square miles.

3. This act shall take effect immediately.

Approved April 8, 1902.

CHAPTER 187.

An Act authorizing the governing bodies of municipalities, other than cities, to provide, by ordinance, for the official numbering of houses and buildings.

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

Numbering of buildings.

1. It shall be lawful for the governing bodies of municipalities in this state, other than cities, to provide, by ordinance, for the official numbering of all houses and buildings within their jurisdiction, and to require the owner, occupant, lessee or party in possession of any building, at his or their own expense, to place thereon, in some conspicuous place, such official number as may be adopted and designated for such building by the said governing body.

Expense.

2. The expense of all surveys and other works necessary to determine such official numbers, and for carrying into effect any such ordinance, shall be paid by the municipality out of any fund available for that purpose.

Penalty for violation.

3. Any ordinance adopted pursuant hereto may prescribe a penalty, not exceeding fifty dollars, for its violation, which penalty may be recovered by any such municipality in any court of competent jurisdiction.

4. This act shall take effect immediately.

Approved April 8, 1902.

CHAPTER 188.

An Act to annex to the township of Lodi, in the county of Bergen, a portion of the township of Bergen, in the said county.

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

Portion of township of Bergen annexed to township of Lodi.

1. All that portion of the township of Bergen, in the county of Bergen, described as follows, to wit: Beginning at a point in the easterly line of the New Jersey

and New York railroad company's right of way, said point being the northeasterly corner of the borough of Woodridge, running thence (1) southerly along the easterly line of the said New Jersey and New York railroad company's right of way and along the borough of Woodridge one thousand two hundred and sixty-four and eight-hundredths (1,264 8-100) feet to the center of Division avenue; thence (2) easterly still along the borough of Woodridge through the center of Division avenue three hundred and eighty-three and eighty-six hundredths (383 86-100) feet to the center of Bergen street, also known as Berger street; thence (3) southerly still along the borough of Woodridge through the center of Bergen street, also known as Berger street, one thousand one hundred and eighty (1,180)feet to the center of Anderson avenue; thence (4) easterly still along the borough of Woodridge through the center of Anderson avenue, projecting the same to the center of Berry's creek one thousand two hundred and ninety-seven (1,297) feet, more or less; thence (5) southerly still along the borough of Woodridge through the center of Berry's creek, the several courses thereof to the southeasterly corner of the said borough of Woodridge; said corner being also in the northerly line of the borough of Carlstadt; thence (6) easterly along the northerly line of the borough of Carlstadt four thousand five hundred and seventy-seven (4,577) feet, more or less, to the southwesterly corner of land belonging to Charles Foose; thence (7) northerly still along the borough of Carlstadt and along land of the said Charles Foose one hundred and eighty-six (186) feet; thence (8) northerly still along the borough of Carlstadt and still along land of the said Charles Foose one hundred and seventy-nine (179) feet; thence (9) northerly still along the borough of Carlstadt and still along land of the said Charles Foose two hundred and forty-four (244) feet; thence (10) northerly still along the borough of Carlstadt and still along land of the said Charles Foose four hundred and seventy-four (474) feet, more or less, to the northerly side of the Mousetown road leading from Moonachie to Woodridge; thence (11) westerly along the north-

erly side of said road and along Lodi township to the westerly side of the Riser ditch; thence (12) northerly along the westerly side of said ditch and still along Lodi township to a point in the northerly line of lands formerly belonging to the estate of Richard Vreeland, deceased; thence (13) westerly along last-mentioned line of land formerly belonging to the estate of Richard Vreeland, deceased, three thousand three hundred and ninety (3,390) feet, more or less, to a point in the easterly line of the borough of Hasbrouck Heights eight hundred and fifty-one and eleven-hundredths (851 11-100) feet to a point in the southerly line of lands formerly belonging to the heirs of Margaret Kingsland, deceased; said point being also the most southeasterly corner of the said borough of Hasbrouck Heights; thence (15) westerly along the southerly line of land formerly belonging to the heirs of Margaret Kingsland, deceased, and along the southerly line of the borough of Hasbrouck Heights nine hundred and seventy-three and forty-five hundredths (973 45-100) feet to the place of beginning; be and the same is set off from the township of Bergen and annexed to and made a part of the township of Lodi, in said county.

As to taxes.

2. All taxes now due and in arrears, assessed upon the persons or property in that portion of the township of Bergen above described, shall be collected by the collector of the township of Bergen for the benefit of the said township of Bergen, and all proceedings for the enforcement thereof, by sale of lands or otherwise, shall be taken by the said collector in the same manner and with the same effect as if this act had not been passed.

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

Approved April 8, 1902.

CHAPTER 189.

An Act to annex a portion of the township of Orvil, in the county of Bergen, to the township of Ridgewood.

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

Portion of township of Orvil annexed to township of Ridgewood.

1. All that portion of the township of Orvil, in the county of Bergen, described as follows: beginning at a point formed by the intersection of the northerly line of the township of Midland with the easterly line of the village of Ridgewood, and running thence easterly along the said northerly line of the township of Midland to the boundary line between the township of Orvil and the township of Washington; running thence northerly along the said boundary line between the township of Orvil and the township of Washington to a point formed by the intersection of said boundary line with the center line of the public road leading from Ridgewood to Hillsdale; running thence westerly in a straight line to the most northeasterly corner of the village of Ridgewood, and running thence southerly and along the easterly line of the village of Ridgewood to the point or place of beginning, be and the same is hereby set off from said township of Orvil, in said county of Bergen, and annexed to and made a part of the township of Ridgewood in said county.

Enacting clause.

2. This act shall take effect on the first day of July, one thousand nine hundred and two.

Approved April 8, 1902.

CHAPTER 190.

An Act to annex a portion of the township of Orvil, in the county of Bergen, to the village of Ridgewood.

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

Annexing portion of township of Orvil to village of Ridgewood.

1. That all that portion of the township of Orvil, in the county of Bergen, described as follows: beginning at a point formed by the intersection of the northeasterly line of the township of Midland with the easterly line of the village of Ridgewood, and running thence easterly along the said northerly line of the township of Midland to the boundary line between the township of Orvil and the township of Washington, running thence northerly along the said boundary line between the township of Orvil and the township of Washington to a point formed by the intersection of the said boundary line with the center line of the public road leading from Ridgewood to Hillsdale, running thence westerly in a straight line to the most northeasterly corner of the village of Ridgewood, and running thence southerly and along the easterly line of the village of Ridgewood to the point or place of beginning, be and the same hereby is annexed to and made a part of the village of Ridgewood; it being the intention of this act to make the boundaries of the village of Ridgewood and of the township of Ridgewood co-extensive.

Commissioners to apportion indebtedness.

2. That the trustees of the village of Ridgewood and the township committee of the township of Orvil shall each appoint three commissioners, who shall apportion the indebtedness, including the bonded and other indebtedness, of the said township of Orvil, between said village of Ridgewood and said township of Orvil, in the proportion which the assessed valuation of the real and personal property in the annexed territory bears to the entire valuation of the township according to the last assessment; and that the amount of such indebtedness found to be due from the village of Ridgewood to the township of Orvil shall be paid in such manner as the said commissioners shall direct, and a report in writing, signed by a majority of said commissioners, shall be final.

If disagreement.

3. That in case such commissioners cannot agree upon the amount of such indebtedness, the said trustees or township commitee may apply to the justice of the supreme court holding the circuit court of the county

of Bergen to appoint three commissioners to make such division, and a report in writing, signed by a majority of such commission, approved by such justice, shall be final.

Enacting clause.

4. This act shall take effect on the first day of July, one thousand nine hundred and two.

Approved April 8, 1902.

CHAPTER 191.

An Act to annex to the township of Lodi, in the county of Bergen, a portion of the township of Bergen, in said county.

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

Portion of township of Bergen (Garfield Park) annexed to township of Lodi.

1. All the remaining portion of the township of Bergen, in the county of Bergen, known as Garfield park, and described as that portion of the township of Bergen lying west of the New Jersey and New York railroad company's line, and entirely surrounded by the borough of Garfield, the borough of Lodi, the borough of Woodridge, and the borough of Wallington, be, and the same is hereby annexed to and made a part of the township of Lodi, in said county.

Collection of taxes.

2. All taxes now due and in arrears assessed upon the persons or property in that portion of the township of Bergen above described shall be collected by the collector of the said township of Lodi, and all proceedings for the enforcement thereof, by sale of lands or otherwise, shall be taken by the said collector, in the same manner and with the same effect as if this act had not been passed.

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

Approved April 8, 1902.

CHAPTER 192.

An Act concerning the establishment and maintenance of isolation hospitals in connection with poor houses.

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

Maintain isolation hospital with poor house.

1. The board of trustees or any governing body having control of the maintenance and management of any poor house in this state, shall have the power to establish and maintain, in connection with any poor house in their charge and on the lands belonging to said poor house, an isolation hospital for the reception and treatment of persons suffering from any contagious or infectious diseases and to maintain the same for such purposes, and the said board of trustees is hereby authorized, upon the request of the local board of health of any municipality under its jurisdiction, to remove and transport any person suffering from any contagious or infectious disease, from such municipality, to its hospital, across, into or through the territory of any other municipality; and said board of trustees, or any governing body aforesaid, of any poor house, may have the power to appoint and employ such officers and employes as may be necessary to carry out the purposes of this act, and may provide for their compensation; *provided, however,* that nothing herein contained shall be construed to authorize or allow the erection of any hospital by any municipality or its board of health, or by any of its boards or agents, outside of its own boundaries or corporate limits, except under the restrictions and limitations now fixed by law.

Proviso.

Appropriation.

2. The board of trustees, or any governing body of any poor house in this state, shall appropriate such sums of money as may be necessary for the establishment of any pest house or hospital as mentioned in section one of this act, and shall annually, at the same time as the poor house appropriations are made, appropriate such sums of money as may be necessary for the proper maintenance of a pest house or hospital, and that the sums of money so appropriated shall be added to and made

a part of the annual appropriations made by them for the maintenance of the poor house under their control and shall be assessed and collected in the same way and manner as the annual appropriations for any poor house aforesaid.

3. This act shall take effect immediately.

Approved April 8, 1902.

CHAPTER 193.

A Further Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates, or water rents, in towns, townships, boroughs and other municipalities except cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment," approved May eighteenth, one thousand eight hundred and ninety-eight.

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

Defray expenses of commissioners of adjustment.

1. It shall be lawful for the governing body of any town, township, borough or other municipality, for which commissioners of adjustment have been or hereafter may be appointed by the circuit court under the provisions of the act to which this is a supplement, to borrow money for the purpose of defraying the expenses of such commissioners by issuing certificates of indebtedness, or other like obligations, in anticipation of the collection of taxes or assessments, or both, under and by virtue of the proceedings of such commissioners, which certificates, or other obligations, shall be made payable within five years or less, with interest not exceeding six per centum per annum, and the proceeds arising from the sale of such certificates, or other obligations, shall be used exclusively

for defraying the expenses of such commissioners incurred under the provisions of the act to which this is a supplement, including the necessary search fees and the fees for serving the order to show cause or notice provided for in said act.

2. This act shall take effect immediately.

Approved April 8, 1902.

CHAPTER 194.

An Act authorizing and empowering the mayor and council of the borough of Carlstadt to release and forever quit-claim any and all of its and the general public right, title and interest in and to a certain tract of land lying within the said borough.

Preamble.

Whereas, A block of land upon a certain map of lands lying within the territorial limits of the borough of Carlstadt, in the county of Bergen entitled "Map of the New Village of the German Democratic Land Association of Carlstadt," filed in the office of the clerk of the county of Bergen, on the twenty-seventh day of January, one thousand eight hundred and fifty-five, and bounded on the north by Twelfth street, on the south by Thirteenth street, on the west by an unnamed street, and on the east by the easterly line of lands of the said association, is divided into lots numbered from one to twenty-one, inclusive, on Twelfth street, and from twenty-two to forty-four, inclusive, on Thirteenth street, and said block on said map is designated or named "park;" and

Whereas, The said association, before the incorporation of the borough of Carlstadt, sold and conveyed said lands to innocent purchasers, and the title of such purchasers is clouded thereby; now, therefore,

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

Execute proper instruments to quit-claim "park."

1. The mayor and the council of the borough of Carlstadt be, and they are hereby authorized, empowered and directed by proper instrument or instruments to be duly executed as deeds of conveyances of land are by law required to be executed and proved or acknowledged, to release and forever quit-claim any and all right, title and interest that the said mayor and council of the borough of Carlstadt or the general public have in and to the aforesaid described block of lands and every part thereof by reason of the alleged dedication for public purposes, and by reason of the word "park" having been printed upon the said block on said map before the same was filed as aforesaid.

2. This act shall take effect immediately.

Approved April 8, 1902.

CHAPTER 195.

An Act to establish an excise department in cities of this state.

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

Excise commissioners.

1. In all cities of this state it shall and may be lawful for the common council or other governing board of said city to pass, enforce, alter and repeal ordinances to take effect within said city for the following purposes, to wit, to provide for the establishment of a board of excise commissioners, to consist of five members, to serve for the term of three years, which board shall be elected on a general ticket at the election in such city next after the passage of such ordinance, in the same manner as other officers in said city are elected; that the salary of said commissioners shall be fixed by ordinance, but shall not exceed the sum of three hundred dollars each per year, and the said salary shall be paid out of the license fees; that such board of excise commissioners shall have power within such city to make, establish, amend or repeal ordinances and by-laws, to license and regulate

Number elected.

Salary.

Powers, etc.

or prohibit inns and taverns, restaurants and beer saloons, and when licensed, to revoke or transfer such license and to prohibit all traffic in or sale of intoxicating drink or drinks, to license, regulate or prohibit billiard saloons and bowling alleys, and to prescribe and enforce a penalty or penalties, either by fine or imprisonment, for the violation of such ordinance or by-laws, which said penalties shall be enforced and collected by said board of excise commissioners, in the same manner as any other penalties are enforced and collected in any such city, and that every ordinance or by-law of such board of excise commissioners shall, after its introduction and before its final passage, be published, for two insertions in two newspapers, if so many there be published and circulating in such city, and be concurred in by at least two members of such board of excise commissioners as may be present at its final passage; and no other license for such purposes within said city, granted by any other authority, shall be lawful; that all fees for licenses granted by said commissioners shall be paid to the city clerk, who shall, in addition to his other duties, act as the clerk of said commissioners, and by him be paid over to the city treasurer; *provided, however,* that nothing in this act contained shall be held to repeal or alter any law of this state concerning any misdemeanor or other crime. Proviso.

2. No such ordinance shall be passed or repealed in any city unless two-thirds of the members of the common council or other governing body of such city shall vote therefor. Approval by council.

3. It shall thereupon be the duty of the city clerk or other official charged with such duty, to give notice of the proposed election for such excise commissioners in the same manner as is required by law for other officers of said city. Notice of election.

4. The said excise commissioners shall give such bond for the faithful performance of their duties as the common council or other governing board of said city shall fix by ordinance, and they shall enter upon the duties of their office at twelve o'clock noon on the first day of January next succeeding their election. Bond.

Repealer.

5. All acts and parts of acts, 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 April 8, 1902.

CHAPTER 196.

An Act concerning the extension, renewal and continuance of the existence of corporations organized under the laws of this state.

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

Manner of extending, etc., corporate existence.

1. The corporate existence of any corporation heretofore or hereafter created under or by virtue of any law of this state or of the successor of any such corporation may be extended, renewed and continued in the manner following: a meeting of the stockholders shall be called by a notice stating the object of the meeting signed by the holders of at least one-third in value of the outstanding capital stock of the company, which notice must be given personally or by mail to each stockholder at least ten days before the day of said meeting; if two-thirds in interest of each class of stockholders having voting powers shall vote in favor of such extension, renewal and continuation of corporate existence, a certificate thereof shall be signed by the presiding officer and secretary of said meeting, acknowledged or proved as in the case of deeds of real estate, and such certificate, together with the written assent in person or by proxy of two-thirds in interest of each class of such stockholders, shall be filed in the office of the secretary of state, and the certificate of the secretary of state that such certificate and assent has been filed in his office shall be taken and accepted as evidence of the extension, renewal and continuation of its corporate existence in all courts and places.

Certificate filed, fees, privileges.

2. Upon making and filing such certificate and paying the fees now imposed or hereafter to be imposed upon corporations for certificates of incorporation, the period of existence of such corporation shall be extended as declared in such certificate; but the extension shall not be held to invest such corporation with any exclusive privileges, or exempt it from the operation of any general laws hereafter passed relating to the same class of corporations, or prevent the legislature from making applicable thereto any general law now in force relating to such class.

Rights reserved to state.

3. Nothing herein contained shall be construed to interfere with the right of the state of New Jersey, reserved by any law now or hereafter existing, to acquire the property and franchises of any such corporation, or at any time to abolish or repeal, alter or amend the charter of the same, nor shall this act be construed to continue any irrepealable or other contract with the state contained in any charter beyond the time originally fixed for its expiration.

As to taxation

4. Nothing herein contained shall be construed as continuing in force and operation any special provision relating to taxation, or exemption therefrom, in the charter of any corporation whose corporate existence may have been or hereafter shall be extended, renewed and continued in conformity with the terms of this act; but each corporation whose corporate existence may have been or shall be extended, renewed and continued as authorized hereby shall be assessed for taxes in accordance with the provisions of the general law of this state relating to the taxation of corporations.

Affidavit required.

5. No corporation shall have the right to proceed under the provisions of this act unless it shall file with the certificate and written assent provided for in section one hereof an affidavit of the presiding officer and secretary of said meeting that it is at the time either actually engaged in, or has provided for, the conduct of the business for which it was incorporated; and in all cases where the charter of a corporation has expired by limitation of time within two years next preceding the date when this act becomes a law said corporation shall have

the right to proceed under the provisions of this act, and upon complying with the conditions set forth in this act the existence of such corporation shall be renewed, extended and continued as declared in said certificate with the same effect and force as if the certificate, written assent and affidavit provided for herein had been filed prior to the expiration of such charter period.

Turnpike companies excepted.

6. The provisions of this act shall not apply to any turnpike or plank road company created under and by virtue of any special law of this state.

7. This act shall take effect immediately.

Approved April 8, 1902.

CHAPTER 197.

A Supplement to an act entitled "An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants," approved March twenty-first, one thousand eight hundred and ninety-nine.

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

Disposition of balance of moneys.

1. Whenever an unexpended balance of money remains or comes in the treasury of any such city after the close of the fiscal year in which such money was raised, and whenever any unappropriated sum or sums of money remain on hand or are received, whether derived from delinquent taxes, from interest, from penalties, from rents, from licenses, or from any other source of income or receipt whatever, it shall be lawful for the common council or other governing body of said city, by resolution duly adopted and recorded in their minutes, to appropriate such unexpended balance, or unappropriated moneys from time to time, to any purpose of public expenditure, which is or may be recognized by the laws of this state, as a lawful purpose for which moneys may be granted, raised and expended in cities, whether any

appropriation has been voted or not by said common council or other governing body of said city, for said purpose, and whether the appropriation so voted has been expended or not.

Certain acts legalized.

2. Any appropriations and expenditures heretofore made in the manner and for the purposes herein provided are hereby validated and legalized.

3. This act shall take effect immediately.

Approved April 8, 1902.

CHAPTER 198.

An Act to provide for (the payment for) the paving, repaving, repairing and improving of paved streets and public places, and the reconstructing of sewers and the construction and furnishing of public school buildings in any city of the first class in this state, out of moneys received from liquor licenses in such city.

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

Portion of excise receipts for repaving, etc.

1. It shall be lawful in any city of the first class in this state, for the board having charge and control of the finances thereof, to appropriate and set aside annually, with the consent of the mayor, out of the license money fees received in said city for licenses to sell spirituous and malt liquors, such proportion of said license fees as the said board may, in their discretion, determine upon, for the repaving, repairing and improving of paved streets in public places, and the reconstructing of sewers and the construction and furnishing of public school buildings in said city; *provided,* that the proportion of said license moneys appropriated as aforesaid in any year for the repaving, repairing and improving of paved streets and the reconstruction of sewers shall not exceed one-half of the license moneys received during said year, and the proportion of said

Proviso.

license moneys so appropriated in any year for the construction and furnishing of public school buildings shall not exceed one-half of said license moneys received during said year; and said moneys so appropriated for the repairing, repaving and improving of paved streets and the reconstruction of sewers shall be disbursed and expended for such purpose by the board or department of such city charged with the duty of paving and repairing streets and the reconstruction of sewers, and said moneys so appropriated for the construction and furnishing of public school buildings shall be disbursed and expended for such purpose by the board or department of such city charged with the duty of constructing and furnishing public school buildings; but the concurrence of the mayor of said city and of the said board having charge and control of the finances of such city shall be obtained before the said moneys shall be disbursed and expended as aforesaid.

New work.

2. The said board or department having charge of the paving and repairing of streets and the reconstruction of sewers in any such city, may, by unanimous vote, and with the concurrence of the mayor of said city and of the said board having charge and control of the finances thereof, out of the funds so set aside as aforesaid, cause any part of the main thoroughfare in any such city to be improved or paved, or both, although the same may not have been theretofore paved.

Repealer.

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

Approved April 9, 1902.

CHAPTER 199.

An Act to authorize cities of the first class to establish and maintain dispensaries for the free distribution of medicines among the poor of the city, and to raise money for such purpose.

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

Public dispensary.

1. It shall be lawful for the municipal board or body having charge of the finances of any city of the first class in this state, in their discretion, by resolution, approved by the mayor, to appropriate and set aside annually to the credit of the board or body having charge of the public health, or performing the functions of a board of health of said city, a sum of money, not exceeding ten thousand dollars, to be used by the said board or body for the establishment and maintenance of medical dispensaries for the free distribution of medicines among the poor of any such city; said sum of money so appropriated as aforesaid shall be annually levied and collected in the same manner as other taxes are levied and collected in said city.

Appropriation.

Issue temporary bonds.

2. The said board having charge and control of the finances of any such city is hereby authorized to raise the said sum of money so appropriated as aforesaid, for the first year after the passage of this act or after the establishment of such dispensaries, by issuing and selling temporary loan bonds in the name and upon the credit of the city, and to put the amount of the interest and principal of said temporary loan bonds into the next tax levy thereafter made in such city, and to levy and collect the said amount in the same manner as other taxes are levied and collected in any such city.

Location of dispensaries.

3. It shall be the duty of the board or body having charge of the public health of any such city, provided the municipal board or body having charge of the finances shall appropriate moneys as provided in the first section of this act, to establish, in suitable locations in such city, dispensaries for the free distribution of medicines among the poor, authorized by this act, and for that purpose to procure suitable rooms or places where medicines and medical attendance can be given to the poor of such city; and said board or body is hereby empowered to pass acts and alter and amend ordinances, and make rules and regulations for the proper conduct and management of such dispensaries, and to appoint for that purpose any and all necessary officers or employes and to

Rules and regulations.

fix their salaries and terms of office, and to provide medicines and medical attendance, and, in general, to supervise and direct the affairs of such dispensaries so established; *provided,* the expense of the same shall not exceed the said sum of ten thousand dollars in any one year.

Proviso.

Annual report.

4. Said board or body having charge of said dispensaries shall annually make report of their transactions and accounts and the state and condition of such dispensaries to the municipal board having charge and control of the finances of such city.

5. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 200.

A Supplement to an act entitled "An act empowering boards of chosen freeholders of the several counties of this state to acquire additional accommodations for holding the several courts of such county, and authorizing sessions of such courts to be held therein," approved March fifth, one thousand nine hundred and two.

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

Order of court and public notice.

1. It shall not be lawful for voters of such county to vote as provided in said act, unless the said justice of the supreme court shall, by a written order, duly signed by him, and filed with the clerk of said county at least thirty days prior to the holding of the election at which said vote is to be taken, direct that a vote shall be taken on said subject; said order shall specify at what election, and the date when such vote shall be taken, and shall specify the object to be voted for; said order shall be published at least four times in each week prior to said election, in as many newspapers published in said county, not less than three or more than ten, as the said justice

shall direct, and the cost thereof shall be paid by the county; the election officers shall receive, count and dispose of said ballots and certify the result of such election in the same manner in all respects as they are now required to do by law in other elections.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 201.

An Act to amend an act entitled "An act to create a commission to inquire into the expediency of consolidating the various municipalities of the county of Hudson, in the state of New Jersey," approved April first, one thousand eight hundred and ninety-eight.

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

1. Section three of the act entitled "An act to create a commission to inquire into the expediency of consolidating the various municipalities of the county of Hudson, in the state of New Jersey," approved April first, one thousand eight hundred and ninety-eight, be amended so that the same shall read as follows: Section amended.

3. The county collector of said county shall, upon the requisition of the board created by this act, pay over to the secretary of said commission a sum of money not exceeding, in the aggregate, two thousand dollars for the purpose of paying any bills or claims contracted by said commission; said requisition shall be in the form of a resolution adopted by said commission and designating the several claims in payment of which the said sum of money so appropriated shall be expended; said resolution being certified by the president of said commission and attested by the secretary thereof; the board of chosen freeholders of said county shall have power under this act to borrow such sum of money hereinbefore Payment of bills.

mentioned, and shall provide for the repayment of the money so borrowed in the next tax levy after the same shall have been borrowed.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 202.

An Act to incorporate the borough of Swedesboro, in the county of Gloucester.

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

Corporate name.

1. The inhabitants of that portion of the township of Woolwich in the county of Gloucester, hereinafter set forth, are hereby constituted and declared to be a body corporate in fact and in law, by the name of "the borough of Swedesboro," and as such shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The boundaries of said borough shall be as follows: commencing at the low-water mark of Raccoon creek, at the draw-bridge, thence in a southerly direction along the road, including the same, to the West Jersey and Seashore railroad; thence along said railroad, including the same, to its intersection with the Conrad Nolte road; thence along the northern edge of said Nolte road to the Battentown branch of the mill pond; thence down the said branch to the southeasterly end of Park avenue; thence in an easterly direction, in a direct line to a large pine tree on the Jennings property, along the Church run road; thence in a northerly direction in a direct line over Jennings fish pond to the low-water mark of Raccoon creek; thence along the low-water mark of said creek to the place of beginning.

3. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 203.

An Act to amend an act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety-eight.

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

1. Section one of the act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety-eight, be and the same is hereby amended to read as follows: Section amended.

1. Any five or more persons, societies, associations or clubs who shall desire to associate themselves for any lawful purpose other than for pecuniary profit, may make, sign and acknowledge before any person authorized to take the acknowledgment and proof of deeds in this state and file in the office of the secretary of state and record in the office of the clerk of the county in which the principal business of the corporation is to be conducted, a certificate in writing in which shall be stated the name or title by which such corporation is to be known in law, the purpose for which it is formed, the place where it is to be located, or its business conducted, the number of the trustees, which shall not be less than three, and the names of the trustees selected for the first year of its existence; *provided,* that in case the purposes, objects or business of said corporations are to be carried on in whole or in part outside of this state, said corporation shall maintain an office in this state, with a residence agent in charge thereof during the business hours, upon whom process against said corporation may be served; *and provided further,* that in that case the said certificate shall set forth the location of said office and the name of said agent. Formation. File certificate. Proviso. Proviso.

Approved April 9, 1902.

CHAPTER 204.

An Act concerning jurors.

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

Peremptory challenges.

1. Upon the trial of any issue in any civil suit or action in any court of this state, each party shall be entitiled to challenge peremptorily as their names are drawn from the box, six of the general panel of jurors summoned and returned by the sheriff or other officer.

Repealer.

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

Approved April 9, 1902.

CHAPTER 205.

An Act to authorize the use of voting machines at elections hereafter to be held in this state, or in any subdivision thereof, and providing that the votes cast at any such elections may be registered or recorded and counted, and the result of such elections ascertained by such machines.

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

Voting machines allowed.

1. In all elections hereafter held in this state for presidential electors and members of congress, or either of them, and in all state, county, city, town, township and borough elections, and in all other elections hereafter to be held in this state or in any political division thereof, for any purpose whatever, voting machines may be used; and at any and all such elections the vote or ballot may be had and taken and the votes cast thereat registered or recorded and counted, and the result of such election or elections ascertained by voting machines instead of in the mode and manner now established by law; *provided,* that

Proviso.

the use of said machines at any such election or elections shall be subject to the requirements, provisions, terms and conditions of this act hereinafter contained.

Commissioners.

2. Within thirty days after the approval or passage of this act the governor shall appoint and commission three persons, who shall constitute "the state board of voting machine commissioners;" the members of said board shall hold office for the term of five years; their successors shall be appointed by the governor for terms of five years; any vacancy occurring in said board by death, resignation or otherwise, shall be filled by the governor for the unexpired time only; any member of said board may be removed at the pleasure of the governor; no member of said board shall have any pecuniary interest, directly or indirectly, in any voting machine; one member of said board shall be a mechanical expert.

Oath; organization.

3. The members of said board shall severally take and subscribe to an oath or affirmation before some person authorized by the laws of this state to administer the same, that they will faithfully and impartially discharge the duties imposed upon them by law to the best of their knowledge, understanding and ability, and file the same with the secretary of state; they shall organize by electing one of their number to be chairman, and one to be secretary, and one to be treasurer; the secretary shall keep a record of all meetings held by the board and of all voting machines inspected and examined by it, and of the action of the board respecting the same.

Examination and approval of machine by the board of commissioners.

4. Any person, company or corporation owning or being interested in any voting machine may apply to the state board of voting machine commissioners to examine such machine and report on its compliance with the requirements of the law and its accuracy, efficiency and capacity to register the will of voters; upon such application the said board shall examine such machine and make report whether, in its opinion or in the opinion of any two of the members thereof, the kind, pattern or style of machine so examined complies with the requirements of this act and can safely be used at elections to be held in this state under the conditions prescribed by this act; the report of said board on said machine,

signed by the members thereof, or any two of them, and all exhibits, drawings, photographs, descriptions, et cætera, filed in connection with and identifying said machine so examined, shall be filed in the office of the secretary of state and shall be a public record; if the report of the board, or any two members thereof, be that machines of the kind, pattern or style examined can be used, such kind, pattern or style of machine shall be deemed to be approved by the board, and its use as herein provided shall be authorized at any such election as aforesaid to be held in this state or any civil division thereof; any kind, pattern or style of voting machine not so approved by said board shall not be used at any election; the examination herein provided for shall not be required of each individual machine, but only of each particular kind, style or pattern of machine before its adoption, use or purchase, as herein provided; when the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or re-approval thereof.

Deposit and use of same; compensation of commissioners.

5. Any person, company or corporation applying to have any voting machine examined shall deposit with the secretary of said board the sum of four hundred and fifty dollars; from and out of said money shall first be deducted and paid all expenses incurred by said board in and about the discharge of its duties, including stationery, books and postage; the balance remaining shall be divided into three equal parts or portions; each of said members shall receive one of said portions in payment of traveling and other expenses and for his compensation as a member of said board; except as herein provided, the members of said board shall not receive any compensation or remuneration for their services; said payments by way of compensation to the members of said board shall be made at such times as the members of said board, or a majority of the members thereof, may direct.

Requirements in the machine.

6. No voting machine shall be approved by the said board unless the same be so constructed as to provide facilities for voting for the candidates of as many dif-

ferent parties or organizations and for and against as many different questions or amendments as in the judgment of the commissioners shall be necessary; nor shall any such machine be approved unless the same will permit a voter to vote for any person for any office, although the name of the person voted for does not appear on the machine as a nominated candidate for such office; it must enable the voter to vote a straight party ticket or a ticket selected in part from the nominees of one party and in part from the nominees of any or all other parties, and in part from independent nominations, or in part or in whole of the names of persons not nominated by any party or upon any independent ticket; such machines must also secure to the voter privacy and secrecy in the act of voting; such machine must also be so constructed that a voter cannot vote for a candidate or a proposition for whom or on which he is not lawfully entitled to vote, also to prevent voting for more than one person for the same office, except in cases where the voter is lawfully entitled to vote for more than one person for the same office, in which event they must enable the voter to vote for as many persons for that office as he is by law entitled to vote, and no more; they must also prevent his voting more than once for the same person for the same office; said machines may be provided with one ballot in each party column or horizontal row containing only the words "presidential electors," preceded by the party name and party emblem (if any emblem be used) and a vote for such ballot shall operate as and be counted, canvassed and returned as a vote for all the candidates of such party for presidential electors, and such machine must be so constructed that by voting an irregular or split ticket, as herein defined, the elector may vote for any person or persons he may choose for the office of presidential elector, and must be so constructed that all votes cast for regularly nominated candidates are registered on mechanical counters or devices; each machine must be provided with a lock or locks, by the use of which any movement of the voting or registering mechanism is absolutely prohibited, and any machine to be approved by said board must be of

such kind, style or pattern as will permit the exercise by each voter of the full right and privilege of his elective franchise under the constitution and laws of this state.

Further requirements.

7. Such machines, in order to be approved by said board, shall be supplied with a booth, canopy, curtain or other contrivance so arranged or affixed that the use and operation of the machine by the voter when voting cannot be seen or observed by any other person, unless such person be inside the booth, canopy, curtain or other contrivance at the same time; such machine must also be so constructed as to correctly register or contain every vote of every description that may be cast, and of sufficient capacity to enable at least six hundred votes to be cast within the time prescribed for holding an election on any general election day.

Emblem or device to designate ticket.

8. The state committee of any political party may adopt any emblem or device (except the American flag) to designate the ticket or ballot of that particular party, and certify the adoption thereof under the hands of its chairman and secretary, and file the same with the secretary of state; the emblem or device so adopted, certified and filed shall be and continue the emblem or device of such party until the same be in like manner changed by its state committee, and such change certified and filed as aforesaid; each political party may also adopt and change in the manner aforesaid a stripe or color to be used at the head of or on the ticket, as in this act provided, in connection with the party emblem or device; any emblem, device, stripe or color adopted by one party as aforesaid shall not be adopted by or used by any other party; the party first filing with the secretary of state the certificate of its adoption of an emblem, device or color shall have the right to the exclusive use of that particular emblem, device or color, but no use shall be made of any such emblem, device or color except in case where an election is to be held by the use of voting machines.

Ballot defined.

9. The list of rows of candidates to be used on the front of the voting machine shall be deemed official ballots under this act for an election district or precinct in which a voting machine is used pursuant to law; the

word "ballot," as used in this act (except when reference is made to irregular ballots), means that portion of the cardboard or paper or other material within the ballot frames of the machine containing the names of the candidates for office, the names of the offices to be filled at that election, the names of the parties and their emblems and devices, and a statement of the proposed constitutional amendment or other question or proposition to be voted on with the words "for" and "against," or the words "yes" and "no."

Ballots, how prepared.

10. All ballots shall be printed in black ink on clear white material of such form and size as will fill the ballot frame of the machine, in plain, clear type as large as the place will reasonably permit; the party device or emblem (if any) for each political party represented on the machine, and the party name or other designation shall be prefixed to the column, list or row of the candidates of such party; each party list may be further distinguished by a stripe or color below the party device or name, if any such stripe or color shall have been adopted in the manner herein provided.

Arrangement of ballots.

11. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the captions of the various ballots on said machines and the emblems, devices, stripe or colors (if any) designating the same shall be so placed on said machine as to indicate to the voter what lever, push, knob, key, lock or other device is to be used or operated in order to vote for the party of his choice.

Preparing and furnishing ballots.

12. Official ballots for use upon voting machines shall be prepared and furnished in the same manner, at the same time, and by and delivered to the same officials as now provided by law; such ballots shall be of the form and description specified in sections nine and ten hereof.

Sample ballots.

13. The officer or officers whose duty it may be under this act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide therefor two sample or instruction ballots, which sample or instruction ballots shall be arranged in the form of a diagram showing the entire front

of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day; such sample ballots shall be open to the inspection of voters at the polling place during all the hours that the polls may be open on election day.

Duplicate set of ballots.

14. Two sets of official ballots shall be provided for each polling place for each election for use in and upon the voting machine; one set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the board of election, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine; at the close of the election all official ballots (except those actually in or upon the voting machine at the close of the election), whether the same shall have been used in the machine or not, shall be returned to the official providing the same in the manner herein provided.

If ballots lost, etc., substitution.

15. If the official ballots for an election district or precinct, at which a voting machine is to be used, shall not be delivered in time for use on election day, or after delivery shall be lost, destroyed or stolen, the clerk or other official, or officials, whose duty it now is in such case to provide other ballots for use at such election in lieu of those lost, destroyed or stolen, shall cause other ballots to be prepared, printed or written as nearly as may be of the form and description of the official ballots, and the inspectors of election shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been; such ballots so substituted shall be known as unofficial ballots.

Registration; election officers.

16. The requiremnts of law now existing as to the registration of voters are not to be affected by the passage of this act; all elections whereat voting machines are used shall be held by the same officials, who shall be appointed in the same manner as now provided by law, except that ballot clerks may be dispensed with; elections where voting machines are used shall be conducted by said officials as nearly as may be in accordance with existing laws, except as otherwise provided by this act.

Machine a substitute for ballot-box.

17. So far as practicable, at all elections where voting machines are used, the voting machine shall be regarded and treated as a substitute for the ballot and ballot-box heretofore used; the booths now provided for by law, wherein the voter shall prepare his ballot for voting, shall not be provided or used at elections where voting machines are used; official ballots of the kind heretofore recognized by law shall not be furnished to the election districts or precincts where at any election voting machines are used; *provided, however,* that in any precinct which shall include the voters of two or more civil divisions there are candidates to be voted for therein for which the voters of one civil division are entitled to vote, and for which the voters of one or more of the other civil divisions represented therein are not entitled to vote, all votes cast for such candidates shall be by paper ballots and shall not be cast on or in the machine, and for such ballots a ballot-box shall be provided.

Proviso.

Adoption and use of machines by municipalities.

18. The board of freeholders of any county, or the governing body of any city, town, township, village, borough or other incorporated municipality of this state, may sanction or adopt for use at elections to be held in and for said county, or in and for said other municipalities respectively, or any part of precinct thereof, one or more kind, style or pattern of voting machines approved by the state board of voting machine commissioners, as herein provided, and thereupon such machines, or any of them, may be used at any and all elections held in said municipalities, or any of them, or in any election district or precinct thereof; different kinds, styles or patterns of voting machines may be adopted for use at different election districts or precincts in the same municipality.

Experimental use of machine.

19. The governing body of any municipality authorized by this act to sanction or adopt the use of a voting machine or machines, may provide for the experimental use and trial, at an election in one or more election districts or precincts, of a machine, or machines, without the formal adoption thereof, and its use at such elections shall be as valid for all purposes as if it had been lawfully adopted as herein provided.

Securing and preservation of machine.

20. The governing body of any municipality adopting a voting machine, or machines, of any particular kind, or kinds, shall, as soon as practicable thereafter, provide and purchase for each polling place therein one or more voting machines, in complete working order, and shall thenceforth (except as herein provided) keep the same in repair and good condition, and shall provide for the custody and proper care thereof, and of the furniture and equipment of the polling place when not in use at an election; machines adopted and provided by a county shall be kept in repair by and in the custody of the municipality, or municipalities, using them in the same manner as machines adopted and provided by such municipalities; if it shall be impracticable to supply each and every election district with a voting machine, or machines, at any election following the adoption of such machine, or machines, as many may be supplied as it is practicable to procure, and the same may be used in such election district, or districts, as the governing body of the municipality adopting the same may direct.

Payment for machines.

21. The governing body of any municipality, on the adoption and purchase of a voting machine, or machines, for the use of any part or precinct thereof, may provide for the payment thereof in such manner as it may deem for the best interest of such municipality, and may for that purpose issue bonds, certificates of indebtedness or other obligations, which shall be a charge upon the county, city, town, village, borough or other municipality adopting and purchasing such machine or machines; such bonds, certificates or other obligations may be issued with or without interest, payable at such time, or times, as the authorities issuing the same may determine, but shall not be issued or sold at less than par; in the event of the adoption of voting machines by the board of freeholders of any county in which any city, town, village or borough has theretofore adopted and purchased voting machines, the cost of the additional machines provided in pursuance of the action of said board of freeholders, shall be assessed only upon the cities, towns, villages and boroughs within such county for which such additional machines are provided.

Arrangement of polling-room.

22. At all elections whereat voting machines may be used, the arrangement of the polling-room shall be the same as near as may be as is provided for elections under the ballot reform law (so called); the exterior of the voting machine and every part of the polling-room shall be in plain view of the election officers; the voting machine shall be placed at least three feet from every wall or partition of the polling-room and at least three feet from the outer guard-rail and at least four feet from any table whereat any of the election officers may be engaged or seated; a guard-rail shall be constructed at least three feet from the machine, with an opening, or openings, to permit the entrance and exit of voters to and from the machine; no person shall be permitted in or about the polling-room except as now provided for by law in elections where ballot-boxes are used.

Manner of voting.

23. Where a voter presents himself for the purpose of voting, the clerks of election or poll clerks shall ascertain whether his name is upon the register of voters, and if name appear thereon and no challenge be interposed, or if interposed be not sustained, a judge or inspector of election to be stationed at the entrance through the outer guard-rail shall announce the name of the voter and permit him to pass through the entrance opening in the outer guard-rail to the booth of the voting machine for the purpose of casting his vote; no voter shall remain in the voting machine booth longer than one minute, and having cast his vote the voter shall at once emerge therefrom and leave the polling-room by the exit opening in the outer guard-rail; if he shall refuse to leave after the lapse of one minute, he shall be removed by the election officers; the poll clerks shall record the name and address of each voter in the manner now provided by law as he enters the voting machine booth for the purpose of voting; no voter after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext whatever; only one voter at a time shall be permitted to pass the outer guard-rail to vote.

Clerk's duty in providing machine, furniture, etc., for polling places.

24. It shall be the duty of the clerk of any municipality wherein at any election a voting machine, or machines, is or are to be used to cause the machine, or machines, and all necessary furniture and appliances to be at the proper polling place or places before the time fixed for opening the polls on election day, with the machines properly equipped with the official ballots, and the counters set at zero, and otherwise in good and proper order for use at such election; and for the purpose of so labeling the machine, putting in order, setting and adjusting and delivering the same, the municipal authorities may employ one or more competent persons and cause him or them to be paid out of the municipal treasury in the same manner that other expenses incurred by the said board are paid; the officers to conduct said election and the clerks thereof shall be in attendance at least forty-five minutes before the time fixed for opening the polls; the election officers shall thereupon cause the two sample or instruction cards to be posted conspicuously within the polling place; in addition to the information afforded by such sample or instruction cards, the election officers shall give to the voter, while he remains outside the outer guard-rail, such information and aid as may be in their power when requested by the voter to enable him properly to cast his vote when he shall enter the voting machine booth; if not previously done, inspectors of election shall, before declaring the polls open, insert in their proper place or places on or in the voting machine, the ballots containing the names of officers to be filled at such election and the names of the candidates nominated therefor, and compare the same with the sample ballots; if not previously done they shall, before declaring the polls open, place all the counters on the voting machine so as to register zero, and shall not permit such counters to be operated except by voters in voting; before the opening of the polls each inspector of election shall carefully examine every counter and see that it registers zero, and the same shall be subject to the inspection of the official watchers and interested parties; and the election officers shall see that the machine is otherwise in perfect order for the election,

Preliminary duties of election officers.

and they shall not thereafter permit the counters to be operated or moved except by electors in voting; and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine; ballots voted for any person whose name does not appear on the machine as a nominated candidate for office are herein referred to as irregular ballots; where two or more candidates are to be elected to the same office, the voting devices belonging to all the candidates for said office shall be included in a group herein referred to as a multicandidate group; in all multicandidate groups, except presidential electors, the name of each nominated candidate shall be placed upon or adjacent to a separate key or voting device, and all split ballots which are confined to the nominated candidates shall be voted on such keys or voting devices; except for presidential electors no irregular ballot shall be voted for any person for any office whose name appears on the ballot on the front of the machine as a candidate for that office; any iregular ballot so voted shall not be counted; an irregular ballot must be cast in its appropriate place on the machine or it shall be void and not counted; in voting for presidential electors an elector may vote in the irregular balloting device a ticket made up of the names of persons in nomination by different parties, hereafter referred to as as a split-ballot, or partially of the names of persons so in nomination and partially of persons not in nomination, or wholly of names of persons not in nomination by any party, hereafter referred to as an irregular ballot; such split or irregular ballot for presidential electors shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for the purpose; the split or irregular ballots for presidential electors may be of any size and form best suited to the convenience of the voter and the requirements of the machine; the candidates' names may be written or printed thereon, in one or more columns, and the ballots need not contain any other than the names of the candidates voted for; names on such split or iregular ballots for presidental electors which have been crossed off with the intention of

Irregular ballots.

Multicandidate group.

Voting irregular ballots.

cancellation, shall not invalidate said ballots, nor shall the ballot be considered marked, anything in the general election laws to the contrary notwithstanding.

Assistance in voting.

25. In case any voter after entering the voting machine booth shall ask for further instructions concerning the manner of voting, two inspectors of election, of opposite political parties, shall stand outside the voting machine booth, canopy or curtain, and give such instructions or directions to the voter as the two inspectors may agree upon; but no inspector or other election officer assisting or instructing a voter shall in any manner request, suggest or seek to influence, persuade or control any such voter to vote any particular ticket or for any particular candidate, or for or against any particular amendment, question or proposition; after receiving such instructions or directions, the voter shall vote as in the case of any unassisted voter; during the entire period of an election at least one of the inspectors of election, to be designated from time to time by the chairman, shall be stationed beside the entrance to the booth and shall see that it is properly closed after a voter has entered it to vote; he shall also, at such interval as he may deem proper or necessary, examine the face of the machine to ascertain whether it has been defaced or injured, to detect the wrongdoer and to repair any injury; in case any voting machine used in any election district shall, during the time the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the inspectors immediately to give notice thereof to the body providing such machine, and it shall be the duty of such body, if possible, to substitute a perfect machine for the injured machine, and, at the close of the polls, the records of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the result of the election; but if no other machine can be procured for use at such election and the one injured cannot be repaired in time for further use at such election, the officers of said election may permit the use of unofficial ballots by the voters, which ballots may be received by the election officers and placed by them in

When machine inoperative.

Use of unofficial ballots.

a receptacle to be provided therefor and counted with the votes registered on the voting machine, and the result declared the same as though there had been no accident to the voting machine; the unofficial ballots thus voted shall be preserved and returned as herein directed with a certificate or statement setting forth how and why the same came to be voted.

Locking machine; keys.

26. At least two keys that cannot be interchangeably used shall be provided for locking each voting machine against voting; said keys shall be delivered to inspectors of different political parties, who shall retain the same in their possession and deliver them to the clerk of the said town, village or borough wherein such election is held, not later than four P. M. of the day next following the election; each key shall be placed upon a string or wire, labeled with the make and number of the machine and precinct at which it is used; the clerk to whom said keys are so delivered shall securely keep the same and not permit the same, or any of them, to be taken, or any voting machine to be unlocked for a period of thirty days from and after the election, unless by order of a court of competent jurisdiction; at the end of thirty days said keys shall be subject to the order of the officer or officers having charge of the machines.

Adjournment; care of machine; closing polls.

27. The election board may take such adjournment where voting machines are used as is permitted by the general election laws in force at the passage of this act; the voting machine shall not be removed from the polling-room or outside the guard-rail during said adjournment, and it shall at all times, during such adjournment, be under the constant care, watch and oversight of two of the inspectors of election of opposite political parties, who shall not, during such adjournment, allow any person, other than the election officials, to pass within the guard-rail, and said inspectors of election shall not permit any person to interfere or tamper with said machine, nor shall said inspectors interfere or tamper with the same during such adjournment; when such adjournment is taken said machine shall be securely locked against voting and so as to prevent its use for any purpose; at

the end of such adjournment and when voting is ready to be resumed, the machine shall be unlocked by the inspectors and the election proceeded with without further adjournment until the time for closing the polls shall arrive; closing of the polls, in cases where voting machines are used, shall be deemed to mean that a voter entitled to vote and who shall have passed within the outer guard-rail for that purpose before the time fixed by law for closing the polls, shall be allowed to complete the act of voting.

Determination of result.

28. Immediately upon the close of the polls, the inspector of election shall lock the voting machine against further voting and open the counting compartment in the presence of persons who may be lawfully present at that time, giving full view of all the counter numbers; the chairman of the board of inspectors shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter numbers, and shall then read the votes recorded for each office on the independent ballots; he shall also, in the same manner announce the vote on each constitutional amendment, proposition or other question; as soon as the result for each office and on each amendment, proposition or other question is ascertained, the poll clerks shall record the same and submit their records to the inspectors for examination, and if found to be correct the chairman shall at once announce the vote for each office, amendment, proposition or other question, and said result shall thereupon be certified and returned and proceeded with the same in all respects as though the said election had been held and conducted by the use of a ballot-box, and as provided by the laws in force at the passage of this act.

Securing machine after election.

29. The inspectors of election shall. as soon as the count is completed and fully ascertained, as by this act required, lock the machine against voting or any other use; and it shall so remain for a period of thirty days, except by order of a court of competent jurisdiction; the inspectors of the board shall return the keys to the clerk of the municipality as aforesaid charged with the care and custody of the keys; whenever independent

Independent ballots.

ballots of whatever description have been voted, the inspectors shall return all such ballots in a properly secured package endorsed "independent ballots," and return and file such package with the original statement of the result of the election made by them; said package shall be preserved for six months next succeeding such election, and it shall not be opened or its contents examined during that time except by order of a judge or a court lawfully empowered to direct the same to be opened and examined; at the end of said six months said package may be opened and said ballots disposed of at the discretion of the official or body having charge thereof.

Guarantee by seller.

30. When one or more voting machines are adopted and purchased by any municipality of this state, the party or parties or corporation of whom the same are purchased shall give a bond to such municipality with sufficient sureties to keep such machine or machines in good working order and condition for two years, at the cost and expense of such parties or corporation (unless the same has been damaged, injured or destroyed by the willful act, carelessness or negligence of others, or by inevitable accident).

Removal from booth.

31. If any person who has entered a voting machine for the purpose of voting shall remain therein longer than by this act allowed, and shall not forthwith, on notice so to do given him by the board of election or any member thereof, quit and emerge from said booth, he may be removed therefrom by the election officers, or they may await his coming out, and, in either event, any of said election officers may prefer a complaint against said person as for a misdemeanor, and on conviction thereof the offender shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding sixty days, or by both fine and imprisonment, at the discretion of the court.

Unauthorized possession of, or tampering with, machine.

32. Any unauthorized person found in possession of any such voting machine shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five nor more than one hundred dollars, and imprisonment in the county jail not less than ten nor more than

thirty days; and any person willfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is in use at any election, or who shall, after such machine is locked, in order to preserve the registration or record of any election made by the same, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the state prison of this state at hard labor for not less than three nor more than ten years.

Sample voting machine in clubs, etc.

33. It shall be lawful for any political body, club, organization or association to purchase a voting machine or machines of the kind or kinds adopted and authorized to be used within the municipality where such political body, club, organization or association may be located, for the purpose of instructing its members and voters generally in the use of such machine or machines; any such machine or machines purchased for the purpose aforesaid shall have plainly painted, marked or stamped thereon the words "sample voting machine;" it shall also be lawful for any such body, club, organization or association to have in its possession a diagram or model of any such voting machine or machines as aforesaid for the purpose of instructing its members and voters generally in the use of such machines; *provided,* that such diagrams or models are marked "sample diagram" or "sample model," as the case may be.

Proviso.

Application of election laws.

34. All laws relating to elections now in force in this state, shall apply to all elections under this act, so far as the same may be applicable thereto; so far forth as any laws or parts of laws now in being are inconsistent with or repugnant to this, the same are hereby repealed.

35. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 206.

An Act validating certain sales of lands, tenements, hereditaments or real estate made by any sheriff under or by virtue of an execution issued out of any court of this state on a judgment docketed from any district court of this state.

Certain sales not invalidated by omission, etc.

1. No sale of lands, tenements, hereditaments or real estate heretofore made by any sheriff under and by virtue of any execution issued out of any court of this state on a judgment docketed from any district court in this state, shall be invalidated by reason of any omission or defect in the affidavit of the plaintiff, his agent or attorney, filed in the court of common pleas at the time such judgment was docketed where the purchaser at such sale has taken possession of the lands, tenements, hereditaments or real estate so sold; *provided, however,* that nothing in this act shall apply to any lands, for the recovery of which proceedings have been instituted in any of the courts of this state.

Proviso.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 207.

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

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

Right of search.

1. The fish and game commissioners, the fish and game protector and the fish and game wardens of this

state shall have power, without warrant, to search and examine any boat, conveyance, vehicle, fish-box, fish-basket, game-bag or game-coat, or other receptacle for game and fish, when they have reason to believe that any of the laws for the protection of game and fish have been violated; and the said fish and game commissioners, fish and game protector and fish and game wardens shall, at any time, seize and take possession of any and all birds, animals or fish, which have been caught, taken or killed at any time in a manner or for a purpose, or had in possession or under control, have been shipped or are about to be shipped, contrary to any of the laws of this state; justice of the peace, district courts and police magistrates, upon receiving proof of probable cause for believing in the concealment of any bird, animal or fish caught, taken, killed, had in possession, under control or shipped, or about to be shipped, contrary to law, shall issue a search warrant and cause a search to be made in any place, and to that end may, after demand, and refusal, cause any building, enclosure or car to be entered, and any apartment, chest, box, locker, crate, basket or package to be broken open and the contents thereof examined by said fish and game commissioners, fish and game protector or fish and game wardens; all birds, animals or fish, or net, or fishing appliance or apparatus, seized by the fish and game commissioners, fish and game protector or any of the fish and game wardens, shall be disposed of in such manner as may be directed by the justice of the peace, district court or police magistrate before whom the offense is tried; and such fish and game commissioners, fish and game protector or fish and game wardens shall not be liable for damages on account of any such search or the destruction of any nets or fishing apparatus of any kind in accordance with the provisions of this act.

Search warrant for probable cause.

Disposition of seized property.

Prosecutions under this act.

2. In prosecutions instituted under the act to which this is a supplement, no further pleadings than the filing of the complaint and the issuing of the warrant shall be necessary on the part of the prosecutor, nor shall any such proceedings be invalidated on account of lack of endorsement of the complaint or the warrant, or for

insufficiency in the recital of the offense charged; *provided, however,* that said complaint shall specify the section and the title of the act charged to have been violated, the time of the commission of the alleged offense and the location where it is charged the offense was committed. Proviso.

Approved April 9, 1902.

CHAPTER 208.

A Supplement to an act entitled "An act relative to the government and management of the insane asylums or hospitals owned by the state of New Jersey," approved March eleventh, one thousand eight hundred and ninety-three.

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

1. Section thirty-six of the act to which this act is a supplement be and the same is hereby amended so as to read as follows: Section amended.

36. The price to be paid for keeping any person in indigent circumstances in the said hospitals, exclusive of clothing, shall be annually fixed by the managers, and shall not exceed four dollars per week. Price paid for indigent persons.

2. Section forty-eight of the act to which this act is a supplement be and the same is hereby amended so as to read as follows:

48. There shall be paid from the state treasury, in quarterly payments, and upon the warrant of the comptroller, to the treasurers of the said hospitals, toward the maintenance and keep of each indigent patient in said hospitals, a sum equal to one-half of the price which shall have been fixed by the managers of said hospitals, in accordance with section thirty-six of this act, and each county shall pay, in the same manner as heretofore, Price paid by state for indigent persons.

the other one-half of the price which shall have been so fixed by the managers of said hospitals as aforesaid.

3. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 209.

An Act to amend an act entitled "An act to provide for the division of the assets and liabilities of townships between such townships and any borough or boroughs set off from the same," approved April sixteenth, one thousand eight hundred and ninety-six.

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

Section amended.

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

When act to apply.

3. This act shall apply in cases when more than one borough is set off at the same time from any township, also in cases where a borough is set off from two or more townships, and also in cases where after the formation of a borough there is subsequently set off from any township any portion thereof and annexed to said borough, in which last-mentioned case such division shall be made according to the proportion, as nearly as may be, that the assessed valuation of the real and personal property within the limits of the portion so set off and annexed bears to the assessed valuation of the real and personal property of the township from which it was taken on the basis of the last assessment preceding such annexation.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 210.

An Act to prevent the unlawful use of and willful injury to milk cans, and imposing a penalty therefor.

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

Unlawful use or sale of milk cans.

1. It is hereby declared to be unlawful for any person or persons, without the written consent of the owner or owners, or shipper or shippers, or his, her or their agent, to use or sell, dispose of, buy or traffic in any milk or cream can or cans, belonging to any dealer or dealers, shipper or shippers, of milk or cream residing in the state of New Jersey or elsewhere, who may ship milk or cream to any city, town or place within this state, or who may buy or sell milk or cream within this state, having the name or initials of the owner or owners, dealer or dealers, or shipper or shippers, stamped, marked or fastened on such can or cans, or to willfully mar, erase or change by re-marking or otherwise said name or initials of any such owner or owners, or dealer or dealers, or shipper or shippers, so stamped, marked or fastened upon said can or cans.

Penalty for violation.

2. Any person or persons who shall, in violation of this act, either use, sell, dispose of, buy, traffic in or have in his, her or their possession, or in, on or about his, her or their premises any such can or cans, or who shall willfully mar, erase or change by re-marking or otherwise the said name or initials of any such owner or owners, dealer or dealers, shipper or shippers, so stamped, marked or fastened upon said can or cans, or who shall have any such cans on, in or about his, her or their premises as in this act provided, shall be liable to a penalty of fifty dollars for each and every such can either so used, sold, disposed of, bought, trafficked in, or found in his, her or their possession or in, on or about his, her or their premises.

Recovery of penalties.

3. The penalty provided by this act shall be recovered by an action to be styled "An action in contract for a penalty," in any court of this state having cognizance

thereof, with cost of suit and such reasonable disbursements as any such shipper or shippers, owner or owners, dealer or dealers, or his, her or their agent may incur in retaking any such can or cans to be determined in the said action, which said action shall be brought in the name of the said owner or owners, shipper or shippers, or by his, her or their agent in his own name; and when the action shall be brought by any such agent, he shall sue in his own name, without joining the real party or parties in interest whom he represents.

Presumption if no written consent be had.

4. The fact of any person or persons, without the written consent of the owner or owners, dealer or dealers, shipper or shippers thereof, or his, her or their agent, either using, selling, disposing of, buying, trafficking in or having in his, her or their possession, or under his, her or their control, or having on, in or about his, her or their premises any such milk or cream can or cans, shall be presumptive evidence of the unlawful use, purchase of or traffic in such can or cans.

Agent of railroad to care for cans.

5. The superintendent of any railroad over which milk or cream shall be carried or shipped to any place within this state, shall have the power to appoint an agent for the collection, protection and care of any milk or cream cans shipped over such railroad, on such terms of compensation as may be arranged between the said railroad company and any such agent, and such agent so appointed shall have power to bring all the actions or proceedings in this act provided in his own name in the same manner as if he had been appointed by any owner or owners, shipper or shippers of milk.

If unlawfully had, cans may be emptied.

6. Such can or cans, full or partly full of milk or cream, used in violation of this act, may be emptied into the street or elsewhere of their contents by the owner or owners, dealer or dealers, shipper or shippers, or his, her or their agent, and taken possession of by any of said several parties, who shall not be liable for damages therefor; *provided,* that any of said several parties entitled to the possession of such can or cans shall first give notice to the party or parties having the possession of such can or cans to empty the same.

Proviso.

Proceedings for regaining cans illegally held.

7. If any such owner or owners, dealer or dealers, shipper or shippers, his, her or their agent has reason to believe, and does believe, that any of such can or cans so stamped or marked is or are being used, or has or have been unlawfully used as aforesid, by any person or persons, or that any person or persons have any such can or cans secreted in or upon his, her or their premises, or any other place or places, any such owner or owners, dealer or dealers, shipper or shippers, or his, her or their agent, may go before any justice of the peace or magistrate having criminal jurisdiction in the city, town or place, or any part thereof wherein such offenses may be or have been committed, and make complaint thereof under oath, which complaint may be wholly information and belief, whereupon said justice of the peace or magistrate, before whom such complaint shall have been made, shall issue a process in the nature of a search-warrant, directed to any constable, marshal or other executive officer of any city, town or place, which shall recite the complaint, or the substance thereof, and shall command the said constable, marshal or other executive officer to search immediately the premises, place or places mentioned in said complaint, and if any milk or cream cans be found, to bring the same, together with the body of the person or persons in whose possession they may be found, before such justice of the peace or magistrate, who shall summarily inquire into the ownership of said can or cans, and upon being satisfied that the same belong to the said owner or owners, dealer or dealers, or shipper or shippers, or that the said agent is entitiled to the possession thereof, he shall deliver the said can or cans to the said owner or owners, dealer or dealers, or shipper or shippers or the said agent, and shall have the costs of the proceedings from the person or persons so illegally having the said can or cans in his, her or their possession, and the said justice or magistrate shall be entitled for his own use to the same costs as are allowed to justices of the peace for similar services in criminal matters, and in cases of the refusal of the person or persons so illegally having the said can or cans in his, her or their possession to pay the same, the said magistrate shall

Search warrant.

Delivery of cans.

Costs.

commit the said person or persons to the county jail of the county wherein he shall be arrested until the said costs are paid.

Repealer.

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

Approved April 9, 1902.

CHAPTER 211.

An Act to incorporate Somers Point as a city, and fix the boundaries thereof.

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

Territorial limits.

1. All that portion of Atlantic county, in the state of New Jersey, formerly known as "The borough of Somers Point," and a part of what is now Egg Harbor township, and bounded as follows: beginning at the bridge that crosses Cedar Swamp creek, on the road running southeastwardly from Charles Smith's store; thence up the said road southeastwardly and in the line of what is now the borough of Linwood to Bethel Station; thence following the same to its intersection with the Main Shore road; thence following the Main Shore road, still in Linwood borough line, southwestwardly to the end of said borough line; thence southeastwardly, following said Linwood borough line, to Steelman's bay; thence in a southwestwardly direction, following Steelman's bay and Bass Harbor thoroughfare, the several courses thereof, to the mouth of Bass Harbor; thence in a line running due south to the line between the counties of Cape May and Atlantic; thence in a southwestwardly direction, following said county line, several courses thereof, to a point due south of the mouth of Cedar Swamp creek; thence due north to the mouth of Cedar Swamp creek; thence up Cedar Swamp creek, the several courses thereof, to the place of beginning, be and the same is hereby constituted a city of this state; and

the inhabitants of the state residing within the limits aforesaid be and they are ordained, constituted and declared to be, from time to time forever hereafter, one body politic and corporate, in fact and in name, by the name of Somers Point. Corporate name.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 212.

An Act to amend an act entitled "An act to amend 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, passed April sixth, one thousand eight hundred and eighty-six.

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

1. Section four of the act to which this is amendatory be amended so as to read as follows: Section amended.

4. No person shall be appointed an officer or member of the police force in any city who has ever been convicted of a crime, or who is less than twenty-one years or over fifty-five years of age at the time of his appointment; *provided, however,* that a conviction of such person for a simple assault and battery shall not disqualify any such person for such office. Qualifications. Proviso.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 213.

An Act authorizing cities to agree to annually appropriate a fixed amount for the use of free public libraries.

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

Acceptance of conditional gifts and support of library.

1. In any city, town, township or municipality in which there is now or may be hereafter a free public library established pursuant to law, the board of aldermen, common council or other legislative body shall have power, by resolution, to accept gifts or bequests for the purpose of building a library building in any such city, town, township or municipality which may be made on condition that a sum not exceeding ten per centum of the amount of such gift or bequest be annually appropriated for the maintenance and support of such library, and when any conditional gift is so accepted by any city, town, township or municipality, it shall be lawful to raise by taxation, from time to time, for the support and use of said library, such amount annually as may be required by the condition of any such gift.

Expenditure of bequest.

2. Any gift or bequest, when accepted by the board of aldermen, common council or other legislative body of any such city, town, township or municipality, shall be received by the city treasurer and expended by and under the direction of the trustees of the free public library for the purposes for which such gift or bequest was made, in the same manner as other funds are now expended by such trustees.

3. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 214.

An Act to amend an act entitled "An act to amend an act entitled 'An act relative to the compensation of prosecutors of the pleas in certain counties of this state,' approved March sixth, one thousand nine hundred," which amendatory act was approved March twenty-second, one thousand nine hundred and one.

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

1. Section one of the act entitled "An act to amend an act entitled 'An act relative to the compensation of prosecutors of the pleas in certain counties of this state,' approved March sixth, one thousand nine hundred," which amendatory act was approved March twenty-second, one thousand nine hundred and one, be and the same is hereby amended so as to read as follows: Section amended.

1. Whenever the population of any county in this state, as ascertained by any state or federal census, is more than forty-five thousand and not more than sixty-five thousand, the prosecutor of the pleas of such county shall receive an annual salary of fifteen hundred dollars; and whenever such population is more than sixty-five thousand and not more than seventy thousand, he shall receive an annual salary of two thousand five hundred dollars; and whenever such population is more than seventy thousand and not more than eighty thousand, he shall receive an annual salary of three thousand dollars; and whenever such population is more than eighty thousand and not more than ninety-five thousand, he shall receive an annual salary of four thousand dollars; and whenever such population is more than ninety-five thousand and not more than one hundred and five thousand, he shall receive an annual salary of five thousand dollars; and whenever such population is more than one hundred and five thousand and not more than one hundred and fifty thousand, he shall receive an annual salary of six thousand dollars; such salary shall be paid in monthly installments, and shall be in lieu of all fees and allowances whatsoever, and all fees as now or hereafter allowed by law for the services of such prosecutors shall be paid into the county treasury. Prosecutor's salary based on census. No fees.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 215.

An Act to authorize any city of the fourth class of this state to raise money, either by temporary loans or by the issue or issues of bonds for any sum not exceeding fifteen per centum of the taxable value of the real and personal property rated for assessment in such city, and to use the same for the purpose of retiring the floating or matured bonded indebtedness, for the enlargement and improvement of the public buildings, water works, sewerage system and for other lawful purposes of such city.

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

Raise money by loans or bond issue.

1. Hereafter it shall be lawful for any city of the fourth class of this state, and it shall have power and authority, to raise money, either by temporary loans

Amount.

or by the issue or issues of bonds, for any sum not exceeding fifteen per centum of the taxable value of the real and personal property rated for assessment in such city, and to issue proper evidence of indebtedness or bonds therefor in the name and under the corporate seal of such city, to be signed by the mayor and attested by the city clerk and countersigned by the city treasurer;

Character of bonds.

which bonds shall have coupons attached for every half year's interest due, which coupons shall be signed by the said treasurer and numbered to correspond with the bonds to which they shall be respectively attached; and all bonds issued under this act shall be numbered and a register of such numbers, the date of issuing, to whom issued and the time of payment shall be made by the city clerk of such city in a book to be provided for such purpose; they shall be of such denomination and bear interest at such rate, not exceeding five per centum per annum, and be payable at such times and places, not exceeding thirty-five years from the date of issue, as the city council may determine; they shall be disposed

Use of proceeds.

of at not less than their par value; the proceeds of such

evidence of indebtedness or bonds shall be used to retire any floating or matured bonded indebtedness, for the enlargement and improvement of the public buildings, water works, sewerage system and for other lawful purposes of such city; *provided*, that the issues of said bonds shall be duly authorized by ordinance. Proviso.

2. It shall be the duty of the city council to provide by taxation in the annual tax levy of such city such sum as will be sufficient in every case to provide for the annual interest of the bonds so issued and a sinking fund for the redemption thereof, which shall be not less than two per centum of the amount so issued. Payment of bonds.

3. All acts, either general or special, inconsistent herewith or limiting the amount of money to be raised by loan in any one year in any city of the fourth class of this state, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 9, 1902.

CHAPTER 216.

An Act for the protection of marsh hens, to regulate their capture or killing, and provide open and close seasons for such capture or killing.

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

1. It shall be unlawful to capture, kill, injure or have in possession, any marsh hens (sometimes called mud hens), excepting only during the months of September, October, November and December in each year, under a penalty of twenty dollars for each marsh hen so captured, killed, injured or had in possession. Season for marsh hens.

2. It shall be unlawful for any person to capture or kill in any one day during the months of September, October, November and December, a greater number than thirty marsh hens, under a penalty of twenty dollars for each and every marsh hen so captured or killed in excess of thirty. Daily number that may be taken.

Enforcement of act and penalties.

3. This act shall be enforced and the penalties for violation thereof shall be recovered in accordance with the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish and game, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the several acts supplementary thereto and amendatory thereof.

Repealer.

4. All acts or parts of acts inconsistent with this act are hereby repealed.

5. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 217.

An Act to amend an act entitled "An act to tax intestates' estates, gifts, legacies, devises and collateral inheritance in certain cases," approved May fifteenth, one thousand eight hundred and ninety-four.

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

Section amended.

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

State comptroller to notify prosecutor of failure to pay.

17. Whenever the state comptroller shall have reason to believe that any tax is due and unpaid under this act, after the refusal and neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the prosecutor of the pleas of the proper county, in writing, of such failure to pay such tax, or is hereby authorized to designate and retain counsel to represent him, and the prosecutor of the pleas or such counsel, when so notified of such failure to pay such tax, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding before the ordinary of the orphans' court in the proper county, as provided in section sixteen of this act, for the enforcement and collection of such tax; and the said state

Prosecution.

Expenses met.

comptroller is authorized to direct the state treasurer to pay all expenses thereby incurred, out of the funds which may be in his hands on account of the said tax; all costs awarded by such decree to such prosecutor or counsel that may be collected after the collection and payment of the tax to the state treasurer, may be retained by the prosecutor of the pleas or such counsel for his own use.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 218.

An Act authorizing the creation of garbage collection districts in townships, providing for the collection of garbage therein and providing a method of raising the cost of such work.

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

1. The township committee of any township in this state may, at any time set off and create within the limits of said township one or more districts to be designated by numbers, and may from time to time alter the same, and shall, by ordinance duly adopted as other ordinances are adopted in townships, define and declare the limits, boundaries and numbers of said districts, and the same being so defined and declared shall be deemed and taken as garbage collection districts. Creation of garbage collection districts in townships.

2. The township committee may provide, by contract or otherwise, for the collection and removal of garbage within any such district; *provided,* that no contract therefor shall be made for a longer period than five years. How collected. Proviso.

3. The township committee shall have power, by resolution, to order and cause to be raised, within the limits of any such district, sufficient money to provide for the payment of the cost of removing the garbage from such district; the township clerk shall serve on the township assessor a copy of such resolution and there- Payment of cost of collecting

upon it shall become the duty of the township assessor to assess or levy upon all the ratables and taxable property within such district, and of the township collector to collect, the sum so ordered to be raised, in the same manner and at the same time that township taxes are assessed and collected, and to pay the same to the township treasurer, and the money so raised shall be applied only to the purposes for which it is raised.

Assessment a lien.

4. Money assessed and levied under the provisions of this act shall be a lien upon the land against which it is assessed in the same manner that taxes are made a lien against land in townships, and the payment thereof shall be enforced within the same time and in the same manner and by the same proceedings as the payment of taxes is enforced in townships.

5. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 219.

An Act to regulate the salaries, commissions, fees and other compensation paid by loan, homestead and building associations.

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

Limit of payments for salaries, etc.

1. It shall be unlawful for any loan, homestead and building association organized under the laws of this state, or doing business therein, to pay in the course of any fiscal year of such association as salaries, commissions, fees and other compensation to its officers, managers, directors, auditors, clerks, agents, solicitors and other employes, other than for entrance or membership fees, sums of money the aggregate of which shall exceed four per centum of the total money received by such association in the same fiscal year as dues, premium, interest and periodical payments on installment shares, or where the constitution and by-laws of any building and loan association incorporated under the laws of this

state provides in its constitution and by-laws that the expenses of such association shall be borne by its interest-bearing assets, then and in that case the expenses of said association shall not exceed one per centum of the interest-bearing assets of such association, and it shall be unlawful for any such association, in the course of any fiscal year of said association, to pay as salaries, commissions, fees and other compensations to its officers, managers, directors, auditors, clerks and other employes other than for entrance or membership fees and fines, sums of money, the aggregate of which shall not exceed one per centum of the interest-bearing assets of said association; *provided,* that nothing in this act contained shall operate to impair or affect any contract for the payment of salary, commissions, fees and other compensation actually entered into by any such association before the passage of this act.

Proviso.

2. The term "loan, homestead and building association," as used in this act, shall apply to and include all corporations, companies, societies or associations formed or organized for the purpose of enabling their members to acquire real estate, make improvements thereon, and remove encumbrances therefrom by the payment of money in periodical installments or principal sums, for the accumulation of a fund to be returned to members who do not obtain advances for such purposes, when the funds of the corporation, company, society, or association amount to a certain sum per share, or otherwise doing business in the manner of what are commonly known as building and loan associations.

"Loan, homestead and building association" defined.

3. In case of the failure of any such loan, homestead and building association to comply with the provisions of this act, its charter shall be null and void if such association be incorporated under the laws of this state, or it shall be deprived of the right and power to do business within this state if such association be a foreign corporation; and it shall become the duty of the commissioner of banking and insurance to report such offending association to the attorney-general, who shall forthwith institute such legal proceedings by a writ of quo warranto or otherwise, as may be necessary, to have

Failure to comply with this act to void charter.

the charter of such offending association declared null and void if such association be incorporated under the laws of this state, or to deprive such offending association of the right and power to do business within this state if such association be a foreign corporation.

Repealer. 4. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

5. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 220.

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

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

Tenure of clerk and solicitor. 1. That the solicitor or attorney and clerk of the boards of chosen freeholders in the counties of the second class of this state, having a population of over eighty thousand inhabitants elected after the passage of this act, shall hold their office for the term of two years.

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

Approved April 9, 1902.

CHAPTER 221.

A Further Supplement to an act entitled "An act to complete the geological survey of the state," approved March thirtieth, one thousand eight hundred and sixty-four.

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

1. It shall be lawful for the board of managers, created by section four of said act, to increase the number of their members, from time to time, at their discretion, by the election to said board, as members-at-large, any former state geologist who has resigned or who may resign his office. Members-at-large.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 222.

An Act to authorize incorporated towns and boroughs of this state to establish and maintain a fire limit therein, and to provide for the proper enforcement thereof.

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

1. In all incorporated towns and boroughs of this state, the mayor and board of aldermen, common council or other legislative or governing body thereof may fix and determine, by ordinance, a fire limit, and that within the limits so fixed and determined no frame building or wooden building, in whole or in part, shall be built or erected; and that they may also in like manner determine the thickness of partition and outside walls of all buildings erected within the said limits after they are so determined; *provided,* that said mayor and board of aldermen, common council or other legislative or governing body may, by resolution, passed by a three-fourths vote of all the members thereof, permit frame or wooden, or partly frame or wooden buildings to be erected within said limits, when the circumstances of the particular case or cases in their judgment require such exception. Fire limits in towns and boroughs. Proviso.

2. The mayor and board of aldermen, common council or other legislative or governing body of any incorporated Ordinance to enforce laws; penalties.

town or borough wherein a fire limit is established under this act, may pass an ordinance or ordinances to prohibit the erection of any such building in such fire limit, and may therein provide for and enforce such prohibition by imposing a fine of not more than ten dollars for each and every day that any such prohibited building, whether complete or not, stands or remains within such prescribed limits, and may pass like ordinances and impose a like fine for any building built within such limits contrary to an ordinance relating to the thickness of the partition and outside walls of buildings erected within such limits; such fines and penalties to be enforced by an action or actions to be brought in the corporate name of the incorporated town or borough and in any court of record, against the owner or owners of such building, and that upon judgment or judgments obtained in any such suit the body of the defendant may be taken upon execution, as in an action of tort.

3. This act shall take effect immediately.

Approved April 2, 1902.

CHAPTER 223.

An Act to regulate the use of wagons, carriages and similar vehicles, and to require uniformity of ordinances affecting the same.

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

Regulating use of vehicles on highways.

1. The several cities, towns, boroughs, villages, townships and other municipalities of this state shall have power to pass ordinances regulating the use of wagons, carriages and similar vehicles on the public streets, highways, squares and parks, within their limits, in accordance with the provisions of this act, that is to say:

Head-light.

I. To require all wagons, carriages and similar vehicles, when in use on such streets, highways, squares or parks, to have a lamp of such illuminating power as to be plainly seen one hundred yards ahead, attached

thereto, and kept lighted between one hour after sunset and sunrise.

Penalty for violation.

II. To provide that every violation of any such ordinance shall render the offender subject to a fine not exceeding the sum of five dollars for each offence, and that by such ordinance it shall be provided that the justice, police judge, recorder or other magistrate who may have jurisdiction over such offences in violation of any such ordinance, may impose such fine in his discretion as he may think proper, not exceeding the sum of five dollars for each offense.

Not to apply to non-residents.

2. Nothing in this act shall apply to a non-resident of any city, town, borough, village, township or other municipality being temporarily in or passing through the same.

3. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 224.

An Act to enable a savings bank or institution for savings to be dissolved, and prescribing the method of such dissolution.

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

Proceedings to dissolve savings bank.

1. A savings bank or institution for savings may be dissolved in the following manner: upon the request, in writing, of a majority of the board of managers of any such institution the president thereof shall call a special meeting of the board, of which meeting and the object thereof, at least three days' notice shall be given by mail to every manager; if at said meeting a resolution declaring the dissolution of said institution to be advisable, be passed by a two-thirds vote of the entire board of managers of said institution, a copy of said resolution, duly certified to by the president and secretary of said institution as having been passed in the manner above provided for, shall be presented to the commissioner of

banking and insurance for his approval, whose duty it shall be to approve and file said certificate in his office, unless, in his judgment, said institution is not in condition to meet its obligations in course of liquidation.

Dissolved upon filing certificate.

2. Upon the filing of said certificate in the office of the commissioner, approved as aforesaid, the said institution shall be deemed to be dissolved, and from thenceforth shall transact no further business whatever, except the liquidation of its affairs and the payment of its obligations and depositors.

Commissioner's certificate of dissolution.

3. It shall be the duty of the commissioner aforesaid to issue a certificate that such certificate of dissolution has been approved and filed, which certificate of the commissioner, together with a notice to depositors and creditors to present all claims of every character against said institution at the bank for payment within six months from the date of the commissioner's certificate, shall be published in the place where the office of the institution is located, if one there be, and if not, in a paper published in the county seat of the county wherein said office is located; proof of such publication shall be filed in the office of the commissioner of banking and insurance.

Continuation for purposes of settlement.

4. Any such institution, notwithstanding the filing of a certificate as hereinabove authorized, shall continue a body corporate for the purpose of prosecuting and defending suits by or against it, and of enabling it to settle and close its affairs, to dispose of and convey its property, and to divide its surplus, but not for the purpose of continuing the business for which it was established; upon the dissolution of any such institution, the board of managers shall be trustees thereof, with full power to settle its affairs, collect its outstanding debts, sell and convey its property, pay its obligations, and divide its surplus, if any, among those lawfully entitled thereto; they shall have power to meet and act under the by-laws of the institution, and by a majority vote to prescribe and carry out the method of liquidation, and to employ the necessary clerical assistance to execute the same.

5. The surplus of said institution, if any, after the payment of its obligations, shall be divided pro rata among its depositors, existing as such at the opening of business on the day of the calling of the meeting of the board of managers to take action on the proposition of dissolution. Surplus divided pro rata.

6. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 225.

An Act for the protection of the public health and the prevention of the spread of contagious or infectious diseases.

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

1. The state board of health, any county board of health and any local board of health, or a majority thereof, shall have power to remove or cause to be removed from any hotel, boarding house, boarding school or other building of like character, tenement or apartment houses, to a proper place to be designated by such board, persons sick with any contagious, infectious or pestilential disease, and such boards shall also have power to remove, or cause to be removed to a proper place to be so designated, all things and articles within the jurisdiction of such boards, which, in their opinion, shall be infected with any matter likely to communicate disease to the inhabitants of any county or other municipality of this state, and said boards may destroy, or cause to be destroyed, such articles and things, when in their opinion the safety of the public health requires it; *provided, however,* that no person shall be removed under this act, except after examination and determination by two physicians in good standing and practice, that such person is sick with a contagious, infectious or pestilential disease; *provided, however,* that nothing herein contained shall be construed to authorize or per- Removal of persons and property infected with contagious disease. Proviso. Proviso.

mit the erection of any hospital by any municipality, or its board of health, or by any of its boards or agents, outside of its own boundaries, except under the restrictions and limitations now fixed by law.

Delegate authority to medical inspector.

2. The boards of health above mentioned may, by resolution, delegate the authority herein conferred to any medical inspector in the employ of such boards, and such authority when so conferred shall be exercised in the same manner, to the same extent, and with the same limitations as by the said boards of health.

"Tenement" and "apartment" construed.

3. For the purposes of this act, "tenement" or "apartment" house shall be construed to mean any building used as a dwelling by more than two families at the same time.

4. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 226.

An Act to amend an act entitled "An act for the maintenance of bastard children" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section amended.

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

Trial by jury if demanded.

6. If the person charged shall, before such examination is entered upon, deny that he is the father of such bastard child, or of such child likely to be born a bastard, and shall demand a trial by jury, it shall be the duty of the said magistrate to issue a venire facias to any police officer or constable of said county to summon a jury of twelve men competent as jurymen, according to law, to be and appear before said magistrate at such time and place as shall be expressed in said writ, to make a jury for the trial of such accusation made against

said person, of being the father of such child; a return of which jurors shall be made, as in cases arising under the act for the trial of small causes, and as to any or all of whom the same right of challenge shall belong to both parties, that exist in civil cases at law; and said magistrate shall proceed to impanel and swear such jury, and swear the witnesses produced to establish and rebut such accusation, and the said accusation shall thereupon be tried as in cases in courts of common law before such jury; *provided,* that at the time of making application or demand for a trial by jury, the person so applying for or demanding such trial by jury shall pay to the said magistrate the fees or costs required for the issuance of the venire and the costs of such jury, which said costs shall include the fees of the jurors to be empaneled. Proviso.

Approved April 9, 1902.

CHAPTER 227.

A Further Supplement to an act entitled "An act to enable counties which have no county hospital to assist in maintaining hospitals located in such county," approved April twenty-sixth, one thousand eight hundred and eighty-six.

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

1. Section one of the act to which this is a supplement be amended so as to read as follows: Section amended.

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

1. It shall and may be lawful for the board of chosen freeholders of any county of this state which has no hospital located therein maintained by such county, other than the hospital or sick ward of the county poor-house, to make an appropriation of a sum of money, not exceeding ten thousand dollars, each year in the same manner that appropriations for other county purposes are Maintenance of patients in hospitals by counties.

made, which sum so appropriated shall be included in the annual tax levy of such county, and collected in the same manner and at the same time as other county taxes, and shall be applied to the purpose of supporting and maintaining such patients as may be sent to any hospital or hospitals supported by private charity and located in such county; *provided* the sum so appropriated be used and applied for the benefit, comfort and maintenance of such patients, inmates of such hospital, as are residents of said county at the time of being sent to said hospital; *provided,* that the provisions of this act shall not apply to counties of the first class.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 228.

An Act authorizing cities to renew maturing sewer, drain and street improvement bonds.

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

Renewal of bonds.

1. Whenever any sewer, drain or street improvement bonds heretofore legally issued by any incorporated city in this state, under authority of law, shall at any time or times hereafter become due, the board of aldermen, common council or other board having charge and control of the finances 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.

Character of bonds.

2. The bonds to be issued under the provisions of this act shall be exempt from taxation, and 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 thereto, and may be either registered or coupon bonds, as said board may direct; *provided,* that in order to redeem the bond 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 from the collection of sewer, drain or street improvement assessments. Proviso.

3. The interest on all bonds issued in place of maturing sewer, drain and street improvement bonds shall be paid out of the collection of sewer, drain and street improvement assessments in such city for such year. Interest met.

4. The board or authority having charge and control of the finances of such city may dispose of the bonds hereby authorized, at a public sale, or private sale, in case a more favorable bid can be obtained than shall have been bid publicly therefor, but in no case for less than par, which issues and sales may be made in anticipation of the retirement of said maturing bonds, and all of the moneys received from the sale of said bonds shall be applied and used for the purposes of this act, and for no other purpose; *provided,* that no increase in the bonded indebtedness of any such city shall be made under this act. Sale of bonds. Proviso.

5. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 229.

A Further Supplement to an act entitled "An act concerning townships [Revision of 1899]," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Powers of committee.

1. The township committee of any township having within its territorial limits an incorporated village shall have power and authority, by ordinance:

I. To accept any street, road or public place when the same shall have been dedicated to the public use;

II. To lay out, open, widen, straighten, name, rename, alter or vacate any street, avenue, road or highway, or section of the same (the word section in this act to be understood as meaning a part of a street or avenue bounded by two cross streets or avenues or any part of a street or avenue running to a dead end), and to take and appropriate for any of such purposes any lands and real estate upon making compensation to the owner by purchase thereof at a price agreed upon, and where an agreement as to compensation cannot be made by the payment of damages as hereinafter mentioned and provided.

Acquire lands by condemnation.

2. Whenever it shall be necessary for any such work or improvement as aforesaid, to acquire lands by condemnation, it shall be lawful to condemn and take such lands in the same manner and by the same proceedings as is provided in the act to which this is a supplement in case of the establishment, construction or extension of sewers or drains, or a system of sewerage or drainage, or the collection and disposal of sewage, the creation or extension of a public parks or parks, or in the making of any other public improvement authorized by law.

Assessments for benefits.

3. Whenever lands and real estate shall be taken for the purposes aforesaid, either by purchase thereof or by condemnation, it shall be the duty of commissioners appointed pursuant to section seventy-five of the act to which this is a supplement, to determine the probable net cost of making the improvement, which probable net cost the said commissioners shall thereupon assess upon the lands to be specially benefited, in proportion to the benefits to be received; and if the total cost of any improvement shall exceed the aggregate assessable special benefits, the excess shall be borne and paid by the township at large; and shall thereupon also make report

under their hands of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report together with a map showing the lands so to be assessed for benefits at the time and in the manner provided by section seventy-six of the act to which this is a supplement; and the said assessments for benefits shall be and remain a lien upon the lands against which they are assessed until the same shall be paid, and the same shall be collected in the same manner as taxes levied against real estate in townships are collected.

Take lands in fee-simple.

4. The township committee may, by resolution, direct the several sums of money awarded to be paid for the taking and appropriating of lands and real estate, and upon the passage of such resolution, the fee-simple of the lands so taken shall be vested in the township in its corporate name; *provided,* that when the commissioners shall have reported the names and estates of the owners of any parcel or parcels of land are unknown, the said resolution shall direct the sum of money awarded to the owner or owners of such parcel or parcels of land to be paid to the owner or owners thereof when and as their interest may appear, and any such owner or owners or persons interested in such lands or real estate may, by suit in chancery, according to the practice of that court, have the said sum distributed or in whole or in part paid over as law and justice may require.

Proviso.

Awards for damages.

5. The awards for damages for taking and appropriating lands and real estate in accordance with the provisions of this act, and the act to which this is supplemental shall be paid by the township treasurer out of any funds in his hands not otherwise appropriated, and in case there are no funds available for this purpose, the township committee is hereby authorized to borrow such sum of money as may be necessary to pay such awards, giving therefor obligations in the name of such township, payable at any time within five years from their date, signed by the chairman of the township committee, attested by the township clerk, which sum,

with interest thereon at a rate not exceeding six per centum per annum, shall be raised by taxation in not more than five annual installments, as may be directed by the township committee.

6. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 230.

A Supplement to an act entitled "An act to authorize the establishment of free public libraries in the towns, townships or any other municipality of this state," approved April second, one thousand eight hundred and ninety.

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

Appropriation to secure site for library.

1. When any individual or corporation has offered or hereafter may offer to the trustees of the free public library of any town, township or other municipality in this state which has adopted the provisions of the act to which this act is a supplement, or has offered or hereafter may offer to the council or other governing body of any such municipality, to provide or erect a building to be used as a free public library upon condition that such municipality, or the trustees of the free public library therein, or the council or governing body thereof, provide a site for such building, it shall be lawful for the council or other governing body of any such municipality, by resolution, adopted by the votes of a majority of all the members thereof, to appropriate for the purpose of purchasing a suitable site upon which to erect such library building, a sum of money not exceeding three-fourths of one mill on every dollar of assessable property returned by the assessor of such municipality in his last preceding levy for the purposes of annual taxation therein, and thereupon the board of trustees of the free public library in such municipality shall be vested with sufficient power and authority to

Amount.

purchase land for said purpose and to spend moneys therefor, not exceeding the amount of such appropriation; *provided, however,* that the title to lands so purchased shall be taken in the corporate name of the municipality, but the use and control of the same and of the building to be erected thereon shall be in such board of trustees of the free public library so long as the same shall be used for free public library purposes. Proviso.

2. To defray the expense of such purchase the common council or other governing body of any such municipality is hereby authorized to issue and sell the corporate bonds of such municipality, not exceeding in the aggregate the amount of such appropriation, which bonds shall be of such denomination, and shall be made payable within such period, not exceeding ten years from the date of their issue, and bear such rate of interest, not exceeding five per centum per annum, payable semi-annually as such council or governing body may determine; said bonds shall be made payable in such manner that an equal proportion of the whole amount issued shall become due and payable in each year after the date of issue thereof; said bonds shall be designated "Free Public Library Bonds," shall not be sold for less than their par value and shall be executed under the corporate seal of the municipality and be signed by the chairman of the council or governing body and attested by the clerk thereof, and shall have coupons attached for the payment of each half year's interest, or may be made registered bonds at the option of the purchaser. Bond issue: name, term, rate.

3. There shall be raised and levied annually by taxation in the municipality issuing such bonds a sum sufficient to pay the interest thereon and to redeem the part or proportion thereof maturing in the fiscal year for which such taxes are levied. Redemption of bonds.

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

Approved April 9, 1902.

CHAPTER 231.

An Act to amend an act entitled "A supplement to an act entitled 'An act respecting conveyances'" [Revision of 1898], approved June fourteenth, one thousand eight hundred and ninety-eight, which supplement was approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Section amended.

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

Conveyance by deed to include.

2. Every such deed hereafter made, executed and delivered, conveying lands shall, unless an exception be made therein, be construed to include all the estate, right, title, interest, use, possession, property, claim and demand whatsoever, both in law and equity, of the grantor (including the fee simple if he have such estate), of, in and to the said premises, with the appurtenances; and the word heirs shall not be necessary in any such deed to effect a conveyance of the fee simple.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 232.

Supplement to an act entitled "An act for the better preservation of the oyster industry in the creeks and rivers along the shores of Delaware bay and Maurice rive cove and the tide waters of the Atlantic seaboard of the state of New Jersey," approved March twenty-third, one thousand nine hundred.

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

Taking oysters by dredge, etc., from certain beds unlawful.

1. It shall be unlawful for any person or persons to use, or cause to be used, any dredge, drag, scrape or other instrument except hand tongs for the purpose of catching oysters from the following named beds, creeks and rivers of the state of New Jersey, along the shore of Delaware bay, viz., Elder Point beds, Andrews' ditch beds, East Point beds, the High beds, Pepper beds, Dividing creek beds, Oronoken beds, Nantuxet creek beds, Beach creek beds, Goshen creek, Dennis creek, East creek, West creek, Dividing creek, Oronoken creek, Straight creek, Fishing creek, Oyster creek, Fortescue creek, Beadon's creek, Sow and Pigs creek, Dare's creek, Padget's creek, Nantuxet creek, Cedar creek, Back creek, Middle Marsh creek, Stow creek, Nantuxet beds at the mouth of Nantuxet creek, Back creek beds at the mouth of Back creek, and Cohansey beds at the mouth of Cohansey river, and Maurice river and Cohansey river, and the tide waters of the Atlantic seaboard of the state of New Jersey; and no license shall be issued by any commission or state official contrary to the provisions of this act; any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars, or imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the court; and shall furthermore forfeit the boat used for such unlawful purposes, together with her appliances and appurtenances thereunto belonging; said boat, her appliances and appurtenances, to be advertised for thirty days by a commissioner of the district wherein the arrest and seizure of said boat, her appliances and appurtenances, were made, and sold by him to the highest bidder at public sale, and the proceeds of said sale to be divided, one-half thereof to go to the treasurer of the state for the use of the state, and the other one-half in equal proportions to the persons furnishing the evidence necessary to secure a conviction.

Penalty for violation.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 233.

An Act to provide for the publishing of auditors' statements in towns of more than ten thousand population, in counties of the third class, in the state of New Jersey.

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

Auditor's monthly and annual report published.

1. It shall be the duty of the town auditor, in any town which has a population of ten thousand or more, in counties of the third class, to publish his monthly and annual reports in two daily newspapers printed and published in said town, if there be two such newspapers published in said town; and that said papers shall not be of the same political party.

2. This act shall take effect immediately.

Approved April 9, 1902.

CHAPTER 234.

An Act to amend an act entitled "An act to authorize the establishment and maintenance of free public baths and gymnasiums in the cities of this state," approved March twenty-second, one thousand nine hundred and one.

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

Section amended.

1. Section one of the act entitled "An act to authorize the establishment and maintenance of free public baths and gymnasiums in the cities of this state," approved March twenty-second, one thousand nine hundred and one, be and the same is hereby amended to read as follows:

Free baths and gymnasiums in cities.

1. It shall be lawful for the municipal board or body having charge and control of the finances in any city of this state, in their discretion, by resolution approved

by the mayor or other chief executive of such city, to establish and maintain in such city, as hereafter provided, one or more free public baths and gymnasiums, and to provide an appropriation not exceeding fifteen thousand dollars per annum for the expenses and maintenance thereof, which said amount shall be annually raised, levied and collected as other taxes in said city are now or hereafter may be levied and collected; it shall be lawful for the said municipal board or body having charge and control of the finances of such city, with the approval of the mayor, to issue bonds, either registered or coupon, to an amount not exceeding fifty thousand dollars, and to sell the same at public or private sale, in case a more favorable bid can be obtained at private sale than shall have been publicly bid therefor, but in no case for less than par; and to appropriate and apply the money derived from such sale of said bonds to the purchase of suitable premises for such free public baths and gymnasiums, or to the purchase of land and the erection and furnishing of buildings thereon suitable for such free public baths and gymnasiums; the erection and furnishing of said buildings shall be done by contract, which contract shall be awarded upon two weeks' advertisement in two newspapers circulated in such municipality, to the lowest responsible bidder; that the issue of bonds under the provisions of this act shall be exempt from taxation and made payable at periods of not exceeding thirty years from the date of the issuing of the same, and shall draw such rate of interest, not exceeding five per centum per annum, and be in such sum as the board having charge and control of the finances of such city shall determine; these bonds shall be executed under the corporate seal of such city and the signature of the mayor and comptroller or other proper financial officer thereto, and may be either registered or coupon bonds as the said board may direct; *provided,* that in order to redeem the bonds ordered 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 by a special tax of

Appropriation.

Amount of bond issue.

Provisos

not less than two per centum upon the issue herein provided for, to be annually levied and collected as other taxes in such city are now or hereafter may be levied and collected; and it shall be lawful for the said board or body having charge and control of the finances of such city, if said board shall determine to establish said free public baths and gymnasiums before the money for the construction and maintenance of the same shall be available by levying and collecting of the tax as hereinbefore provided, to raise the money necessary for the purchase of the premises, or the purchase of land and the erection and furnishing of a building, suitable for said free public bath and gymnasium and for the maintenance thereof for the first year after the establishment thereof, as hereinbefore provided, by issuing and selling temporary loan bonds upon the credit of such city, and to cause the amount of said temporary loan bonds and the interest thereon to be placed in the next ensuing tax levy in such city and levied and collected as are other taxes in any such city.

Section amended.

2. Section two of the act entitled "An act to authorize the establishment and maintenance of free public baths and gymnasiums in the cities of this state," approved March twenty-second, one thousand nine hundred and one, be and the same is hereby amended to read as follows:

Committee on baths and gymnasiums.

2. Such municipal board of body having charge and control of the finances of any such city, by resolution as aforesaid, may provide for a committee of three members of such municipal board or body, to be appointed by the presiding officer of such municipal board or body, and to be known as the committee on free public baths and gymnasiums, who shall serve as members of such committee for one year from the time of their appointment and until their successors shall be appointed.

Section amended.

3. Section four of the act entitled "An act to authorize the establishment and maintenance of free public baths and gymnasiums in the cities of this state," approved March twenty-second, one thousand nine hundred and one, be and the same is hereby amended to read as follows:

4. The said committee shall receive no compensation for their services and shall annually make report of their transactions and accounts, and the state and condition of such free public baths and gymnasiums, to the said municipal board or body having charge and control of the finances of any such city. No compensation; annual report.

4. This act shall take effect immediately.

Approved April 9, 1901.

JOINT RESOLUTION No. 3.

Joint Resolution providing for the purchase of portraits of deceased governors of this state.

Whereas, The portraits of many of the distinguished men, now deceased, who have held the office of governor of this state under the present constitution, have become the property of the state and now hang on the walls of the executive chamber; and, Preamble.

Whereas, Provision has not been made for the portraits of all who have held that high office during the period mentioned, and it is desirable that the list should be completed, therefore,

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

1. A committee consisting of the president of the senate and speaker of the house of assembly and the adjutant-general of the state be authorized and requested to procure, as soon as may be, suitable portraits of the deceased governors, not now provided for, in so far as it may be possible to procure them; the said portraits to be painted in oil by reputable artists, and appropriately framed, and not to cost, in any instance, over six hundred dollars each, the same to be paid by the treasurer out of any moneys in the state treasury, not otherwise appropriated, upon a warrant drawn by the comptroller on approval of the aforesaid committee, or a majority thereof, and in the order of their completion and delivery; Committee to procure portraits. Appropriated.

Proviso. *provided,* such sum or sums shall first be appropriated in the annual appropriation bill.

2. This joint resolution shall take effect immediately.

Approved April 9, 1902.

JOINT RESOLUTION No. 4.

Joint Resolution providing for investigating the facts in relation to state clothing furnished to the volunteers of this state during the Spanish-American war, one thousand eight hundred and ninety-eight, and the advisability of providing compensation therefor.

Preamble. Whereas, The state of New Jersey, in fitting out the non-commissioned officers, musicians, artificers, wagoners and privates of certain of the volunteer regiments of this state, for service during the late war with Spain, issued to them state clothing; and

Whereas, Much of the state clothing was inadequate for service in the army of the United States, and was not according to the regulations and requirements of the United States army, by reason whereof the soldiers aforesaid were required to obtain additional uniforms and were charged therefor against their clothing allowance in addition to said state clothing:

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

Commission to investigate. 1. A commission of three persons, residents of this state, shall be appointed by the governor to make careful investigation of the subject named in the preamble of this resolution, to ascertain the amount of inadequate clothing furnished by this state to the volunteers in the various regiments of this state in the Spanish-American war (which had to be replaced by other clothing to conform to army regulations) and the amount of money charged therefor and deducted from the clothing allowance of such volunteers, which commission shall report at the next session of the legislature, in the year one

thousand nine hundred and three, the result of its investigations.

Appropriation for expenses.

2. The members of said commission shall serve without compensation, but a sum not exceeding two thousand dollars is hereby appropriated to meet the expenses of said commission in making said investigation, and the treasurer of the state, on the warrant of the comptroller, shall pay the said commission the expenses incurred within the above-named limit of two thousand five hundred dollars, the commission first specifying in writing the items of expense.

Approved April 9, 1902.

CHAPTER 235.

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

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

Deposit moneys in banks that allow interest.

1. It shall hereafter (except as hereinafter otherwise provided) be the duty of the state treasurer to deposit all public moneys in such of the national banks located within this state, and institutions authorized by this state to carry on a banking business, as he may select, that will allow interest not exceeding two per centum per annum on all balances to the credit of the treasurer; all interest so earned shall be credited to the state.

When not deemed advisable.

2. Whenever, in the judgment of the state treasurer, it is not compatible with public safety to deposit the public moneys, or any portion thereof, upon interest bearing terms, as aforesaid, he may, until such a condition has, in his judgment, ceased to exist, deposit the same, without interest, in such of the national banks located within this state and banking institutions authorized by this state to carry on a banking business as aforesaid, as he may select; *provided, however,* that in

Proviso.

such case he shall not maintain a deposit of more than one hundred thousand dollars in any one institution.

Treasurer's bond.

3. Within seven days after the passage of this act, the state treasurer shall file a new bond in lieu of his present bond, conditioned and in the penalty now provided by law, which bond shall be approved as now required and deposited in the office of the secretary of state.

4. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 236.

A Supplement to an act entitled "An act concerning the military and naval forces" [Revision of 1900].

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

Rehearing by court-martial.

1. The commander-in-chief be and he is hereby authorized to convene a general court-martial for the rehearing and trial of any officer or enlisted man of the national guard who shall have been heretofore or who may hereafter be 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.

Proviso.

Result of trial.

2. If upon such a rehearing 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, if a commissioned officer, the title and rank formerly held by him and place such officer upon the retired list; if an enlisted man he may be reinstated to serve the term of his enlistment or be honorably discharged as of date of his dismissal; *provided, nevertheless,* that such general court shall be ordered within two years from the date of the approval

Proviso.

of the sentence of the court, the findings of which are to be reviewed.

As to disabilities of officers.

3. 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 officers 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. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 237.

A Supplement to an act entitled "An act giving the state commissioner of public roads a fixed salary instead of per diem pay, and limiting the expenses connected with the office," approved March twenty-fifth, one thousand eight hundred and ninety-six.

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

Supervisor's salary and expenses.

1. In addition to the amount now limited by law, for salary and all expenditures, in connection with the office of state commissioner of public roads, he shall be allowed the sum of five hundred dollars per year for salary of supervisor, and the further sum of five hundred dollars per year, or so much thereof as may be necessary, for the expenses of the department in defraying the traveling expenses of the said supervisor.

2. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 238.

An Act to amend an act entitled "An act concerning the tenure of office of city assessors in cities of the third class," approved May seventeenth, one thousand eight hundred and ninety-four.

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

Section amended.

1. The first section of the act entitled "An act concerning the tenure of office of city assessors in cities of the third class," approved May seventeenth, one thousand eight hundred and ninety-four, be and the same is hereby amended so as to read as follows:

Three years' term.

1. The tenure of office of the city assessors, or other officers charged with the assessment of taxes, in any city of the third class hereafter elected or appointed, shall be three years.

2. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 239.

A Supplement to an act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers, sailors, marines and their wives," approved April twentieth, one thousand eight hundred and ninety-eight.

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

One-half of pension for use of home.

1. The inmates of the home established under the act to which this is a supplement, shall agree to transfer to the state, for use in payment of the appropriation for the home, fifty per centum of any quarterly pension to which he or she may be entitled from the United States, during the time he or she shall be an inmate of said home; and that he or she will execute any

necessary power and voucher for the same; *provided,* that in case any of such inmates shall be in receipt of a pension of less than sixteen dollars per month, he or she shall be required to transfer to the state as aforesaid only the excess thereof over the sum of eight dollars per month. Proviso.

2. The expenses of said home, as provided in the third section of the act to which this act is a supplement, not exceeding the sum of eleven thousand dollars in any one year, shall be paid by the comptroller as now provided by law. Limit to expenses.

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

Approved April 10, 1902.

CHAPTER 240.

An Act to amend "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates [Revision of 1898]," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

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

137. Any executor, administrator, guardian or trustee, whose duty it may be to loan the money entrusted to him, may invest the same in any of the following securities: Securities for investment.

I. Bonds issued by the United States of America; U. S. bonds.

II. Bonds issued by this state; State bonds.

III. Bonds of any county, city, borough, town or township of this state, issued pursuant to the authority of any law of this state, where the total indebtedness of said county, city, borough, town or township does Certain municipal bonds.

not exceed in the aggregate fifteen per centum of the assessable valuation of all taxable property within such county, city, borough, town or township;

First mortgage.

IV. Bonds secured by first mortgage upon real estate, in such proportion to the value of such real estate and at such a rate of interest upon the amount loaned as a reasonable and prudent investor, dealing with his own funds, under like circumstances, would require; *provided, however,* that said sum so loaned shall not exceed two-thirds of the value of said real estate, and that the rate of interest to be charged thereon shall not be less than four per centum per annum; this act shall not apply where the deed of trust or the last will and testament of any testator, or any court having jurisdiction of the matter, specially directs in what manner the trust fund shall be invested.

Proviso.

2. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 241.

A Supplement to an act entitled "An act concerning corporations" [Revision of 1896], approved April twenty-sixth, one thousand eight hundred and ninety-six.

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

Proceedings in case of dissenting stockholder.

1. Upon the merger or consolidation of any two or more corporations, which do not have the right to exercise any franchise for public use, into a single corporation, as provided by the act to which this act is a supplement, if any stockholder in any of said merging or consolidating corporations not voting in favor of such agreement of merger or consolidation, shall dissent therefrom and shall refuse or neglect to convert his stock into the stock of such consolidated corporation, or to dispose thereof in the manner and on the terms specified in such agreement, such dissenting stockholder may, at any

time within thirty days after the adoption and filing of the agreement of consolidation, apply by petition to the circuit court of the county in which the chief office of the corporation, whose stockholder shall so dissent or neglect, was or is located, on reasonable notice to be prescribed by said court to said consolidated corporation for the appointment of three disinterested appraisers to appraise the full market value of his stock without regard to any depreciation or appreciation thereof in consequence of the said merger or consolidation; and thereafter the proceedings and the rights and remedies of the respective parties shall be the same as is provided in the act to which this act is a supplement in the case of the appointment of appraisers to appraise the market value of stock of dissenting stockholders of corporations enjoying the right to exercise any franchise for public use; and the judgment upon the award as provided for therein, shall be a judgment against said consolidated corporation, and shall be a lien on all the property and assets acquired by the consolidated corporation from the corporation so merged, subject only to such liens as existed against said property and assets at the time of such merger or consolidation.

2. Nothing herein shall in anywise limit, repeal or supersede the provisions of the one hundred and eighth section of the act to which this is a supplement. Act not to limit or repeal.

3. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 242.

A Supplement to an act entitled "An act concerning townships" [Revision of 1899], approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Certain proceedings not invalid.

1. No proceeding heretofore taken to make any public improvement in any township of this state shall be invalid because of the exercise of the power given to the township committee to make such public improvement without an appropriation having been voted or authority given for the issue of bonds to pay the cost thereof; *provided, however*, that no bonds shall be issued to pay the cost of such public improvement until the question of the issue of such bonds shall have been submitted to the voters of the township in which such public improvement has been made, or proceedings taken, which submission to the voters may be made after the filing of the awards of damages by the commissioners appointed in any such proceedings.

Proviso.

2. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 243.

Supplement to the act entitled "A general act relating to boroughs" [Revision of 1897], approved April twenty-fourth, one thousand eight hundred and ninety-seven.

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

Disposition of surplus revenues.

1. Any surplus of revenues derived by any borough from any municipal water works plant, or sewerage system, or electric lighting plant, after setting aside therefrom sufficient moneys to satisfy all charges against the same for operating expenses, sinking fund charges and charges for interest and all other charges against the same, may be annually appropriated by council to the payment of interest or sinking fund charges due for and on account of any other obligation of the borough.

Repealer.

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

3. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 244.

An Act relating to the appropriation of moneys for the expenses of the various boards, bodies, commissions and departments of cities of the first class, and limiting the amount of money to be raised by taxation in such cities for city purposes.

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

Prepare annual estimate.

1. It shall be the duty of each and every body, board, commission and department of cities of the first class of this state, and of boards of education in districts in such cities, which are by law or ordinance charged with the expenditure of city moneys, annually, and on or before the first day of May in each year, to estimate in detail the expenses of such board, body, commission or department for the current year, such detailed estimate to include the expenses of every branch and department of the city affairs controlled by the board, body, commission or department making the estimate, except expenses relating to the water-supply of such city, and on or before the day last aforesaid to present such detailed estimate to the common council or other body having charge and control of the finances of such city; and the said common council or other body having charge and control of the finances of the city shall provide for the expenses of the several bodies, boards, commissions and departments aforesaid for the current year, by appropriating to them respectively, by resolution or in the tax ordinance, such sums of money as in the judgment of such common council or other board or body having charge and control of the finances of said city shall seem proper and wise, and shall provide for the payment of the several appropriations so made, either in the tax ordinance for the current year or from any other municipal receipts.

Appropriation by council.

Repealer.

2. All parts of acts providing for the raising in the tax ordinance of such cities for the use of any such department, board, body or commission aforesaid of a fixed

percentage upon the valuation of the assessed property in such cities, and all parts of acts requiring not less than a fixed sum to be raised in such cities for the use of any department, board, body or commission thereof, for the current year, be and the same are hereby repealed, it being the intention of this act to vest in the common council or other body having charge and control of the finances of cities of the first class, full, complete and exclusive power, control and discretion in all matters relating to the raising by taxation of moneys for city purposes, except as herein otherwise provided, and full, complete and exclusive power, control and discretion in all matters relating to the appropriation of all municipal moneys and funds, whether raised by taxation or accruing to such cities from any other source whatsoever, except moneys received for water supplied, which moneys shall be under the exclusive control of the board or body having charge of the water-supply of said cities, as heretofore, any law to the contrary notwithstanding.

Intention of act to invest sole power in council.

Rate per hundred.

3. The tax or taxes hereinafter raised in cities of the first class shall not exceed for city purposes two dollars and fifty cents on every one hundred dollars of the official valuation of the assessed property in such cities for the current year.

Repealer.

4. All acts and parts of acts inconsistent herewith are hereby repealed; *provided, however,* that this act shall not be construed to apply to or to repeal any acts requiring moneys to be annually raised in the tax ordinances of such cities to pay the interest upon or to provide a sinking fund for the payment of any bonds or other indebtedness of any such cities, or pledging specified funds or receipts of such cities for the payment of any indebtedness of any such cities; *and provided further,* that the provisions of this act shall not apply to any municipal board or body having control or charge of the free public library in any city in which the amounts of the appropriation for such library has been determined by a vote of the people; *provided further,* that this act shall not be construed to apply to or to repeal any acts regulating the amount raised for or to the payment of

Proviso.

Proviso.

Proviso.

salaries and pensions in any department, board, body or commission.

5. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 245.

An Act to amend "An act concerning the military and naval forces" [Revision of 1900].

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

1. Section eight of the act entitled "An act concerning the military and naval forces" [Revision of 1900], be and the same is hereby amended so as to read as follows: Section amended.

8. There shall be commissioned an assistant adjutant-general, with the rank of lieutenant-colonel; one assistant quartermaster-general, with the rank of lieutenant-colonel; one assistant commissary-general, with the rank of major; one paymaster, with the rank of captain; one military storekeeper, with the rank of captain; one assistant surgeon-general, with the rank of lieutenant-colonel; one medical inspector, with the rank of major; two hospital and ambulance corps officers, with the rank of captain; two assistant inspectors-general, with the rank of lieutenant-colonel; and three assistant inspectors-general of rifle practice, with the rank of lieutenant-colonel; and there shall be appointed one standard-bearer to the commander-in-chief, with the rank of sergeant, and one orderly to the commander-in-chief with the rank of sergeant. Assistant staff officers.

2. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 246.

An Act for the protection of beavers.

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

Taking beavers unlawful.

1. It shall be unlawful for any person or persons to trap, take, capture or kill or have in possession after the same has been trapped, taken, captured or killed any beaver under a penalty of one hundred dollars for each and every beaver so trapped, taken, captured or killed or had unlawfully in possession.

Enforcement and penalties.

2. This act shall be enforced and the penalties for violation thereof shall be recovered in accordance with the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish and game, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the several acts supplementary thereto and amendatory thereof.

3. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 247.

A Supplement to an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession," approved March twenty-second, one thousand nine hundred and one.

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

Taking carp and suckers.

1. The board of fish and game commissioners is hereby authorized to issue permits to persons to take carp and suckers by means of spears and nets, and the laws at

present prohibiting the use of spears and nets for the taking of carp and suckers shall not apply to persons holding such permits.

Permits issued.

2. The permits provided for in the first section of this act shall be issued by the board of fish and game commissioners under such restrictions as to the method and time of using such spears and nets as may be deemed proper by said board of fish and game commissioners.

3. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 248.

An Act for the protection of deer.

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

Closed season for wild deer.

1. It shall be unlawful for three years after the passage of this act for any person to gun for or in any manner whatsoever to attempt to take any wild deer, be the same buck, doe or fawn, under a penalty of one hundred dollars for each offence.

Penalty for taking wild deer.

2. It shall be unlawful for three years after the passage of this act for any person in any manner whatsoever to take, kill, injure or destroy any wild deer, be the same buck, doe or fawn, under a penalty of one hundred dollars for every wild deer, be the same buck, doe or fawn, so taken, killed, injured or destroyed.

Unlawful to have in possession wild deer.

3. It shall be unlawful for any person to have in possession any wild deer, be the same buck, doe or fawn, taken, killed, injured or destroyed contrary to the provisions of the second section of this act, under a penalty of one hundred dollars for every wild deer, be the same buck, doe or fawn, so had in possession.

Preserves excepted.

4. This act shall not apply to any preserves for deer at present established.

5. The provisions of this act shall be enforced in accordance with the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the

recovery of penalties for violations thereof, approved March twenty-ninth, one thousand eight hundred and ninety-seven.

6. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 249.

An Act to protect property in manuscript and uncopyrighted plays.

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

Protection of plays and operas.

1. Any person who causes to be publicly performed or represented for profit any unpublished, undedicated or copyrighted dramatic composition, or musical composition known as an opera, without the consent of its owner or proprietor, or who, knowing that such dramatic or musical composition is unpublished, undedicated or copyrighted, and without the consent of its owner or proprietor permits, aids or takes part in such a performance or representation, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 250.

An Act to provide for a digest of the law and chancery reports of this state.

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

Digest of law and chancery reports.

1. If Soney and Sage, law book publishers of Newark, New Jersey, shall cause to be prepared and published a digest of the cases in the complete set, law and chancery reports of this state, on a plan similar to Stewart's digest, said digest to be approved by the chancellor and

the chief justice, and to be issued in four volumes of as nearly equal size as possible, the state house commission, upon five hundred sets thereof being delivered to them, well bound in good law sheep, shall pay therefor seven dollars and a half for each volume; and the state treasurer shall be and is hereby authorized to pay for the copies, upon proper warrant of the state comptroller. Number and cost.

2. And said copies shall be distributed in the same manner as the law and equity reports are now required to be distributed, and one copy to each of the members of the present legislature. Distribution.

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

Approved April 10, 1902.

CHAPTER 251.

An Act concerning contracts.

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

1. Any person or persons for whose benefit any contract shall have been made or may hereafter be made, whether such contract be under seal or not, may maintain an action thereon in any court of law or equity and may use the same as matter of defense to any action brought or to be brought against such person or persons, notwithstanding the consideration of such contract did not move from such person or persons. Action on contracts

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

Approved April 10, 1902.

CHAPTER 252.

An Act to incorporate Long Branch commission, formerly known as the Long Branch police, sanitary and improvement commission, in the county of Monmouth, as a city, to be known as Long Branch, and fix the boundaries thereof.

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

Boundaries.

1. All that part or portion of the county of Monmouth, formerly known as the "Long Branch commission:" beginning in the middle of Atlantic avenue, and at the middle of the intersection of the New Jersey Southern railroad; thence (1) in a westerly direction, along the middle of said Atlantic avenue to the middle of Rockwell avenue; thence (2) in a southerly direction, along the middle of said Rockwell avenue to the middle of the intersection of the New Jersey Southern railroad; thence (3) in a westerly direction, along the middle of the said New Jersey Southern railroad to the easterly line of property known as the Kensington Park property; thence (4) in a southerly direction, along the easterly line of said property known as the Kensington Park property to the middle of Broadway; thence (5) in an easterly direction, along the middle of said Broadway to the westerly line of lands formerly owned by Joel Potter; thence (6) in a southerly direction, along the westerly line of said property formerly owned by Joel Potter to the northwest corner of property formerly owned by George W. Brown; thence (7) in a southerly direction, along the westerly line of said lands formerly owned by George W. Brown to the northwest corner of lands formerly owned by Tucker Woolley; thence (8) in a southerly direction, along the westerly line of said lands formerly owned by Tucker Woolley to the northwest corner of lands formerly owned by Samuel Corlies; thence (9) in a southerly direction, along the westerly line of said lands formerly owned by Samuel Corlies

to the middle of the street leading from Samuel Lane's store to West Long Branch, and known as West Long Branch avenue; thence (10) in an easterly direction, along the middle of said West Long Branch avenue to the middle of Norwood avenue; thence (11) in a southerly direction, along the middle of said Norwood avenue to the middle of Cedar avenue; thence (12) in a westerly direction, along the middle of said Cedar avenue to the middle of the continuation of Norwood avenue; thence (13) in a southerly direction, along the middle of said Norwood avenue to the southwest corner of lands purchased by Lewis B. Brown of Amzi McLean and others; thence (14) in an easterly direction, along the southerly line of said lands purchased by Lewis B. Brown of Amzi McLean and others to the ocean at low-water mark; thence (15) in a northerly direction, along the ocean at low-water mark to a point due east and opposite to a certain monument on the line of property formerly owned by the New Jersey Southern railroad; thence (16) in a southerly direction, to the place of beginning, being seven hundred and seventy-five yards, more or less, be and is hereby constituted a city of this state, and all the inhabitants of the state, residing within the limits aforesaid, be and they are hereby ordained, constituted and declared to be, from time to time and forever hereafter, one body, politic and corporate, in fact and in name, by the name of Long Branch. Corporate name.

2. This act shall take effect whenever it is adopted by a majority of the legal votes cast at any election held for that purpose within the limits aforesaid. Enacting clause.

Approved April 10, 1902.

CHAPTER 253.

A Supplement to "An act making appropriations for the support of the state government and for several public purposes, for the fiscal year ending October thirty-first, one thousand nine hundred and two," approved March twenty-second, one thousand nine hundred and one.

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

Supplementary appropriations.

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the state fund for the several purposes herein specified, and for supplying deficiencies in former appropriations for the fiscal year ending October thirty-first, one thousand nine hundred and two:

1.

OFFICE OF THE COMPTROLLER.

Comptroller.

For additional allowance for blanks and stationery for use in the office of comptroller, one hundred dollars.

2.

STATE BOARD OF ASSESSORS.

State assessors.

For additional allowance for blanks and stationery for use in the office of the state board of assessors, two hundred dollars.

3.

STATE LIBRARY.

Library.

For additional allowance for blanks, stationery, postage, expressage and other incidental expenses for the state library, five hundred dollars.

4.

BUREAU OF STATISTICS.

Statistics.

For the deputy chief of the bureau of statistics, for additional salary, two hundred dollars;

For additional allowance for blanks and stationery for use in the office of the bureau of statistics, two hundred dollars.

5.

COURT OF ERRORS AND APPEALS.

Court of errors.

For additional allowance for furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, two hundred dollars.

6.

COUNTY LUNATIC ASYLUMS.

County asylums.

For additional allowance for support of county patients in the Essex county lunatic asylum, five thousand dollars;

For additional allowance for support of county patients in the Burlington county lunatic asylum, ten thousand dollars;

For additional allowance for support of county patients in the Passaic county lunatic asylum, one thousand dollars;

For additional allowance for support of county patients in the Atlantic county lunatic asylum, eight hundred dollars.

7.

AGRICULTURAL COLLEGE FUND.

Agricultural college.

To the treasurer of Rutgers College, for interest on sixty-eight thousand dollars, certificate of indebtedness of the state of New Jersey due July first, one thousand nine hundred and two, pursuant to the provisions of chapter one hundred and thirty-five of the laws of one thousand eight hundred and ninety-six, one thousand seven hundred dollars.

8.

RIPARIAN COMMISSION.

Riparian commission.

For the riparian commissioners for expenses for examination and report of the condition of the monuments marking the boundary line between the state of New York and New Jersey, pursuant to chapter one hundred and seventy of the laws of one thousand eight hundred and ninety-one, three hundred dollars.

9.

CONSTITUTIONAL AMENDMENTS.

Publishing proposed amendments.

For payments to one hundred and ten newspapers for publishing the proposed constitutional amendments of the session of one thousand nine hundred and one, ten

thousand four hundred and twenty-four dollars and forty cents.

10.

COURT EXPENSES.

Common pleas judges. For compensation of judges of the court of common pleas, pursuant to section forty-nine, chapter one hundred and forty-nine of the laws of one thousand nine hundred, four hundred dollars.

11.

MISCELLANEOUS CORPORATIONS.

Refunding taxes paid. For amount of tax to be refunded to the National Tube Works Company, for the year one thousand nine hundred, as corrected and adjusted by the state board of assessors, four thousand two hundred and fifteen dollars and ninety-seven cents;

For amount of tax erroneously paid for the year one thousand nine hundred and one by the Twin City Rapid Transit Company, and to be refunded, four thousand six hundred and fifty dollars and fifty cents.

12.

NATIONAL GUARD.

National guard. For additionl allowance for regimental headquarters, five hundred dollars;

For additional allowance for new infantry companies, seven thousand dollars;

For additional allowance for transportation for battalion drills, inspections, parades and pay and expenses of brigade inspectors, one thousand dollars;

For additional allowance for pay of officers and employes and expenses incurred in connection with rifle practice, two thousand dollars;

For additional allowance for ordnance stores, uniforms, clothing, camp and garrison equipage and miscellaneous stores, twelve thousand five hundred dollars;

For administration building and magazine at state camp grounds, three thousand five hundred dollars;

For rebuilding rifle ranges at state camp grounds, seven thousand dollars;

For allowance for boring an artesian well, with tank, pump, piping and connections at state camp grounds, six thousand three hundred and eighty dollars;

For allowance for drainage and water-supply, with the necessary tanks, piping and connections at state camp grounds, four thousand one hundred and forty dollars;

For the signal and telegraph corps for balance of annual appropriation for the year one thousand nine hundred and one, four hundred dollars;

For rent of armory for first troop cavalry, one thousand dollars.

NAVAL RESERVE.

Second Battalion.

For retubing boilers and special repairs to "Huntress," three thousand dollars; Repairs and cruise.

For pay and expenses of officers and men on annual cruise, one thousand five hundred dollars.

13.

FIRST DEFENDERS' MEDALS.

For medals and expenses in connection with the distribution of same for the honorably discharged survivors of the officers and enlisted men from the state of New Jersey, who served in the first, second, third and fourth regiments militia, "three months men," in the war of the rebellion, one thousand eight hundred and sixty-one, five hundred dollars. Medals for three months' men.

14.

QUARTERMASTER-GENERAL'S DEPARTMENT.

For additional compensation for assistants in the department of the quartermaster-general, seven hundred fifty-eight dollars and thirty-three cents. Quartermaster-general.

15.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

State superintendent. For additional allowance for stationery and blanks, one thousand dollars.

16.

FARNUM PREPARATORY SCHOOL.

Farnum school. For repairs to and apparatus for the Farnum preparatory school, five hundred dollars.

17.

OFFICE OF THE TREASURER.

Treasurer. For additional compensation for clerical services in the office of the treasurer, including assistants employed in the management of the sinking fund, three hundred and thirty-four dollars.

18.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state. For two thousand copies of the corporation laws, one thousand dollars.

19.

OFFICE OF THE CLERK OF THE SUPREME COURT.

Clerk of supreme court. For additional compensation for clerical service in the office of clerk of the supreme court, five hundred dollars.

20.

HOME FOR DISABLED SOLDIERS.

Kearny home. For additional allowance for support of the New Jersey home for disabled soldiers at Kearny, and for the chaplain thereof, ten thousand dollars.

21.

STATE PRISON.

State prison. For additional allowance for the deputy keepers and employes, for salaries, one thousand five hundred dollars.

22.

STATE HOME FOR BOYS.

For a complete system of sewerage for the institution at Jamesburg, ten thousand dollars; *provided,* a practical scheme can be devised and completed for the above named sum, plans to be approved by the governor before awarding contract. Jamesburg school. Proviso.

23.

For Lewis Lawton for balance due on his contract for the erection and construction of an addition to the state capitol, two thousand one hundred dollars, which sum was deducted from the contract price, under the terms of the contract, for failure to complete the work within the time specified. Lewis Lawton; balance on contract.

24.

SPANISH-AMERICAN WAR CLAIMS.

For services rendered the state of New Jersey before the war and treasury departments at Washington, D. C., in the prosecution and collection of claims against the United States for expenses incurred by the governor of this state in raising the volunteer regiments for the army of the United States in the late war with Spain, one thousand five hundred dollars; *provided,* said services are approved by the governor. War claims. Proviso.

25.

GENERAL STATUTES.

For compensation for commissioners and their secretary, for their services and expenses necessarily incurred by said commissioners under "An act to provide for the appointment of a commission to revise and codify the general statutes of this state not heretofore revised and codified by a special commission," approved March twenty-second, one thousand nine hundred and one, eight thousand dollars; *provided,* such compensation and expenses are approved by the governor. Revision of statutes. Proviso

26.

INAUGURATION OF THE PRESIDENT OF THE UNITED STATES.

Presidential inauguration.

For balance due the Pennsylvania railroad company for transportation furnished the national guard on the occasion of the inaugural parade at Washington, D. C., March fourth, one thousand nine hundred and one, one thousand seven hundred fifty-three dollars and eighty-seven cents.

27.

EXECUTIVE DEPARTMENT.

Executive department.

For additional allowance for blanks and stationery for use in the executive department, one hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the executive department, three hundred and fifty dollars.

28.

STATE BOARD OF CHILDREN'S GUARDIANS.

Children's guardians.

For additional allowance for the state board of children's guardians for expenses, three thousand two hundred dollars.

29.

EMERGENCY.

Emergencies.

For additional allowance for the governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, the sum of ten thousand dollars; said sum, or any part thereof, to be paid by the treasurer on the warrant of the comptroller, upon accounts approved by the governor.

30.

State boundary.

For the governor, for the purpose of paying for services and expenses in connection with the case now pending in the supreme court of the United States, pursuant to "Joint resolution relative to the rights of the state of New Jersey in that part of the Delaware river

which runs between the states of Delaware and New Jersey," approved March thirtieth, one thousand eight hundred and seventy-six, five thousand dollars.

31.

INAUGURATION EXPENSES.

Governor's inauguration.

For additional allowance for expenses incurred by the adjutant-general on behalf of the joint committee on the inauguration of Governor Murphy, January twenty-first, one thousand nine hundred and two, four hundred eighty-three dollars and eleven cents.

32.

STATE HOME FOR GIRLS.

Girls' home.

For the trustees, for grading, flagwalks, painting, steam pipes, machinery for laundry, bath tubs, addition to library, addition to farm-house, moving fireman's house, fire extinguishers, and for the purpose of connecting the institution with the Trenton fire department, six thousand dollars.

33.

VILLAGE FOR EPILEPTICS.

Epileptic village.

For additional allowance for maintenance, two thousand five hundred dollars;

For sewers, three thousand seven hundred and fifty dollars;

For constructing road, nine hundred forty-five dollars and seventy cents;

For completion of road from highway, two thousand five hundred dollars;

For completion of water-supply, two thousand five hundred dollars;

For architect's fees, six hundred and fifty dollars;

For new farm buildings, farm implements, repairs, live stock, trees and shrubbery, one thousand five hundred dollars;

For balance due T. B. Cryer & Company on heating contract and extra work, two hundred twenty-five dollars and seventy-two cents;

For W. W. Slack, services as architect preparing plans, three hundred and seventy-five dollars;

For erecting and completing a women's building, twelve thousand five hundred dollars; *provided,* that no plans shall be adopted or contracts awarded for this object without the approval of the governor;

Proviso.

For erecting and completing an industrial building, five thousand dollars; *provided,* that no plans shall be adopted or contracts awarded for this object without the approval of the governor.

Proviso.

34.

HOME FOR FEEBLE-MINDED WOMEN.

Home for feeble-minded.

For the board of managers for extension of dormitory building, including dining-room for inmates, teachers and attendants, for two-story corridors connecting old building and new dormitories, for extension of superintendent's dining-room, for electric wiring in new extension dormitory building and old building, for piping new extension dormitory building for gas and steam, radiators and enlarging steam pipes in old building, for general repairs to the laundry, for painting and for new bath and laundry tubs, twelve thousand dollars.

35.

STATE BOARD OF HEALTH.

Board of health.

For the state board of health for services of the health officer of the port of Perth Amboy, pursuant to chapter sixty-nine of the laws of one thousand nine hundred, one thousand twenty-nine dollars and fifty cents.

36.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-general.

For additional allowance for clerical service and expenses compiling data for the rosters of officers and men of New Jersey in the Revolutionary and other wars, at Washington, D. C., and elsewhere, nine hundred and fifty dollars;

For additional allowance for postage, expressage and other incidental expenses for the adjutant-general's office, five hundred and eleven dollars.

37.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For additional allowance for support and clothing of insane convicts, to November first, one thousand nine hundred and one, two thousand five hundred sixty dollars and sixty-eight cents;

For additional allowance for support and clothing of indigent patients, to November first, one thousand nine hundred and one, five thousand twenty-three dollars and seventeen cents;

For support of patients pursuant to chapter one hundred and thirty of the laws of one thousand eight hundred and ninety-eight, eight hundred eighty-two dollars and fifty-two cents.

38.

STATE HOSPITAL AT MORRIS PLAINS.

Morris Plains asylum.

For additional allowance for maintenance of patients for the year ending December thirty-first, one thousand nine hundred and one, thirteen thousand eight hundred nineteen dollars and ninety-five cents;

For furnishing and equipping new building, sixteen thousand four hundred and sixty dollars;

For fire extinguishers, three hundred and fifty dollars;

For furnishing amusement hall, five thousand dollars.

39.

HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

Vineland home.

For maintenance, repairs, appliances, et cetera, at the home for disabled soldiers, sailors, marines and their wives, at Vineland, six thousand five hundred dollars.

40.

STATE OYSTER COMMISSION.

Oyster commission.

For the purchase or building of a power police boat, equipped with a search light, for patrolling the oyster grounds, twelve thousand dollars; *provided,* that no purchase shall be made or contract awarded for this object without the approval of the governor.

Proviso.

41.

STATE AGRICULTURAL COLLEGE.

Ceramics.

For the purpose of carrying into effect the provisions of "An act to provide for the establishment of a course in practical and scientific instruction in the art of clay-working and ceramics in the state agricultural college," approved March seventeenth, one thousand nine hundred and two, twelve thousand dollars.

42.

STATE NORMAL SCHOOL.

Normal school.

For extension and repair of the heating, lighting and ventilating of the state normal school, ten thousand dollars.

43.

NEW JERSEY REFORMATORY.

Railway reformatory.

For constructing and completing building for dining-room, kitchen, bakery, school-rooms and assembly-room, and for furnishing the same, two hundred thousand dollars; plans to be approved by the governor before awarding contract;

For horses, cows and farm live stock, two thousand dollars;

For macadamizing road from Hazelwood avenue to the reformatory, one thousand five hundred dollars;

For materials for barn, stables, et cetera, two thousand dollars;

For insurance, one thousand eight hundred dollars;

For balance due James Owen for surveyor's services, three hundred and seventeen dollars;

For materials to construct yard walls (labor to be done by the inmates), five thousand dollars;

For fees due the estate of John R. Thomas for services as architect, two hundred dollars;

For additional allowance for commissioners' expenses, two hundred dollars;

For filtration plant, three thousand dollars;

For E. Keeler Company, balance due on contract for steam heating, three thousand dollars.

44.

STATE HOSPITAL AT MORRIS PLAINS.

Sewage disposal at Morris Plains.

For the board of managers for expenses incurred for the purpose of formulating a plan for reforming and rendering efficient and satisfactory the method of disposing of sewage of the institution, one thousand dollars.

45.

PALISADES.

Palisades commission.

For expenses incurred by the commissioners of the palisades inter-state park, while in the discharge of their duties, two thousand five hundred dollars; said expenses to be approved by the governor.

46.

HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

Vineland home.

For balance due the commandant, one hundred and fifty dollars, and for balance due the adjutant, one hundred twelve dollars and fifty cents.

47.

FREE SCHOOL LIBRARIES.

School libraries.

For additional allowance for the formation of libraries in the free public schools of the state, one thousand three hundred and fifty dollars.

48.

FORT LEE BATTLE MONUMENT.

Fort Lee monument.

For the erection of a battle monument to mark the site of the old Fort Lee of Revolutionary times, at the village of Fort Lee, in the county of Bergen and state of New Jersey, one thousand dollars; *provided,* such sum is authorized by enactment of the present legislature.

Proviso.

49.

SECRETARY TO THE GOVERNOR.

Governor's secretary.

For additional allowance for salary for the secretary to the governor, five hundred eighty-three dollars and thirty-three cents; *provided,* such sum is authorized by enactment of the present legislature.

Proviso.

50.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown school.

For the purpose of carrying into effect the provisions of "An act to provide suitable accommodations for the 'manual training and industrial school for colored youth,'" approved March twentieth, one thousand nine hundred and two, twenty thousand dollars.

51.

FEEBLE-MINDED.

Vineland homes for feeble-minded.

For the New Jersey home for feeble-minded children, at Vineland, for additional allowance for clothing, maintenance, support and instruction, three thousand dollars;

For the home for the care and training of feeble-minded women, at Vineland, for additional allowance for maintenance, support and instruction, two thousand dollars.

52.

NEW SENATE CHAMBER.

Senate chamber.

For the governor, comptroller and treasurer of this state, constituting the state house commission, for the purpose of providing a suitable chamber and committee-

rooms for the use of the senate of this state, pursuant to chapter one hundred and seventeen of the laws of one thousand nine hundred, seventy-five thousand dollars.

53.

STATE HOUSE COMMISSION.

State house. For the governor, comptroller and treasurer of this state, constituting the state house commission, for the purpose of providing a proper system of heating, and for extraordinary expenses incurred by the commission, twenty thousand dollars.

54.

HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

Elevator in Vineland home. For William E. Allen, for work done at the home at Vineland, installing elevator, et cetera, one thousand nine hundred twenty-five dollars and seventy-eight cents.

55.

JERSEY CITY ARMORY.

Jersey City armory. For water rents and street improvements, from one thousand eight hundred and ninety-two to the year one thousand nine hundred and two, three thousand two hundred and seventy-five dollars and seventy-two cents.

56.

PUBLICATION OF THE LAWS.

57.

PENSIONS.

Pension. For Randolph F. Disbrow, a pensioner of this state, pursuant to chapter two hundred and thirty-two of the laws of one thousand eight hundred and ninety-four, one thousand two hundred and thirty-two dollars.

58.

LEGISLATURE.

Indexing minutes. For additional allowance for indexing the journal of the senate and minutes of the executive sessions and

the minutes of the house of assembly and other incidental and contingent expenses of the legislature, eleven thousand five hundred dollars.

59.

OYSTER INDUSTRY.

Oyster investigation.

For expenses of the commission appointed to investigate the oyster industry of this state, one thousand five hundred dollars; *provided,* such sum is authorized by enactment of the present legislature.

Proviso.

60.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general.

For additional compensation for assistants in the attorney-general's department, one thousand dollars.

61.

STATE HOUSE COMMISSION.

Acquire adjacent property.

For the governor, comptroller and treasurer, constituting the state house commission, for the purposes set forth in an act to acquire, by purchase, gift, condemnation or otherwise, land adjoining the state house grounds, sixty-two thousand five hundred dollars; *provided,* such sum is authorized by enactment of the present legislature.

Proviso.

62.

Burial of shipwrecked bodies.

For the purpose of marking, enclosing and suitably preserving burial grounds purchased by the state for the burial of dead bodies thrown upon the shores of this state by shipwreck, eight hundred dollars; *provided,* such sum is authorized by enactment of the present legislature.

Proviso.

63.

2. This act shall take effect immediately.

Section not approved.

Approved except as to section fifty-six, which is disapproved because the bill authorizing the publishing of a synopsis of the laws is disapproved.

April 10, 1902.

CHAPTER 254.

A Further Supplement to "An act making appropriation for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and two," approved March twenty-second, one thousand nine hundred and one.

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

The following sum or so much thereof as may be necessary, be and it is hereby appropriated out of the state fund for the purpose herein specified for the fiscal year ending October thirty-first, one thousand nine hundred and two.

Appropriation for tubercular sanatorium.

1. For the purpose of carrying into effect the provisions of "An act to establish a sanatorium for persons afflicted with tuberculous diseases and to provide for the selection of a site and the erection of buildings therefor and the government thereof, Fifty thousand dollars.

2. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 255.

A Further Supplement to "An act making appropriation for the support of the state government and for several public purposes, for the fiscal year ending October thirty-first, one thousand nine hundred and two," approved March twenty-second, one thousand nine hundred and one.

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

The following sum or so much thereof as may be

necessary, be and it is hereby appropriated out of the state fund for the purpose herein specified for the fiscal year ending October thirty-first, one thousand nine hundred and two.

Appropriation for Antietam battle monument.

1. For the purpose of carrying into effect the provisions of "An act to authorize the erection of suitable monuments to mark the position of New Jersey regiments and battalions upon the battlefield of Antietam," approved March twenty-seventh, one thousand nine hundred and two; Ten thousand dollars.

2. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 256.

An Act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and three.

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

Annual appropriations.

1. The following sums, or so much thereof as may be necessary, be and they are appropriated out of the state fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and three, namely:

1.

EXECUTIVE DEPARTMENT.

Executive department.

For the governor, for salary, ten thousand dollars;

For the private secretary of the governor, for salary, two thousand dollars;

For compensation for assistants in the executive department, two thousand five hundred dollars;

For blanks and stationery for the use of the executive department, four hundred dollars;

For postage, expressage and other incidental expenses for the executive department, twelve hundred dollars.

2.

OFFICE OF THE COMPTROLLER.

Comptroller.

For the comptroller, for salary, six thousand dollars;

For the first assistant in the comptroller's office, for salary, twenty-five hundred dollars;

For compensation for other clerical service in the comptroller's office, four thousand dollars;

For blanks and stationery for use in the office of the comptroller, six hundred dollars;

For postage, expressage and other incidental expenses for the comptroller's office, nine hundred dollars.

3.

OFFICE OF THE TREASURER.

Treasurer.

For the treasurer, for salary, six thousand dollars;

For compensation for clerical services in the office of the treasurer, including assistants employed in the management of the sinking fund, seven thousand dollars;

For additional compensation for clerical services in the office of the treasurer, including assistants employed in the management of the sinking fund, five hundred dollars;

For blanks and stationery for use in the office of the treasurer, four hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the treasurer, six hundred and fifty dollars.

4.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state.

For the secretary of state, for salary, six thousand dollars;

For the assistant secretary of state, for salary, three thousand dollars;

For compensation for all clerical services in the office

of secretary of state, twelve thousand two hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of secretary of state, one thousand six hundred dollars;

For blanks and stationery for use in the office of the secretary of state, four thousand seven hundred dollars;

For compiling and indexing the election laws, two hundred dollars.

5.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general.

For the attorney-general, for salary, seven thousand dollars;

For compensation and expenses of assistants employed by the attorney-general, fifty-five hundred dollars;

For blanks and stationery for use in the office of the attorney-general, two hundred and fifty dollars;

For postage, expressage and other incidental expenses for the attorney-general's department, three hundred dollars;

For master's fees for taking affidavits for the attorney-general's office, which shall include all such service required for the year, one hundred dollars;

For the contingent fund, to be expended only with the approval of the governor and comptroller, for the fees of assistant attorneys and counsel in litigations which may arise under chapter one hundred and fifty-nine of the laws of one thousand eight hundred and eighty-four and chapter two hundred and eight of the laws of one thousand eight hundred and eighty-eight, in the enforcement of corporate taxation, one thousand dollars.

6.

STATE BOARD OF ASSESSORS.

Assessors.

For the members of the state board of assessors, for salaries, ten thousand dollars;

For secretary of the state board of assessors, for salary, twenty-five hundred dollars;

For compensation for clerical service in the office of the state board of assessors, forty-five hundred dollars;

For blanks and stationery for use in the office of the state board of assessors, seven hundred dollars;

For postage, expressage and other incidental expenses for the state board of assessors, seven hundred and fifty dollars;

For compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, five thousand dollars;

For compensation for clerical service in the office of the state board of assessors, for the purpose of carrying into effect the provisions of chapter one hundred and ninety-five of the laws of one thousand nine hundred, fifteen hundred dollars.

7.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and insurance.

For the commissioner of banking and insurance, for salary, four thousand dollars;

For the deputy commissioner of banking and insurance, for salary, twenty-five hundred dollars;

For compensation for assistants in the department of banking and insurance, seven thousand one hundred and eighty dollars;

For blanks and stationery for use in the department of banking and insurance, eighteen hundred dollars;

For postage, expressage and other incidental expenses for the department of banking and insurance, fifteen hundred dollars;

For compensation of building and loan association examiners, twelve thousand dollars;

For actual and necessary traveling and incidental personal expenses of building and loan association examiners, five thousand two hundred dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, two thousand five hundred dollars.

8.

STATE BOARD OF TAXATION.

Board of taxation.

For the members of the state board of taxation, for salaries, ten thousand dollars;

For the members of the state board of taxation for expenses incurred in attending to their official business, one thousand two hundred dollars;

For the secretary of the state board of taxation for expenses incurred in attending to his official business, three hundred dollars;

For assistants in the office of the state board of taxation, two thousand nine hundred and seventy dollars;

For additional allowance for assistants in the office of the state board of taxation, sixty dollars;

For blanks and stationery for use in the office of the state board of taxation, one hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of state board of taxation, five hundred dollars.

9.

STATE LIBRARY.

Library.

For the librarian, for salary, two thousand dollars;

For compensation for assistants in the state library, two thousand one hundred dollars;

For the repair, preservation and purchase of useful books for the state library, three thousand five hundred dollars;

For blanks, stationery, postage, expressage and other incidental expenses for the state library, five hundred dollars.

STATE TRAVELING LIBRARIES.

Traveling libraries.

For the board of commissioners of the state library, five hundred dollars, pursuant to chapter one hundred and seventy-five of the laws of one thousand eight hundred and ninety-eight.

10.

STATE BOARD OF HEALTH.

For the state board of health, pursuant to the provisions of chapter sixty-eight, laws of one thousand eight hundred and eighty-seven, seven thousand nine hundred and forty dollars; Board of health.

For compensation to the secretary of said board, pursuant to said chapter, twenty-five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, one thousand dollars;

For blanks and stationery for use in the office of state board of health, twelve hundred dollars;

For maintenance of the bacteriological laboratory, four thousand dollars;

For legal expenses incurred by the state board of health, two thousand dollars;

For postage required in sending to the physicians of this state the annual report of the state board of health and of the bureau of vital statistics, two hundred and ninety-four dollars;

For additional clerical assistance in the office of the state board of health, three hundred dollars;

For the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," passed at the legislative session of one thousand nine hundred and one, and "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," pursuant to chapter eighty-four of the laws of one thousand eight hundred and eighty-six, twelve thousand dollars. Secure purity of foods, etc.

11.

BUREAU OF STATISTICS.

For the chief of the bureau of statistics, for salary, twenty-five hundred dollars; Bureau of statistics.

For the deputy chief of the bureau of statistics, for salary, eighteen hundred dollars;

For the deputy chief of the bureau of statistics, for additional allowance for salary, two hundred dollars;

For the current expenses of the bureau of statistics, five thousand eight hundred dollars;

For blanks and stationery for use in the office of the bureau of statistics, three hundred dollars.

12.

STATE HOUSE COMMISSION.

State house commission.

For the governor, treasurer and comptroller, for the care and safe keeping of the state capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, fifty-five thousand dollars;

Publication of the laws.

For the governor, treasurer and comptroller, to be expended for supervising services in carrying out the provisions of chapter four hundred and thirteen of the laws of one thousand eight hundred and ninety-five, five hundred dollars.

13.

STATE MUSEUM.

Museum.

For curator, for salary, fifteen hundred dollars;

For the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, five hundred dollars.

14.

GEOLOGICAL SURVEY.

Geological survey.

For salaries and expenses of department of geological survey and for the completion of the geological survey of this state, pursuant to chapter three hundred of the laws of one thousand eight hundred and ninety-five, and for

the continuance of forestry investigation, ten thousand dollars;

For expenses in connection with the publication of the reports and maps of the geological survey, five thousand dollars.

15.

SUPREME COURT.

Supreme court.

For the chief justice and associate justices of the supreme court, for salaries, eighty-two thousand dollars;

For the judges of the circuit courts, for salaries, twenty-two thousand five hundred dollars;

For compensation of sergeants-at-arms and criers, one thousand three hundred dollars;

For the payment of expenses incurred by the order of the supreme court pursuant to chapter one hundred and forty-nine of the laws of one thousand nine hundred, two thousand dollars.

16.

OFFICE OF CLERK OF THE SUPREME COURT.

Clerk of supreme court.

For the clerk of the supreme court, for salary, six thousand dollars;

For compensation for clerical service in the office of the clerk of the supreme court, fifteen thousand dollars;

For additional allowance for compensation for clerical service in the office of the clerk of the supreme court, one thousand dollars;

For blanks and stationery for use in the office of the clerk of the supreme court, twelve hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the clerk of the supreme court, thirteen hundred dollars.

17.

COURT OF CHANCERY.

Court of chancery.

For the chancellor, for salary, ten thousand dollars;

For the vice chancellors, for salaries, fifty-four thousand dollars;

For compensation of sergeants-at-arms, thirty-seven hundred dollars;

For compensation of stenographers, seven thousand five hundred dollars;

For compensation and allowance of advisory masters, three thousand dollars;

For rent of rooms in Camden, Jersey City and Newark, for the use of chancellor, vice chancellors and advisory masters, forty-seven hundred and fifty dollars;

For miscellaneous expenses in connection with such rooms, two hundred dollars;

For compensation of stenographer for the chancellor, six hundred dollars;

For allowance for stationery for the court of chancery, five hundred dollars.

18.

OFFICE OF CLERK IN CHANCERY.

Clerk in chancery.

For the clerk in chancery, for salary, six thousand dollars;

For compensation for clerical service in the office of the clerk in chancery, twenty-four thousand five hundred dollars;

For blanks and stationery for use in the office of the clerk in chancery, one thousand eight hundred dollars;

For postage, expressage and other incidental expenses for the office of the clerk in chancery, fifteen hundred and fifty dollars.

19.

COURT OF ERRORS AND APPEALS.

Court of errors and appeals.

For compensation of judges of the court of errors and appeals, twelve thousand dollars;

For compensation of officers of the court of errors and appeals, five hundred and twenty-five dollars;

For furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, seven hundred dollars.

20.

COURT OF PARDONS.

For per diem allowance and mileage for judges of court of pardons, one thousand dollars; Court of pardons.

For compensation of subordinate officers, three hundred dollars.

21.

LAW AND EQUITY REPORTS.

For the publication of the chancery reports, four thousand nine hundred and eighty dollars; Legal reports

For the publication of the law reports, four thousand dollars;

For salary of chancery reporter, five hundred dollars;

For salary of supreme court reporter, five hundred dollars;

For binding chancery and law reports, twelve hundred dollars.

22.

NATIONAL GUARD.

For expenses for division, brigade and regimental headquarters, four thousand dollars; National guard.

For allowances for two batteries of artillery at seven hundred and fifty dollars each, one thousand five hundred dollars;

For allowances for two troops of cavalry, at one thousand dollars each, two thousand dollars;

For allowances for sixty companies of infantry, at five hundred dollars each, thirty thousand dollars;

For allowance for one signal and telegraph corps, one thousand dollars;

For transportation for battalion drills, inspections, parades, and for pay and expenses of inspecting officers, five thousand dollars;

For compensation of officers and employes, and expenses incurred in connection with rifle practice, twelve thousand five hundred dollars;

For pay of officers and enlisted men and expenses in

connection with the annual encampment, forty-five thousand dollars;

For compensation of the superintendent and employes, and for forage, fuel and maintenance of the state camp grounds, seven thousand dollars;

For fuel, light and maintenance of the state arsenal, two thousand dollars;

For expenses of military boards and courts martial, six hundred dollars;

For transportation of disabled soldiers to the home at Kearny, New Jersey, fifty dollars;

For maintaining, heating and lighting armories at Jersey City, Camden, Newark and Paterson, at four thousand dollars each, sixteen thousand dollars;

For pay and expenses of officer detailed from the United States army for military instruction to officers and enlisted men of the national guard, six hundred dollars;

For insuring regimental armories, buildings at the state camp grounds at Sea Girt, the state arsenal and all public military stores, three thousand five hundred dollars;

For ordnance stores, uniforms, clothing, camp and garrison equipage, freight and expressage and miscellaneous supplies, fifteen thousand dollars;

For rent of armory for first troop cavalry, one thousand dollars;

NAVAL RESERVE.

Naval reserve.

First battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, six thousand dollars;

Second battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, four thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, two thousand five hundred dollars.

23.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-general.

For the adjutant-general, for salary, two thousand five hundred dollars;

For compensation for clerical service in the adjutant-general's office, five thousand two hundred dollars;

For additional allowance for clerical service in the adjutant-general's office, two hundred dollars;

For blanks and stationery for use in the adjutant-general's office, eleven hundred dollars;

For postage, expressage and other incidental expenses for the adjutant-general's office, five hundred dollars;

For printing and binding roster of officers and men of New Jersey in the revolutionary and other wars, pursuant to joint resolution number one, approved March twenty-second, one thousand eight hundred and ninety-eight, two thousand dollars.

24.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster-general.

For the quartermaster-general, for salary, two thousand five hundred dollars;

For compensation for assistants in the department of the quartermaster-general, eight thousand seven hundred dollars;

For additional compensation for assistants in the department of the quartermaster-general, one thousand three hundred dollars;

For blanks and stationery for use in the quartermaster-general's department, two hundred dollars;

For postage, expressage and other incidental expenses for the quartermaster-general's department, two hundred and fifty dollars.

25.

MONMOUTH BATTLE MONUMENT.

Freehold monument.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one

hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

26.

TRENTON BATTLE MONUMENT.

Trenton monument.

For the Trenton battle monument association, for the purpose of keeping said property in good condition and repair, five hundred dollars.

27.

PENSIONS.

Pensions.

For amount required to pay pensions, pursuant to various acts relative thereto, four thousand two hundred and eighty-four dollars.

28.

HOME FOR DISABLED SOLDIERS.

Kearny home.

For support of the New Jersey home for disabled soldiers at Kearny, and for the chaplain thereof, thirty thousand dollars.

29.

SOLDIERS' STATE PAY.

War claims.

For claims of volunteers in the civil war, for state pay, pursuant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars.

30.

WASHINGTON ASSOCIATION OF NEW JERSEY.

Washington association.

For trustees of the Washington association of New Jersey, twenty-five hundred dollars.

31.

STATE BOARD OF AGRICULTURE.

Board of agriculture.

For the state board of agriculture, six thousand dollars;

For the state board of agriculture for the purpose of carrying out the provisions of an act to prevent the in-

troduction into and spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of state entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, one thousand dollars.

32.

TUBERCULOSIS COMMISSION.

For expenses and payments by the state tuberculosis commission, fifteen thousand five hundred dollars. Tuberculosis commission.

33.

AGRICULTURAL EXPERIMENT STATION.

For salaries and expenses of the agricultural experiment station, fifteen thousand dollars; Experiment station.

For printing bulletins of the agricultural experiment station, one thousand five hundred dollars;

For expenses incurred by the New Jersey agricultural experiment station in carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs," three thousand dollars.

34.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

For the board of visitors to the agricultural college of New Jersey, for personal expenses incurred pursuant to chapter three hundred and sixty-five of the laws of one thousand eight hundred and seventy-three, fifty dollars; Board of visitors to agricultural college.

For advertising pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

35.

STATE HOSPITALS.

For traveling expenses of managers, six hundred dollars; Asylums.

For expenses in transferring insane convicts, two hundred dollars;

For medical examination of insane convicts, three hundred dollars.

36.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For maintenance of county patients, forty-seven thousand dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, ten thousand dollars;

For support of indigent patients, at the rate of three dollars per week, and cost of clothing, eleven thousand dollars;

For salaries of officers, twelve thousand dollars;

For appraisement of personal property, seventy-five dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

Morristown asylum.

For maintenance of county patients, fifty-five thousand one hundred and twenty dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, nineteen thousand eight hundred and seventy-two dollars;

For support of indigent patients, at the rate of three dollars per week, and cost of clothing, thirty thousand one hundred dollars;

For salaries of officers, twelve thousand six hundred dollars;

For additional allowance for salaries of officers, one thousand nine hundred and fifty dollars;

For appraisement of personal property, seventy-five dollars.

38.

COUNTY LUNATIC ASYLUMS.

County asylums.

For the support of county patients in the Essex county lunatic asylum, ninety thousand dollars;

In the Hudson county lunatic asylum, sixty thousand dollars;

In the Camden county lunatic asylum, twenty thousand dollars;

In the Burlington county lunatic asylum, five thousand dollars;

In the Passaic county lunatic asylum, four thousand dollars;

In the Gloucester county lunatic asylum, seventeen hundred dollars;

In the Cumberland county lunatic asylum, twelve thousand dollars;

In the Salem county lunatic asylum, two thousand dollars;

In the Atlantic county lunatic asylum, five thousand seven hundred dollars.

39.

STATE PRISON.

For maintenance of convicts, ninety thousand dollars; State prison.

For furniture, appliances and repairs of state prison, ten thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the deputy keepers and employes, for salaries, ninety thousand dollars;

For additional allowance for the deputy keepers and employes, for salaries, two thousand dollars;

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, two thousand dollars;

For teacher and moral instructor to the convicts in the state prison, pursuant to section seven, chapter one hundred and fifty-five of the laws of one thousand eight hundred and seventy-six, for salary, one thousand dollars.

40.

STATE HOME FOR BOYS.

Boys' home at Jamesburg.

For the trustees of the New Jersey state home for boys, sixty-two thousand dollars;

For the trustees of said home, for expenses incurred by them in the discharge of their duties, two hundred and fifty dollars.

41.

STATE HOME FOR GIRLS.

Girls' home at Trenton.

For the trustees of the New Jersey state home for girls, for the support and necessary repairs to the home, twenty-five thousand dollars;

For the trustees of said home, for expenses incurred in the discharge of their duties, three hundred dollars.

42.

STATE BOARD OF ARBITRATION.

Board of arbitration.

For the members of the board of arbitration, for salary, six thousand dollars;

For the secretary of the state board of arbitration, for salary, two hundred dollars;

For blanks, stationery and other incidentals for use in the office of the state board of arbitration, fifty dollars.

43.

BOARD OF FISH AND GAME COMMISSIONERS.

Fish and game commission.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars;

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For the purpose of stocking the waters of the state with food fishes and for defraying the cost of maintaining a hatchery and for the protection and propagation of birds and game animals within this state, four thousand dollars;

For expenses of the fish and game commissioners, one thousand dollars.

44.

BLIND AND FEEBLE-MINDED.

Blind and feeble-minded.

For clothing, maintenance, support and instruction of the blind persons, inhabitants of this state, eleven thousand three hundred dollars;

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this state, fifty-seven thousand dollars;

For maintenance, support and instruction of feeble-minded women, twenty-five thousand dollars.

45.

FACTORIES AND WORKSHOPS.

Factories.

For the inspector and six deputy inspectors of factories and workshops, for salaries, eighty-five hundred dollars;

For the necessary expenses incurred by the inspector and his deputies in the discharge of their duties, two thousand dollars.

46.

STATE CHARITIES AID ASSOCIATION.

Charities.

For expenses of the association, six hundred dollars.

47.

STATE HORTICULTURAL SOCIETY.

Horticultural society.

To the treasurer of the New Jersey state horticultural society, the sum of four hundred dollars.

48.

SINKING FUND ACCOUNT.

Sinking fund.

For the state treasurer for expenses in foreclosure and other necessary legal proceedings relative to sinking fund account, five hundred dollars.

49.

ADVERTISING.

Advertising.

For advertising proclamations issued by the governor, notices of the attorney-general in relation to delinquent miscellaneous corporations, and notices of the comptroller in regards to public printing, et cetera, three thousand dollars.

50.

PRINTING.

Printing.

For printing and binding public documents, thirty-five thousand dollars;

For compensation of an expert printer for services in preparation of specifications for bids, supervision of work, examination of bills, and such other duties as may by law be imposed upon him, six hundred dollars;

For preparing index of session laws, one hundred dollars;

For printing and circulation of the laws, seven thousand five hundred dollars.

51.

PUBLIC ROADS.

Roads.

For public roads, two hundred and fifty thousand dollars;

For the state commissioner of public roads, for salary, two thousand five hundred dollars;

For compensation of supervisor for assisting the state commissioner of public roads in supervising, construction, and performing such other duties as necessity may require, one thousand dollars;

For expenses for clerk hire, attorney and consulting engineer, fees, stationery and actual traveling expenses, one thousand five hundred dollars;

For additional allowance for expenses for clerk hire, attorney and consulting engineer, fees, stationery and actual traveling expenses, five hundred dollars.

52.

OYSTER COMMISSION.

To promote the propagation and growth of seed oysters and to protect the natural oyster-seed grounds of this state, ten thousand dollars; Oyster commission.

For the preservation of clams, two thousand dollars.

NEW JERSEY OYSTER AND SHELL COMMISSION.

For the purpose of carrying into effect the provisions of chapter one hundred and eighty-five of the laws of nineteen hundred, one thousand dollars; Oyster and shell commission.

For the director of the biological department of the New Jersey Agricultural college experiment station, at New Brunswick, to establish and maintain one or more stations for the scientific investigation of oyster propagation, two hundred dollars.

53.

LEGISLATURE.

For compensation of senators and members of the general assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents; Legislature.

For compensation of officers and employes of the legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, five hundred dollars;

For manuals of the legislature of New Jersey, two thousand dollars;

For indexing the journal of the senate and minutes of the executive sessions and the minutes of the house of assembly, and other incidental and contingent expenses of the legislature, sixty-seven hundred dollars;

For toilet and other necessary supplies for use at the legislative session, to be furnished by the state house commission, seven hundred dollars.

54.

COLLATERAL INHERITANCE TAX.

Inheritance tax.

For surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, ten thousand dollars.

55.

INSURANCE.

Insurance.

For insurance upon state house and contents thereof, two hundred and fifty dollars.

56.

REFUNDING TAXES ON EXEMPTED MISCELLANEOUS CORPORATIONS.

Refund taxes.

For taxes improperly levied upon exempted corporations and to be refunded pursuant to law, five hundred dollars.

57.

WEATHER SERVICE.

Weather bureau.

For the continuance of weather stations and preparation, printing and distribution of reports, pursuant to chapter two hundred and fifty-eight of the laws of one thousand eight hundred and ninety-two, one thousand dollars.

58.

BODIES THROWN UPON SHORES OF THE STATE BY SHIPWRECK.

Ship-wrecked bodies.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

59.

BOARD OF PILOT COMMISSIONERS.

Pilot commissioners.

For expenses incurred by the commissioners, pursuant to chapter three hundred and seven of the laws of one

thousand eight hundred and ninety-five, twelve hundred dollars.

60.

AGRICULTURAL COLLEGE FUND.

To the treasurer of Rutgers College, for interest on one hundred and sixteen thousand dollars, certificates of indebtedness of the state of New Jersey due January first and July first, one thousand nine hundred and three, pursuant to the provisions of chapter one hundred and thirty-five of the laws of one thousand eight hundred and ninety-six, five thousand eight hundred dollars. Agricultural college.

61.

RIPARIAN COMMISSION.

For salaries of riparian commissioners, six thousand dollars; Riparian commission.

For expenses incurred in the prosecution of the work of the commissioners, six thousand dollars.

62.

OBSTRUCTIONS TO NAVIGATION.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this state, three hundred dollars. Removing sunken vessels.

63.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

For maintenance of the manual training and industrial school for colored youth, five thousand dollars. Bordentown schoo.

64.

NEW JERSEY SCHOOL FOR THE DEAF.

For the New Jersey school for the deaf for the teaching, maintenance and clothing of pupils taught therein, for purchase and repair of furniture, school apparatus Deaf-mute school.

and other appliances, for making needed improvements and repairs in the buildings and grounds, for insurance thereof, and for maintaining the system of manual and industrial education in said school, forty-five thousand dollars.

65.

STATE NORMAL SCHOOL.

Normal school. For the support of the state normal school, forty-eight thousand dollars;

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, four thousand dollars.

66.

FREE SCHOOL LIBRARIES.

School libraries. For the formation of libraries in the free public schools of the state, six thousand dollars.

67.

FARNUM PREPARATORY SCHOOL.

Farnum school. For the support of the Farnum preparatory school at Beverly, twelve hundred dollars.

68.

INDUSTRIAL EDUCATION.

Industrial education. For payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, fifteen thousand dollars;

For payments to schools for manual training, thirty-six thousand dollars.

69.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Educational department. For salary of state superintendent of public instruction, three thousand dollars;

For salary of assistant state superintendent and for clerical services in the office of state superintendent of public instruction, seven thousand five hundred dollars;

For stationery and blanks, two thousand dollars;

For necessary incidental expenses incurred by the state superintendent of public instruction in the performance of his official duties and for supervision of manual training, two thousand five hundred dollars.

70.

SCHOOL FUND EXPENSES.

School fund. For necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof, three thousand five hundred dollars.

71.

STATE BOARD OF EDUCATION.

Board of education. For necessary expenses of the state board of education, two thousand five hundred dollars;

For procuring plans for school-houses, five hundred dollars;

For supervising plans of new school-houses by state board of education, one thousand dollars.

72.

TEACHERS' INSTITUTES.

Teachers' institutes. For expenses of teachers' institutes, four thousand dollars.

73.

TEACHERS' LIBRARIES.

Teachers' libraries. For the establishment of libraries for use of teachers, six hundred dollars.

74.

COUNTY SUPERINTENDENTS.

County superintendents. For county superintendents of schools for salaries, twenty-six thousand dollars.

75.

EMERGENCY.

Emergencies. For the governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, the sum of ten thousand dollars, said sum, or any part thereof, to be paid by the treasurer on the warrant of the comptroller upon accounts approved by the governor.

76.

STATE BOARD OF EXAMINERS.

Examinations. For expenses incurred by the state board of examiners and compensation for the person appointed by the state board of education, two hundred and fifty dollars.

77.

STATE SEWERAGE COMMISSION.

Sewerage commission. For salaries of commissioners, seven thousand five hundred dollars;

For salary of secretary, seven hundred and fifty dollars;

For rent and necessary expenses of the commissioners, two thousand five hundred dollars; *provided,* said expenses are approved by the governor.

Proviso.

78.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

Vineland home. For salaries and expenses, ten thousand dollars.

79.

STATE OYSTER COMMISSION.

State oyster commission. For the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey, twelve thousand three hundred and twenty-three dollars;

For expenses incurred for making survey of the grounds of the Delaware bay and Maurice river cove, one thousand dollars.

80.

STATE BOARD OF CHILDREN'S GUARDIANS.

To the state board of children's guardians for expenses, six thousand dollars. Children's guardians.

81.

PUBLIC LIBRARY COMMISSION.

For the purpose of carrying into effect the provisions of chapter sixty-two, laws of nineteen hundred, one thousand dollars; Library commission.

For necessary traveling and other incidental expenses incurred by the commission, three hundred dollars;

For additional allowance for clerical assistance, necessary traveling and other incidental expenses incurred by the commission, one thousand two hundred dollars; provided such sum is authorized by enactment of the present legislature. Proviso.

82.

TRENTON ARMORY.

For the purpose of erecting an armory in the city of Trenton, fifty thousand dollars. Trenton armory.

83.

NEW JERSEY REFORMATORY.

For traveling and other official expenses of commissioners, one thousand two hundred dollars; Rahway reformatory.

For the superintendent, for salary, three thousand dollars;

For the subordinate officers and employes, for salaries, thirty thousand dollars;

For maintenance, thirty-five thousand dollars;

For furniture, appliances and repairs (including industrial departments), seven thousand five hundred dollars;

For the superintendent for payments to discharged prisoners, one thousand dollars.

84.

VILLAGE FOR EPILEPTICS.

Epileptic village.

For the superintendent, for salary, two thousand five hundred dollars;

For the steward, for salary, one thousand dollars;

For maintenance, including salary of assistant physician, sixteen thousand five hundred dollars.

85.

STATE AGRICULTURAL COLLEGE.

Ceramics.

For the purpose of carrying into effect the provisions of "An act to provide for the establishment of a course in practical and scientific instruction in the art of clay-working and ceramics in the state agricultural college," approved March seventeenth, one thousand nine hundred and two, two thousand five hundred dollars.

86.

PRESERVATION OF RECORDS.

Archives.

For the purpose of publishing and completing the early records of this state, known as "New Jersey Archives," three thousand five hundred dollars.

87.

LOUISIANA PURCHASE EXPOSITION.

St. Louis exposition.

For the board of commissioners appointed to represent the state of New Jersey at the Louisiana purchase exposition, to be held in the city of St. Louis, Missouri, during the year one thousand nine hundred and three, fifty thousand dollars; *provided,* such sum is authorized by enactment of the present legislature.

Proviso.

88.

PRINCETON BATTLE MONUMENT.

Princeton monument.

For the purpose of erecting a monument or statue in commemoration of the battle of Princeton, fifteen thou-

sand dollars; *provided,* such sum is authorized by enact- Proviso.
ment of the present legislature.

89.

HOME FOR DISABLED SOLDIERS.

For the construction and equipment of a new dormi- Improvements at Kearny home.
tory on the grounds of said home, at Kearny, twenty thousand dollars; and also the further sum of eight thousand five hundred dollars for the construction of a passageway, connecting the hospital building with the convalescent ward, and the completion of needed repairs and painting of the present buildings of the home; provided such sums are authorized by enactment of the present legislature.

90.

SECRETARY TO THE GOVERNOR.

For additional allowance for salary for the secretary Governor's secretary.
to the governor, one thousand dollars; provided such Proviso.
sum is authorized by enactment of the present legislature.

91.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

For the purpose of carrying into effect the provisions Buildings for Bordentown school.
of "An act to provide suitable accommodations for 'the manual training and industrial school for colored youth,'" approved March twentieth, one thousand nine hundred and two, fifteen thousand dollars.

92.

NEW SENATE CHAMBER.

For the governor, comptroller and treasurer of this Senate chamber.
state, constituting the state house commission, for the purpose of providing a suitable chamber and committee rooms for the use of the senate of this state, pursuant to chapter one hundred and seventeen of the laws of one thousand nine hundred, fifty thousand dollars.

93.

STATE SCHOOL TAX.

School tax. For the purpose of reducing the state school tax to be assessed for the year nineteen hundred and three, a sum equal to thirty-five per centum of the entire amount to be so raised is hereby appropriated, approximating eight hundred and eighty-three thousand nine hundred and seventy-eight dollars.

94.

Governors' portraits. For the purpose of carrying out the provisions of senate joint resolution number one, the sum of six hundred dollars is hereby appropriated.

Appropriation from income of school fund. 2. The following sum is hereby appropriated out of the income of the school fund for the purpose specified for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and three:

FREE PUBLIC SCHOOLS.

Public schools. For the support of free public schools, two hundred thousand dollars;

Premiums and interest on bonds. There shall be paid from the income of the school fund such sums required to pay premiums and accrued interest on bonds purchased by the trustees for the support of public schools.

Moneys used as specified. 3. No money shall be drawn from the treasury except for objects as herein above specifically appropriated, and except such sums which are by law devoted to specific purposes, namely, state school tax, United States appropriation to agricultural college, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, agricultural college fund and taxes for the use of taxing districts in this state, and loans to "state school fund," which last-named sums shall be paid pursuant to the laws applicable thereto.

Enacting clause. 4. This act shall take effect on the first day of November, one thousand nine hundred and two.

Approved April 10, 1902.

CHAPTER 257.

An Act to amend an act entitled "An act concerning the military and naval forces" [Revision of 1900].

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

Repealer.

1. Section fifty-seven of an act entitled "An act concerning the military and naval forces" [Revision of 1900], approved March twenty-third, one thousand nine hundred, be and the same is hereby repealed.

Section amended.

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

Inspection of arms, etc.

59. The inspector-general or an assistant inspector-general shall, once in each year, attend the brigade and regimental reviews, parades and muster and inspection of the respective brigades and regiments, troops and batteries of the national guard and the naval reserve, and inspect their arms, armories, ammunition and accoutrements.

Section amended.

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

Company inspection.

60. The annual muster and inspection of each company of the national guard and naval reserve shall be made by the inspector-general or an assistant inspector-general, between the first day of May and the fifteenth day of June of each year, 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 number present at all company drills and parades throughout the year, and which muster rolls shall then be examined by the inspecting officer and by him certified; an additional inspection of each company of the national guard and the naval reserve may be made by the inspector-general or an assistant inspector-general, between the first day of November and the fifteenth day of December of each year, when approved by the commander-in-chief, and a complete report of said in-

spection will be forwarded to the adjutant-general within sixty days after such inspection; the officer or officers making these inspections shall be entitled to transportation and receive the same rate of pay according to their rank as is provided for similar service in the United States army for the number of days actually on duty while making said inspections, to be certified by the inspector-general.

Section amended.

4. Section seventy-one of said act be and the same is hereby amended so as to read as follows:

Duties of judge advocate-general.

71. The judge advocate-general shall have the supervision, care and management of all things relating to the administration of justice in the military and naval forces; he shall act as judge advocate at all courts-martial when the public interests require his attendance; he shall, when required so to do by the commander-in-chief, report his opinion on any question of military law; he shall, from time to time, prepare and submit to the commander-in-chief, rules of procedure, regulations, forms and precedents, not inconsistent with this act, for the government and use of the military courts of this state, which, upon the approval of the commander-in-chief, shall be published in orders by the adjutant-general; from and after such publication said rules, regulations, forms and precedents shall be enforced and be followed by the military courts of this state; the judge advocate-general shall, on or before the first day of November in each year, make a report to the commander-in-chief through the adjutant-general.

Section amended.

5. Section seventy-two of said act be and the same is hereby amended so as to read as follows:

Military tribunals.

72. Military tribunals shall be of two kinds, to wit:

a. Courts-martial for the trial of offenders against military law or orders;

b. Courts of inquiry for examining transactions of, or accusations or imputations against, officers or soldiers;

Courts-martial.

The following named courts-martial are hereby authorized:

a. "General courts,"

b. "Garrison courts,"

c. "Regimental courts" and

d. "Summary courts."

General courts. General courts may be ordered by the commander-in-chief, or by the division commander, and shall consist of from five to thirteen commissioned officers, inclusive, and a judge advocate; but of not less than thirteen members when this number can be convened without manifest injury to the service; general courts shall have, as regards persons and with reference to other courts-martial, exclusive jurisdiction over commissioned officers; over non-commmissioned officers and other enlisted men, they shall have concurrent jurisdiction with the inferior courts-martial in cases cognizable by the latter.

Penalties of general courts. General courts-martial may, upon conviction of the accused of the offense or neglect charged, sentence him, if a commissioned officer, to be cashiered, suspended or reprimanded, or recommend his dishonorable dismissal from the service, as the court shall adjudge, and with reference to enlisted men power to impose the same penalties and punishments as are hereinafter prescribd for inferior courts-martial.

Garrison courts-martial. Garrison courts-martial shall be composed of three members (commissioned officers attached to the command) and a judge advocate; they may be ordered by commanders of posts or camps, when troops consist of different organizations, for the trial of offenders within their respective commands.

Regimental courts-martial. Regimental courts-martial shall be composed of three commissioned officers and a judge advocate; the members of the courts shall be officers of the regiment or corps; the officer commanding a regiment, separate battalion, battalion of the naval reserve, or corps, may order regimental courts-martial for the trial of enlisted men belonging to the regiment, separate battalion, battalion of the naval reserve or corps from which the court is composed.

Summary courts-martial. Summary courts-martial shall be composed of one officer designated by the commanding officer of a regiment, separate battalion, battery, troop or company, for

the trial of non-commissioned officers and other enlisted men in their respective commands.

Jurisdiction and penalties.

The garrison, regimental and summary courts-martial shall have jurisdiction over non-commissioned officers and other enlisted men, and upon conviction, power to impose a fine not exceeding twenty-five dollars for each offense, reprimand, reduce to the ranks, imprison for a specified term, suspend or recommend dishonorable dismissal from the service.

Approval of sentence.

No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer ordering such court, and in the case of the sentence of a court-martial of a separate battalion, battery, troop or other organization attached to a brigade or the division headquarters, same shall be first approved by the officer in command of such brigade or the division commander; no sentence of a court-martial recommending dishonorable dismissal from the service shall be carried into execution until the proceedings of such court shall have been reviewed by the judge advocate-general and the sentence approved by the commander-in-chief; the sentence of dishonorable dismissal shall, when so approved, be executed by the issue of such discharge through the adjutant-general.

Courts of inquiry.

Courts of inquiry shall consist of one or more commissioned officers (not to exceed three) and a recorder.

A court of inquiry to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the commander-in-chief; the division commander may, in his discretion, order a court of inquiry upon the demand of a commissioned officer whose conduct is to be inquired of.

Oath of court of inquiry.

The recorder of a court of inquiry shall administer to the members the following oath: "You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice or hope of reward; so help you God." After which the president of the court shall administer to the recorder the following oath: "You, A. B., do swear that you will, acording to your best abilities, accurately and impartially record the proceedings of

the court and the evidence to be given in the case in hearing; so help you God."

Summoning and examining witnesses.

A court of inquiry and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge advocates thereof; such witnesses shall take the same oath which is or may be prescribed to be taken by witnesses before courts-martial, and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question.

Repealer.

6. Section seventy-three of said act be and the same is hereby repealed.

Repealer.

7. Section seventy-four of said act be and the same is hereby repealed.

Repealer.

8. Section seventy-five of said act be and the same is hereby repealed.

Repealer.

9. Section seventy-six of said act be and the same is hereby repealed.

Section amended.

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

Charges in writing; when outlawed.

78. All charges upon which courts-martial are ordered shall be in writing and signed by the complainant, and shall clearly specify the offense, and when committed, but no person shall be tried or convicted of any offense or neglect which took place more than two years before complaint is made.

Section amended.

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

Pay and expenses of courts-martial, etc.

88. Officers composing general courts-martial, the state military board, and such other military boards as may be ordered by the commander-in-chief, and such other courts as may be ordered by brigade, regimental, battalion, naval battalion commanders, and witnesses attending before them, shall receive from the state ten cents for every mile they necessarily travel in going to and returning from the place of trial or meeting, and the following sums for each day of attendance: the president, five dollars; the judge advocate, four dollars; which shall be in full compensation also for all services of preparing papers before and making copies after any trial, inquiry or investigation; the members, three dol-

Proviso. lars; each witness, fifty cents; *provided,* that no more than four witnesses on the part of the state and four on the part of the offender shall be entitled to pay; fees for subpœnas and service of them shall be the same as in civil cases.

Repealer. 12. Section eighty-nine of said act be and the same is hereby repealed.

Repealer. 13. Section ninety of said act be and the same is hereby repealed.

Repealer. 14. Section ninety-one of said act be and the same is hereby repealed.

Section amended. 15. Section ninety-three of said act be and the same is hereby amended so as to read as follows:

Rules of procedure, etc. 93. The procedure, records, reviews, powers, duties and privileges of military or naval courts-martial and courts of inquiry, except as now or hereafter specifically provided, shall be governed by the rules, regulations, forms, precedents and military usages of the national guard of this state as same may from time to time be promulgated in orders by the commander-in-chief.

Repealer. 16. Section ninety-four of said act be and the same is hereby repealed.

Section amended. 17. Section ninety-five of said act be and the same is hereby amended so as to read as follows:

Imposition of fines. 95. In addition to the powers heretofore and hereinafter conferred upon courts-martial, the following fines may be imposed: (1) for absence from or tardiness in attending any drill, parade, encampment, meeting for instruction, or other duty ordered by competent authority, without proper excuse, a fine of not less than one or more than five dollars for each day or part of a day of such absence or tardiness; (2) for any loss or destruction of any property of the state, a sum equal to the value of any property lost or destroyed, which shall be assessed by the court.

Repealer. 18. Section ninety-six of said act be and the same is hereby repealed.

Section amended. 19. Section ninety-seven of said act be and the same is hereby amended so as to read as follows:

Collection and disposition of fines. 97. For offenses against the by-laws, rules and regulations of or non-payment of dues to any company or

organization, not exceeding in amount twenty-five dollars, may be returned to a summary court by an officer of such organization, together with a copy of such by-laws, rules, or regulations; the court may sentence the persons so returned to pay such fines and dues and to enforce such sentence in the same manner as a fine for a military offense, and, when collected, they shall be paid to the treasurer or financial secretary of the organization of which the person owing the same may be a member.

Section amended.

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

Oath.

98. Every member of a summary court-martial shall, before proceeding with a trial, take an oath that he will well and truly try and determine, according to the evidence, all matters brought before such court, which oath shall be annexed to and become a part of the record of such court-martial.

Section amended.

21. Section ninety-nine of said act be and the same is hereby amended so as to read as follows:

Summoning of delinquents.

99. The summary court shall designate and direct a fit person or persons to summon all delinquents to appear before the court; service of the summons shall be made by delivering to the person to be summoned before such court a copy thereof, or by leaving a copy at his last known place of abode or business, or, in towns or cities in which there is a postal delivery, by mailing to him a copy directed to his last known place of abode or business, at least five days before the return day of such said summons.

Repealer.

22. Section one hundred and one of said act be and the same is hereby repealed.

Section amended.

23. Section one hundred and two of said act be and the same is hereby amended so as to read as follows:

Fines, to whom paid.

102. All fines and penalties imposed by any court-martial shall be paid to the officer ordering such court within fifteen days, and in default of such payment, an execution may issue for the collection thereof, as in civil cases at law.

Repealer.

24. Section one hundred and three of said act be and the same is hereby repealed.

Section amended.

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

Dishonorable discharge for non-payment of fines.

104. Enlisted men, fined by a court-martial, who shall refuse or neglect to pay such fine within thirty days after same shall have been imposed, may be dishonorably discharged from the service upon the recommendation of the officer ordering the court-martial, without allowance for time served, and shall thereafter be disqualified from service in the national guard for a period of five years.

Section amended.

26. Section one hundred and five of said act be and the same is hereby amended so as to read as follows:

Issue warrant for collecting fines.

105. For the purpose of collecting any unpaid fines or penalties imposed, courts-martial shall issue to a marshal or marshals of said court a warrant or warrants within twenty days after the expiration of the time limited for the taking an appeal from such fine or penalty, unless an appeal has been taken, in which event such court shall issue the same within twenty days after the appeal shall have been disposed of, and he shall have been so notified by the reviewing officer; such warrants to be returnable and returned within forty days after their receipt by the officer executing them, and may be renewed in the same manner as executions from courts for the trial of small causes may by law be renewed; no property shall be exempt from the collection of such fines and penalties.

Section amended.

27. Section one hundred and six of said act be and the same is hereby amended so as to read as follows:

Marshals; bond, duties.

106. All courts-martial may appoint, by warrant, and at any time remove, one or more marshals, each of whom shall execute a bond to the state in the penal sum of five hundred dollars, with sufficient sureties, to be approved by the court appointing him, for the faithful performance of his duties and the prompt payment of all moneys collected by him; each marshal shall perform the usual duties of such marshals, and shall execute any process or other mandate issued by the court, and perform all acts and duties incidental thereto; a bond given as herein provided may be prosecuted for breach of its conditions by a judge advocate in the name of the state, and all moneys recovered shall be paid to the

military fund of the organization or organizations injured.

28. Section one hundred and seven of said act be and the same is hereby amended so as to read as follows: Section amended.

107. All courts-martial shall have power to compel by subpœna the attendance of witnesses, both civilian and military, and the production of books, papers and documents, and to punish for contempt; any person disobeying a subpœna without sufficient excuse shall forfeit to the state the sum of twenty-five dollars, and a judge advocate may sue for and recover such penalty in an action of debt in the name of the state, in any court of competent jurisdiction; moneys so recovered shall be paid to the officer appointing such said court, and by him paid over to the military fund of the organization from which said court shall have been appointed. Compelling attendance.

29. Section one hundred and twenty-nine of said act, and as amended by supplement approved March twenty-second, one thousand nine hundred and one, be and the same is hereby amended so as to read as follows: Section amended.

129. The money appropriated for the objects specified in sections one hundred and twenty-six, one hundred and twenty-seven and one hundred and twenty-eight shall be paid by the comptroller to the paymaster-general, and by him paid to the heads of the departments and the commanding officers of the several regiments and other organizations entitled thereto; and that the several amounts annually appropriated for the heating, lighting and maintaining the armories in this state be also paid by the comptroller to the paymaster-general, and by him expended in the payment of bills certified by regimental or battalion commanders as correct and just and necessary for the proper maintenance of said armories. Distribution of moneys appropriated.

30. Section one hundred and sixty-four of said act be and the same is hereby amended so as to read as follows: Section amended.

164. The commander-in-chief is authorized to make and publish in orders, regulations for the government of the national guard and naval reserve in all matters not specifically provided by law, conforming the same to the practice and regulations now or hereafter pre- Regulations, etc., applicable.

scribed for the army and navy of the United States, so far as they may be applicable.

31. This act shall take effect immediately.

Approved April 10, 1902.

CHAPTER 258.

An Act providing for the appointment of an officer to be known as "street and water commissioner," in cities of the first class in this state, and defining his powers and duties.

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

Commissioner; term, vacancies bond.

1. In every city of the first class in this state it shall be lawful for the mayor thereof to appoint an officer to be known as the "street and water commissioner" of said city; the term of the street and water commissioner first appointed under this act shall extend from the date of his appointment to the expiration of the term of office of the mayor who shall make such appointment, and until his successor shall have been appointed and qualified; the term of office of each street and water commissioner appointed subsequently thereto, shall be for two years and until his successor shall have been appointed and qualified; vacancies shall be filled for the unexpired term only; such street and water commissioner shall qualify as other officers of like character qualify in any such city, and shall give bonds in the sum of twenty-five thousand dollars, to be approved as to sufficiency by the board having charge of the finances in and for said city, for the faithful discharge of his duties.

Powers and duties.

2. The said street and water commissioner herein provided for in any city, shall be substituted for and shall become vested with and shall perform all the powers and duties of any board of street and water commissioners now existing in said city; the performance, exercise or discharge of so much of such powers and duties as are now by law required to be preformed, exercised or

discharged by such board of street and water commissioners, by resolution or ordinance, shall be performed, exercised or discharged by such street and water commissioner, by signing appropriate resolutions or ordinances in a record or minute book to be kept for that purpose; *provided*, that no such resolution or ordinance so signed as aforesaid shall be of any force or effect until the same is approved by the mayor of such city; and the board of street and water commissioners, in any such city, is hereby abolished from the time the first street and water commissioner appointed under this act has qualified; and all books and papers, property and effects, matters and things whatsoever, now used by or heretofore in the charge of any such board of street and water commissioners and used for any purpose whatever in the exercise of the powers and duties by this act conferred upon the said street and water commissioner herein provided for and authorized, shall at once be delivered to the said street and water commissioner, or to the person or persons designated by the said street and water commissioner to receive the same in any such city.

Proviso.

Delivery of records, etc., to commissioner.

3. The salary of said street and water commissioner shall be five thousand dollars per year.

Salary.

4. The municipal board or body having charge or control of the finances in any city of the first class in this state, may, by resolution adopted by a majority vote and approved by the mayor of such city, 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 two 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 power herein made to 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

Referendum.

to or rejection of this act by depositing their ballots in the box, provided for depositing ballots in such elections, 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 the powers therein contained, shall each deposit a ballot containing the words "For the street and water commissioner act of 1902," written or printed thereon, and those who are opposed shall each deposit their ballot with the words "Against the street and water commissioner act of 1902," written or printed thereon; and this acceptance or rejection may be expressed upon the ballot upon which are the names of the state, county, district, city or ward officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass upon 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 upon which there shall be either the words "For the street and water commissioner act of 1902" or "Against the street and water commissioner act of 1902," shall be found to be for the acceptance of this act, it shall then, but not otherwise, go into effect or be binding upon such city wherein such vote shall have been taken.

Canvass of returns.

Notice to county clerk to prepare ballots.

5. When a resolution, submitting this act to the voters shall be passed and approved in any city as provided in section four of this act, it shall be the duty of the county clerk of the county in which any such city is situate, on receiving a copy of the said resolution, to cause the question of the adoption or rejection of this act to be printed upon the official ballots to be used at the ensuing election in the manner provided by this act and by the laws of this state in relation to elections.

Repealer.

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

Approved April 11, 1902.

CHAPTER 259.

An Act to incorporate the borough of National Park.

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

1. The inhabitants of that portion of the county of Gloucester, hereinafter particularly described, are hereby constituted and declared to be a body corporate, in fact and in law, by the name of "the borough of National Park," and shall be governed by the general laws of this state relating to boroughs. Corporate name.

2. The boundaries of said borough shall be as follows: Beginning at a point in the middle of Woodbury creek, where the said creek empties into the Delaware river; thence southwardly, up the middle of said Woodbury creek, the several courses thereof, to a point where the Hessian run empties into said creek; thence southeastwardly, up the middle of said Hessian run, to a corner in the middle of same, being a corner to lands of James E. Lake and Arthur Stewart; thence northeastwardly, between said lands of James E. Lake and Arthur Stewart, to the Hessian run road; thence crossing the Hessian run road and continuing in the same course between lands of Emily R. Burtnett and the public school property in West Deptford township, to a corner in the middle of the public road, formerly the Woodbury and Red Bank turnpike, being a corner to lands of Emily R. Burtnett and David G. Hunter; thence northwardly, along the center of said public road, two thousand one hundred and four feet, more or less, to a corner to land of James W. Baird and Maggie R. Baird and land of J. Diament Sayer; thence westwardly, at right angles to said public road between land of said James W. Baird and Maggie R. Baird and land of said J. Diament Sayer, three hundred and ninety-eight feet, more or less, to a corner in the line of land of Julia Klaiz; thence southwestwardly, between land of said James W. Baird and Maggie R. Baird and land of said Julia Klaiz, two hundred and seven feet, more or less, to a corner; thence Boundaries.

northwestwardly, still between lands of the same, six hundred and seventy-eight feet, more or less, to a corner; thence southwestwardly, still between lands of the same, five hundred and ninety-two feet, more or less, to a corner in the line of lands of National Park association; thence northwestwardly, between lands of said National Park association and Julia Klaiz, thirteen hundred feet, more or less, to a corner; thence eastwardly, still between lands of the same, nine hundred and forty feet, more or less, to a corner to lands of the Sanitarium association of Philadedphia; thence northwestwardly, between lands of the said National Park association and the said Sanitarium association of Philadelphia, fourteen hundred and seventy-six feet, more or less, to a corner; thence southwestwardly, still between lands of the same, four hundred and thirty feet, more or less, to a corner; thence northwestwardly, still between the lands of the same, seven hundred and sixty-two feet, more or less, to a corner; thence eastwardly, still between lands of the same, four hundred and ninety-seven feet, more or less, to a corner; thence northwestwardly, still between lands of the same, six hundred and fifty feet, more or less, to low-water line of the said Delaware river; thence westwardly along said low-water line of the Delaware river to the place of beginning.

3. This act shall take effect immediately.

Approved April 15, 1902.

CHAPTER 260.

An Act to provide for and facilitate the annexation of part of one county to another county.

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

Force and effect of laws in annexed territory.

1. Whenever part of one county shall be annexed to or consolidated with any other county of this state by or pursuant to any general, local or special law, all general, local and special laws affecting the county to which part

of another county shall be so annexed shall extend to and have the same force and effect within the annexed territory as the same have elsewhere within such county, and all special and local laws applicable to the county from which such part is taken shall be deemed and are hereby declared to be repealed in so far as applicable to said annexed territory; *provided*, that such repeal shall not operate to affect or impair any right which any person or corporation may have acquired under and by virtue of any such local or special law. Proviso.

2. Any or all persons who shall reside within the territory annexed shall immediately become citizens and residents of the county to which such territory shall be annexed and shall be entitled to all rights, privileges and benefits of citizenship in that county. Citizenship.

3. Any county to which part of the territory of any other county may be annexed shall be liable to pay such proportionate part of the indebtedness of the county from which such annexed territory may be taken, as the value of the property assessed for the purpose of taxation in the annexed territory bears to the entire amount of property assessed for such purpose in the county according to the assessments for the purpose of taxation made by the appropriate taxing officers of the several taxing districts of the county in the year preceding such annexation. Liable for proportionate indebtedness.

4. On the third Monday after such annexation or consolidation shall take effect a committee consisting of three members of the board of chosen freeholders of the county from which such annexed territory is taken and three members of the board of chosen freeholders of the county to which such territory shall be annexed shall be appointed by the directors of the respective boards of chosen freeholders of each county, and such committee shall meet at the court house of the county from which such territory is taken, at ten o'clock in the forenoon of the Monday following their appointment, and shall then and there proceed to ascertain (1) the entire amount of the indebtedness of the county from which such annexed territory is taken; (2) the amount of money in the treasury of the county applicable to the payment Joint committee of freeholders to ascertain indebtedness, taxes, etc.

thereof, if any; (3) the amount of uncollected taxes and other claims due such county which are deemed to be collectible; (4) such other information as shall be necessary to enable said committee to make a just and equitable division of such indebtedness and assets between the counties, and they shall thereupon ascertain the amount of the indebtedness of the county from which the annexed territory is taken that should be paid by the county to which such territory is annexed, and how much of the taxes and claims due the county from which the territory is taken should be paid over or delivered to the county to which the territory is annexed, and the time or times when such payment or delivery should be made, and shall make a report of their determinations in duplicate; one duplicate shall be filed in the clerk's office of the county from which such annexed territory is taken and the other in the clerk's office of the county with which said territory is annexed, and the county to which such territory is annexed shall thereupon become liable for the payment of such portion of such debt and interest thereon, as shown by said report, when the same becomes due or payable, and the county from which the territory is taken shall thereupon become liable to the county to which the territory is annexed, according to the determinations and provisions of said report; in ascertaining the facts aforesaid and in making such report the decision of a majority of the committees shall be final and conclusive; if any member or members of such committee shall refuse or neglect to attend the meeting aforesaid, or any adjournment thereof, those assembled shall act; *provided,* it shall be lawful to adjourn such meeting from time to time not beyond one month in all as a majority of said committee or of those attending the meetings may decide.

Report in duplicate.

Proviso.

Continuation of officers, etc.

5. All officers of any county living in any territory that may be annexed to another county shall continue in office until the expiration of their respective terms, and all commissioners of deeds, justices of the peace and constables resident within such annexed territory shall continue to hold their respective offices until the expiration of their respective terms.

Collection of unpaid taxes.

6. All taxes for county purposes levied or assessed and uncollected in such annexed territory prior to the time when annexation shall take effect shall be collected by the officer or officers thereafter charged with the duty of collecting taxes in such territory and paid over to the collector of the county from which such territory was taken, and shall be divided according to the report hereinbefore mentioned.

Suits, etc., not affected.

7. All actions, suits, appeals, prosecutions and other legal proceedings pending in any court or before any tribunal having jurisdiction within the county from which such annexed territory shall be taken shall not be effected by such annexation, but the same may be prosecuted in the county from which such territory is taken to the end thereof in the same manner and before the same courts and tribunals as if such annexation had not occurred; *provided,* that in all actions and proceedings pending in the supreme court where the defendant in any transaction shall at the time such annexation takes effect reside within the territory annexed, or when in any local action the cause of action arose in the territory annexed, either party may, at his election, on application to the said court for that purpose, have the venue in said actions or proceedings changed to the said county to which such territory shall be annexed, and the same tried or continued therein as if the said action had originally been commenced in the county to which such territory shall have been annexed, and all judgments obtained, or that may be obtained in such actions, suits or proceedings in the supreme court or in any court in the county from which such territory may be taken shall have the same force and effect within the annexed territory as if such annexation had not occurred, and all writs of execution and other legal process may be issued thereon and directed to the sheriff or other appropriate official of the county from which such territory was taken, who is hereby authorized and directed to execute the same, and upon any such judgment a writ

Proviso.

of error and other legal proceedings may issue or be had and taken as if said annexation had not taken place.

8. This act shall take effect immediately.

Approved April 16, 1902.

CHAPTER 261.

An Act to annex the territory within the boundaries of the mayor and council of the borough of North Plainfield, in the county of Somerset, to the county of Union.

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

Annexing North Plainfield to Union county; boundaries.

1. All that part of the county of Somerset known as the mayor and council of the borough of North Plainfield, bounded as follows: beginning at a point in the center line of Rock avenue, formerly Old Rock road, where the same is intersected by the center line of Green brook; thence (1) running in a general northwesterly direction along said center line of Rock avenue to a point where the center line thereof is intersected by the center line of Blue Ridge avenue; thence (2) running northeasterly in a straight line to a point in the center line of Prospect avenue, said point being the intersection of said line of Prospect avenue with the center line of Washington avenue, sometimes called Wilson avenue; thence (3) running in a northeasterly direction along the center line of Prospect avenue to a point where the same is intersected by the center line of Somerset street; thence (4) running in a magnetic course of north sixty-six degrees, thirty-one minutes east, a distance of eight thousand six hundred and thirty-three feet, more or less, to a point, being the intersection of the center line of Raymond avenue and Mountain avenue; thence (5) running in a southeasterly direction along said center line of Raymond avenue to a point where said center line is intersected by the center line of Green brook; thence (6) running in a general southwesterly

direction along said center line of Green brook to a point in the center line of Old Rock road, being the point or place of beginning, shall be, and the same is hereby set over, annexed to and made part of the county of Union.

Enacting clause; proviso.

2. This act shall take effect immediately; *provided*, it shall not operate to effect the annexation or setting over of the territory above described to the county of Union, or making such territory a part of said county of Union, until it shall have been accepted by a majority of the qualified voters, of the mayor and council of the borough of North Plainfield voting thereon, at a special election to be held in said borough at a time to be fixed by the council thereof; the clerk of said borough shall cause public notice of the time and place of holding said election to be given by advertisements signed by himself and set up in at least ten public places in said borough, and published in one or more newspapers printed or circulating therein at least ten days prior to such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance; such election shall be held at the time, place or places so appointed, and be conducted by the officers of such borough provided by law for the time being to conduct elections therein, except that no special form of ballot or envelope need be used; the officers holding such election shall make return to the council of said borough of the result thereof by a statement, in writing, under their hands, and the same shall be entered at length on the minutes of said council,

Referendum.

and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

As to registration of voters.

3. The register of voters used at the general election next preceding the holding of such special election shall be used for the purpose of conducting such special election; it shall not be necessary for the boards of registry and elections in said borough to make a new registry of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said boards shall meet at such places in their respective election districts as shall be designated by the clerk of said borough one week next preceding the election, notice of the place so designated shall be given by the clerk by posting in at least five of the most public places in each election district in said borough; said meetings of the board of registry and elections shall begin at one o'clock in the afternoon and continue until nine o'clock in the evening of that day, for the purpose of revising and correcting the register and adding thereto the names of all persons entitled to vote in the respective election districts of said borough at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote in that election district at said election, or who shall be sworn by a written affidavit of a voter residing in the same election district to be entitled so to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; and on the following day one copy thereof shall be delivered to the chairman of the county board of elections of Somerset county to be filed by said board, and one copy shall be retained for use by the district board of elections at such special election.

Certification of result to boards of freeholders.

4. Immediately after the statement of the result of such election shall be made to the council of said borough, the copy thereof, certified by its clerk, shall be forthwith served upon the respective directors or other equivalent officers of the boards of chosen freeholders of Somerset and Union counties and filed by them.

Approved April 16, 1902.

CHAPTER 262.

An Act to unite and consolidate the municipal corporations known as inhabitants of the city of Plainfield, in the county of Union, and the mayor and council of the borough of North Plainfield.

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

North Plainfield annexed to Plainfield.

1. The mayor and council of the borough of North Plainfield, and the territory embraced within the boundaries of said municipal corporations shall be and the same are hereby annexed to and made a part of "Inhabitants of the city of Plainfield," in the county of Union.

Enacting clause; proviso.

2. This act shall take effect immediately; *provided,* it shall not operate to effect a consolidation of the said municipal corporations until it shall have been accepted by each municipality by a majority of the qualified voters thereof voting thereon at a special election to be held in the said city at a time to be fixed by the common council thereof; the clerk of said city shall cause public notice of the time and place of holding said election to be given by advertisements signed by himself and set up in at least ten public places in said city, and published in one or more newspapers printed and circulating therein, at least ten days prior to such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the word "for" and the word "against," above and immediately preceding the title of this act, and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and, in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance; such election shall be held

Referendum in Plainfield.

at the time, place or places so appointed, and be conducted by the officers of such city provided by law for the time being to conduct elections therein, except that no special form of ballot or envelope need be used; the officers holding such election shall make return to the common council of the said city of the result thereof by a statement, in writing, under their hands, and the same shall be entered at length on the minutes of said council, and at a special election to be held in the said borough at a time to be fixed by the council thereof; the clerk of said borough shall cause public notice of the time and place of holding said election to be given by advertisement signed by himself and set up in at least ten public places in said borough, and published in one or more newspapers printed and circulating therein, at least ten days prior to such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act, and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and, in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance; such election shall be held at the time, place or places so appointed, and be conducted by the officers of such borough provided by law for the time being to conduct elections therein, except that no special form of ballot or envelope need be used; the officers holding such election shall make return to the council of the said borough of the result thereof by a statement, in writing, under their hands, and the same shall be entered at length on the minutes of said council, and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

Referendum in North Plainfield.

3. The register of voters used at the general election next preceding the holding of such special elections shall

Register of voters.

be used for the purpose of conducting such special election; it shall not be necessary for the boards of registry and elections in said city and borough to make a new register of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said boards shall meet at such places in their respective election districts as shall be designated by the clerks of said city and borough, respectively, one week next preceding the election in each of said municipalities, respectively, said meetings to begin at one o'clock in the afternoon and to continue until nine o'clock in the evening of that day for the purpose of revising and correcting the register and of adding thereto the names of all persons entitled to vote in the respective election districts at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote in that election district at said election, or who shall be shown by written affidavit of a voter residing in the same election district to be entitled so to vote; a separate affidavit shall be required for each person so registered which shall contain the address of the affiant, and shall be signed by him; and on the following day one copy thereof shall be delivered to the chairman of the county board of elections to be filed by them and one copy shall be retained by him for use by the district board of elections at such special election.

Certification of result filed.

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

Proviso.

Approved April 16, 1902.

CHAPTER 263.

An Act to require non-residents to secure license before hunting or gunning within the state of New Jersey and providing penalties for violation of its provisions.

Preamble. Whereas, Sister states have, by legislation, required all non-residents (including residents of the state of New Jersey) to take out licenses before hunting or gunning in such states, respectively, and imposed license fees therefor and provided for the punishment for such as should violate the provisions of such acts; now, therefore,

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

Licensing non-residents desiring to hunt and gun. 1. Every non-resident of this state shall be required to take out a license before he shall begin hunting or gunning in this state, which license the several county clerks of this state, and each of them, are hereby authorized and required to issue upon the payment by the

License fees. applicant of a license fee of ten dollars, and an issuance fee of fifty cents to the county clerk issuing the same; such license shall be a certificate of permission to hunt and gun within the state of New Jersey and shall include the name, age and place of residence and business of the applicant with his description as nearly as may be, upon such forms as shall be furnished in blank to the several county clerks by the board of fish and game commissioners, and shall be valid and effective for and during the term of one year from the date of the issuance thereof

Authority bestowed by license. and no longer; such certificate shall authorize the owner thereof to hunt and kill in any part of this state, during the open seasons of the year therein specified and under the restrictions and for the purposes allowed by law, game birds and game quadrupeds found in this state; said certificate shall not be transferable and shall be exposed for examination upon demand by any game protector or game warden of this state; said license fee shall immediately be forwarded by the county clerk

receiving the same to the treasurer of the board of fish and game commissioners, to be applied by them to such expense as shall be incurred by them under this act and for the purpose of the protection and propagation of game within this state; any non-resident of this state who shall hunt or gun within this state without having first procured the license or certificate above mentioned and paid the license and issuance fees above mentioned, shall be liable to a penalty of twenty-five dollars for each and every offense; *provided, however,* that the license aforesaid shall, without payment of said license fee, be issued to all non-residents who are the owners of a freehold estate in any lands in this state, who reside thereon a portion of each year, and who pay taxes thereon, and to their sons, who are members of their families, upon application to the county clerk of the county in which such lands are situate, signed by the applicant, and upon the payment of only the issuance fee above provided for; *and provided further,* that this act shall not apply to hunting or gunning on game preserves at present established, or to gunning or hunting for wild water fowl, snipe or mud hens.

Penalty for violation.

Proviso.

2. Any game protector or game warden shall have the right, after demand and refusal or failure to exhibit such certificate, to arrest, without warrant, any non-resident person or persons found hunting, or whom said protector or warden shall have reasonable cause to believe to have been hunting within this state (and for the purpose of this arrest any person who shall refuse to state his place of residence, upon demand of such officer, shall be deemed a non-resident), and to take him or them forthwith before any justice of the peace, district court or police magistrate of the county where the arrest is made and to proceed against him or them in the manner prescribed by an act of the legislature of this state, entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred

Right of arrest upon failure to show license.

Proceedings.

Confiscate hunting implements.

and nintey-seven; and also to seize any and all gun or guns, or shooting paraphernalia in the possession of such person or persons so arrested, and to hold the same subjected to the payment of the fine or fines which shall be imposed upon such person or persons, together with the costs of prosecution; and in case such person or persons shall be convicted and shall fail to make payment of the said penalty and costs within ten days from the date of such conviction, to sell the same at public auction and apply the funds thus realized first to the payment of the said costs and the balance thereof, if there be any, to the payment of the penalty imposed; and should any balance still remain to pay the same to the owner of the property so seized.

Game warden's liability.

3. No game protector or game warden shall be liable for damages on account of any such arrest, seizure or sale in accordance with the provisions of this act.

Repealer.

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

Approved April 22, 1902.

CHAPTER 264.

An Act to authorize cities of this state to borrow money for all purposes for which they are now authorized to raise money by taxation, and to secure the payment thereof by the issuing of bonds.

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

Borrow money by issuing bonds.

1. It shall be lawful for the common council, board of aldermen or other governing body of any city of this state having the control of the finances of said city to borrow money from time to time for all purposes for which they are now authorized by law to raise money by taxation, and to secure the payment thereof by the issuance of bonds; the bonds so to be issued shall be of such denomination as the common council, board of aldermen or other governing body of any such city, having the

control of the finances of such city, shall deem proper, and shall be made payable in not less than five nor more than thirty years; they shall bear interest at a rate not greater than four per centum per annum, payable semi-annually, and may be registered or coupon bonds, or may be registered and coupon bonds combined, at the option of said governing body; they shall be sold at public sale but not for less than par and accrued interest; and there shall be raised by tax in each year, the interest on the whole amount of the bonds so issued, together with at least two per centum per annum of the principal of such bonds if thirty-year bonds, at least three per centum per annum of the principal of such bonds, if twenty-year bonds, and at least ten per centum per annum of the principal of such bonds if ten-year bonds, or twenty per centum of the principal of such bonds, if five-year bonds, the principal so raised to be paid to the commissioners of the sinking fund of any such city, for the purpose of meeting the said bonds when they shall become due; *provided, however,* that the bonds issued under this act shall at no time exceed the sum of one hundred thousand dollars.

Provision for redemption.

Proviso.

1. This act shall be deemed a public act, and shall take effect immediately, and shall not repeal or be construed to otherwise change any charter of any city of this state.

Act, how construed.

Approved April 22, 1902.

CHAPTER 265.

An Act providing for the enlargement of sewers and for the building of additional or relieving sewers in towns in this state.

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

1. Whenever the council or other governing body of any town in this state shall, by resolution adopted by the votes of a majority of all the members thereof, declare

Increasing sewerage facilities.

that any sewer or sewers in such town is or are insufficient for the proper sewage or drainage of such town or any part or section thereof, it shall be lawful for such council or governing body at any time thereafter to provide for the enlargement of any sewer or sewers in such town or for the building and constructing of such additional or relieving sewers therein as in their judgment may be necessary, and to that end full power and authority is hereby conferred upon such council or governing body to make and adopt maps, plans, specifications and estimates, and to enter into contracts, in the same way and manner that contracts for other public improvements are required by law to be entered into by or on the part of such town, for the building and constructing of such additional or relieving sewers.

Expenses met by bond issue.

2. For the purpose of raising money to pay the cost of building and constructing any such additional or relieving sewer or sewers and the expenses connected therewith, the said council or other governing body of such town is hereby authorized and empowered to issue and sell the corporate bonds of such town for an amount not exceeding the amount of such cost and expenses, payable in not more than twenty years from the date thereof, and bearing interest not exceeding the rate of five per centum per annum, payable semi-annually, which bonds may be of such denominations as said council or governing body shall determine, and may be either registered or have coupons attached for the interest for each half year as the purchaser or holder thereof may desire.

Commissioners to make assessments.

3. After the completion of any such additional or relieving sewer or sewers, the commissioners of assessment of such town, or, if there be no such commissioners, then three disinterested commissioners who shall be appointed for that purpose by the council or other governing body thereof and who, before entering upon the discharge of the duties herein imposed upon them, shall make oath that they are freeholders of and residents in the town and are not interested in the sewer or sewers on account of which the assessment is to be made or in the assessment to be made therefor, shall assess, so far as practicable, the cost and expense incurred in construct-

ing any such sewer or sewers upon all the lots and parcels of land in such town specially benefited by such sewer or sewers, in proportion to the benefit received, and no lot or parcel of land shall be assessed more than it is so specially benefited; in case the cost and expense of constructing any such sewer or sewers shall be greater than the total amount of assessable special benefits, the said commissioners shall specify the amount of such excess in their report, and such excess shall be borne and paid by the town at large; the said commissioners shall make a report, in writing, of their assessment to the said council or governing body, which report shall be accompanied by a map showing the several lots and parcels of land assessed on which each of said lots shall be designated by a number and shall set forth in their report, or in a schedule annexed to the same or endorsed on said map the names of the owners of the lots or parcels of land assessed so far as they have been able to ascertain them, and the amount assessed upon each separate lot or parcel of land, and upon the filing of such report and map the said council or governing body shall designate the time and place when and where it will meet to receive objections in writing to the assessment; it shall be the duty of the town clerk of such town to publish in the official newspaper of the town, or if there be none, in a newspaper published in the county and circulating in the town, for at least two weeks successively, at least once in each week, a notice stating that the report of the commissioners had been filed with him, and setting forth the time and place appointed by the town council for receiving objections, in writing, to the assessment; said clerk shall also post a copy of said notice in five public places of the town, at least six days prior to the said time fixed for the receiving of objections: the town clerk shall file in his office affidavits of the publication and posting of said notice and the said affidavits shall at all times and in all cases be presumptive evidence of the facts therein stated; any owner or person interested in land assessed may object, in writing, to the assessment, and all objections, in writing, to the assessment shall be considered by the said council or

Excess of benefits borne by town.

Report filed; hearing.

Notice by town clerk.

Objections considered by council.

governing body, and if, in the judgment of said council or governing body, it shall appear that any lot or parcel of land has been assessed more than it is specially benefited, or more than its just proportion of special benefits, the said council or governing body shall have power to reduce the assessment made to such sum as in its judgment will be equitable and just, and to correct the assessment accordingly; after considering all objections the council or other governing body may confirm the assessment as made, or as made and corrected, and from and after the time of confirmation thereof said assessment shall become and be and remain a lien upon the lands assessed prior and paramount to all other estates and interests therein or encumbrances thereon, and if not paid within thirty days after the date of the confirmation thereof, shall bear interest at the rate of five per centum per annum, to be computed from the date of such confirmation; any assessment levied under authority of the act may be paid in ten equal annual installments, the interest on the balance of the assessment remaining unpaid being payable with each installment; in case any assessment levied under authority of this act shall not be fully paid at the expiration of ten years from the date of the confirmation thereof, it may be enforced by a sale of the lands assessed in the manner provided by law with respect to sales for assessments for other improvements in such town.

Upon confirmation, assessments a lien.

Payments in installments.

Provision for interest and redemption of bonds.

4. The interest on bonds issued under the provisions of this act shall be raised annually by taxation in the same way and manner and by the same officers as taxes for state and county purposes are raised in said town; all moneys received for assessments levied under this act shall be kept, held and applied to and for the redemption of bonds issued under this act.

5. This act shall take effect immediately.

Approved April 22, 1902.

CHAPTER 266.

An Act to provide for the compilation and publication of an index of all the laws of this state.

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

General index to laws.

1. John Hood, of Camden, New Jersey, be and he is hereby authorized to compile and publish a complete index of the public and private laws of this state, including 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 near as may be, to the "index of colonial and state laws between the years one thousand six hundred and sixty-three and one thousand eight hundred and seventy-seven, inclusive," compiled by John Hood, of Camden, New Jersey, and published by him in one thousand eight hundred and seventy-seven; and the state house commission shall be and is hereby authorized to purchase from the said John Hood one thousand copies of the said index, to be well printed on good paper and bound in good law sheep, at the price of eight dollars per copy; and the state treasurer shall be and is hereby authorized to pay for the copies authorized to be purchased, upon proper warrant of the state comptroller.

Number and price.

Special delivery.

2. The state house commission shall first deliver to the governor, secretary of state, the comptroller, state treasurer, clerks of the supreme court, courts of common pleas and court of chancery, the chancellor, the justices of the supreme court, the attorney-general, the sheriff, clerk, surrogate and boards of chosen freeholders of the respective counties of this state, the judges of the several courts of common and circuit courts, and the members of the present legislature, one of said copies.

3. This act shall take effect immediately.

Approved April 22, 1902.

CHAPTER 267.

An Act to amend the fifth section of an act entitled "An act to provide means and moneys to guard against the spread of contagious or infectious diseases when epidemic, or likely to become epidemic, and to regulate the disposition of said moneys," approved March twenty-fourth, one thousand eight hundred and eighty-five.

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

Recital of section amended.

1. Section five of the above entitled act, and which reads as follows:

"5. *And be it it enacted,* That for the purpose of this act, the board or body authorizing such expenditure may bind the credit of the county, city, borough, village, town or township, as the case may be, and may borrow money if required, on temporary loan in a sufficient sum to pay the debts so contracted, and moneys borrowed and expended for the purpose aforesaid shall be included in the next annual tax levy thereafter made," be amended so as to read as follows:

How expenditure provided for.

5. For the purposes of this act, the board or body authorizing such expenditure may bind the credit of the county, city, borough, village, town or township, as the case may be, and may borrow money, if required, on temporary loan in a sum sufficient to pay the debts so contracted, and moneys borrowed and expended for the purposes aforesaid shall be included in the next annual tax levy thereafter made; or, in case it shall appear to the said body or board authorizing such expenditure that the sum of money so expended for the purpose aforesaid is too large to be conveniently included in a single tax levy in connection with other amounts required by law to be included in annual tax levies, then it shall be lawful for such board or body to raise the amount so expended, either in whole or in part, by the issue of bonds to be made and issued by said body or board

May issue bonds.

so authorizing such expenditure, under the corporate seal of said board or body, to be signed by the mayor or other presiding officer of the county, city, borough, village, town or township, as the case may be, and to be attested by the clerk thereof; said bonds shall be in such denominations and for such amounts as the said board or body directing the issuing of the same shall direct, and shall bear such rate of interest as may be agreed upon, not to exceed the legal rate of interest, and they shall be payable at such time or times as the said board or body may, by resolution, prescribe, and they shall not be liable to any tax that may be assessed or levied in the municipality in which they shall be issued or held; the interest thereon shall be payable semi-annually; *provided,* that such bonds shall not be issued in any case unless a majority of the whole number of the said board or body authorized to issue the same shall, by resolution, concur in the issuing of the same, and that no bonds shall be disposed of at less than the par value thereof; said bonds shall state on their face the resolution of the said board or body authorizing such expenditure and the issuing of said bonds; payment of the principal and interest of the said bonds shall be provided for by the levy and assessment of taxes in said municipality authorizing the issuing of the same in the manner other taxes are assessed and levied; in case such municipality or any board or department thereof shall have revenues from any source not required in any year when such interest or principal sum shall become due and payable for the payment of obligations of the said municipality, then such revenues may, by order of the said board or body, be applied to the payment of the interest and principal of such bonds or so much and such parts thereof as may be due and payable; and the custodian of such revenues is hereby, upon receipt of a copy of such order, authorized to pay to the treasurer of such municipality, for the purpose of meeting such payments of interest and principal, such revenues aforesaid as shall be required for the said purpose and not

Proviso.

Provision for payment of principal and interest.

required for the payment of other obligations of the said municipality.

2. This act shall take effect immediately.

Approved April 22, 1902.

CHAPTER 268.

An Act respecting trading stamps, tickets and other devices, to provide for and regulate the mode and manner of redemption of said stamps, tickets and other devices, and to provide penalties for a violation thereof.

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

Manner of redeeming trading stamps.

1. Any association, corporation or individual who shall sell or issue stamps, known as trading stamps, tickets or other devices to any association, corporation or individual engaged in any trade, business or profession, with the promise or assurance, express or implied, that they, it, she or he will give or deliver to any person presenting said stamps, tickets or other devices, money or goods, wares or merchandise therefor, to a stipulated value, shall redeem said stamps, tickets or other devices at their advertised and stipulated value, either in cash, good and lawful money of the United States of America, or in goods, wares or merchandise, at the option of the holder thereof or person who presents same.

When party to whom stamps are sold fails; redemption of stamps.

2. Any association, corporation or individual engaged in any trade, business or profession, who shall distribute, deliver or present to any person dealing with him any stamp, known as a trading stamp, ticket or other device, issued by and procured from any association, corporation or individual dealing in same, as mentioned in first section hereof, in consideration of any article or thing purchased, shall, upon failure of the said association, corporation or individual in the first section mentioned, to redeem said trading stamps, tickets or other devices, in the manner prescribed by the first section hereof, be

liable to the holder of any said stamps for their advertised and stipulated value, and shall redeem same either in goods, wares or merchandise or in cash, good and lawful money of the United States of America; and any association, corporation or individual being the holder of any of said stamps, may recover the advertised or stipulated value thereof, from either of the aforesaid association, corporation or individual, in an action upon contract, in any court of competent juridiction, together with the costs of suit.

Any number of stamps must be redeemed.

3. Any number of said trading stamps, tickets or devices shall be redeemed as hereinbefore set forth at the advertised and stipulated value thereof, and it shall not be necessary to have any stipulated number of said stamps, tickets or devices before demand for redemption may be made, but each stamp shall be redeemed at a price proportionate with its advertised or stipulated value.

Penalty for violations.

4. Any association, corporation or individual violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or both.

Approved April 22, 1902.

CHAPTER 269.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates, or rents, in towns, townships, boroughs and other municipalities except cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment," approved May eighteenth, one thousand eight hundred and ninety-eight.

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

Authorizing commissioners of adjustment to act, notwithstanding certain omissions.

1. In case any commissioners of adjustment that have heretofore been appointed under the provisions of the act to which this is a supplement, shall not have entered upon the discharge of their duties, and shall have failed to take and file with the clerk of the town, township, borough or other municipality for which they were appointed, the oath of office required to be taken by the officers of the town, township, borough or other municipality for which they were appointed, within thirty days after their appointment, which oath is provided for by the act to which this is a supplement, and shall have failed within thirty days after their appointment to cause a notice signed by themselves to be published in at least one newspaper printed and circulating in the town, township, borough or other municipality for which they were appointed, making known thereby that the said commissioners will meet at a time and place to be therein designated, not more than forty or less than thirty days from the date of the first publication of the notice, to hear all persons interested in the re-assessment of adjustment under the act to which this is a supplement, of the taxes, assessments or water rates in arrears in the said town, township, borough or other municipality, or such part thereof as the said commissioners shall designate in the notice, which notice is provided for by the said act to which this is a supplement, it shall be lawful for the said commissioners to hereafter take and file the said oath, and within thirty days after they shall have taken and filed the said oath with the said clerk, to give and publish the said notice in the said newspaper or newspapers, for the time aforesaid; and the taking and filing of the said oath and the giving and publishing of the said notice in the manner aforesaid, shall to all intents and purposes be as lawful as if the said oath had been taken and filed, and the said notice given and published within thirty days after the appointment of the said commissioners of adjustment; *provided*, that the said commissioners of adjustment shall take and file

Proviso.

the said oath before entering upon the discharge of any of the duties of their office.

2. This act shall take effect immediately.

Approved April 22, 1902.

CHAPTER 270.

An Act concerning paid fire departments in cities of the first class and for the relief of members thereof and their families.

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

Form relief association.

1. In any city of this state of the first class which now has, or which shall hereafter establish, a fully paid fire department, it shall be lawful for the members of such department to associate themselves together as a corporation for the purpose of providing and maintaining a fund to pension firemen and their families.

Manner of forming association.

2. For the purpose of forming such a corporation the chief engineer of such fire department shall notify each company in the department to choose not more than three delegates to attend a meeting to be held not less than five days after the giving of such notice, to consider the formation of a corporation in acordance with this act; said notice shall be in writing, and shall specify the time and place of the meeting of the delegates; if two-thirds of the delegates present at such meeting shall vote in favor of forming such a corporation, they shall adopt a resolution to that effect, and shall choose a name for the corporation, and they shall send a copy of such resolution to the board of fire commissioners or other duly authorized municipal body having charge and control of such paid fire department, and shall recommend to such board or body four members of such fire department as trustees; the first trustees created under this act shall prepare and sign a certificate reciting the adoption of the resolution by the delegates, as hereinbefore directed, the name adopted, the appointment of

trustees, the organization and the names of officers, and execution of the certificate for the purpose of forming a corporation under this act, for the purposes herein set forth, which certificate shall be recorded in the office of the clerk of the county wherein such corporation shall be organized, and shall then be filed in the office of the commissioner of banking and insurance at Trenton, and thereupon such trustees, their associates and successors shall be and become a body politic and corporate in law with all the powers incident thereto.

Certificate recorded and filed at Trenton.

Management of pension fund by trustees.

3. Such pension fund shall be under the control and management of a board of five trustees, to be composed of the chief engineer of such fire department, ex-officio, and four members thereof; such members shall be designated and appointed trustees annually, in the month of January, by the board of fire commissioners or other duly authorized municipal body having control of such fire department, and shall serve respectively one, two, two, three and four years, so that the term of office of but one member shall expire in each year.

Bonds of trustees.

4. Such trustees and all other officers of the corporation shall give bonds with duly authorized security company as surety thereon for the faithful performance of their duties as shall be fixed by the by-laws of the corporation.

Organization.

5. The said board of trustees shall, at the first annual meeting, elect a chairman and treasurer; the clerk of the board of fire commissioners or other duly authorized municipal body having control of such fire department shall be ex-officio secretary of such board of trustees, and the board shall fix his compensation.

Payments from fund.

6. All moneys paid out of such pension fund shall be paid by the treasurer, upon warrants signed by the chairman of the board of trustees and countersigned by the secretary thereof; and no warrant shall be drawn except by the order of said board upon a yea and nay vote recorded in the minutes of said board; such board of trustees may deposit such fund in any of the banks or trust companies of such cities, and may invest the same in bonds secured by first mortgages on improved property worth at least twice the amount loaned, or in

bonds of the United States, or of this state, or any city or county in this state; all income, interest or dividend which shall be paid or agreed to be paid on account of any loan or deposit shall belong to and constitute a part of said fund.

Semi-annual report.

7. The board of trustees shall make a semi-annual report of the condition of such fund and the manner in which the same is invested, to the board of fire commissioners or other municipal authority having control of such fire department, in the months of January and July in each year, and at such other times as they may be requested to do so by the board of fire commissioners or other municipal body having control of such fire department.

Counsel to trustees.

8. The corporation attorney and counsel of such city shall, without additional compensation, and under the direction of such board of trustees, prosecute all actions or proceedings at law or in equity which said board may wish to institute for the enforcement of the several provisions of this act, and shall defend, on behalf of said board, any action or proceeding which may be brought against it.

Pensions not attachable.

9. All pensions granted under this act shall be exempt from execution, attachment or any other legal process whatever.

Pension fund; how provided and sustained.

10. Such pension fund shall be provided and sustained as follows:

I. By one-half of the two per centum of the premiums received for insurance effected in such cities by foreign insurance companies, which is now, by law, required to be paid to local firemen's relief associations in such cities; and upon and after the creation of a pension fund, under and by virtue of this act, it shall be lawful for agents and brokers of such foreign insurance companies to and they shall pay said one per centum of the premiums received by them for insurance on property in such cities to the treasurer of the corporations herein authorized; and when it is so paid and taken for the uses of such pension fund it shall be taken and accepted in lieu and bar of any and all claim for relief which any member of such pension fund, or his family, might

have or may have had upon the local relief fund from thenceforth where and while there are other beneficiaries upon such local relief fund entitled to relief therefrom, except cases where such paid firemen may thereafter be injured or contract serious illness while doing actual fire duty;

II. By all fines, penalties and forfeitures assessed upon and collected from any officer or member of such fire department;

III. By all rewards, fees, gifts or emoluments paid or given for extraordinary services rendered by any officer or member of said fire department, except when the same is allowed by the board of fire commissioners or other duly authorized municipal authority having charge and control of the said department, to be retained by such officer or member, or when the same is specially given to endow a medal or other competitive reward;

IV. By all appropriations, donations, devises and bequests that may be made or given to such pension fund by any such municipality or other corporation or person;

V. By all fees received for permits issued by such board of fire commissioners, and the moneys obtained by the sale of old material and property of such paid fire department other than real estate;

VI. By all fines that may be imposed upon persons whose chimneys are negligently set on fire;

VII. By such license fee as is now or shall hereafter be imposed upon and collected by the city from the owners or lessees of theatres in such city for each performance therein, which shall be paid to the treasurer of such corporation for the benefit of such fund;

VIII. If the amount of any such pension fund shall at any time be less than twenty thousand dollars, the board of trustees of any such corporation may assess and collect from each and every member of such department a sum not exceeding one per centum of his salary; said sum shall be paid by each and every member monthly to the treasurer of such corporation, and such assessment and collection shall be in manner and form as may be provided in the by-laws of the corporation;

11. Pensions shall be paid from such fund in the manner following: Amount of pension and to whom paid.

I. In all cities of this state in which this act shall become operative, all members of such departments who shall have honorably served therein for twenty years, and who shall have reached the age of sixty years, shall, upon application to the board having charge of the fire department in such city be retired by such board, and shall thereupon receive from such pension fund an amount annually, equal to one-half of the salary received by such member at the time of his retirement;

II. If any member of such department shall hereafter become incapacitated, either mentally or physically, for the performance of his duties, whenever such incapacity is the result of injury received or illness incurred in the discharge of his duties as a member of such department, he shall be retired by such board of fire commissioners or other duly authorized municipal body having charge of such fire department, and shall thereupon be entitled to receive from such pension fund an amount equal to one-half of his salary received by him at the time of his retirement;

III. Any member of such department who shall have served therein for twenty years, continuously or otherwise, who shall become incapacitated, either mentally or physically, from illness or injury incurred in the performance of his duties as a member of such department, or who, by reason of advanced age is found unfit for the performance of his duties, shall be retired by the board of fire commissioners or other duly authorized or municipal body having control of such fire department, and shall thereupon receive from such pension fund an amount equal to one-half the salary received by him at the time of his retirement;

IV. When any member of such department shall die, having served a less period than five years in such department, his widow shall receive from such fund the sum of twenty-five dollars per month during her lifetime or widowhood;

V. When any member of such department shall die

having served five years in such department, his widow shall receive from such fund, annually, payable in monthly installments, a sum equal to one-half of the salary then received by such member during her lifetime or widowhood;

VI. When any member of such department shall die after having been retired and pensioned, his widow shall receive from such fund, annually, payable in monthly installments, a sum equal to one-half of the pension then received by him, during her lifetime or widowhood;

VII. In either of the above cases, if such member leave no widow, or his widow shall re-marry, then his children, under the age of sixteen years, shall each receive from the fund the sum of five dollars monthly; if such member shall leave neither widow nor children him surviving, then the parent or parents of such member, if dependent upon him for support, shall receive from such fund the sum of twenty-five dollars monthly; if such dependent parent shall re-marry after his death, he or she shall cease to be entitled to receive any pension thereafter.

As to false statements.

12. Any person who shall willfully or knowingly swear falsely in any oath or affirmation for the purpose of obtaining or procuring any pension or the payment thereof, under the provision of this act, shall be deemed guilty of perjury upon conviction thereof, and shall be punished by law for such crime.

As to future pensions.

13. In cities where this act shall become operative no pensions to firemen, or to the widows, children or parents of firemen, not entitled to a pension at the time of the passage of this act, shall thereafter be paid except as provided in this act.

14. This act shall take effect immediately.

Approved April 24, 1902.

CHAPTER 271.

A Further Supplement to an act entitled "An act to limit the age and employment hours of children, minors and women, and to appoint an inspector for the enforcement of the same," approved March fifth, one thousand eight hundred and eighty-three.

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

Deputy factory inspectors; salary, term.

1. The governor shall have power to appoint seven suitable persons as deputy inspectors of factories and workshops, who shall each receive an annual salary of one thousand dollars, to be paid in monthly installments, and each of whom shall hold office for three years and until his or her successor is appointed, unless sooner discharged by the inspector of factories and workshops as hereinafter provided, and who shall have like power as the inspector under the act to which this is a supplement and any supplement thereto, but shall at all times be governed by and subject to the control of the inspector; and the salary of said inspector of factories and workshops shall be twenty-five hundred dollars per year, and the said inspector of factories and workshops shall hold office for five years and until his successor is appointed.

Salary of inspector of factories.

Working day.

2. Every deputy inspector shall devote at least eight hours of every working day, except public holidays, and four hours on Saturdays, to the discharge of his or her duties, as such deputy inspector, unless prevented by illness or other disability, and no deputy inspector shall engage in any business, occupation or employment during his or her term of office that will in any way interfere with or prevent the full and faithful performance of such duties, and any violation of this requirement shall subject the person violating the same to immediate suspension by the factory and workshop inspector and loss of pay for such time as he may think proper, and to discharge by the factory and workshop inspector with the consent of the governor; but any such deputy inspector shall have an

Engaging in other occupations.

opportunity to make a statement and present evidence in his defense to the factory and workshop inspector or the governor before suspension or discharge.

Discharge of deputies.

3. The inspector of factories and workshops shall have power to discharge any deputy inspector for cause, and upon such discharge the term of the said deputy inspector shall cease; *provided,* that no deputy inspector shall be discharged without the consent of the governor.

Proviso.

Expenses.

4. All necessary expenses incurred by the inspector and his deputies in the discharge of their duties shall be paid from the funds of the state upon presentation of proper vouchers of the same by the inspector; *provided,* that not more than three thousand five hundred dollars shall be expended in any one year.

Proviso.

Repealer.

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

6. This act shall take effect immediately.

Approved April 24, 1902.

CHAPTER 272.

An Act to amend an act entitled "An act concerning townhips" [Revision of 1899], approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Section amended.

1. The eighty-fourth section of the act to which this act is amendatory is hereby amended so that the same shall read as follows:

Method of issuing bonds; time, rate, etc.

84. When bonds are to be issued, the township committee shall by resolution adopted by a majority of the whole committee provide for the issuing of the same: the resolution shall set forth the amount proposed to be issued, the purpose to which the proceeds are proposed to be applied, the rate of interest proposed to be paid, not exceeding five per centum per annum, and the times of the payment thereof, the period for which it is pro-

posed the bonds shall run, not exceeding thirty years from the date of their issue, the method by which it is proposed to provide money for their payment at maturity, and, if it is proposed to make them payable in installments, when each installment will fall due, and the amount thereof; *provided, however,* that bonds shall not be issued for any purpose other than to take up and pay outstanding bonds or to pay the cost of constructing, curbing, re-curbing, paving or re-laying sidewalks, or to pay the cost of widening any street, road or highway or portion thereof, including the acquisition of lands and real estate therefor by purchase or condemnation proceedings, or to pay the cost of extending any pipes or mains for the distribution of a supply of water for the public or private use, when the annual income of ten per centum of the cost of said extension shall be assured or guaranteed as before provided, except under the following restrictions and conditions: if a petition for the issue of bonds specifying the amount proposed to be issued, the purpose to which the proceeds are proposed to be applied, the rate of interest proposed to be paid, not exceeding five per centum per annum, and when said interest shall be payable, the period for which it is proposed the bonds shall run, not exceeding thirty years from the date of their issue, the method by which it is proposed to provide money for their payment at maturity, and if it is proposed to make them payable in installments, when each installment will fall due and the amount thereof, shall at any time be presented to the township committee, and shall be shown by the oath or affirmation of the assessor to have been signed by the owners of more than one-half in value of the taxable property in the township as shown by the last preceding duplicate of assessments for taxes in said township, the township committee shall thereupon by resolution frame a proposition to issue such bonds which shall set forth the matters contained in the petition, and shall be voted on by the legal voters of the township at any annual election or at a special election called for that purpose; if a majority of the legal votes cast at such election shall be in favor of such proposition, the

Proviso.

Restrictions.

township committee shall adopt a resolution directing the issue of the bonds in conformity with said resolution;

Sealed and signed.

all township bonds shall be sealed with the corporate seal of the township, signed by the chairman of the township committee and countersigned by the treasurer and shall contain all the terms, conditions, stipulations and restrictions set forth in the resolution directing their issue; said bonds may be sold either at public or private sale, but not for less than par and accrued interest.

2. This act shall take effect immediately.

Approved April 24, 1902.

CHAPTER 273.

An Act to authorize the counties of this state to renew matured and maturing bonds.

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

Renewal of bonds.

1. Whenever any bonds hitherto legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of chosen freeholders of any such county may renew said indebtedness, or any part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of such county, signed by the director and attested by the clerk of the board of chosen freeholders of any

Character of bonds.

such county; which bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest, not exceeding five per centum per annum, and be issued in such sums, not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and which bonds shall, except as hereinafter provided, have coupons attached for every year's interest until due, and which coupons shall be signed by the collector of said county, and numbered to correspond with the bond to

which they shall be respectively attached; and, when the said board judge best, the said bonds, or any of them, may be registered and made payable to the order of the purchaser, and shall thus be registered as provided by said board and issued without coupons and be transferable only in person or by power of attorney, on the books to be provided by said board for that purpose; and all bonds issued under this act shall be numbered and a register of the number, denomination, date of issuing and name of person to whom issued, if registered, and time of payment, shall be made by the collector in a book to be provided by said board for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be for less than the par value, and all the real estate and property within the county 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; but nothing in this act contained shall be held to permit any board to issue bonds the legality of which is now questioned or contested in any court of this state or of the United States, nor to renew or reissue bonds held by any such court not to have been legally issued.

Provision for principal and interest.

2. The board of chosen freeholders of any such county shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in any such county are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

3. This act shall take effect immediately.

Approved April 24, 1902.

CHAPTER 274.

An Act to authorize cities to purchase a sewer system already in operation in any such city.

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

Purchase of sewage system and operation.

1. The common council or board of aldermen of any city in this state may purchase from a private individual or a corporation a sewage system already built and established in any such city, and for that purpose may issue bonds in a sum not exceeding one hundred thousand dollars, which may be in excess of the limit of bonded indebtedness of said city if necessary, which said bonds shall be signed by the mayor, shall be payable within forty years, bear interest at a rate not exceeding five per centum per annum and be sold for not less than par; and the proceeds thereof shall be devoted to the purchase of such system, and the rebuilding of the same and the extension thereof when deemed necessary; that said system, when so purchased and obtained by any such city, may be operated by the board of aldermen or common council thereof, and an annual rental or charge be charged to and paid by all persons whose premises are connected therewith may be fixed, and the same, if not paid within thirty days after the same shall become due, shall thereafter be a lien upon the premises as fully and to the same extent as taxes are now a lien in any such city, and the property may be sold at the same time and in the same manner as for taxes.

Rentals a lien.

2. This act shall take effect immediately.

Approved April 24, 1902.

CHAPTER 275.

An Act to amend an act entitled "An act to authorize cities bordering on the Atlantic ocean to purchase the lands in any such city bordering on the ocean and adjacent lands thereto, in such city, for public purposes and to improve the same, and to issue bonds for such purposes."

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

1. Section one of said act, to which this is an amendment, be amended so that the said section one reads as follows: Section amended.

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

2. This act shall take effect immediately.

Approved April 24, 1902.

CHAPTER 276.

A Further Supplement to an act entitled "An act for the incorporation of cities, and providing for their officers, government and powers," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

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

Ascertain entire cost of sewers.

1. It shall be lawful, whenever the petition of the owners of one-sixth of the lands abutting the proposed route of any sewer or drain, shall be presented to the city council and shall request that the cost of any such sewer or drain shall be collected in ten equal installments, for the said city council to order and direct, by resolution or ordinance, that the commissioners of assessment, herein also called the board of assessment, of said city shall, whenever any such sewer or drain shall have been built, constructed or laid in pursuance of the provisions of the act to which this is a supplement, ascertain the entire cost of making such improvement in the manner provided by said act in cases of street improvements; thereupon it shall be the duty of said board of assessment to apportion the entire cost of such sewer or drain upon the lands, and among the owners of all lands, so far as the same are, or may thereafter be especially benefited thereby; and, to that end, the said board of assessment shall cause a map, or maps, to be prepared showing the whole drainage area of the land in the immediate vicinity of such sewer or drain which, in the judgment of said board of assessment, has received any special benefits therefrom or which, when lateral sewers or drains shall have been built, laid, constructed and connected therewith will also receive any such special benefits; the said map shall also show and exhibit, as nearly as practicable, the several lots or parcels of land benefited, or to be benefited, by such improvement, and said lots or parcels of land shall be designated by numbers, and may also be marked with the names of the

Apportionment of cost.

Maps prepared.

respective owners in case such method of designation may seem useful to the board of assessment; and thereafter the said board of assessment, as soon as convenient and practicable, shall apportion such entire cost upon the lands, and among the owners of such lands, specially benefited by said improvement, according to the benefits presently received and to be thereafter received, if any, when laterals shall have been built, laid or constructed; if there shall be any deficiency between the aggregate of the amounts thus apportioned and the entire cost of the sewer or drain, then the said deficiency shall be assessed to the city by its corporate name; when the said board of assessment shall have finished its apportionment it shall file the said map and a report of its proceedings and its apportionment of the entire cost, which apportionment may be called its assessment, with the city clerk; after the filing of the said map, report and assessment the city council shall fix a time and place when and where objections to said apportionment or assessment shall be heard by said council, within which time any person or persons whose lands have been assessed for such improvement may pay to the receiver of taxes the amount, or amounts, of his or their assessment or assessments, and the said map, report and apportionment or assessment shall thereupon be delivered to the receiver of taxes for safe keeping and for the purpose of enabling him to notify the parties affected by said assessment, and to receive such payments from them as may be tendered within the time then fixed; the time to be fixed for the purpose aforesaid shall not exceed sixty days, and shall not be less than fifteen days, from the filing of the map, apportionment and assessment; and the receiver of taxes shall, forthwith, cause notice to be given of the filing of the said map, report, apportionment and assessment in his office, and of the time and place when and where objections will be heard to such apportionment and assessment, and shall notify those whose lands have been assessed that they may pay the amount of their assessments to the receiver of taxes on or before the time so fixed, by posting at least ten of said notices in the city (at least five of which shall be posted in the

Deficiency assessed on city.

Fix time for hearing.

Notice given by receiver of taxes.

immediate vicinity of the said improvement), by publishing a similar notice at least once in the official newspaper or newspapers of the city and also by mailing a similar notice to each person whose lands have been assessed, so far as their names and post-office addresses appear upon the books of the city, with the postage prepaid, enclosing therewith a bill or notice, or bills or notices, stating the amount or amounts of the assessment or assessments, made against his, her or their lands; at said meeting, or at any adjourned meeting held within one month thereafter, the city council shall consider said map, report, apportionment and assessment and shall hear any objections thereto; if the said map, report, apportionment and assessment appear to be correct, the said council shall confirm the same, but if they shall discover any technical infirmities in the proceedings or shall consider that any of the objections made to such apportionment or assessment shall be just, they shall return the map, report, apportionment and asessment to the board of assessment for the purpose of having the same corrected in such manner as to remedy any errors discovered or defects therein; in making the aforesaid apportionment or assessment no lot shall be assessed for more than it is benefited, and all lots shall be equitably assessed with reference to the respective benefits received by each; after said meeting it shall be lawful for the city council, by resolution or ordinance, to direct that bonds of the said city be issued to an amount sufficient to pay the cost, or the balance of the cost remaining unpaid, of any such improvement; said bonds shall be so prepared as to be payable within ten years from their date, and shall provide that one-tenth of their amount shall be payable, and shall be paid in each year; said bonds shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and shall not be sold for less than par, and the said bonds may be sold at either public or private sale for the best price that can be obtained for the same; after said meeting it shall be the duty of the board of assessment to apportion the entire amount of the bonds so issued upon the lands, and among the owners of said lands, lying within

Consideration of report.

Correction of errors.

Bond issue to meet cost.

Apportionment of bonds.

the drainage area of any such sewer or drain, if sufficient special benefits exist or shall be thereafter derived therefrom, and such apportionment shall be made upon the same basis as the original apportionment of cost, excepting therefrom the lands of any owner or owners who shall have paid as aforesaid; said apportionment shall be delivered to the city clerk and shall be by him recorded in a book to be kept for that purpose, and either the said book or the original apportionment shall be competent evidence of such apportionment; the original apportionment shall, after it has been recorded by the city clerk, be filed and kept in the office of the receiver of taxes for said city; it shall be the duty of said receiver of taxes, and shall be so stated in said ordinance or resolution, to ascertain in the month of May of each year the amount of interest which will fall due on said bonds on or before the time fixed by law for the payment of taxes in the next succeeding year and to certify the same, together with one-tenth of the entire principal of the bonds issued, to the assessors of the city, whose duty it shall be to assess the same upon the basis of the apportionment of bonds, and upon the property embraced in said apportionment in the names of the then owners thereof, if the same be known; and the said assessment shall have the same force and effect, and be collected at the same time and in the same manner as the taxes collectible by law within said city for county and state purposes; but until the actual levy of said assessment, neither the liability to assess in this section created, or created under and by virtue of any other provision of said act to which this is a supplement, nor the apportionment or the record thereof, shall be held or construed to create a subsisting encumbrance upon the title to the lands embraced in said apportionment; and all moneys collected under the authority conferred by this section are hereby pledged to the payment of the principal and interest of the said bonds and shall be used for no other purpose.

Record of apportionment.

Amount raised annually.

Payment of principal and interest.

2. In case any of the several lots or parcels of land lying within said drainage area shall not receive any present benefits by reason of the construction of any

Providing for future benefits.

such sewer or drain, but in the judgment of the board of assessment will be likely to receive such benefits when lateral sewers or drains shall have been built and constructed and connected therewith, then the said board of assessment shall so state the same in their report, and shall assess upon the lands so to receive future benefits when such lateral sewers or drains shall have been constructed the amount of such special benefits as the same will then receive; such assessment shall not constitute or operate as a lien upon any of the lands so to receive such future benefits until such lateral sewers or drains shall have been constructed, and, during the interval, the city may carry such amount as may be so apportioned as a part of its debt and may issue its bond or other obligation therefor, and pay the required interest thereon, and renew the same from time to time until such laterals shall be built; at such time as the said laterals shall be built and connected with a main sewer or drain, laid and constructed upon request as aforesaid, the lands so receiving benefits by reason of the construction of the main drain, and the owners thereof, shall forthwith be and become liable to the city for the special benefits so as aforesaid assessed against the same by the board of assessment; the assessments so made shall immediately begin to bear interest at the rate of seven per centum per annum.

Amount carried by city until sewers built.

3. The lands presently benefited, and those which may thereafter receive special benefits when laterals shall have been constructed and after the same have been constructed and connected with the original sewer or drain, may be sold in case said assessments be not paid as the same become due and payable in like manner as provided by the act to which this is a supplement in cases where streets shall have been improved by being graded, macadamized, paved, curbed, guttered, flagged or otherwise improved with sidewalks, lamp-posts or other facilities for public lighting, in case any assessment or assessments be not paid as the same becomes due and payable.

Lands sold for non-payment of assessments

4. This act shall take effect immediately.

Approved April 24, 1902.

CHAPTER 277.

An Act to establish public parks in certain counties of this state, and to regulate the same.

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

County park commission; how constituted.

1. In any county of this state it shall be the duty of the judge of the court of common pleas, sitting in said county, to appoint four persons a board of commissioners to be known as "the ———— county park commission" (inserting the name of the county in and for which such commissioners are appointed); and at no time shall more than two commissioners, appointed under this act, be of the same political faith; the commissioners first appointed under the provisions of this act, in any county, shall hold office respectively for the term of one, two, three and four years, as indicated and fixed in the order of appointment, and all such commissioners, after the first appointment, shall be so appointed for the full term of four years; vacancies in said board happening by resignation or otherwise, shall be filled by such judge as hereinafter provided, and the persons appointed to fill such vacancies shall be appointed for the unexpired term only; such persons so appointed, when duly qualified, constituting such board of park commissioners and their successors, are hereby created a body politic, with power to sue and be sued, to use a common seal and to make by-laws; before entering upon the duties of his office, each of the members of said board shall take and subscribe an oath or affirmation, faithfully and impartially to perform the duties of his office, which oath or affirmation shall be filed in the office of the clerk of the county wherein the board of which he is a member, is appointed; every such board shall annually choose from among its members a president, vice president and treasurer, and appoint a clerk or secretary and such other officers and employes as it may deem necessary to carry out the purposes of this act; it may also determine the duties and compensation of such

appointees and remove them at pleasure, and make all reasonable rules and regulations respecting the same; every such board shall have a suitable office where its maps, plans, documents, records and accounts shall be kept, subject to public inspection at such times and under such reasonable regulations as the board may determine.

Organization.

2. Said commissioners shall meet for organization on the first Monday in December, next succeeding the election at which this act is adopted, and the said commissioners shall each receive as full compensation for all services to be performed under the provisions of this act the sum of fifteen hundred dollars per annum.

Vacancies.

3. In case of the death, resignation or disability of any member of said board, then such office shall be deemed to be vacant, and the judge of the court of common pleas of such county shall fill such vacancy by the appointment of a commissioner, who shall belong to the same political party as such person so dying, resigning or under such disability, belonged to at the time of his election; and such person shall be appointed for the unexpired term only.

Make and maintain parks.

4. Every such board shall have power to acquire, maintain and make available to the inhabitants of the county wherein it is appointed, and to the public, parks and open spaces for public resort and recreation, and shall have power to locate within the limits of said county such public parks and places, and for these purposes shall have power to take in fee, or otherwise, by purchase, gift, devise or eminent domain, lands and rights in lands for public parks and open spaces within said county; deeds of conveyance therefor shall be made to the said board by its corporate name, and it shall be the duty of such board to preserve and care for, lay out and improve any such parks and places, to make rules for the use and government of the same; such board shall have power to connect any road, park or public open space with any other park or public open roadway or boulevard, and for this purpose shall have power to exercise any of the rights and powers granted by this act in the manner herein prescribed, and also to

take or acquire in fee, or otherwise, in the corporate name of the said board, for the benefit of the said county, by purchase, gift, devise or eminent domain, any lands or rights in lands, and easements or interest in lands within the said county, although the lands so taken, or any part thereof, be already a street or way, and to construct and maintain along, across and upon and over the same, or any other land acquired by the said board under this act, roadways, parkways or boulevards, and to grade and improve the same, to regulate the width thereon of sidewalks, roadways, serviceways, bridle paths, bicycle paths or roads, to plant within the same trees and shrubbery, to construct such sidewalks, roadways, serviceways, bridle paths, bicycle paths or roads, to pave the same or any part thereof, in such manner and of such material as said board may deem advisable; which said grading, construction and improvement may proceed simultaneously, or from time to time, and in and upon such parts or sections of said parkways or boulevards as may be determined and prescribed by said board from time to time; such board shall also have power and authority to determine and to prescribe in the case of any new parkway or boulevard laid out and opened by such board, the lines for the frontage of any and all buildings to be located on the lands fronting on such new parkway or boulevard; *provided, however,* that the concurrence of the common council or other body having authority over highways shall be necessary to take or appropriate any portion of an existing street or road.

Regarding highways, paths, etc.

Proviso.

5. The said board shall have power and authority not only to lay out and open roadways, parkways and boulevards, connecting parks and open spaces as herein provided, but shall have authority to establish the grade of such highways and change and alter the same, to grade, curb, flag, pave and otherwise improve the said parkways, roadways and boulevards, and to regulate the use thereof.

Grading curbing, etc.

6. The said board, before proceeding to purchase or condemn lands for a public park or place, shall determine upon the location and quantity of land to be included

Map of proposed acquirements.

in any park or place, and cause a survey thereof to be made and a map showing the lands to be embraced therein, which map shall be kept by the said commissioners in their office, and the boundary lines of every such park or place shall be recorded in a book to be kept for that purpose by said board; and before laying out and opening any roadway, parkway or boulevard, they shall cause a survey of the same to be made and a map thereof to be filed in their office, showing the termini of said roadway, parkway or boulevard, including the courses and distances, the names of the several owners, or reputed owners, of land through which the same will pass, so far as the same can be ascertained, and the streets or roads which may be included therein; *provided, however,* that the said board shall not be obliged to disclose such location, surveys or maps to public inspection until it has taken proceedings to condemn lands or rights in lands necessary therefor.

Proviso.

Method of acquiring land.

7. When the said board shall deem it proper to acquire lands, or rights in lands, for any public park, boulevard or roadway, or place which they have located, or to make any improvement of any part or section of the whole of a parkway or boulevard, or as provided by the terms of this act, and the said board, or its agents duly authorized, cannot agree with the owners or owners of such lands and rights in lands as to the price and terms of the purchase thereof, or when by the legal incapacity or absence of such owner or owners, or for any other reason, no agreement can be made for the purchase thereof, the compensation shall be determined and paid in the manner as directed by an act of the legislature of New Jersey, entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" [Revision of 1900], approved March twentieth, one thousand nine hundred, and all acts amendatory thereof and supplemental thereto; either party may appeal from any award under any such proceeding, and all proceedings of appeal and recovery of awards shall likewise be made in accordance with said act; in any such proceeding the commissioners appointed to condemn shall ascertain, fix and determine

the amount of the special benefits which the laying out of any boulevard or roadway or the improvement thereof will confer upon any owner of property benefited thereby; in every case in which damages are awarded under the provisions of this act to an owner or owners of lands, and benefits are assessed against the same owner or owners, it shall be lawful for said board, when both the award of damages and the assessment of benefits have been finally confirmed, to deduct the amount of the benefits assessed from the damages awarded, and to set off such benefits against such damages by proper charges and credits, in order that the excess of damages, if any, shall be paid, and the excess of benefits, if any, be collected.

Collection of award by suit.

8. Any person or persons to whom an award shall be made as aforesaid, subject to the deductions for benefits assessed as aforesaid, may sue for and collect the said award, after the same shall have been confirmed as aforesaid, in an action of debt against the said board in any court of competent jurisdiction, and a certified copy of the award so made shall be presumptive evidence of the claim sued upon.

Collection of assessments for benefits.

9. It shall be lawful for the said board to collect the assessments for benefits so made as aforesaid either by a suit in an action upon contract in the name of the said board against the person or persons from whom such assessment is due, together with the costs of making the same and interest at the rate of six per centum per annum from the date of confirmation, or by a sale of the property benefited, or by both of the said remedies, which are to be cumulative, and every such assessment shall be a first lien upon the property benefited as ascertained by the said commissioners, to the amount of the assessment so made as aforesaid, with the interest and costs from the date of the confirmation of such assessment.

Collection of arrearages of assessments.

10. Any and all assessments which may be made under and by virtue of this act for benefits conferred shall be and remain liens upon the lands and real estate benefited as aforesaid, from and after the time when the same shall be confirmed, and any such lien shall remain until the same shall be fully paid; and if any such assessment

shall remain in arrear for a period exceeding six months after confirmation, suit may be brought for its collection as aforesaid, with interest and costs, and the said board may proceed to advertise said lands and real estate upon which any assessment may be a lien to be sold at public auction, at the court house of the said county, on some day not less than two months distant, between two and five o'clock in the afternoon; that such advertisement shall be published at least once each week for the space of at least three weeks next preceding the said sale, in two of the newspapers published and circulating in the said county; such advertisement shall be the only notice required, and shall contain the name of the owners of land in default, if the same be known, if not, shall state the name of the owners to be unknown, and shall give the amounts due from them respectively, with a short description of the lands and real estate to be sold, and at the time and place of said sale, said lands and real estate shall be openly sold to the person or persons who will take the same for the shortest period of time, not exceeding fifty years from the date of sale, and pay to the said board before the close of the sale the full amount due upon said unpaid assessments, with interest thereon from the time when the same was confirmed, at the rate of six per centum per annum, together with such sum as the said board may fix and determine to be a fair proportion of the expenses for advertising, conducting and making such sale; in the event that any purchaser shall neglect or refuse to make payment aforesaid, he shall forfeit all claim to said lands and real estate, and the same shall be resold by the said board upon like advertisement as aforesaid; the said board may adjourn any such sale from time to time by making proclamation thereof, and proceed therewith on the adjourned day, and the said board shall make and deliver to any purchaser at any such sale, who shall have made payment as aforesaid, a certificate of sale, signed by its officers thereunto duly authorized, and sealed with the seal of said board, which certificate shall be acknowledged or proved according to law, and shall set forth as concisely as may be the facts

Advertisements.

Resale upon failure to make payment.

Certificate of sale.

of said assessment, advertisement and sale, together with a short description of the lands and real estate sold, the amount actually paid therefor by the purchaser and the length of time for which he shall have purchased the same; every such certificate shall, before its delivery, be recorded in one of the books to be kept by the board for this purpose; such certificate may be assigned by deed of assignment, under seal, duly acknowledged as aforesaid, and every such assignment may be recorded in the books of said board upon the payment of a fee of one dollar therefor; every owner of land and real estate so sold, his, her or their legal representatives, or any mortgagee or mortgagees thereof, or any judgment creditor or creditors, having a legal or equitable interest therein, may, by payment to the said board, for the benefit of the said purchaser, his heirs or assigns, of the amount originally paid by the said purchaser, and of any tax or assessment which such purchaser may have paid, and of which he may have given written notice to the said board, with interest on all such payments at the rate of ten per centum per annum, redeem the said lands from the lien so imposed, but in case no such redemption is made the said board shall, at the expiration of the said period of three years, upon the surrender of any such certificate, execute and deliver to the purchaser, his legal representative or assigns, a declaration of sale, to be executed in the same manner as the certificate of sale, and to be duly proved or acknowledged, stating therein briefly the facts of said assessment, advertisement and sale, giving a short description of the lands and real estate sold, and the time for which the same was sold; said declaration of sale shall be recorded in the books of the said board, and also in the records of deeds in the office of the register of said county; and, until the recording of such declaration, the time for redeeming said lands and real estate shall remain open, notwithstanding the expiration of the said term; every such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were in all respects regular and according to law; and such purchaser or purchasers, his, her or their legal represen-

Redemption of property.

Declaration of sale.

Declaration in evidence.

tatives 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 them, until the said term mentioned in the said declaration shall be fully completed and ended; every such purchaser so holding shall be liable for any injury or waste done or committed in the same manner and to the same extent as a tenant for years, but no mortgagee, whose mortgage shall have been recorded or registered before any such sale, shall be divested of his rights in and to the said lands and real estate, unless after notice shall have been given to him by any such purchaser for a period of six months (such notice to be in writing), such mortgagee shall neglect to redeem the said lands and real estate by paying the amount actually paid by such purchaser, including taxes, and including assessments subsequently made, with interest at the rate of six per centum per annum from the date of payment, and also any costs or charges which he may have been by law obliged to pay; notice to every such mortgagee shall be served personally, if he is a resident of the said county, if not, it shall be addressed to him by mail at his place of residence, as stated in the said mortgage or any assignment thereof; every such mortgagee holding a lien on lands sold redeeming as aforesaid, may collect the amount paid as a part of the debt due, and every such person shall be entitled to receive and hold, by assignment the declaration of sale, as evidence of such payment, and as further security for the repayment of the sum so paid, with interest.

Rights of mortgagee.

Property bought in by board.

11. Lands and real estate which are not bid off and sold when offered for sale, or for resale, according to the provisions of this act, shall be struck off to the said board, by its corporate name, for the longest term for which such sale is authorized to be made, and said board may hold said lands and real estate and sell, assign and dispose thereof and use the proceeds of the same in the same manner as directed in the case of moneys paid for benefits assessed, and such board shall have, in rela-

tion to the said lands so struck off to it, all the rights and privileges of a purchaser at such sale.

Bond issue to meet expenses.

12. To meet the expenses incurred under the provisions of this act, in addition to the sum of money received from benefit assessments as herein provided and otherwise, the board of chosen freeholders of the said county shall, from time to time, upon the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum, in the aggregate, not exceeding one per centum of the assessed value of all the property, real and personal, in said county liable to taxation for county purposes; such bonds to run for a term not exceeding fifty years, to bear interest at a rate not to exceed four per centum, payable semi-annually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said board of chosen freeholders may determine, and they shall also determine the form of the bond; a sinking fund shall be established by the said board of chosen freeholders on the issuing of any such bonds sufficient, with the accumulation thereof, to extinguish the principal of the said bonds so issued when due; the interest and principal of all bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation.

Establish sinking fund.

Provision for principal and interest.

13. It shall be the duty of the board of chosen freeholders of such county to provide for the care of such fund, and it shall be the duty of the officers of the county charged by law with the raising of money for county purposes to provide annually in the tax levy for the interest which may fall due during the succeeding year on any bonds issued under the authority of this act, and also each year to provide, by taxation, a fund sufficient, with the amount received from benefit assessments by the said board of park commissioners, which shall be turned over for this purpose by said commis-

sioners, and the accumulations of the sinking fund thus provided, to pay and extinguish the principal of all such bonds when they mature.

Land held exclusively for park purposes.

14. All lands taken or held under this act for the purpose of public parks shall be forever kept open and maintained as such, and no steam or other railroad shall be laid out on, or maintained or operated in or on, any portion of the parks, open spaces, boulevards, parkways or roadways laid out and located under this act, except at such places and in such manner as the said board of park commissioners shall, in writing, duly approve.

Rules, regulations, penalties.

15. Every such board shall have power and authority to make rules and regulations for the government and use of all such parks, open spaces, boulevards, parkways and roadways, and to enforce the same by prescribing and affixing for the violation thereof suitable penalties, not exceeding fifty dollars for each offense; such rules and regulations shall be plainly printed and posted within such parks and public places, or on such boulevard or other highways, and the said board shall have power and authority to sue for and collect the penalty prescribed and affixed for any violation of the rules and regulations so made in an action of debt in any court of competent jurisdiction; all fines and penalties recovered as aforesaid shall be used by the said board for the same purposes and in the same manner as other funds provided for its use.

Control of parks, etc., transferred to park commissioners.

16. Any city or municipality within such county, or any local board in such city or municipality, having control of the parks or streets therein, is hereby authorized and empowered to transfer the care, custody and control of any park, public place or street under its care or control to the said board of park commissioners for the purposes of this act, with its consent, which consent such board of park commissioners are hereby authorized to give.

Referendum.

17. None of the foregoing provisions shall take effect in any county until the acceptance or rejection of this act shall have been submitted, as herein provided, to a popular vote; such submission shall be made, and the vote hereinafter provided for taken, at any general

election for members of the general assembly in such county; whenever the board of chosen freeholders in such county shall resolve to submit this act to popular vote in such county, at any such general election, it shall be the duty of the county clerk, at least ten days before any such election, to give public notice, by publication in two or more newspapers published and circulating in the county, that such submission will be made at the ensuing election, stating briefly the question to be submitted as herein provided, and it shall be the duty of the said clerk to provide ballots sufficient in quantity for the legal voters of the said county, not less than five to each legal voter, as the number of voters appears by the last preceding election, and make distribution thereof, as far as practicable, in the manner provided by law for the distribution of other ballots at such election; every such ballot shall contain either the words "For the new park bill" or the words "Against the new park bill," and an equal number of each kind of ballots shall be so printed and distributed; and the legal voters of said county may, at any such election, decide upon the acceptance or rejection of this act by the use of such ballots; such ballots shall be cast at any such election separate and distinct from other ballots used at any such election, and shall not, except as herein provided, be regulated by the laws regulating ballots used in the election of public officers; such ballots, however, shall be deposited, when offered, without being enclosed in an envelope, by any legal voter, in the ballot-boxes used at any such election for the election of public officers; and all ballots so cast for or against this act shall be counted, and the result thereof returned by the election officers holding any such election as herein provided; and the acceptance or rejection of this act shall be determined by the result of any such election; and if there shall be found, on a canvass of all the votes cast for or against the acceptance of this act, a majority of ballots in favor of this act, then this act, but not otherwise, shall take effect immediately in such county; the return and certificate of the result of the votes cast in every election district or voting precinct in such

Ballots.

Result of election.

county for and against the acceptance of this act shall be filed forthwith, after the close of the said election by the officers conducting the same, with the clerk of the county wherein any such election is held; and it shall be the duty of such clerk to tabulate the said returns and canvass the votes so cast in all the election districts in said county, and certify, upon such tabulated statement, the number of votes cast for the acceptance of this act, and he shall file such tabulated statement, with his certificate therein, in his office, there to remain of record.

18. This act shall take effect immediately.

Approved May 6, 1902.

CHAPTER 278.

A Supplement to an act entitled "An act concerning the military and naval forces" [Revision of 1900].

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

Officers, by whom elected.

1. Captains, subalterns and non-commissioned officers shall be elected by the members of their respective companies; field officers of regiments, independent battalions and squadrons shall be elected by the commissioned officers of their respective regiments, battalions or squadrons; brigadier-generals shall be elected by the field officers of regiments, battalions and squadrons, and the commanding officers of the troop of cavalry and battery of field artillery of their respective brigades; major-generals shall be appointed by the governor.

Appointment by governor on failure to elect.

2. In case the electors of captains, subalterns, field officers or brigadier-generals shall refuse, neglect or fail to elect same, as provided by law, and at the time and place directed in orders, the governor shall have power and he is hereby authorized to appoint such officers and fill all vacancies caused by such refusal, neglect or failure.

3. This act shall take effect immediately.

Approved May 6, 1902.

CHAPTER 279.

An Act to authorize cities of the first class in this state to provide music in the public parks of such cities during the months of July and August in each year.

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

Appropriation for music.

1. It shall be lawful for the municipal board having charge of the finances of any city of the first class in this state to appropriate and set aside annually, to the credit of the municipal board or body having charge of the public parks in any such city, a sum of money not exceeding five thousand dollars in any one year, for the purpose of providing music in the public parks of such city, and to raise, levy and collect said money so appropriated in the same manner as other taxes are levied and collected in said city.

Issue loan bonds.

2. The said board having charge and control of the finances of any such city, is hereby authorized to raise the said sum of money called for by the first appropriation made under this act, by issuing and selling temporary loan bonds in the name and upon the credit of the city, and to put the amount of the interest and principal of said temporary loan bonds into the next tax levy thereafter made in such city, and to levy and collect the said amount in the same manner as other taxes are levied and collected in any such city.

Use of moneys appropriated.

3. It shall be the duty of the municipal board or body having charge of the public parks in any such city, to expend the said sum of money so appropriated as aforesaid in providing instrumental or band music in the public parks of such city during the months of July and August in each year.

Approval of contract.

4. All contracts for such music shall be approved by the mayor of such city, and any provision of the laws of this state requiring contracts in such city to be made to the lowest responsible bidder, shall not apply to contracts made in pursuance of this act.

5. This act shall take effect immediately.

Approved April 9, 1902.

PROCLAMATIONS.

Proclamations by the Governor.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

In accordance with the annual custom of designating a day in the year for the planting of forest trees, and in pursuance of the authority vested in me by law, I do hereby set apart Monday, the sixth day of May, one thousand nine hundred and one, for the planting of forest trees and do 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 state to be [SEAL.] affixed, at Trenton, this twenty-fourth day of April, one thousand nine hundred and one.

FOSTER M. VOORHEES,
Governor.

By the Governor:
GEORGE WURTS,
Secretary of State.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

William A. Newell, oldest of those who have been governors of the state, died at his home in Allentown, August eighth, one thousand nine hundred and one.

Nearly sixty years ago, as a young man coming from another state, he began the practice of medicine in New Jersey. He was devoted to his calling. He made friends

—many in number. They knew him and they loved him as only the sick do know and love the one who heals them of their ills.

Public honors came to him. Early in life—he had hardly passed the given age—he was chosen a congressman. Young though he was, he had an end in view. He came from a state begirt by the sea. He knew the dangers that threatened the shipwrecked sailor. He found obstacles in his way, but he freely spent time and work to give help to those in peril. His labor was not without reward. He saw the beginning of a noble service found now on every shore. To him came fame and the reward for work well done and to his state came credit.

He was born in another state, but the people of New Jersey found him their fearless and upright governor. More than two score years ago he laid down the duties of that office, but those years were not idle years for him who is now dead.

He served others as their chief executive. He was the governor of Washington. There, too, he showed his fitness for public place and his honesty and his courage. He was always faithful to those who put their affairs in his keeping.

He lived more than eighty-three years, many times honored by his fellow citizens. He died leaving behind him an honorable name. His life and his work show forth a good example and furnish an incentive to generations to follow.

On the taking away of so eminent a citizen and so worthy an official, it is meet that due respect be paid to his memory.

Therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, do hereby direct that all the public buildings be draped in mourning for the period of thirty days; and that until the day succeeding the funeral obsequies, the flags thereon be placed at half-staff, and during the funeral services the public offices be closed and the proper salute be fired.

In witness whereof, I have hereunto set my hand and caused my privy seal to be hereunto affixed, [SEAL.] at Trenton, this ninth day of August, in the year of our Lord one thousand nine hundred and one.

FOSTER M. VOORHEES,
Governor.

Attest:
HOBART TUTTLE,
Private Secretary.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The dreaded event has come and a great nation mourns. The mad deed of an enemy of mankind has ended the life of a soldier, a statesman and a Christian. Treason has done his worst; a people's chosen ruler sleeps the sleep that knows not breaking.

Henceforth the life of William McKinley, President of the United States, is a memory. But, as on the pages of an open book, to be read of all men, are written these deeds: In youth braving the dangers of battle and offering his life as a ready sacrifice for his country; in the years of manhood, serving the people long, earnestly and unselfishly.

He lived to see the fulfillment of his hopes, nearer coming. He thought not of the hatred of any. And yet, in the fullness of his honors, strong and well-beloved, his last public words, those of hope and good-will, he fell suddenly as in the twinkling of an eye.

Horror stirs our souls and grief lays its hold upon us, but the life of William McKinley, and his gentleness, heroism and undaunted courage when death drew near, endear him to the hearts of his countrymen. His memory will abide for generations to come.

In the hope that his death may strengthen the life of the nation, and that He, in whose hands are all events,

may watch over us as a people and keep our rulers from all harm, and that we may bear witness to our grief for our president dead, I, FOSTER M. VOORHEES, Governor of New Jersey, do hereby recommend that the public buildings be draped in mourning and the flags thereon be placed at half-staff for thirty days, and that on Thursday, the nineteenth of September, nineteen hundred and one, the day on which the body of the dead President will be laid in its last resting place, the people of this state do cease, so far as they can, from their usual business, and in their usual places of worship, gather together for prayer or other memorial and religious services at the hour of eleven o'clock in the forenoon of the day.

Given under my hand and privy seal, at Trenton, this fourteenth day of September, nineteen hun-
[SEAL.] dred and one.

FOSTER M. VOORHEES,
Governor.

Attest:
HOBART TUTTLE,
Private Secretary.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, It has been satisfactorily made to appear that in the list of New Jersey corporations reported to the governor of said state and mentioned in the proclamation issued by him, bearing date of the second day of May, one thousand eight hundred and ninety-nine, was inadvertently included the corporation known as the New Jersey Iron Ore Company, as one of such corporations which had for two consecutive years failed, neglected and refused to pay the state taxes which had been assessed against them for the year one thousand eight hundred and ninety-six, under the laws of the said State of New Jersey and made payable into the state treasury:

And Whereas, It has been established to my satisfaction that said New Jersey Iron Ore Company was inadvertently reported to me by the comptroller as refusing or neglecting to pay the same as aforesaid, said corporation having been exempt from liability for payment of taxes at the time of such alleged default, and that said company is not liable to the penalty set forth in the proclamation of the governor of said state, bearing date of the second day of May, one thousand eight hundred and ninety-nine, although said corporation known as New Jersey Iron Ore Company is included in the list of corporations specified therein;

Therefore, I, Foster M. Voorhees, Governor of the State of New Jersey, do hereby issue this my proclamation, revoking so much of the said proclamation of May second, one thousand eight hundred and ninety-nine, above referred to, as applies to the said New Jersey Iron Ore Company, and said company is hereby declared to be restored to all of its corporate rights, powers, privileges and franchises as fully as if said proclamation had not been issued and published as aforesaid.

And I further direct that this proclamation be filed in the office of the secretary of state of the State of New Jersey.

In witness whereof, I have hereunto set my hand and caused the great seal of the State of New [seal.] Jersey to be affixed, at the city of Trenton, this twenty-second day of October, in the year of our Lord nineteen hundred and one.

FOSTER M. VOORHEES,
Governor.

By the Governor:
George Wurts,
Secretary of State.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

The nation will not soon forget the year which draws near to its close. Its sorrow for its fallen leader will linger long.

Yet it has cause to remember the goodness of Him in whose hands is the ordering of all events. In the time of shock and stress, its life was in His keeping. He brought it safe deliverance. Its people have known peace and prosperity. Plenty has abided in their homes. Reward beyond compare has crowned their labors. Grim want and lurking pestilence have been far from them. Their love of country has been renewed and as they cross the threshold of the century just begun, they have cause to hope that He will not suffer liberty, justice and charity to perish in the land.

It is meet for us who have been the objects of His care and His goodness to make suitable acknowledgment thereof.

Therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, do hereby recommend that on Thursday, the twenty-eighth day of the present November, the people of this state forego, so far as they can, their usual labors, and at their homes and with their families and in places of religious worship, by deeds of devotion and kindness, express their thanks to Him who rules the destinies of all, for His goodness to our nation, our state and its people, and ask that His favor may not be withheld in time to come.

Given under my hand and the privy seal of my office, at the Executive Chambers in the city of Trenton, on the thirteenth day of the present [SEAL.] November, in the year of our Lord one thousand nine hundred and one, and of the Independence of the United States, the one hundred and twenty-sixth.

FOSTER M. VOORHEES,
Governor.

Attest:
HOBART TUTTLE,
Private Secretary.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, George B. Swain, who, at the time of his death, was treasurer of the state, departed this life on the twenty-fifth day of December, nineteen hundred and one;

Therefore, I, FOSTER M. VOORHEES, Governor, do hereby make known that I have appointed Frank O. Briggs to execute the duties of Treasurer of the State of New Jersey until the end of the next session of the Legislature, unless a successor shall be sooner appointed.

In witness whereof, I have hereunto set my hand and caused the great seal of state to be affixed, [SEAL.] at Trenton, the fourth day of January, nineteen hundred and two.

FOSTER M. VOORHEES,
Governor.

By the Governor:
GEORGE WURTS,
Secretary of State.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, The comptroller did, on the sixth day of January, nineteen hundred and two, under the provisions of the act entitled "An act to provide for the imposition of state taxes upon certain corporations, and for the collection thereof, approved April eighteenth, one thousand eight hundred and eighty-four," and the various acts sup-

plementary thereto and amendatory thereof, report to me a list of all corporations subject to the provisions of said acts; and

WHEREAS, The following named corporations so reported, had, for the two years next preceding such report, failed, neglected or refused to pay the state taxes assessed against them for the year one thousand eight hundred and ninety-nine, under the laws of the State of New Jersey and made payable into the state treasury; and

WHEREAS, Under the provisions of said act, the charters of said corporations are repealed and all powers conferred by law upon such corporations, declared inoperative and void, unless the governor gives further time for payment; and

WHEREAS, The governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes and the same are still unpaid;

Therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, pursuant to the provisions of said act of the Legislature, do hereby issue this proclamation, that the charters of the following named corporations so reported and in default, to wit:

Aareek Country Club,
Abrams Ice and Refrigerating Machine Company,
Adeevee Company,
A. Kolb Shirt Company,
A. Krouse Manufacturing Company,
Alabama Construction Company,
Aladdin Lamp Company,
Alaska Development Company,
Alaska Railroad Company,
Alaska Standard Gold Mining and Development Company,
Alaska Transportation Company,
Alaskan Navigation and Development Company of Camden, New Jersey, U. S. A.,
Albemarle Cycle Company,
Alice Mining Company,
Allen Chester's Silk Company,

Allen Land Improvement Company,
Alsdorf Mfg. Company,
Aluminum Specialty Company,
Amalgamated Mercantile Company,
American Art Tile and Ceramic Company,
American Automobile Company,
American Basket Company,
American Biographical Company,
American Builders Company,
American Car Improvement Company,
American Chemical Reduction Company,
American Church Clerical Directory Company,
American Cigarette Machine Company,
American Commercial Traveler, "Incorporated,"
American Construction and Finance Company,
American Cotton Picking Company,
American Exhibitors Agency Company,
American Honduras Company,
American Industrial and Commercial Union,
American Jadoo Company,
American Lactolene Company,
American Manufacturing Ryosia Coffee, Spice and Tea Company of New Jersey,
American Metal Door-Mat and Car-Step Manufacturing Company,
American Octopus Company,
American Pepsin Gum Company,
American Publishers' Corporation,
American Real Estate Company,
American Registry and Security Company,
American Self-toning Paper Mfg. Company,
American Silk Lace Company,
American Street Cleaning Company,
American Supply Manufacturing Company,
American Talcum Company,
American Tea Company,
American Traction Company,
American Trade Exchange (Limited),
American Trading Company,
American Wall Paper and Paint Company,

American Water Purifying Company,
American Wood Company,
American Wood Working Machine Company,
American Wool Oil Company,
Anchor Silver Plate Company,
Anderson Safe Float Company,
Apartment Hotel Company,
Argentum Company,
Army and Navy Publication Society,
Art China Decorating Company,
Art Library Publishing Company,
Art Nouveau Company,
Atlantic City Elephant Casino Company,
Atlantic City Transfer Company,
Atlantic County Telephone Company,
Atlantic Palace Circle Company,
Atlantic Paper Company,
Atlantic Transportation Company,
Automatic Bicycle Safety Rack Company,
Automatic Ejector Company,
Automatic Poster Advertising Company,
Automatic Rotary Stoking Grate Company,
Automatic Telescoping Umbrella Company,
Automatic Trip Railroad Gate Company,
Ayars Mail Catcher Company,
Baechtold Electric Company,
Bard Company,
Barnegat Druggist Hollow-ware Glass Company,
Beach Arlington Cottage Company,
Beacon Land Company,
Beadnell-Collins Company,
Bee Publishing Company,
Bellrose Leather Company,
Belvidere Construction Company,
Bergen County Telephone Company,
Bermudez Company,
Bicycle Equipment Company,
Bicycle Surety Company,
Bidwell-Tinkham Cycle Company,
Big Sandy Coal, Iron and Lumber Company,

Birkbeck Building and Savings Society,
Birmingham Inn Company,
Blacklick Coal Company,
Bleakly Lime and Coal Company,
Blue Cross Medical Society,
Blue Springs Mining Company,
Blue Star Navigation Company,
Boler Tube Heat Developer Company,
Bolivian Exploration and Mining Company,
Bonta Manufacturing Company,
"Boston,"
Boston and Costa Rica Land and Investment Company,
Bouton Engine Company,
Brakama Remedy Company,
Brendel Spring Tire Company,
Brighton Flower Company,
British-American Gold Mining Company,
Brown Developing Company,
Buckingham Company,
Bulletin Publishing Company,
Bulls Ferry Land Company,
Bunting and Patton Silk Dyeing Company,
Burlington Architectural Terra Cotta Company,
Burlington County Ice Manufacturing Company,
Caffall Process Company,
Caldwell Construction Company,
Caldwell Water Company,
Caloric Reduction Company,
Camden Enterprise Real Estate Company,
Camden Novelty Company,
Campbell Chemical Company, Limited,
Capitaine Oil Motor Company,
Car Journal Publishing Company,
Carlton Investment Company,
Carnegie Furnace Company,
Carteret Chemical Company,
C. C. Kraemer Company,
Central and Consolidated Electric Company,
Central Industrial and Commercial Union,
Chamberlain Chemical Company,

Champion Show Stand Company,
Charles F. Parker and Company,
Chas. S. La Vake & Company,
Chicago Refrigerator Car Line,
Chiquila Placer Mining Company,
Cipacon-American Coal Mining Company,
Circle Cycle Company,
Citizens Lighting Company of Atlantic City,
Citizens Water Company of Tuckerton, N. J.
City Real Estate Company,
Clark and McGalliard Engineering Company,
Climax Machine Company,
Climax Stopper Company,
Close and Burke Silk Dyeing Company,
Coast Water and Sewer Company,
Coffin Dry Goods Company,
Coin Exchange and Register Company,
Cold Air Refrigerating Company,
Colonial Building Company,
Colonial Contract Company,
Colorado-Alaska Prospecting and Mining Company,
Colored Baptist Camp Meeting Association,
Columbia Filter Company,
Columbia Investment Company,
Commercial and Manufacturing Company,
Common Sense Blind Hinge Company,
Compressed Coal Company,
Connecticut Land and Ocean Beach Improvement Company,
Consolidated Express Company,
Consolidated Glue and Cement Company,
Consolidated Wheel and Vehicle Company,
Construction Company, General,
Contractors Corporation,
Co-operative Travellers Association,
Corwin Manufacturing Company,
Cosmic Alloy and Metal Depositing Company,
Cosmopolitan Pharmacal Company,
Cox Computer Company,
Crandall-Parker Company,

Crescent Iron Company,
Cripple Creek Chemical Reduction Company,
Crosscup and West Engraving Company,
Cross-Cut Improvement Company,
Crossley and L'Hommedieu Heating Company,
Cross-Stitch Button Sewing Machine Company,
Crown Chemical Company,
Crown Incandescent Light Company,
Crystal Gas Company,
Crystal Spring Brewing Company,
Dahlen-Seidel Company,
Daley Laundry Machinery and Manufacturing Company,
Darrach Car Fender Company,
Davidson Box Company,
Davis and Hancock Company,
D. A. Woodhouse Manufacturing Company,
Deal Beach Building and Supply Company,
Deal Lumber and Construction Company,
Delford Electric Light Company,
Denison Motor Carriage Company,
De Raismes & Company,
Display Advertising Service,
Domestic Silk Manufacturing Company,
Dominion Construction Company,
Doyle Manufacturing Company,
Duplex Bosom and Shirt Manufacturing Company,
Duryea Motor Vehicle Company,
Dutchess Brick Company,
Eagle and Phœnix Silk Company,
Eagle Pottery Company,
Eastern Mining Company of New Jersey,
Easton Steam Heating Company,
E. C. Mehrhof Company,
Economy Gas Lamp Company,
Economy Heating Company,
Economy Stone Sawing Company,
Edward Klink Bar Fixture Company,
Edwards Sad Iron Company,
E. Hartnett Drug and Chemical Company,

Ehrhardt Multiple Fuse Block Company,
Eisenhut Bicycle Company,
El-Dorado Gold and Silver Mining Company,
Eldora Mining, Milling and Power Company,
Eldridge Bicycle Company,
Electrical Engineer.
Electrical Wiring Company,
Electric Brick Terra Cotta and Tile Company.
Electric Cutter Company,
Electric Match Company,
Electric Switch and Trolley Company,
Electric Valve and Governor Company,
Electro Chemical Company,
Electro Chemical Metal Extraction Company,
Electro Fireproofing Plastic Cement Company,
Elk Horn Stock Company,
Elmer H. Haas Company,
Emergency Fire Extinguisher Company,
Emergency Horseshoe and Supply Company,
Empire Boiler Cleaning Company of New Jersey,
Empire Chemical Company,
Empire Oil and Refining Company,
Empire Varnish Company,
Enterprise Mantel Company,
Enterprise Water Company,
Equitable Mercantile Agency of New Jersey,
Equity Land Association,
Essex County Fraternal Building Association,
Essex Machine Company,
Esmeraldas Gold Mining Company,
Eureka Banana and Development Company,
Eureka Fire Proofing Company,
Eureka Mining and Investment Company,
Eustis Manufacturing Company,
Excelsior Laundry Company,
Excelsior and Musical Phonograph Company,
Farm and Dairy Product Company,
Federal Hill Mining Company,
F. E. Hamell Rope Company,
Felder and Company,
Fidelity International Company,

Fidelity Investment Company,
Fidelity Paper Company,
First National Home Purchasing Company,
Food Manufacturing Company,
Ford and Creveling Company,
Forge Mining Company,
Form Publishing Company,
Francis Horse and Stable Company,
Franco-American Art Company,
Franke-Jenner Fire Proof Flooring Company,
Frank Kiernan and Company,
Franklin Amusement Company,
Franz Mayer Sign Material Manufacturing Company,
Frazeur S. and P. Company,
Fruits, Flowers and Vegetable Evaporating Company,
Fyfe Shoe Company,
Gage Shoe Company,
Gas Mantle Guarantee Company,
General Electric Tramway Company,
General Supply Company,
Gentry Gear and Wheel Works,
Geo. Slingland Cloak Company,
German-American Steel Ball Company,
Germantown Planing Mill Company,
Gilbert and Chester Company,
Gilliland Cigarette Machine Company,
Gillmore's Famous Band and Publishing Company,
Gilson, Collins & Company,
G. M. Hammell and Company, Incorporated,
Gogorza, Simm & Company, Limited,
Grace Self-Wringing Mop and Sponge-Brush Company,
Greater New York Fire Protective Company,
Greater New York Ice Company,
Greenwood Dyeing Company,
Guarantee Silk Company and The Guaranty Silk Company,
G. W. Wylie Company,
Hackensack Hall and Armory Association,
Hansell Spring Company,
Hanson Drug Company,
Harms, Kaiser and Hagan,

Harry C. Nichols Company,
Hasbrouck Height Improvement Company,
H. A. Walls Company,
Hawley Box and Lumber Company,
Hayes Carbine Armature Brake Company,
Healy Construction Company,
Hevner Road Bed Construction Company,
H. F. Beebe Company,
Hickory Broom Fibre Company,
Higgins Cafe Company,
Highland Brewing Company,
High Mountain Park Association,
High Mountain Water Company,
Hoffman Sash and Door Company,
Home Furnishing Company,
H. S. Cash Register Company,
Hudson River Shale Paving Brick Works,
Hughes Information and Investment Company,
Huntington Shirt Company,
Hurst-Williams Manufacturing Company,
H. and V. Publishing Company,
Indestructible Road Bed Construction Company,
Industrial Coal Company,
Industrial Investment and Development Company,
Installment Bond and Mortgage Company,
International Brush Company,
International Medical Publishing Company,
International Needle Company,
International Railway Sash Lock Company,
International Turbine Company,
Inter-State Company,
Inter State Steamboat Company,
Inter Urban Investment and Improvement Company,
Iron Mask Mining Company,
Isham's California Water Company,
Jacob T. Van Wyck and Company, Limited,
Jamaica Construction Company,
James P. McDonald Contract Company,
Jarvis Kearcher Hat Manufacturing Company,
Jean Tack and Son Company,
Jersey City Contracting Company,

Jersey City Electrical Construction Company,
Jersey City Harness Company,
J. H. Haverly American-European Minstrel Company,
J. L. Murray Marble Company,
John A. Mead Manufacturing Company,
John G. Roach Distillery Company,
Johnstown Tin Plate Company,
J. P. Clarke Company,
J. P. McDonald Company,
J. T. Harker Cafe Company,
Kempson Publishing Company,
Kensington Park Company,
Keystone Music Company,
Keystone Static Carbonator Company,
Kitsee Bicycle Lamp Syndicate,
Klein Manufacturing Company,
Klondike & Copper River Transportation, Trading and Mining Company,
Knickerbocker Gas Company,
Kosmos Publishing Company,
Lap Joint Railway Track Company,
La Porte Improvement Company,
La Porte Wharf and Channel Company,
Laurel Springs Land and Improvement Company,
Lauten Paper Box Machine Company,
Le Berthon Company,
Le Bon Collation Company,
Liberty Lamp Company,
Liebler Company,
Lieno Manufacturing Company,
Lincoln Building Company,
Lincoln Foundry Company,
Lincoln Realty Company,
Lindley Nursery Loan and Investment Company,
Lionhide Waterproof Leather Company,
Little Egg Harbor Land Company,
Little Falls Quarry Company,
Littlejohn Engine Company,
Lodi Chemical Company,
Lorentz Cigarette Machine Company,
Macnaughton Company,

Mad River Sanitarium Company,
Main Avenue Improvement Company,
Manhattan Arc Lamp Company,
Manhattan Construction Company,
Manhattan Hotel Company, Consolidated,
Manhattan Microphone Company,
Manhattan Shipping Company,
Manhattan Steamship Company,
Manufacturers Exchange Company,
Manufacturing Investment Company,
Marcus and Company,
Maria Farina Company, 1826,
Marsh Elevator Company,
Mascot Manufacturing Company,
Mason Phone Company,
McInnes Brick Manufacturing Company,
McKay Cremator Construction Company,
Medical Publishing Company,
Medical Steam Fomenter Company,
Mendelson and Company,
Mercantile Building Company,
Mercer Floral Company,
Merchants and Builders Law and Collection Company,
Merchants National Trading Association,
Merchants Passaic and New York Express Company,
Mercur Gold Company,
Mersereau and Company,
Metallic Insulation Company,
Metropolitan Amusement Company,
Metropolitan Building Company,
Metropolitan Collecting Agency,
Metropolitan Water Filtering Company,
Middlefield Quartz Mills Company,
Midland Appliance Company,
Midvale Land Improvement Company,
Miller and Ober Shoe Company,
Mineral Point Mining and Reduction Company,
Miracle Manufacturing Company,
Mixer Ice Machine Company,
Monmouth Hedge and Wire Fence Company,
Monmouth Manufacturing Company,

Montauk Chemical Manufacturing Company of Newark, N. J.,
Moore Telephone Manufacturing Company,
Morrow and Day,
Moshannon Coal Mining Company,
Mountain Park Land Company,
M. R. Gately Company,
Multiform Manufacturing Company,
Mutual Benefit Trading Association,
Nassau Construction Company,
National Advertising Service,
National Art Printing Company,
National Automatic Acetylene Gas Machine Company,
National Automatic Advertising Company,
National Automatic Car Fender Company,
National Biographical Association,
National Brick Company,
National Construction and Improvement Company,
National Cycledrome Company,
National Fire Equipment Company,
National Improvement and Contract Company,
National Incandescent Lamp Company,
National Iron Company,
National Motor Carriage Company,
National Track Team Association,
New Age Newspaper Company,
Newark Asphalt Paving and Construction Company,
Newark Baseball Company,
Newark Electric Developing Company,
Newark Jewelry Company,
New England Newspaper Syndicate,
New England Wool Cleaning Company,
New Era Manufacturing Company,
New Era Publishing Company,
New Gretna Fishing Company,
New Jersey Cyclorama Company,
New Jersey Deutsche Zeitung Publishing Company,
New Jersey Improved Box Company,
New Jersey Land Reclamation and Improvement Company,

New Jersey Lumber Company,
New Jersey Luminous Column Company,
New Jersey Match Company,
New Jersey Music Company,
New Jersey Mutoscope Company,
New Jersey Paper Board and Wall Paper Manufacturing Company,
New Jersey Pump Company,
New Jersey Rock Ornamental Pressed Brick Company.
New Jersey Smokeless Powder Company,
New River Smokeless Coal Company,
New York and Atlanta Construction Company,
New York Bill Posting Company,
New York Building Company,
New York Commercial Publishing Company, Limited,
New York Finance and Construction Company,
New York Lighting Company,
New York Lithographing and Printing Company,
New York and New Jersey Land Company,
New York and New Jersey Land and Development Company,
New York Package Handle Company,
New York and Porto Rica Trading Company,
New York Ship Building and Engine Company,
New York Special Agency,
New York Standard Rubber Company,
New York and Western Stock Yard and Market Association,
New York Wool Warehouse Company,
Niagara Automatic Washer Company,
Niagara Manufacturing Company,
North American Construction and Development Company,
North American Manufacturing Company,
North American Real Estate Company,
North American Trading and Investment Company,
North Beach Haven Land and Improvement Association,
North Bergen Land Company,
North Eastern Fuel Company,
North Highland Land and Improvement Company,

North Hudson Driving Park Association,
North Jersey Construction Company,
North Long Branch Improvement Company,
North and South Construction Company,
North Star Mining and Developing Company of Alaska,
Northwestern Finance Company,
Novelty Advertising Company,
Novelty Textile Printing Company,
Nulli Secundus Gold Mining Company,
Nutley Water Company,
Ocean View Company,
Oral Advertising Device Company,
Orth Index Company,
Orvil Stone Crushing Company,
Ossipee Granite Company,
Ostenoid Company,
Oxford Silk Dyeing and Printing Company,
Pacific Coast Newspaper Syndicate,
Pacific Gold Mining, Milling and Exploring Company,
Palestine Building Association of Hudson County, New Jersey,
Palmer's Horse Street Car Starter Manufacturing Company,
Palmyra Filtrated Water Company,
Pan American Sewing Machine Company,
Parcel Post Corporation,
Paris Exposition Tours Company,
Parisian Manufacturing Company,
Parker Ice Tool Company,
Park Hotel and Theatre Company,
Passaic Land and Building Company,
Paterson Casket and Supply Company,
Paterson Generator Company, Limited,
Patuxent City Land and Improvement Company,
Pelly River Mining Company,
Penn Coal and Construction Company,
Penn Fruit Company,
Pennsylvania Box Manufacturing Company,
Pennsylvania Newspaper Syndicate,
Pennsylvania Sanitation Company,
Perfection Novelty Company,

Perry Leather Manufacturing Company,
Perth Amboy and Seawaren Electric Street Railway Company,
Petersburg Granite Quarrying Company,
Peters Harness and Saddlery Company,
Petrolia Manufacturing Company,
Petrolia Water Works Company,
Philadelphia Associates Corporation,
Philadelphia and Baltimore Ice Cold Storage and Produce Company,
Philadelphia Jewelry Manufacturing Company,
Pine Forest Land and Improvement Company of New Jersey,
Plainfield Sanitary Company,
Pleasure Bay Launch Company,
Pope Paper Box Company of Connecticut,
Porcelain Stopper Company,
Porto Rico Realty Trading and Improvement Company,
Poso Grande Mining Company,
Pottery Publishing Company,
Practical Closure Company,
P. Reinhalter Company,
Premier Amazon Rubber Company,
Pridham Fertilizer and Chemical Commercial Company,
Providence Construction Company,
Provident Guarantee Company,
Pure Oats Extract Manufacturing Company,
Purifine Company,
Puritan Press,
Quickcure Chemical Company,
Railroad Equipment Company,
Ramapo Mountain Glen Brewing Company,
Rancocas Foundry Sand Company,
Rapid Economy Steam Generator Company,
Rare Minerals Mining Company,
Raritan Construction Company,
Rational Remedy Company,
Raymond Roth Company,
Real Estate Title Guarantee Company of Paterson,
Refrigerating Car Company,
Reliance Trust Company,

Rembrandt Engraving Company,
Reno Union Guaranty Company,
Reno Union Investment Company,
Reno Union Trading Company,
Republican Printing and Publishing Company of Hoboken, New Jersey,
Revolving Observation Tower Company,
R. H. Reed Company,
Rider and Driver Publishing Company,
Ridgewood Stone Crushing Company,
Rivas San Jorge and Potosi Railroad Company,
River Cauto Sugar Company,
Rockaway Amusement Company,
Rollo Barber Mining Company,
Romme Electro-Chemical Company,
Roxbury Brewing Company,
Royal Desserto Manufacturing Company,
Rubber Carriage Tire Corporation,
Rust-Phelan Manufacturing Company,
Rutherford Secret Sounder Company,
Sackett & Wilhelm's Lithographing Company,
Safety Gas Generator Company,
Saltine Chemical Company,
Samuel Hurlbut Company, formerly Samuel Hurlbut and Brown Company,
San Cristobal Gold Mines Company,
Sand Filter and Construction Company,
Satterthwaite Contracting Company,
Sawyer Elevator Device Company,
Sawyer Manufacturing Company,
Scarlett and Scarlett, Incorporated,
Seabright Ice & Fish Company, successor to Seabright Hygeia Ice Company,
Seashore Gravel and Clay Company,
Self Fastening Button Company,
Shaen Manufacturing Company,
Shafer Decorating Company,
Sherman and Tack,
Sherwood Car Fender Company,
Silver Metal Manufacturing Company,
Smith Adjustable Car Axle Bearing Company,

Smoccon Works,
Snap Hook and Eye Company,
Solar Manufacturing Company of New Jersey,
South Amboy Gas Light Company,
South American Catalytic Company,
South Orange Electric Light and Power Company,
Southern Contract and Finance Company,
Specialty Produce Company,
Sprague Electric Railway Company,
Spring Lake and Sea Girt Company,
Standard Automatic Lighting Company,
Standard Ink Company,
Standard Phonograph Record Company,
Standard Rubber Tire Company,
Star Light Lamp Company,
Starins City, River and Harbor Transportation Company,
Stevenson and Leas Fish Cutting and Gutting Machine Company,
Stratford Home Building and Lumber Company,
Stuart and Paddock,
Suburban Improvement and Construction Company,
Suburban Publishing Company,
Suburban Real Estate Exchange,
Suburban Traction Company,
Sunflower Manufacturing Company,
Sussex Cream Company,
Tekoa Manufacturing Company,
Telephone-Index Advertising Company,
Ten Mile Mining Company,
Texas-Mexican Commercial and Publishing Company,
Textile Machinery Manufacturing Company,
"Thistle Mills,"
Tinkham Cycle Company,
Tivoli Brewery,
Trenton and Allentown Turnpike Company,
Trenton Houston Cure Company,
Trenton Wood Working Company,
Turbine Motor Company,
Typewriter Improvement Company,
Union Bobbin Company,

Union Pacific Tea Company,
Union Real Estate and Home Purchasing Company,
Union Sugar Refining Company,
United Bakers Trading Company,
United Brush Manufactories,
United Gas Comptroller Company of Camden, New Jersey,
United States Battery and Electrical Manufacturing Company,
United States Candy Company,
United States Chemical Manufacturing Company,
United States Cutlery Company,
United States Illuminated Advertising Company,
United States Knitting Mills Company,
United States Liquified Acetylene Distributing Company,
United States Mercantile Reporting Agency,
United States Mutoscope Company, Limited,
United States Review Publishing Company,
Universal Drier and Digester Company of Philadelphia.
Universal Paper Company,
V. A. Bertram Company,
Vacuum Gas Engine Power and Machine Company,
Van Brunt Company,
Vanderbeek Lumber Company,
Van Tine Multicharge Gun Company,
Vegetable Products Company,
Vehicle Repair Company,
Venetian Iron Company,
Voelker Company, Limited,
Voelker Light Company,
Walcutt & Leeds, Limited,
Walker Chemical Company,
Walker Sons Company,
Walter R. Johnston Harlem River Iron Works,
Walton-Tinkham Manufacturing Company,
Warren Construction Company,
Warwick Tube Company,
Washington Avenue Land Company of Pleasantville, N. J.,
Washington Butcher Company,

Washington Light Company of Trenton, New Jersey,
Watson Shoe Company,
Waynesville and Newport Railway Company,
Webster Manufacturing Company,
Weismantel Fearless Car Fender Company,
Wells Ice Company,
Werckshagen Beugger and Herzog Company,
West End Apartment House Company,
Westfield Athletic Company,
West Orange Oil Refining Company,
West Side Land Association,
Western Envelope & Paper Manufacturing Company,
Western Newspaper Syndicate,
W. H. Boyer and Company,
Wheeler Car Seat Company,
Wheeler and Russell Hat Company,
Whipple Railway Tie Company,
White Haven Brick Company,
Whitely Manufacturing Company,
Wildwood Pavilion Company,
Wilt Ball Bearing Company,
W. L. Messer & Company,
Woodbury Hygeia Ice and Manufacturing Company,
Woodbury Improvement Company,
Woolf Accumulator Company of the United States.
W. R. Wheeler and Davis Company,
W. R. Whittier Company,

Are void, and all powers conferred by law upon such corporations and each of them, are hereby declared inoperative and void; and I direct that this proclamation shall be filed in the office of the secretary of state and be published for one week in the following newspapers, namely:

The Jersey City Journal, of Jersey City,
The Freie Zeitung, of Newark,
The Paterson Daily Press, of Paterson,
The Elizabeth Daily Journal, of Elizabeth,
The State Gazette, of Trenton,
The True American, of Trenton,

The Trenton Times, of Trenton,
The Newark News, of Newark,
The Camden Courier, of Camden.

In witness whereof, I have hereunto set my hand and caused the great seal of the state to be [SEAL.] affixed, at Trenton, this tenth day of January, one thousand nine hundred and two.

FOSTER M. VOORHEES,
Governor.

By the Governor:
GEORGE WURTS,
Secretary of State.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

In nearly every state and territory of the Union, either custom or law has decreed that one day of the year shall be set apart for the planting of trees;

Therefore, I, FRANKLIN MURPHY, Governor of the State of New Jersey, pursuant to the authority vested in me by a joint resolution of the Legislature, approved February twenty-first, one thousand eight hundred and eighty-four, do hereby designate Friday, the twenty-fifth day of April, as Arbor Day, and I hereby recommend that the teachers and pupils of our public and private schools, the faculties and students of our colleges and of our state schools and the people generally, do devote the day to the planting of trees, shrubs and flowers and the holding of appropriate exercises. And to the end that the interest awakened in our native birds be maintained, their beauty and economic value become better appreciated and a more general effort be made to preserve them, I further recommend that the birds as well as the trees be included in each program.

In testimony whereof, I have hereunto set my hand and caused the great seal of the state to [SEAL.] be affixed, at Trenton, this first day of April, one thousand nine hundred and two.

FRANKLIN MURPHY,
Governor.

By the Governor:
S. D. DICKINSON,
Secretary of State.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, Joshua S. Salmon was, at the general election held on the Tuesday next after the first Monday in November, in the year nineteen hundred, elected by the voters of the fourth congressional district to represent this state in the house of representatives of the United States and subsequently duly qualified himself as such representative, and after such election and qualification, to wit, on the sixth day of May, nineteen hundred and two, departed this life, thereby causing a vacancy to exist in the representation of this state in the house of representatives of the United States;

Therefore, I, FRANKLIN MURPHY, Governor of the State of New Jersey, pursuant to law, do hereby issue this my proclamation directing that an election be held according to law in said congressional district on Tuesday, the seventeenth day of June next, ensuing the date hereof, for the purpose of electing a member of the house of representatives to fill the vacancy caused by the death of the said Joshua S. Salmon.

Given under my hand and the great seal of the State of New Jersey, at Trenton, the thirteenth day of May, in the year of our Lord one [SEAL.] thousand nine hundred and two, and of the Independence of the United States the one hundred and twenty-sixth.

FRANKLIN MURPHY,
Governor.

By the Governor:
S. D. DICKINSON,
Secretary of State.

PROCLAMATION.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, On the seventh day of January, in the year of our Lord one thousand eight hundred and ninety-three, his Excellency, Leon Abbett, Governor of the State of New Jersey, under and by virtue of the provisions of an act of the legislature of said state entitled "An act to repeal the charters of all corporations that have heretofore failed to pay state taxes imposed upon them by law," approved March 20th, 1891, did issue his proclamation declaring that the charters of certain corporations, reported by the comptroller as in default in the payment of taxes imposed upon them by law, were null and void;

AND WHEREAS, It appears that the charter of the Seashore Improvement Company was inadvertently included in the proclamation hereinbefore mentioned;

AND WHEREAS, It further appears that all taxes due from said Seashore Improvement Company have been paid by said company to the proper officers of the State of New Jersey, and that said company is not liable to the penalties in said proclamation mentioned;

Now, therefore, I, FRANKLIN MURPHY, Governor of the State of New Jersey, pursuant to the authority conferred upon me by law, do hereby issue this, my proclamation, revoking so much of the said proclamation of

January seventh, eighteen hundred and ninety-three, above referred to, as applies to the said corporation named therein as the Seashore Improvement Company, and said company is hereby declared to be restored to all its corporate rights, powers, privileges and franchises as fully as if the said proclamation of January seventh, eighteen hundred and ninety-three, had not been issued, and I direct that this proclamation be filed in the office of the secretary of state of New Jersey.

In witness whereof I have hereunto set my hand and caused the great seal of the State of New [SEAL.] Jersey to be hereunto affixed this twenty-seventh day of May, A. D. nineteen hundred and two.

FRANKLIN MURPHY,
Governor.

By the Governor:
S. D. DICKINSON,
Secretary of State.

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