

ACTS

ACCESSION NO. 33045

OF THE

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One Hundred and Thirteenth Legislature

OF THE

STATE OF NEW JERSEY

AND

Forty-fifth Under the New Constitution.



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The following General Public Laws, passed by the One Hundred and Thirteenth Legislature, are compiled in accordance with the act entitled "An act relative to public printing," approved March 23, 1883, which provides "that the laws shall be collated under two heads of General Public Acts, Special Public and Private Acts."

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

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

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

HENRY C. KELSEY,
Secretary of State.

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OF THE

One Hundred and Thirteenth Legislature

OF NEW JERSEY.

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General Public Laws.



GENERAL PUBLIC ACTS

PASSED BY THE

One Hundred and Thirteenth Legislature

CHAPTER I.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all elections, general, local or charter, to be held in this state, the polls shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election, between the hours aforesaid; ^{Opening and closing of polls.} *provided*, the board of election may adjourn the proceedings in such election from one o'clock until two o'clock ^{Proviso.} in the afternoon, or for such shorter time, between those hours, as they shall see fit.

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

Approved January 28, 1889.

ROBERT S. GREEN,
Governor.

GEORGE T. WERTS,
President of the Senate.

ROBERT S. HUDSPETH,
Speaker of the House of Assembly.

CHAPTER II.

An Act ceding to the United States jurisdiction over a lot of land, situate in the city of Hoboken, and for other purposes therein mentioned.

WHEREAS, The United States have recently appropriated money for the erection of a building in the city of Hoboken for the accommodation of the post-office, the United States courts, pension and internal revenue offices; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, that jurisdiction of the land and its appurtenances that may be purchased in said city of Hoboken, for the erection of the aforesaid building, be, and the same is hereby ceded to the United States of America; *provided*, that all civil and criminal process, issued under the authority of this state, or any officer thereof, may be executed on said land in the same way and manner as if jurisdiction had not been ceded as aforesaid.

2. *And be it enacted*, That the said land, with its appurtenances and the building, and other property thereon, shall forever hereafter be exempted from all state, county and municipal taxation and assessment, so long as the same shall remain the property of the United States of America.

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

Approved February 5, 1889.

Lands ceded to the United States.

Proviso.

Lands, &c., exempted from taxes and assessments.

CHAPTER III.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where, by the law of this State, the defendant or prisoner is entitled to the service of a panel or list of the jury, it shall be the duty of the sheriff to draw said panel or list of forty-eight jurors, so to be served, from the box in the presence of one of the judges of the court of common pleas of the county, or in the presence of the clerk of said court, from the general panel or list of jurors that may have been drawn and summoned to attend as jurors at the term at which such prisoner or defendant is to be tried.

Duties of sheriff
to draw jurors.

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

Repealer.

Approved February 6, 1889.

CHAPTER IV.

Supplement to an act entitled "An act regulating proceedings on forfeited recognizances, and appropriating the moneys arising from the same and from fines and amercements," approved April fifteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for the court of general quarter session of the peace in which any recognizance has been or may be forfeited, to certify such forfeiture into the supreme court or the circuit court of the county in which such forfeiture hath been or may hereafter be made, to be therein prosecuted in the manner and with the costs provided in the second section of the act to which this is a supplement.

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

Approved February 12, 1889.

CHAPTER V.

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

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

(The state superintendent of public instruction shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for the term of three years, and until his successor is appointed, and shall receive annually a salary of three thousand dollars, to be paid out of the income of the school fund; *provided*, that nothing herein contained shall prevent his re-appointment.)

State superin-
tendent, how ap-
pointed, term of
office, &c.

Proviso.

2. *And be it enacted*, That the term of the present state superintendent of public instruction shall expire upon the appointment of a state superintendent of public instruction by the governor as provided for in this act.

Term of present
superintendent
when to expire.

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

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

Approved February 14, 1889.

CHAPTER VII.

A Further Supplement to "An act relative to sales of land under a public statute or by virtue of any legal proceeding" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and the supplement thereto, approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to set up at five or more public places in the county, one whereof shall be in the township where such real estate is situate, a public advertisement of the same, at least four weeks next before the time so appointed for selling the same; *provided*, that the advertisement of such sale shall have been advertised in two newspapers printed and published in the county wherein such lands and real estate are situate, one of which newspapers shall be a newspaper printed and published at the county seat of said county, for four successive times, once each week; *and provided*, that said sale has been or shall hereafter be confirmed by the court under whose authority such sale was made.

When sales of land are not invalidated.

Proviso.

Proviso

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

Approved February 18, 1889.

CHAPTER VIII.

A Further Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixty-two of the act to which this is amendatory, be and the same is hereby amended to read and be in the following words:

62. *And be it enacted*, That after the expiration of the time in such order limited, the orphans' court or the surrogate of the proper county, upon proof to its or his satisfaction that such notice has been set up and advertised as directed, may, by final decree, order that all creditors who have not brought in their claims within the time in said order directed, shall be barred from any action therefor against the executor or administrator; and any creditor who shall have neglected to bring in his debt, demand or claim within the time so limited, shall, by such decree, be forever barred of his or her action therefor against such executor or administrator, except as hereafter provided; *provided, nevertheless*, that in case such creditor so failing to present his debt, demand or claim, shall, after the final settlement of the account of the executor or administrator, find some other estate not accounted for, he shall be entitled to have his debt, demand or claim paid thereout, or to a ratable proportion thereof, in case other creditors shall be barred of their debts, demands or claims.

Section as amended.

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

Approved February 18, 1889.

CHAPTER IX.

An act regulating the number of school trustees to be elected in the respective school districts in this state, being a supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear by the annual school census that there are between five hundred and one thousand children of legal school age in any school district having but three trustees, then it shall be lawful for the legal voters of the said district, at their next annual meeting for the election of school trustees, to determine, by a majority vote of those present, whether the number of school trustees shall or shall not be increased to five.

2. *And be it enacted*, That in case it be decided to increase the number of school trustees in any such school district to five, then the said legal voters shall proceed to elect, in the manner in which school trustees are now elected, two additional trustees, one to hold office for two years and one for three years; and annually thereafter a trustee or trustees shall be elected for the term of three years, to fill the places of those whose terms expire.

3. *And be it enacted*, That it shall be the duty of the district clerk, in districts coming within the provisions of the first section of this act, in his notice of the annual meeting for the election of school trustees, to insert a notice that there are within the district between five hundred and one thousand children of legal school age, and that it will be determined at said annual meeting whether the board of school trustees shall consist of three or five; *provided, further*, that no vote shall be taken

Districts may increase number of school trustees.

Election and number of trustees.

Duties of district clerk.

Proviso.

upon this subject unless public notice shall have been given as herein provided for.

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

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

Approved February 21, 1889.

CHAPTER X.

An act authorizing and providing for the incorporation of associations of exempt firemen, and the formation of a state association of exempt firemen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful ^{Exempt firemen may become incorporated.} for any number of firemen, not less than ten, in any of the cities, towns, boroughs, townships, or fire districts, of this state, who may be exempt firemen pursuant to any general or special law of this state, or any charter or act of incorporation or supplement thereto, of any municipality of this state, to associate themselves together and become and be incorporated, in the manner hereinafter provided, under and by the name of the association of exempt firemen of the city, town, borough, township, or fire district of ———; using the name of the city, town, ^{Name.} borough, township, or fire district, as the case may be, in which said association may be located.

2. *And be it enacted*, That for the purpose of becoming ^{Proceedings for incorporation.} incorporated under this act, said exempt firemen are hereby authorized to assemble together, at a time and place agreed upon, and when so assembled, by a majority of the votes of those present, to elect, by ballot or otherwise, as those assembled may determine, a president and

- secretary, and such other officers of and for such association to be incorporated as may be deemed necessary; which said association of exempt firemen, and such others as may become associated with them, shall, upon the filing of the certificate hereinafter required, be a body corporate in law, by such name as they shall, conformably to the first section hereof, assume, and by such name shall have perpetual succession, and be capable of suing and being sued in all courts and places whatsoever; and may have and use a common seal, and alter and renew the same at pleasure; and by their corporate name and under their corporate seal may make and enter into, execute and enforce contracts or agreements, not inconsistent with the objects and purposes of their incorporation.
- Powers of associations.** 3. *And be it enacted*, That the president and secretary of every such association formed as aforesaid, shall forthwith thereafter prepare, under their hands, a certificate, setting forth the corporate name adopted, the names and official designations of all officers chosen, the location of such corporation, and a reference to this act; which said certificate shall be filed and recorded in the office of the clerk of the county in which such association may be located; and said certificate, or a duly certified copy thereof, shall be evidence in all courts of this state; for filing and recording such certificate such county clerk shall be authorized to charge and receive the sum of fifty cents.
- Certificate, what to set forth.** 4. *And be it enacted*, That all associations incorporated under this act shall be authorized to make and adopt a constitution and by-laws for their government, and the same may alter, change, amend or renew at pleasure; *provided*, such constitution and by-laws be not repugnant to the constitution or laws of the United States or of this state.
- Certificate to be filed and recorded.** 5. *And be it enacted*, That every corporation formed hereunder may, in its corporate name, purchase, receive, take, hold, mortgage and convey any real or personal property for the use, benefit and objects of such corporation.
- May adopt constitution and by-laws.** 6. *And be it enacted*, That the object of corporations formed under this act shall be to establish, provide for and maintain a fund for the relief, support or burial of
- Proviso.**
- May purchase, &c. real or personal property.**
- Object of associations.**

the members thereof, and of their widows and orphan children, under such rules and regulations as each corporation may respectively provide and adopt.

7. *And be it enacted*, That any and all existing associations organized for the purposes contemplated by this act, whether incorporated or not, may be re-organized and incorporated or re-incorporated hereunder, except such corporations as may have been created or continued by any special legislative act, which last-mentioned corporations may, at their pleasure, be re-organized and re-incorporated under this act; and the president and secretary thereof, in case of such incorporation or re-incorporation, shall make and cause to be filed and recorded a certificate as above provided; and said association or corporation shall thereupon become and be a body corporate under and by virtue of this act, and possessed of all the powers and privileges of corporations formed under this act; and any corporation which shall be re-organized and re-incorporated under this act shall succeed to and be seized of all the right, title and interest in any estate, real or personal, belonging to it under its former organization.

Existing associations may be re-organized or re-incorporated under this act.

8. *And be it enacted*, That there shall not be more than one association organized or incorporated under this act in any city, town, borough, township or fire district, except in the case of a city, town, borough or fire district being or having been set off from or incorporated within the bounds of any township, in which case an association hereunder may be organized in such city, town, borough or fire district, and one in the remaining portion thereof.

When more than one association may be organized.

9. *And be it enacted*, That it shall be lawful for the associations of exempt firemen incorporated under this act, or by any special legislative act, to participate, by delegates elected as hereinafter provided, in the organization and conduct of a state exempt firemen's association; *provided*, that there shall not be more than one such state organization, the incorporation of which is hereby authorized, the same to be known as the "New Jersey state exempt firemen's association;" and such state organization shall have the same rights, powers and privileges as the local exempt firemen's associations.

Associations may participate in the organization of a state association.

Proviso.

Name of state association.

- Election of delegates to state association. 10. *And be it enacted*, That on or before the second Wednesday in May, in every year, each association of exempt firemen incorporated hereunder, or under any special legislative act, shall and may choose out of the whole body of the membership thereof, five delegates to represent said corporation at the meeting of the "New Jersey state exempt firemen's association."
- Organization of state association. 11. *And be it enacted*, That at the first meeting of said "New Jersey state exempt firemen's association," a president and secretary thereof shall be elected to serve for the ensuing year, together with such other officers, to serve for the same period as the constitution and by-laws adopted by such state association shall require; and the president and secretary so chosen at said first meeting of said state association, shall within thirty days thereafter
- Certificate to be filed. file in the office of the secretary of state of this state, a sworn statement of the fact of such election and of the names of the officers so chosen, and said certificate so filed shall be deemed and taken to be the certificate of the incorporation of the "New Jersey state exempt firemen's association," and said certificate shall contain a reference to this act and state the intention to incorporate such state association thereunder, and shall have thereon an impression of the common seal of such state association, and from the date of the filing of such certificate such "New Jersey state exempt firemen's association" shall be incorporated in fact and in law.
- Dissolution of associations, how effected. 12. *And be it enacted*, That any local exempt firemen's association, incorporated or re-incorporated under this act, may be dissolved at any meeting thereof, by a vote, by written or printed ballot, of two-thirds of the members present and voting in favor thereof; *provided*, that notice of such meeting and of the purpose thereof, signed by at least ten of the members, shall have been mailed to each person entitled to vote thereat, at least twenty days previous thereto, and shall have been published for three weeks successively, once in each week, in a newspaper circulating in the neighborhood where the said association may be located, notice of which dissolution shall forthwith be filed with the clerk of the county in which said association may be located, and a note of the filing thereof shall be made by said clerk on the margin of the record
- Proviso.

of the recorded act of incorporation of such dissolved association.

13. *And be it enacted*, That any exempt fireman of this state, upon production of a certificate under the hand and seal of the clerk of any county in this state, setting forth that the exemption certificate of such exempt fireman is duly filed in the office of such clerk, shall be entitled in any and all the counties, cities, towns, boroughs, townships and fire districts of the state, to demand, have and receive all the rights, privileges, benefits and exemptions of whatsoever kind provided for exempt firemen by any law of this state now or hereafter existing.

Exempt firemen entitled to all rights exemptions, &c.

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

Repealer.

Approved February 25, 1889.

CHAPTER XI.

An act to provide for the further regulation of mutual fire assurance associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors for the time being of any mutual fire assurance association, whether organized under any general or special law of this state, to borrow money to an amount not exceeding the sum of twenty-five thousand dollars, for and on behalf of said association and in the name thereof, to pay losses and expenses for which the association 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.

Authorized to borrow money to pay losses and expenses and to raise moneys by assessments.

Assessments
may exceed
losses, &c.

2. *And be it enacted*, That it shall be lawful for the directors of any mutual fire assurance association, whether organized under any general or special law of this state, whenever they make an assessment, to assess over and above the amount of the losses and liabilities unpaid at the time of making said assessment, any sum not exceeding ten thousand dollars.

When liabilities
exceed certain
amount board of
directors to make
assessment.

3. *And be it enacted*, That whenever the liabilities of any mutual fire assurance association 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 association 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.

Proviso.

Directors may
offer rewards for
apprehension
and conviction of
persons.

4. *And be it enacted*, That it shall be lawful for the directors of any mutual fire assurance association, whether organized under any general or special law of this state, to offer, in the name of said association, such sum or sums of money as in their judgment is 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 association 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 are now or may hereafter be authorized to raise and pay moneys for losses.

May issue poli-
cies payable to
others than the
insured.

5. *And be it enacted*, That it shall be lawful for any mutual fire assurance association, whether organized under any general or special law of this state, at the time of issuing its policy of insurance, with the assent of the insured, to 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 to 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 association for the issuance of said policy in the manner therein prescribed.

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

Approved February 25, 1889.

CHAPTER XIII.

A Further Supplement to the act entitled "An act for the protection of game and game fish," approved April fourth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to take or catch any brook-trout in any of the streams or waters of this state, before the first day of April or after the fifteenth day of July of each year, under a penalty of ten dollars for each and every fish taken or caught contrary to the provisions hereof.

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

Approved February 25, 1889.

CHAPTER XIV.

An act authorizing cities to purchase land and to erect buildings thereon for fire department purposes, and to provide for the payment thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the proper authority or authorities in cities of this state to purchase a plot of ground and cause to be erected thereon a suitable building for the use of the fire department of such cities, at a cost not to exceed seven thousand dollars.
2. *And be it enacted*, That all work and labor done and materials furnished for the erection of said building shall be done and finished by contract, awarded upon at least two weeks' advertisement in the two official newspapers having the largest circulation, to the lowest responsible bidder or bidders for the same.
3. *And be it enacted*, That the municipal board of any such city having the management and control of the finances of such city are hereby authorized and empowered to issue bonds, either registered or coupon, to an amount not exceeding seven thousand dollars, to raise money to pay for the purchase of such plot and the erection and construction of said building; that said bonds shall be payable in seven years from the date thereof, and shall bear interest not exceeding five per centum per annum, to be sold at not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such city, the further sum of one thousand dollars towards the payment of said bonds, to be properly invested and deposited in the sinking fund of such city, to meet the payment of said bonds when they shall become due and payable.
4. *And be it enacted*, That this act shall take effect immediately.

Authorized to purchase land and erect building for use of fire department.

Work, &c., to be done by contract.

Authorized to issue bonds.

Bonds, when payable, &c.

Approved February 25, 1889.

CHAPTER XV.

A Supplement to an act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That local boards of health in densely-populated townships, in which there is a public water-supply, shall, in addition to the powers enumerated in the act to which this is a supplement, have power to pass, alter or amend ordinances and make rules or regulations within their respective jurisdictions:

Boards of health empowered to pass, alter or amend ordinances.

I. To compel, prescribe, regulate and control the plumbing, ventilation and drainage of all buildings, public and private, and the connection thereof with outside sewers, cesspools or other receptacles, and to require plans for the same, with necessary drawings or descriptions, to be submitted to said boards for inspection and approval, and to require all master and foreman plumbers and all building contractors to register their names and addresses at the office of said board;

For plumbing, drainage, &c.

II. To secure the sanitary condition of all buildings, public and private.

Sanitary condition of buildings.

2. *And be it enacted*, That any such board of health may, by resolution, delegate any portion of its powers to any member of the board, or to any officer thereof, to be exercised only when the board is not in session, and any notice by any member of the board, or by any officer thereof, shall be notice by the board, and the person served therewith shall be bound thereby.

May delegate power to any member.

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

Approved February 25, 1889.

CHAPTER XVII.

A Supplement to an act entitled "An act declaring when the death of persons absenting themselves shall be presumed," passed the seventh day of March, in the year of our Lord one thousand seven hundred and ninety-seven.

Proceedings for
sale of lands of
persons pre-
sumed to be
dead.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any person who, if living at the death of any decedent, would take, as heir-at-law or devisee of such decedent, any lands and real estate within this state, shall or may, at the date of the death of such decedent, be presumed to be dead, pursuant to the provisions of the act to which this is a supplement, then any person or persons who would be entitled by law to take any interest in the said lands and real estate by descent or devise from such decedent, in case such person presumed to be dead were proved to be dead at the death of decedent, may present a petition, duly verified, to the chancellor of this state, praying for the sale of said lands and real estate, which petition shall describe said lands and real estate, and set out the name of the decedent last seized thereof, the time of his or her death, the name of the person presumed to be dead, and the time and place when and where he or she was last heard from, and the names of all persons known to be entitled by descent or devise from said decedent, to any interest or estate in said lands and real estate; thereupon the chancellor shall, by order, fix a time for hearing said petition, not less than four weeks thereafter, and shall direct service of notice of such hearing, describing the lands and real estate to be affected, upon such persons and in such manner as he shall think proper, and that said notice be published at least once a week in such newspapers, and for such number of weeks, not less than two, as he may specify, of which newspapers one shall be published in the county where the said lands and real

estate are situated; and the chancellor, upon proof of the service and publication of said notice as by him directed, and upon being satisfied of the truth of the allegations of said petition, and having heard all parties interested who may appear at the time fixed for the hearing of said petition, may order said lands and real estate to be sold in such manner as he may deem advisable; and thereafter said person presumed to be dead, if he or she prove to be living, or his or her heirs or devisees, if he or she prove to have lived to be seized of or entitled to said lands and real estate, and all persons claiming any interest in said lands and real estate, by descent or devise from the decedent, shall be forever barred from any claim or title to said lands and real estate, and entitled only to the proceeds of the sale thereof, as hereinafter provided; and the purchaser or purchasers at such sale shall be seized of and hold as good and perfect a title to and estate in said lands and real estate as said decedent was seized of and held in his lifetime.

2. *And be it enacted*, That the proceeds of such sale, Proceeds of sale to be paid into court of chancery. after the payment therefrom of the costs and expenses of the proceedings, as allowed by the chancellor, shall be paid into the court of chancery, and shall be distributed, Distribution of, how made. upon the order of the chancellor, to such person or persons as he may adjudge to be entitled thereto as heirs or devisees of the decedent, upon such person or persons entering into bond to the state of New Jersey, with surety or sureties to be approved by the chancellor, in double the amount of the share or shares received by such person or persons, conditioned for the payment, on demand, of the amount of such share or shares to the person presumed to be dead, if he or she prove to be living, or to his or her heirs or devisees, if he or she shall prove to have lived to be seized of or entitled to said lands and real estate, which said bond shall be filed with the clerk of the court of chancery, and be assigned for prosecution by the order of the chancellor, in the name of the state of New Jersey, to the person or persons entitled to the benefit thereof.

3. *And be it enacted*, That the chancellor may order any Chancellor may order estate of dower or curtesy in lands to be sold, &c. estate of dower or by the curtesy in such lands and real estate to be sold, and said lands and real estate discharged

therefrom, and that a certain sum of money be paid in lieu thereof, to the person or persons entitled to such estate; or a certain share of the proceeds of the sale of said lands and real estate be invested for the benefit of the person or persons entitled to such estate, in the same manner as now provided for in the partition in chancery of lands held in common.

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

Approved February 25, 1889.

CHAPTER XVIII.

A Supplement to an act entitled "An act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state, and for the better government of the same," approved March fifth, one thousand eight hundred and seventy-nine.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state, and for the better government of the same," approved March fifth, one thousand eight hundred and seventy-nine, shall be and hereby is amended so that said section shall read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships of this state the township committee of said township shall have power within the limits of said township to make rules and regulations for licensing and regulating hacks, cabs, omnibuses, stages, carriages and vehicles used for the carrying and transportation of passengers, and to fix the

license fee for the same, and to prohibit unlicensed persons from acting in the capacity of hackmen.

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

Approved February 26, 1889.

CHAPTER XIX.

An act to repeal an act entitled "A supplement to an act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, passed March seventeenth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Act repealed} *the State of New Jersey*, That the act entitled "A supplement to an act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and [seventy]-four, which supplementary act was passed March seventeenth, one thousand eight hundred and eighty-five, be and the same is hereby repealed.

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

Approved February 26, 1889.

CHAPTER XX.

An Act to empower cities in this state to provide for the payment for repairs made to and upon public streets or public places in such cities.

Authorized to make provision for payment of cost of repairs to streets, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state where the board or authorities having cognizance and control of the improving, regulating or repairing of streets and public places in such city, shall have heretofore made any necessary or required repairs to and upon any such streets or public places in excess of any appropriation or provision made to any such board or authorities for such purpose, then in such case, and upon the board of such city having the charge and control of the finances therein being satisfied that such repairs have been made, said board having the charge and control of such finances of such city shall make provision for the payment of the cost of such repairs to such streets or public places so made by the board or authorities as aforesaid, and said board having the charge and control of the finances of such city shall pay the amount of the cost of such repairs; *provided, however*, that the cost of such repairs as aforesaid and the expenditure therefor, shall not exceed the sum of thirty-five hundred dollars.

Proviso.

Repealer.

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

Approved February 26, 1889.

CHAPTER XXI.

An Act to amend an act entitled "An act to authorize the appointment of port wardens in certain cities of this state," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of an act entitled "An act to authorize the appointment of port wardens in certain cities of this state," approved April fifth, one thousand eight hundred and seventy-eight, be and the same is hereby amended so as to read as follows:

6. *And be it enacted*, That it shall be unlawful for any person or persons, except the warden appointed under this act, to assume to act as port warden, or assume to perform, or perform under any name or title, any work, service or duty of any kind or description which such port warden may perform or which it may be lawful for any owner, consignee or other person to require such port warden to perform, or to undertake the performance of any of the duties prescribed in this act or pertaining to the said office, whether or not the port warden has been notified or requested to act; and it shall be unlawful for any person or persons to employ, aid or suffer any other person than the legally appointed warden to perform any of such duties; and it shall be also unlawful for any person or persons to issue certificates of surveys on vessels, vessels' materials or goods damaged, with the intent to defeat or defraud the provisions of this act; and any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars or imprisonment at hard labor for a term not exceeding one year, or both, and further, shall forfeit and pay to the warden of the county in which such violation shall occur, a penalty of one hundred

dollars for each offense, to be sued for and recovered by the said warden of such county, or his successor in office, under his proper name and title, in any court of civil jurisdiction of this state; and further, that it shall be lawful for the chancellor, on petition duly verified by a port warden duly appointed, representing that any person is performing the duties of port warden, or is acting as such, or in any way interfering with the duties of such port warden, or in any other way violating any of the provisions of this act, to issue a peremptory injunction against any such person, restraining and enjoining him from so acting.

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

Approved February 27, 1889.

CHAPTER XXII.

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

Purposes for
which company
may be formed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any ten or more persons to associate themselves into a company to carry on any business which has for its object the selling of credit, or the limiting, insuring or guaranteeing of the losses of wholesale dealers, manufacturers and jobbers, arising by reason of bad debts, upon making and filing a certificate in writing of their organization in the manner hereafter mentioned; such certificates shall set forth, first, the name assumed to designate such company and to be used in its business and dealings; second, the place or places in this state where the central office of said company is to be located; third, the object for

which said company shall be formed; fourth, the total amount of capital stock of such company, which shall not be less than fifty thousand dollars; the amount with which such company will commence business, which shall not be less than ten thousand dollars, paid into the said company in cash, and the number of shares into which the said capital stock is divided, and the par value of each share; fifth, the names and residences of the stockholders, the number of shares held by each; sixth, the period at which said company shall commence and terminate, not exceeding fifty years; said certificate shall be approved or acknowledged and recorded, as required in deeds of real estate, in a book to be kept for that purpose, in the office of the clerk of the county where the principal office or place of business of such company in this state shall be located, and after being so recorded shall be filed in the office of the secretary of state; the said certificate, or a copy thereof, duly certified by such clerk or secretary, shall be evidence in all courts and places.

Certificate,
where recorded
and filed.

2. *And be it enacted*, That said company, before it shall commence the transaction of any business, or the making of any contracts or other engagements, shall deposit with the comptroller of this state first bond and mortgage security, or other security, which shall be approved by the insurance commissioner of this state, to a not less amount than ten thousand dollars, and the said insurance commissioner shall be authorized, whenever, in his judgment, for the safety of the obligations of such company, it shall be necessary to so do, to call upon and direct the said company, within sixty days after the date of such notice, to deposit additional securities of like character to an additional amount not to exceed ten thousand dollars, which securities shall be and remain in the custody of said comptroller, subject to change or re-investment, with like approval of the said insurance commissioner, as a guarantee for the fulfillment of the obligations and undertakings of the said company.

Deposit of securities with
state comptroller

Additional deposit of securities may be required.

3. *And be it enacted*, That no company organized under the provisions of this act shall be authorized to act as a collection agency or employ attorneys for that purpose; nor shall it be lawful for any such company, when so

Unlawful to perform or do certain acts.

organized, to give certificates or pass upon the credit of any individual, partnership or company engaged in any retail business, which said individual, partnership or company shall be dealing with, or proposing to deal with, any wholesaler or jobber having, or proposing to have, any agreement with the company for the limiting or guaranteeing of such wholesaler or jobber against losses in business; nor shall it be lawful for any company organized under this act to receive, by assignment or otherwise, from any person, partnership or corporation to whom they may give a guarantee, the bad debts or claims which shall have been the cause of the loss sustained by the party or parties who may have been insured or guaranteed by them.

Unlawful to do
or perform cer-
t. in acts.

4. *And be it enacted*, That it shall not be lawful for any company organized under the provisions of this act to insure or guarantee any person or corporation against losses or damage on any single sale or transaction, or in any other way than upon a basis of the average loss on the business of the person guaranteed, sustained by such person or corporation within a period of not less than one year; nor shall any company organized under the provisions hereof require of any person, partnership or company, whose loss may have been limited or guaranteed by them, that they shall make proof of any loss or losses sustained by them, to the company so guaranteeing or limiting, within a less period than six months after the expiration of the end of the contract or agreement of guarantee.

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

Approved February 27, 1889.

CHAPTER XXIII.

An Act to amend an act entitled "An act to authorize the sale of church property and vesting a valid title thereto in the purchaser free from uses for church purposes," approved April fifth, one thousand eight hundred and eighty-six.

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

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That any incorporated religious society, by its trustees, consistory, or other board or persons managing the temporalities of such religious society, be and they are hereby authorized to sell and convey, in fee-simple or otherwise, any lands, premises and real estate owned by them, together with the appurtenances, and to execute and deliver good and sufficient deeds of conveyance therefor, or for any part thereof, to the purchaser or purchasers of the same, and that every such deed or deeds of conveyance shall be good and effectual in law; *provided*, the said sale shall have been duly authorized at a meeting of the said religious society, by the vote of two-thirds of those present at said meeting; *and provided, further*, that said meeting shall have been duly and legally called.

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

Passed February 27, 1889.

CHAPTER XXIV.

An Act to protect the title of veterinary surgeons and to regulate the practice of veterinary medicine and surgery in New Jersey.

Persons practicing or using title to be a graduate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall assume, or use, or cause to be used, any title pertaining to the practice of veterinary medicine or surgery, or any of the branches of veterinary medicine or surgery, shall be a graduate of a legally chartered veterinary college or university, having the power or authority to confer the degree of veterinary surgeon or analogous title, except as provided for in section two; and such practitioner shall be required to register in the book kept for that purpose, in the office of the county clerk of the county in which he resides.

Practitioner to register.

Who entitled to practice, &c.

2. *And be it enacted*, That any person who has assumed the title of veterinary surgeon or analogous title, in this state, for the five years preceding the passage of this act, without being entitled to the degree of veterinary surgeon or analogous title, shall be allowed to continue the use of the title; but such person shall appear before the county clerk of the county in which he resides and make affidavit of that fact; he shall then be recorded as an "existing practitioner."

County clerk to provide a book to register practitioners.

3. *And be it enacted*, That the county clerk shall purchase a book of suitable size, to be known as the "veterinary medical register" of the county, and shall set apart one full page for the registration of each practitioner; and when any practitioner shall die or remove from the county, the county clerk shall make a note of the same, and shall perform such other duties as are required by this act.

Fee for registration, &c.

4. *And be it enacted*, That every practitioner who shall be admitted to register shall pay to the county clerk the sum

of one dollar, which sum shall be compensation in full for registration; the county clerk shall give a receipt for the same, and such registration shall take place within six months from the passage of this act.

5. *And be it enacted*, That nothing in this act shall be so construed as to prevent any veterinary surgeon (if legally qualified to use the title) from using the title of "veterinary surgeon" or analogous title, in this state; but if such veterinary surgeon opens an office or uses the title for the transaction of business, he shall be deemed a "sojourner," and shall conform to the requirements of this act. Act, how construed.

6. *And be it enacted*, That any person who may desire to commence the practice of veterinary surgery or medicine, or any of its branches, in this state, after the passage of this act, and who holds a veterinary diploma, issued, or purporting to have been issued, by any veterinary college or university in this state, another state or foreign country, shall make affidavit before the county clerk that his diploma has been regularly issued by a legally chartered veterinary college or university, after which such person will be allowed to register as provided for in this act. Persons holding diplomas may register.

7. *And be it enacted*, That any person who shall present to a county clerk a veterinary diploma which has been obtained fraudulently, or which is, in whole or in part, a forgery, or shall make affidavit to any false statement, intended to be filed or registered, or shall use the title of veterinary surgeon or analogous title, without conforming to the requirements of this act, or shall otherwise violate or neglect to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished for each and every offense by a fine of one hundred dollars, one-half to be paid to the prosecutor, and the other half to be paid to the county, or shall be imprisoned in the county jail of the proper county for a term not exceeding one year, or both or either, at the discretion of the court. Penalty for not conforming to act, &c.

8. *And be it enacted*, That no person shall recover in any court in this state any sum of money whatever for any veterinary, medical or surgical services, unless he shall have complied with the provisions of this act, and No person to recover money for services unless they have complied with this act.

is one of the persons authorized by this act to practice as a veterinary surgeon or veterinarian.

County clerks to
furnish full
record of veter-
inary surgeons.

9. *And be it enacted*, That in order to secure to the veterinary associations and societies of the state and the state board of health a full record of all veterinary physicians and surgeons in this state, it shall be the duty of the county clerk of each county of the state to furnish to all incorporated veterinary associations and societies of the state and to the state board of health a list of names of all the veterinary physicians and surgeons who have deposited with him copies of their diplomas, and the name and place of the institution purporting to confer such diploma, and each county clerk shall yearly furnish to the veterinary associations and societies of the state and to the state board of health a similar list of those veterinary physicians and surgeons hereafter depositing diplomas with him, and shall include in such list also the names of those veterinary practitioners filing affidavits with him as mentioned in the foregoing section of this act; and each county clerk shall keep in a suitable book an index of the names of all veterinary physicians and surgeons depositing diplomas or filing affidavits in pursuance of the foregoing sections of this act.

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

Approved March 4, 1889.

CHAPTER XXV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor may, in his discretion, confer upon any judge-advocate-general the rank of brigadier-general, but no commission therefor shall entitle the holder thereof to any additional allowances or pay other than now authorized by law.

Governor may confer rank of brigadier-general.

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

Approved March 4, 1889.

CHAPTER XXVI.

An act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any incorporated city of this state to pass ordinances for the following purposes: to license and regulate omnibusses, carriages and all other 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 for and of transportation, also common criers, peddlers, pawnbrokers, sweeps, scavengers, musicians when playing on the street and not in procession or

Purposes for which ordinances may be passed.

parade, traveling and other shows, circuses, theatrical performances, plays, athletic exhibitions, concerts, skating rinks, and also the place or places or premises in which or at which the different kinds of business or occupation mentioned herein, are or may be carried on or conducted, and to fix the rate of compensation to be paid therefor, and to revoke any of said licenses, and to prohibit all such persons and places, and all vehicles unlicensed from acting, using or being used in said capacities and for such uses and purposes, and to impose fees for said licenses, and to fix and prescribe penalties for the violation of any such ordinance or ordinances.

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

Approved March 4, 1889.

CHAPTER XXVII.

An Act to repeal an act entitled "A further supplement to an act entitled 'An act concerning juries' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," said further supplement passed March twenty-ninth, one thousand eight hundred and eighty-eight.

Act repealed
recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to an act entitled 'An act concerning juries' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which further supplementary act was passed March twenty-ninth, one thousand eight hundred and eighty-eight, be and the same is hereby repealed.

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

Approved March 6, 1889.

CHAPTER XXVIII.

An Act to amend an act entitled "Supplement to an act entitled 'An act to amend the law relating to the property of married women,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplemental act was approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said supplemental act, approved April fifth, one thousand eight hundred and seventy-eight, be and the same is hereby amended so that henceforth said section one shall be and read as follows, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman who owns real property in the state of New Jersey and is living in a state of separation from her husband, and whose husband neglects and refuses to maintain and support her, may, at any time during the continuance of such separation, neglect and refusal to support and maintain her, apply by petition to the court of chancery of this state, asking said court to make an order or decree that, during such separation, neglect and refusal to support her, she may sell, convey, mortgage or lease any interest, estate or right that she may have in any such real property, in the same manner and with like effect as if she were sole and unmarried; and upon such notice to the husband, or by publication, according to the law and practice of said court in case of absent defendants, as the court may direct, and upon satisfactory proof to said court that she is living separate and apart from her said husband, and that he neglects and refuses to support and maintain her, it shall be lawful for said court to decree or order that, during such separation, neglect and refusal to support her, she may sell, convey, mortgage and lease

any interest, estate or right that she may have in such real property, except such as came to her by gift through or from her said husband, in the same manner and with the like effect as if she were sole and unmarried; and that any sale, conveyance, mortgage or lease by her of any interest, estate or right which she may have in such real property, made in pursuance of such order or decree, shall pass any and all such interest, estate or right that she may have in such real property, except such as came to her by gift through or from her said husband, in the same manner and with the like effect as if she were sole and unmarried.

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

Approved March 7, 1889.

CHAPTER XXIX.

A Supplement to an act entitled "An act to incorporate boat clubs and other associations for the promotion of athletic exercises," approved April twenty-first, one thousand eight hundred and seventy-six.

Associations
may consolidate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any club or association organized or existing under the act to which this is a supplement, to consolidate with any other club or association existing under said act.

Consolidation,
how effected.

2. *And be it enacted*, That such consolidation may be effected by a vote of the majority of the members of each of the clubs or associations intending to consolidate, at any regular meeting thereof, or at any special meeting called for that purpose, according to the constitution and by-laws of such association or club; and such consolidation may also be effected by the assent thereto,

in writing, of three-quarters of the members of each of such clubs or associations so intending to consolidate.

3. *And be it enacted*, That upon such vote being had, or such written assent obtained, said clubs or associations so intending to consolidate may meet at any time upon three days' notice mailed to each member thereof; and at such meeting may adopt a constitution and by-laws, and elect officers to govern such consolidated body; such adoption and election to be by a majority vote of those present at such meeting; it shall and may be lawful for such meeting, by a majority vote, to adopt a name for such consolidated body, formed from a part or parts of the former names of the associations so consolidating.

4. *And be it enacted*, That within ten days after the adoption of the constitution and by-laws and the election of officers, as provided in the next preceding section, a majority of the board of trustees of each of the clubs or associations so consolidating shall make a certificate, under their hands and seals, of the following facts: the names of the clubs or associations consolidating, whether the same was by vote or assent in writing; the time of the meeting at which a constitution and by-laws were adopted, and officers elected; and the names of the trustees so elected; and the name adopted for such consolidated body; which certificate, when so made, shall be filed in the office of the clerk of the court of common pleas of the county wherein such club or association shall be located, whose duty it shall be to record the same.

5. *And be it enacted*, That upon the making and filing of said certificate, such clubs or associations shall be and become a body corporate, under the act to which this is a supplement, with all the rights and privileges therein contained; and from and after the making and filing of such certificate, all property, real and personal, of any kind, belonging to either of said clubs or associations, shall be and become the property of such consolidated body, and, without any deed or other transfer, shall vest in the board of trustees thereof, for the uses and purposes of such corporation, as provided in the act to which this is a supplement.

Membership.

6. *And be it enacted*, That from and after the filing of the certificate of such consolidation, each and every member of the clubs or associations so consolidating shall be and become a member of the new association, subject to the constitution and by-laws thereof.

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

Approved March 7, 1889.

CHAPTER XXX.

An Act to settle disputed boundaries between adjoining cities of this state.

Proceedings to determine disputed boundary lines between cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever there is a dispute or uncertainty concerning the true boundary line between adjoining cities in this state, it shall be lawful for the common council or other legislative body of either of said cities, upon fourteen days' notice in writing, served upon the mayor or city clerk of the adjoining city, to make application to the judge of the circuit court of the county wherein the disputed boundary line is located, for the appointment of three commissioners, who shall be freeholders in said county, one of said commissioners to be appointed from each city and one who shall not reside in either city, which said commissioners shall fix, determine and monument said boundary line between said cities, which line, when finally fixed, determined and monumented, shall remain inviolate.

Commissioners to take oath.

2. *And be it enacted*, That the said commissioners, before they enter upon the execution of their duties under said appointment, shall take and subscribe an oath or affirmation before any officer authorized to take an oath,

that they will faithfully and impartially perform all the duties appertaining to said appointment.

3. *And be it enacted*, That the said commissioners or any two of them shall give twenty days' notice in writing to the respective cities between which such boundary line is in dispute, of the time and place of their meeting to execute the duties of said appointment, which notices shall be served upon the city clerks of said respective cities. Notice of meeting to be given.

4. *And be it enacted*, That said commissioners may, in discharge of their said duties, examine witnesses under oath to be administered by either of said commissioners, and employ surveyors and cause a map and survey to be made of said boundary line, which map and survey fixing said boundary line, certified under their or any two of their hands, shall be annexed to their commission or appointment and oath or affirmation of office and report, and delivered to the clerk of the circuit court of said county, who shall record and file the same. Commissioners may examine witnesses and employ surveyors, &c.

5. *And be it enacted*, That all the charges and expenses of executing the duties of said appointment, inclusive of the fees of said commissioners, recording and filing the commission, the oath of office, the map, survey and report shall be fixed by the judge of the circuit court of said county, and one-half of the whole amount so fixed by said judge of the circuit court, shall be paid by each city. Charges and expenses, by whom paid.

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

Approved March 7, 1889.

CHAPTER XXXI.

An Act to amend the act entitled "An act concerning divorces" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said act, which said section now reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of chancery shall have jurisdiction of all causes of divorce and of alimony or maintenance, by this act directed and allowed; *provided*, the parties complainant and defendant, or either of them, were or shall be inhabitants of this state at the time of the injury, desertion or neglect complained of, or where the marriage shall have been solemnized or taken place within this state, and the complainant shall have been an actual resident in the state at the time of the injury, desertion or neglect complained of and at the time of exhibiting the bill; or where the adultery was committed in this state, and the parties complainant and defendant, or either of them, reside in this state at the time of exhibiting the bill; or where the complainant or defendant shall be a resident of this state at the time of filing the bill of complaint, and the complainant or defendant shall have been a resident of this state for the term of three years, during which such desertion shall have continued; *provided*, such [complainant] shall make his or her oath or affirmation, to be annexed to the bill of complaint, 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 of complaint," be and the same is hereby amended so that henceforth the said section shall read as follows, to wit:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of chancery shall

have jurisdiction of all causes of divorce and of alimony or maintenance, by this act directed and allowed; *provided*, the parties complainant and defendant, or either of them, were or shall be inhabitants of this state at the time of the injury, desertion or neglect complained of, or where the marriage shall have been solemnized or taken place within this state, and the complainant shall have been an actual resident in the state at the time of the injury, desertion or neglect complained of and at the time of exhibiting the bill; or where the adultery was committed in this state, and the parties complainant and defendant, or either of them, reside in this state at the time of exhibiting the bill; or where the complainant or defendant shall be a resident of this state at the time of filing the bill of complaint, and the complainant or defendant shall have been a resident of this state for the term of two years, during which such desertion shall have continued; *provided*, such complainant shall make ^{Proviso.} his or her oath or affirmation, to be annexed to the bill of complaint, 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 of complaint.

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

Approved March 7, 1889.

CHAPTER XXXII.

An Act for the preservation of filed maps.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Impaired maps may be copied, &c.} *the State of New Jersey*, That the register of deeds or clerks and surrogates of the several counties in this state are hereby authorized, whenever any of the maps on file in

their respective offices shall by public use become worn, torn or otherwise impaired, so as to be wholly or partly illegible, to employ a competent person, whose duty it shall be to copy, retrace, redraft or otherwise restore or make legible such impaired maps, re-index the same, and that the compensation of such person shall be fixed and paid by the boards of chosen freeholders of the several counties, according to law.

Compensation to be fixed and paid by chosen freeholders.

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

Approved March 12, 1889.

CHAPTER XXXIII.

A Further Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes and assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

Cities authorized to pay to commissioners of adjustment moneys as may be required.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of aldermen or other body having the control and management of the finances of any city in which the provisions of the act to which this is a supplement have been or may be adopted, may pay over to the commissioners of adjustment such sum or sums of money as they may require and as such municipal board may deem necessary, to properly perform and carry out the provisions of said act and the supplements thereto; and the said commissioners

of adjustment shall render an account to said municipal board of the manner of the expenditure of all moneys so appropriated; *provided*, that such moneys so advanced shall be refunded out of the moneys collected under the provisions of said act. Proviso.

2. *And be it enacted*, That the common council, board of aldermen or other board having control and management of the finances in any such city, may by a majority vote, with the approval of the mayor, increase the salaries of the city surveyor and the city counsel, or either of them, to an amount not exceeding one thousand dollars each per annum above that already paid to such officers, such increase to take effect from the time of the passage of any such resolution and to continue during the term of the commission appointed under the provisions of said act, unless sooner rescinded by such municipal board with the approval of the mayor. Salaries of certain city officers may be increased

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

Approved March 13, 1889.

CHAPTER XXXIV.

An Act to authorize cities to extend the term of office and increase the salaries of certain officers therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class of this state, wherein they have an officer known as a superintendent of streets and sewers or superintendent of streets, that the common council or other legislative body of any such city may, at the time of the making of the appointment to such office, and by a majority Term of office of superintendent of streets and sewers.

vote thereof, fix the term for which such appointee may hold such office, which shall not exceed three years; and may, also, at the same time and in a like manner, determine and fix the annual salary of such officer to be paid him during the term so fixed, which salary shall not exceed two thousand dollars per annum.

May determine and fix salary.

Repealer.

2. *And be it enacted*, That all acts, special and general, in conflict herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 13, 1889.

CHAPTER XXXV.

An Act relating to the Gettysburg monuments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall appoint three persons, who shall hold office for three years, whose duty it shall be to see that the monuments erected to the memory of New Jersey soldiers at Gettysburg, and the grounds around each, are properly improved and cared for.

Governor authorized to appoint persons to take care of ground, &c.

Annual appropriation for care of monuments and grounds.

2. *And be it enacted*, That the sum of one thousand dollars annually is appropriated for the purpose of properly enclosing, improving and caring for said monuments and grounds, to be expended by the said commissioners, and that the said commissioners be paid their actual expenses.

Bronze tablet placed on monument of Battery "A."

3. *And be it enacted*, That the governor be and is hereby authorized to have a bronze tablet placed upon the monument erected to battery "A," with proper inscription to identify the same as Hexamer's battery, of New Jersey.

Appropriation to defray expenses of dedication.

4. *And be it enacted*, That the further sum of nine thousand seven hundred and fifty-nine dollars and ninety-five cents be and the same is hereby appropriated to defray the expense of the dedication of the said monuments, and that the moneys hereby appropriated be paid by the

treasurer on the warrant of the comptroller after approval by the governor.

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

Approved March 13, 1889.

CHAPTER XXXVI.

An Act to extend the time for completing certain railroads incorporated under an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed under the act referred to in the title of this act, shall expire during the year one thousand eight hundred and ninety, such time shall be, and the same is hereby extended for a further period of two years; *provided*, ^{Time of completion of railroads extended.} *however*, that this act shall not apply unless money has actually been expended in surveys or location of route, or in acquisition of right of way, or in construction; *and* ^{Pr. viso.} *provided, further*, that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all rights of exemption from taxation and from privileges and advantages arising from any law or contract (if any there be) establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence, or that may hereafter be passed, taxing ^{Proviso.}

such corporations as are now authorized to be taxed by the legislature of the state under any general law, and further agreeing that the exercise of any power granted by this act shall not, in any way, affect the rights of the state (if any there exist) to take the property of such corporation under any existing law of the state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

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

Approved March 13, 1889.

CHAPTER XXXVII.

A Further supplement to an act entitled "An act concerning juries" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Who to select
and draw jurors
when none have
been selected as
provided by law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever for any reason a general panel of petit jurors shall not have been selected and drawn for any term of the courts of any county in the state at the time provided by law, it shall be lawful for the sheriff, or, in case of his death or disability, of the coroners of such county or elisors appointed by the court, at a day to be fixed by the justice holding the circuit court of such county, to select and draw such jury in the manner provided by law.

Justice of
supreme court
to direct what
notice shall be
given to jurors
to attend, &c.

2. *And be it enacted*, That in case there be not time to give to the jurors so drawn the notice to attend as jurors provided by law, or if for any cause such notice has not been or shall not be given to the jurors drawn in any county, it shall be lawful for the justice of the supreme court holding the circuit in such county to direct what notice shall be given, and notice given in accordance with his direction shall be legal and valid for all purposes.

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

Approved March 14, 1889.

CHAPTER XXXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of* Trustees author-
the State of New Jersey, That the trustees of all public pupils to admit all
school districts within this state, be and they are hereby certain ages to
authorized and required to admit to such public schools, schools.
all pupils between the ages of five and twenty years,
residing in their respective districts; *provided, always*, Proviso.
that attendance shall not be compulsory in the case of
any pupil under the age of six or over the age of eighteen
years; *and provided further*, that in taking the school Proviso.
census, only pupils between the ages of five and eighteen
years shall be enrolled, as heretofore.

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

Approved March 18, 1889.

CHAPTER XXXIX.

An Act to amend an act entitled "An act to amend an act entitled 'An act relative to the jurisdiction and practice of district courts in this state,' approved March twenty-seventh, one thousand eight hundred and eighty-two," which amendment was approved April sixteenth, one thousand eight hundred and eighty-eight.

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

Section as amended.

6. *And be it enacted*, That each of the judges of the several district courts of this state shall have the same powers, jurisdiction and authority, upon petition for discovery in aid of execution, upon the return of any execution unsatisfied in whole or part into any of said district courts, to order the judgment debtor to appear before the court, or one of the supreme court commissioners of this state, and make discovery, on oath, concerning his property or things in action, before said judge or commissioner, and to make order forbidding the payment of debts, or transfer of moneys or property, due or belonging to said debtor, to said debtor or any third person ; and upon the taking of the testimony by said judge, or the certification by the commissioner of the testimony taken by him under the order, to appoint a receiver of the property and things in action belonging, or due to, or held in trust for such debtor at the time of issuing the execution, or at any time afterward, as is now vested in or exercised by any of the judges of the inferior courts of common pleas of this state ; and such receiver, when appointed, shall have like power, authorities and duties as receivers appointed under similar proceedings by any of said judges of the inferior courts of common pleas, except that the judge may make such order when the amount due on

such judgment, including costs, shall be twenty-five dollars or more; *provided, however*, that no receiver appointed by any of the district court judges shall become vested with the title to or have the power to demand and receive any of the real property of any such judgment debtor. ^{Proviso.}

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

Approved March 18, 1889.

CHAPTER XL.

An Act empowering executors or trustees to sell and convey or mortgage land and real estate, where the same is incumbered by taxes or assessments, and to use the proceeds thereof in satisfaction of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, by any last will or testament, lands and real estate are devised to, or whenever, by any deed, lands and real estate are conveyed to or are held by any executor or executors, trustee or trustees, in trust for any person or persons for life or until the happening of some event in such will or deed named, and said lands and real estate so devised or conveyed shall or have become chargeable with or liable to taxes or assessments, for the payment of which no adequate provision is made in such will, or afforded by the estate of the testator, or provided for in such deed, except out of the income from said lands and real estate, and the same have been sold or shall be liable to be sold for such taxes or assessments, by virtue of any laws of this state, whereby the interests of the owner or owners of the particular estate, or of the estate in remainder in said lands and real estate and named in said will or deed, may be injured or impaired, it shall be lawful for the executor or

Executors and trustees may make application to court to sell, convey or mortgage lands.

executors, trustee or trustees named in said will or deed, to make application by petition to the court of chancery, setting out the facts of the case, which said court, after making such inquiries in the circumstances of the case in such manner as they may direct, shall have power, if in their discretion they shall deem it proper, to make an order or decree directing said executor or executors, trustee or trustees, to sell and convey or mortgage said lands and real estate, whichever under the circumstances may be most beneficial to the parties interested; and when such order or decree shall be made, the said executor or executors, trustee or trustees, or the survivors or survivor, may sell and convey or mortgage said lands and real estate, or such part thereof as may be necessary for the purpose, free, clear and discharged of any interest of said owners therein, and the proceeds of said sale or mortgage shall be applied to the payment and satisfaction of said taxes or assessments, and the surplus, if any, to be held by said executor or executors, trustee or trustees, subject to the provisions of said will or deed relating to said lands and real estate, in such manner as the chancellor shall direct.

Court authorized to order executors and trustees to sell, convey and mortgage lands.

Proceeds of sale, how applied.

Repealer.

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

Approved March 18, 1889.

CHAPTER XLI.

An Act to enable boards of chosen freeholders to acquire, improve and maintain public roads.

Boards of chosen freeholders empowered to acquire, improve and maintain public roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county in this state to acquire, improve, maintain and assume full and exclusive

control of any public road or roads or parts thereof in their county, so far as may be necessary for the purpose of improving and maintaining the same as a road or roads for carriages or other vehicles, but for no other purpose, except such roads or avenues as are now under the control of any county road board; that in order to acquire and assume such control in any county with power to improve and maintain the same, the said board shall cause a map to be made, or adopt a map already made, on which the principal public roads or highways of the county shall be, or are, laid down, and shall cause the roads or parts of roads which the said board intend to acquire and assume such control of to be plainly indicated thereon, and shall file the said map, when so marked, in the office of the clerk of the county; whereupon the roads or parts of roads so marked or indicated on the said map shall become and be known as "county roads," and shall thereafter be improved, maintained and kept in a safe and convenient condition for public use as aforesaid, exclusively, in the manner provided in this act; and it shall be lawful for the said boards to relinquish control of any road or part of any road so acquired and marked, and to acquire and assume control of other roads or parts of roads in the county, from time to time, with the same power to improve and maintain the same; in either of which cases the said map shall be changed accordingly; in acquiring or assuming control of any public road, or relinquishing the same, the said board shall accurately describe such road in a written resolution, and file a copy thereof, certified by the clerk of the board, in the office of the county clerk, who shall record the same in a book to be provided and kept for that purpose; the term "road," as used in this act, shall be construed to include street, avenue or other public highway.

2. *And be it enacted*, That it shall be lawful for the board of chosen freeholders to cause the said county roads, or any part thereof, to be graded, paved with telford, macadamized, or otherwise improved by means of stone or gravel, for a width of at least twelve feet in the center thereof, wherever such improvement may be required to keep the same constantly in good condition; all such pavements or other improvements (except

Boards authorized to grade, pave and improve county roads.

Improvements
to be done under
contract.

repairs costing not more than one hundred dollars) shall be done under contract with said board; but no contract for any such work shall be awarded, or be valid for any purpose if awarded, unless a notice specifying the work and materials, and inviting bids or propositions to do or furnish the same, shall have been published for at least three weeks, at least once in each week, in two newspapers published and circulating in the county, and representing different political parties; every contract made for improving any county road, or part thereof, shall be based upon carefully prepared specifications of the work and materials required, to which reference shall be expressly made in the contract, and no money shall be paid for any work done or materials furnished unless the same shall have been done or furnished in strict conformity to the terms of the contract and specifications; and no contract shall be awarded, or be valid for any purpose if awarded, unless the person or party whose bid or proposition is accepted, shall, at the time of signing the contract, execute a bond to the board with sufficient surety, to be approved by the county collector, conditioned for the faithful performance of the contract; the penal sum of such bond shall be at least one-half the amount of the contract price for the work and materials; all such contracts and bonds shall be held by the county collector; the said board may give the notice aforesaid and award contracts for parts or sections of the improvements intended to be made.

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

3. *And be it enacted*, That it shall be lawful for the board of chosen freeholders to cause a special tax to be levied, which shall not, in any one year, exceed the sum of twenty-five thousand dollars, nor one-fourth of one per centum of the assessed value of the taxable property in the county, or to issue bonds of the county, bearing interest at not more than five per centum per annum, to be known as county road bonds, for the purpose of raising money to pay the cost, or any part of the cost of paving, macadamizing or otherwise improving the said county roads, or any part thereof, in the manner aforesaid; but prior to the issuing of any such bonds the said board shall make an application to the circuit court of the county, in writing, setting forth the assessed value of the real

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

Amount of bonds
to be issued.

4. *And be it enacted*, That one-third of the expense of paving or otherwise improving any county road, or any part thereof, in the manner aforesaid, shall be paid by the cities, towns, townships or boroughs in or through which any such pavement or improvement shall be made, in amounts in proportion to the cost of any such pavement or improvement in each city, town, township or borough; but nothing herein shall be construed to exempt any such city, town, township or borough from liability to pay its share of the remaining two-thirds of such cost and interest; and it is hereby made the duty of the officers,

Expense of
improvement, by
whom paid.

boards or bodies authorized to levy taxes for county purposes, to assess and levy upon the taxable property in the respective taxing districts of the county, such sum or sums of money as may be required, and not otherwise provided, to pay the amount of the cost of making any such pavement or other improvement, or the interest thereon, that may be due, or coming due during the current fiscal year of the county, and to assess and levy upon the taxable property of any city, town, township or borough in the county wherein any county road shall have been improved under this act, such sum or sums of money as may be required from time to time to pay the respective proportions of any such city, town, township or borough, of the amount of such cost, or to reimburse the county, to the extent of one-third of the cost of any such improvement made therein, with interest; said sum or sums of money shall be assessed, levied and collected at the same time, in the same manner and by the same officers that other taxes for county purposes are or may be assessed, levied and collected; and when collected the same shall be paid over to the collector of the county, to be applied exclusively to the objects or purposes for which the same were levied.

Boards authorized to employ engineer.

Road to be kept in repair by county.

Proviso.

5. *And be it enacted*, That the board of chosen freeholders shall employ a competent engineer, at a reasonable compensation, to survey the county roads or any part thereof, when necessary; to prepare specifications for pavements or other improvements intended to be made in pursuance of this act, and to supervise the work and materials used; after such improvements or any part thereof shall have been completed, the same shall be kept in repair at the expense of the county, and some competent person shall be employed by said board annually, at a fixed compensation, to inspect the condition of the county roads, from time to time, so far as the same may have been improved, and such inspector shall have power to cause necessary repairs to be made to the pavements or other improvements made under this act; *provided*, the cost of any of such repairs shall not exceed fifty dollars, and not more than one hundred and fifty dollars shall be expended by the inspector in any city, town, township or borough in any year; repairs costing more than fifty and

not more than one hundred dollars shall be made only by authority of a committee of the said board, and repairs costing more than one hundred dollars shall only be made by direct authority of said board; all bills or claims for making repairs or furnishing materials therefor, after being approved by the inspector, shall be rendered to the said board by the parties who performed the work or furnished the materials used or to be used; and no bills or claims for repairs shall be paid unless the same shall have been made strictly according to the provisions and directions of this act; no tax shall be levied for the purpose of repairs, in any one year, in excess of three per centum of the costs of the improvements made; the inspector, immediately after his appointment, shall give a bond to the said board in the penal sum of two thousand dollars, to be approved and held by the county collector, conditioned for the faithful performance of his duties.

6. *And be it enacted*, That all roads marked out or indicated as county roads on the map or maps mentioned in the first section of this act, shall be kept in repair by the local authorities of the cities, towns, townships or boroughs in and through which they extend, until such roads shall have been actually improved by the board of chosen freeholders of the county, as provided in this act; but in cases where part of said roads shall have been improved under this act, only the unimproved part shall be kept in repair by such local authorities.

County roads extending in or through municipalities to be kept in repair by local authorities.

7. *And be it enacted*, That nothing in this act shall be construed to repeal, or in anywise affect the act constituting "the Essex public road board," approved March thirty-first, one thousand eight hundred and sixty-nine, or any supplement thereto, or any act amendatory thereof, or relating or applicable thereto.

Act not construed to repeal certain acts.

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

Approved March 19, 1889.

CHAPTER XLII.

An Act for the preservation of public records.

Mutilated or
worn out records
to be recorded,
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any of the records of any deeds, mortgages or other instruments of record in any office of any clerk, register or surrogate of any county of this state shall become worn out, mutilated, or in such condition that by use the same would be likely to become entirely void, lost or unintelligible, and the title to lands or other property endangered, it shall be the duty of such clerk, register or surrogate, upon the order of the circuit judge of said county to re-record such records in new books, numbered and paged similar to the old book or books, and certify the same under his hand and official seal to be a true copy of such record, at such fees to be paid by said county as are now allowed for original records; and that such certified record or a copy thereof, certified by said clerk, register or surrogate to be a true copy, shall be received in evidence in any court of this state, and be as good, effectual and available in law as if the original instrument was then and there produced and proven.

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

Approved March 19, 1889.

CHAPTER XLIII.

An Act concerning boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where anticipated revenues have been or shall be appropriated in the annual appropriation of any borough, it shall be lawful for any council having the control of the finances of such borough to borrow temporarily, in the name of such corporation, any sum not exceeding the amount of such anticipated revenue. Authorized to borrow temporarily amount of anticipated revenue.

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

Approved March 19, 1889.

CHAPTER XLIV.

A Supplement to an act entitled "An act to authorize the establishment of free public libraries in the cities of this state," passed April first, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any public board in any city wherein there is a free public library, or any department of the government of said city having under its control a library or collection of books useful for such public library, may transfer the control or property of said books to the trustees of a free public library, established under the act to which this is a supplement, for use Public boards may transfer control of free public libraries to trustees.

therein; and any such board or department so transferring its books or library shall be relieved from further responsibility for the care or custody of or property in said books or library; and said trustees of said free public library shall hold and keep said books or library as if originally purchased by them.

Repealer.

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

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

Approved March 19, 1889.

CHAPTER XLV.

An Act to amend an act entitled "An act in relation to the power of aqueduct boards having the control of the water-supply in the cities of this state to issue bonds or borrow money on the credit of the cities wherein such boards exist, to limit the powers heretofore given to such boards and giving the common council or other governing body of such cities power in relation thereto, and providing for refunding and payment of indebtedness heretofore incurred by such boards," approved March twenty-sixth, one thousand eight hundred and eighty-eight.

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

Section amended.

2. *And be it enacted,* That it shall be the duty of such board to pay over to the commissioners of the sinking fund of such city from the revenues of such board, from time to time, so much thereof as may be necessary to

meet and pay the interest on bonds issued by such board for its use as the same falls due, and at the close of the fiscal year, or as soon thereafter as received, pay over the balance of moneys remaining in its hands received from all sources, after the payment of the current annual expenses of such board, to the comptroller of such city, and all temporary loans made by such board during the year, as authorized by this act; which moneys shall, while any funded debt incurred by such board, or for its use, remains unpaid and not otherwise provided for, be used solely to redeem and pay such funded debt and the interest accruing thereon.

2. *And be it enacted*, That all acts and parts of acts ^{Repealer.} inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.
Approved March 19, 1889.

CHAPTER XLVI.

A Supplement to an act entitled "An act respecting the appointment of serjeant-at-arms in the court of common pleas, orphans' court and court of general quarter sessions of the peace," approved March thirty-first, anno domini one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act respecting the appointment of serjeant-at-arms in the court of common pleas, orphans' court and court of general quarter sessions of the peace," approved March thirty-first, anno domini one thousand eight hundred and eighty-seven, which is as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each county of this state ^{Section to be amended.}

having within its territorial limits a population exceeding one hundred and fifty thousand inhabitants, the judges of the court of common pleas of said county be and they are hereby authorized to appoint a suitable person as sergeant-at-arms, to hold his office during the pleasure of said judges, whose duty it shall be to attend said courts during the several terms thereof, for which service he shall receive three dollars per day for each day he shall be in actual attendance upon said court, to be paid by the county collector of said county, on the certificate of the presiding judge of said court; *provided*, that no more than one sergeant-at-arms shall be appointed by the said judges in each of such counties," be and the same is hereby amended so as to read as follows :

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each county of this state having within its territorial limits a population exceeding one hundred and fifty thousand inhabitants, the judges of the court of common pleas of said county be and they are hereby authorized to appoint a suitable person as sergeant-at-arms, to hold his office during the pleasure of said judges, whose duty it shall be to attend said courts during the several terms thereof, for which service he shall receive nine hundred dollars per annum, to be paid monthly, by the county collector of said county, on the certificate of the presiding judge of said court; *provided*, that no more than one sergeant-at-arms shall be appointed by the said judges in each of such counties.

Repealer.

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

Approved March 19, 1889.

CHAPTER XLVII.

An Act to authorize water companies in this state, having a less capital stock than twenty thousand dollars, to increase their capital stock to fifty thousand dollars

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all water companies in this state, having a less capital stock than twenty thousand dollars, be authorized to increase their capital stock to an amount not exceeding fifty thousand dollars, by and with the consent of three-fourths of the stockholders of such company or companies, upon filing certificate of such action in the office of the secretary of state.

May increase
capital stock.

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

Approved March 19, 1889.

CHAPTER XLVIII.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to regulate the state library,'" which supplement was approved March twenty-second, one thousand eight hundred and eighty-three.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand

Section
amended

dollars shall be the annual appropriation for the improvement and increase of the state library, the said sum to be drawn from the treasury of the state by the commissioners of the state library, and expended under their direction in repair, preservation and purchase of useful books.

Repealer.

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

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

Approved March 19, 1889.

CHAPTER XLIX.

Supplement to an act entitled "An act to regulate elections" [Revision], approved April eighteenth, one thousand eight hundred and seventy-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and thirty-nine of the act entitled "An act to regulate elections" [Revision, page 337], approved April eighteenth, one thousand eight hundred and seventy-six, which is in these words, "that every special election shall be held on one day only, which shall be Tuesday," be amended so as to read, "that every special election shall be held on one day only."

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

Approved March 19, 1889.

CHAPTER L.

An Act to invest marshals appointed by the borough authorities under an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, with the powers and duties of the several constables throughout this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each and every marshal appointed under and by virtue of an act of the legislature of this state entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, be and he is hereby invested with all the powers and authority of the several constables in this state, in the service and execution of all writs and process, both civil and criminal, issued or to be issued out of any of the courts of this state, and in the performance of all other duties now performed or to be hereafter performed by said constables, and shall have and receive therefor the same fees and compensation as are now had and received by the said constables for the like service.

Powers and authority of marshals.

2. *And be it enacted*, That every marshal appointed aforesaid, shall, before he enters upon the execution of his office, enter into a bond to the mayor and council of the borough by which he shall have been appointed, with one or more sureties, to be approved of by the said mayor and council, in such sum as they shall direct, conditioned for the true and faithful performance of all the duties of his said office as marshal, of the following or like form :

as Marshal to enter into bond.

Know all men by these presents, that we, A. B., C. D. and E. F., all of the borough of _____, in the county of _____, in the state of New Jersey, are held and firmly bound unto the mayor and council of the borough of _____, in the county of _____, in the sum of _____

Form of bond.

dollars, money of the United States, to be paid to the said mayor and council of the borough of _____, in the county of _____, their successors or assigns; to which payment, well and truly to be made, we bind ourselves and each of us for himself in the whole, our and every of our heirs, executors and administrators firmly by these presents.

Sealed with our seals, and dated the _____ day of _____, in the year of our Lord, et cetera.

Condition.

The condition of this obligation is, that, whereas, the above-named A. B. has been duly appointed marshal of said borough; now, therefore, if the said A. B. shall truthfully and faithfully perform all the duties enjoined on him as marshal of said borough, then the above obligation to be void, otherwise to be and remain in full force and virtue.

Signed, sealed and delivered in the presence of

A. B. [L. s.]
C. D. [L. s.]
E. F. [L. s.]

Where filed.

which bond shall be delivered to the clerk of the borough, who shall file and safely keep the same in his office.

Copy of bond,
how obtained.

3. *And be it enacted*, That if any person shall sustain loss by the neglect or default of any constable in the discharge of his official duties, whereby such bond shall become forfeited, and shall, by himself, his agent or attorney, make affidavit of such loss, before any person authorized to administer the same, and shall tender such affidavit to the clerk of the borough having the custody of such bond, it shall be the duty of such clerk to file the affidavit in his office, and thereupon forthwith to deliver to the person or persons making such affidavit, his, her or their agent or attorney, a certified copy of such bond, to the end that an action may be brought upon such bond.

Proceedings on
prosecution of
bond.

4. *And be it enacted*, That all suits or actions to be brought and prosecuted on the bond of any marshal, conditioned for the faithful performance of the duties of the office of constable, shall and may be brought and prosecuted in the supreme court, or any of the circuit courts or courts of common pleas of this state, and the same shall be conducted and prosecuted in every respect as suits on sheriffs' bonds are by law directed to be prosecuted; and the court

before whom any judgment shall be obtained on any marshal's bond as aforesaid, shall from time to time, upon due notice, assess the damages which shall have been sustained by any person or persons by reason of any neglect or default of the said marshal in his official duties, and the said court shall and may award execution thereon, with costs, provided the said assessment do not exceed the penalty of the said bond.

5. *And be it enacted*, That assessments of damages in and by this act directed to be made by the court, shall be made by a jury upon the application of either party interested, anything in this act to the contrary notwithstanding. Assessment of damages to be made by jury.

6. *And be it enacted*, That the name of the person or persons for whose use the said bond shall be prosecuted, shall be indorsed upon the first process to be issued thereon, and shall also be mentioned and stated in the declaration in such suit; and if, in any such suit, the plaintiffs shall discontinue, be non-suited or judgment pass against them, the said person or persons for whose use the said suit is brought and prosecuted, and not the said borough, shall be liable for costs; and it shall be the duty of the sheriff or other officer, to whom any writ of execution issued upon such judgment shall be directed and delivered, to make and levy the amount of money required to be made and levied by the said writ of execution upon and out of the property, real or personal, as may be required, of the said person or persons for whose use the said suit is brought or prosecuted. Name of persons to be endorsed on process. Sheriff to make levy, &c.

7. *And be it enacted*, That the person or persons for whose use the said action shall be brought upon any such bond, shall, if required before issue joined, give bond to the defendants in the sum of one hundred dollars, with sufficient sureties, being freeholders and residents in this state, with condition to prosecute the said action with effect and pay costs if the plaintiffs discontinue, be non-suited or judgment pass against the plaintiffs; which bond shall be filed in the office of the clerk of the court in which such action shall be pending. Persons bringing actions to give bond.

8. *And be it enacted*, That if any marshal hath absconded or shall abscond, or become insolvent or incapable of doing the duties of his said office, it shall be lawful for Proceedings in case marshals abscond or become insolvent

the court of common pleas of the county from which said marshal hath absconded or shall abscond, or become insolvent or incapable as aforesaid, on application for that purpose, to authorize the surety or sureties of such marshal for the time being, to ask, demand, sue for and recover any moneys which said marshal could or might lawfully demand, levy and receive by virtue of any process of execution or other process in his official capacity as marshal, and also all moneys in the hands of any person or persons collected by said marshal on any execution or process, and which, at the time of his absconding or insolvency or incapacity as aforesaid, were not paid over to the plaintiff or person entitled to the same.

Sureties on bonds may apply to justice of the peace for summons, &c.

9. *And be it enacted*, That where, by the absconding, insolvency or incapacity as aforesaid of such marshal, executions or process in his hands remain wholly or in part unexecuted, it shall be lawful for the said surety or sureties for the time being, authorized as aforesaid by the court of common pleas, to apply to any justice of the peace in the county where such judgment was rendered and execution issued thereon, for a summons on contract on such judgment and execution in the name of the plaintiff or plaintiffs in the original process against the defendant or defendants therein; and the said suit shall proceed as in other cases of summons on contract, the said surety or sureties always producing before the said justice a transcript of the judgment and the execution or executions issued thereon, and the defendant or defendants may plead payment or satisfaction of such judgment or execution, in part or whole, to such absconding, insolvent or incapable marshal, or other lawful discharge; and in case of final judgment against the defendant or defendants, execution may be issued immediately for debt and costs, but if judgment should be for the defendant or defendants, with costs, the said surety or sureties shall pay the same, and if recovered against the plaintiff or plaintiffs named in the record, they may recover the same over from the surety or sureties.

Suits, how proceeded.

Execution to be issued.

Power of executors and administrators of marshals to collect and settle executions.

10. *And be it enacted*, That in case any marshal shall die before settling up all executions that shall have come to his hands by virtue of his office, his executors or administrators shall and may have full power to collect

and settle up any execution or process remaining unsettled at the time of his decease, in the same manner as the surety or sureties of marshals in the preceding sections; and in case of the neglect or refusal of the said executors or administrators as aforesaid, the surety or sureties of the said deceased marshal shall have the same power to collect and settle the said executions as mentioned in the preceding sections of this act.

11. *And be it enacted*, That all moneys which may be recovered or come to the hands of any surety or sureties, executor or executors, administrator or administrators, by virtue of this act or otherwise, in regard to the said absconding, insolvent, deceased or incapable marshal, shall be held and appropriated by such surety or sureties, executor or administrator, to the only proper use and benefit of the person or persons who may have lawful right thereto. Moneys recovered, how appropriated.

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

Approved March 19, 1889.

CHAPTER LI.

Supplement to an act entitled "An act to authorize the establishment of free public libraries in the cities of this state," passed April first, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any election for municipal officers in any city of this state or at any special election, the voters may place on their ticket, in addition to the officers to be elected thereat, the words "for a public library" or "against a public library," and if there should What may be placed on tickets at elections.

be at such election more votes cast "for a public library" than "against a public library," then in such city there shall be thereafter established a free public library under the provisions of the act to which this is a supplement, and all the provisions of said act and supplements, except as herein altered, shall apply to said city and the public library so established therein by this act and the acts to which this is a supplement.

Repealer.

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

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

Approved March 19, 1889.

CHAPTER LII.

An Act validating and confirming sales for taxes and certificates and declarations issued in pursuance thereof, and tax titles and rights acquired thereunder, in cases where the time of holding such sales has not been in accordance with the requirements of section one of an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

Sales of lands
validated and
confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all sales of lands for taxes heretofore made or had, and all certificates and declarations of sale issued in pursuance thereof, and tax titles and rights acquired thereunder, although the time at which such sales have been made or held has not been between the hours prescribed in section one of an act entitled "An act relative to sales of land under a public

statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and they are hereby validated and confirmed, and the same shall be deemed and taken to be to all intents and purposes as good and effectual in law, and the record thereof admissible in evidence as fully and completely as if said sales had been made and held between the hours mentioned and designated in said section one of said aforesaid act; *provided*, Proviso. *however*, that notice of such sales shall have been actually given for the specified number of days required by any law, general or special, under the provisions of which such sale or sales may have taken place, prior to such sale.

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

Approved March 20, 1889.

CHAPTER LIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no license to keep an inn or tavern, or to sell spirituous, vinous, malt or brewed liquors, in quantities less than one quart, to be drunk on or about the premises where sold, shall be granted by any court, excise board or other board or authority having power by law to grant license, except upon payment by the applicant or licensee of a license Licenses to sell in quantities less than a quart to be drunk on premises.

- fee, as hereinafter mentioned, that is to say : in all townships, towns, boroughs or cities having, by the census last preceding the granting of such license, a population of not more than three thousand, a license fee of not less than one hundred dollars; in all townships, towns, boroughs or cities having, by such census, a population exceeding three thousand and not exceeding ten thousand, a license fee of not less than one hundred and fifty dollars; and in all townships, towns, boroughs or cities having, by such census, a population exceeding ten thousand, a license fee of not less than two hundred and fifty dollars; no license shall be granted for a longer period than one year, and any person selling or offering or exposing for sale any of the liquors aforesaid, in quantities less than one quart, without a license for that purpose first had and obtained, shall be guilty of the offense of keeping a disorderly house.
2. *And be it enacted*, That from and after the expiration of sixty days next succeeding the passage of this act, no person or persons whomsoever shall sell or offer or expose for sale any of the liquors aforesaid, in any quantity from one quart to five gallons, without a license for that purpose first had and obtained as hereinafter directed; and from and after the expiration of said sixty days, any person or persons selling or offering or exposing for sale any of the liquors aforesaid, in any quantity from one quart to five gallons, without a license for that purpose first had and obtained according to the provisions of this section, or any person or persons having a license under and in pursuance of this section, who shall suffer or permit any of the said liquors sold by virtue of such license to be drunk on or about the premises where sold, shall be guilty of the offense of keeping a disorderly house.
3. *And be it enacted*, That applications for such license as is mentioned and referred to in the second section of this act shall be made, in each municipality, to the same body as applications for license to sell any of said liquors by less measure than one quart are or shall be required by law to be made, which applications shall be written or printed, or partly written and printed, signed by the applicant, specifying the kind or kinds of liquor or liquors to be sold, and stating the township, town, borough or
- Fee for license.
- Term of license, and what considered a disorderly house.
- No person to sell without a license.
- Selling in certain quantities without license and with a license to be drunk on premises considered a disorderly house.
- Applications for licenses, to whom made and what to state.

city, and the building or place therein, in which the sale of such liquor is to be carried on; the body to which any such application is presented may, on the presentation thereof or at some other time to which the same may be deferred, in its discretion, grant or refuse such application for license; such license, if granted, shall not be granted for a longer period than one year, nor except upon payment by the licensee of a license fee as hereinafter provided, that is to say: in all townships, towns, boroughs or cities having, by the census last preceding the granting of such license, a population of not more than three thousand, a license fee of not less than one hundred dollars; in all townships, towns, boroughs or cities having, by such census, a population exceeding three thousand and not exceeding ten thousand, a license fee of not less than one hundred and fifty dollars; and in all townships, towns, boroughs or cities having, by such census, a population exceeding ten thousand, a license fee of not less than two hundred and fifty dollars.

4. *And be it enacted*, That upon application by a petition signed by at least one-fifth of the legal voters voting at the last previous gubernatorial election for governor, of any township, town, borough or city wherein licenses are required to be granted by the court of common pleas of the county, being made to the law judge or circuit judge in and for the county wherein said township, town, borough or city may be located, setting forth the desire of such petitioners that not less than a certain sum of money, to be named and specified in such petition, be charged and paid for licenses thereafter to be granted to sell the liquors aforesaid, or any of them, by less measure than one quart, within such township, town, borough or city, it shall be the duty of such judge to cause public notice of such application to be given by publication in each newspaper, if any, published in such township, town, borough or city, and by such other methods as such judge may deem proper and necessary, for two weeks next preceding the hearing of such application; said notice shall fix a time and place when and where such judge will consider said application; at which time and place he shall hear any person or persons who may appear before him, upon the question of such petitioners being

Boards authorized to grant or refuse applications.

Term of license, and license fee

One-fifth of legal voters may petition to court as to fee for licenses.

Judge to cause notice of application to be published.

legal voters in such township, town, borough or city, or any other matter which may be brought before him for his determination, touching said application; and if said judge shall decide that said applicants are legal voters in such township, town, borough or city, and that said application is made in good faith, and that no legal cause exists why said application should not be granted, he shall, within thirty days after the presentation of such petition, order an election to be held at the usual place or places of holding elections in such township, town, borough or city, to determine whether or not any license to sell said liquors, or any of them, by less measure than one quart, shall thereafter be granted in such township, town, borough or city, for any less sum of money than the amount named and specified in such petition; but in no case shall the sum named and specified in any such petition be less than the minimum sum named in and required to be paid for license fees by section one of this act, in the township, town, borough or city wherefrom such petition shall be presented; no such election shall be held within sixty days of any general election, and the day fixed for the holding thereof shall not be less than two months nor more than five months from the making of the order therefor.

5. *And be it enacted,* That notice of any election to be held under the provisions of this act shall be published at least once in each week, for three weeks next preceding such election, in all newspapers, if any, published in said township, town, borough or city where such election is to be held, and such other notice shall be given as such judge may deem necessary to order and direct; all such elections shall be held under the same regulations as now are or may be prescribed by law for holding the elections for members of the general assembly of this state, and all the penalties contained in said election laws are hereby extended to, and shall apply to the special elections to be held under this act; and it shall be the duty of the judges, inspectors and clerks of the election precincts to conduct the said election, to canvass the votes cast and declare the result thereof, and to make and sign two certificates of such result; one of said certificates shall, within five days after such election, be

Judge to order election to be held to determine whether or not licenses shall be granted.

What sum named for license fee in petition.

Election, when to be held.

Notice of election to be published.

Election, how and by whom held.

by some member of said election board, appointed by such board for that purpose, transmitted to and filed with the clerk of the county within which the township, town, borough or city wherein such election was held is situate; the other of said certificates shall, within said five days, be filed with the clerk of the township, town, borough or city where such election was held; the officers holding such election shall receive the same compensation as is or may be provided for the officers holding the elections for members of assembly in this state, to be paid out of the funds of the township, town, borough or city in which such special election is held.

6. *And be it enacted*, That all persons voting at elections held under this act, who are not in favor of the sum named and specified in any such petition and order as aforesaid being fixed and established as the minimum amount to be charged and paid for such licenses thereafter to be granted in said township, town, borough or city, shall have written or printed, or partly written and partly printed, on their ballots, "against \$—— license fee," designating, as the case may require, the sum named and specified in the petition and order for such election; and all persons who favor the sum named and specified in such petition and order as the minimum sum to be fixed and established for such licenses thereafter to be granted in such township, town, borough or city, shall have written or printed, or partly written and partly printed, on their ballots, "for \$—— license fee," designating, as the case may be, the sum named in such petition and order for said election.

Ballots, what to contain.

7. *And be it enacted*, That if a majority of the votes cast at such election are in favor of the sum voted upon, no license shall thereafter be granted within such township, town, borough or city so voting, except upon payment by the licensee of a license fee not less in amount than the sum established and fixed at such election as the minimum fee to be charged and paid for the license granted.

No license to be granted except upon payment of fee fixed at election.

8. *And be it enacted*, That whatever may be the result of any election held under the provisions of this act, no other election for the purpose of fixing and establishing the minimum of license fees, shall be held in the same town-

No election to be held in less than three years.

ship, town, borough or city in less time than three years thereafter, and then only upon the presentation of a new petition and proceedings thereon as aforesaid.

Fees for licenses granted by court, to whom paid.

County clerks to pay over fees received.

For what offences licenses to be forfeited and void.

Upon complaint court or board to issue order to show cause why license shall not be declared forfeited and revoked.

9. *And be it enacted*, That from and after the passage of this act all license fees (except court and clerk fees) paid for any and all licenses to sell any of the liquors aforesaid, granted by the courts of common pleas of the different counties of this state, shall be received by the clerks of said courts to and for the use of the township, town, borough or city within which the license granted is to be exercised and enjoyed; and all such fees received by any such clerk shall, within thirty days after the receipt thereof, be by such clerk transmitted to the proper township, town, borough or city, to the person or body having the legal custody of the funds thereof, to be by the governing body in such township, town, borough or city used, employed and disbursed for the uses and purposes of such township, town, borough or city.

10. *And be it enacted*, That if the holder of any such license as is mentioned and referred to in the first three sections of this act, shall, contrary to law, sell, or offer for sale, barter or give, or suffer to be sold, or offered for sale, bartered or given within his tavern, beer-shop, liquor saloon or other premises, any spirituous, vinous, malt or brewed liquors, on the first day of the week, commonly called Sunday, or shall give or sell, or offer to be given or sold, any such liquors to any minor or apprentice contrary to law, or shall sell or furnish any of the liquors aforesaid to any person known in the neighborhood to be of confirmed intemperate habits, or who is visibly under the influence of intoxicating liquors, or shall keep a disorderly house, or shall harbor drunken persons, vagrants, idle and vicious persons, thieves, gamblers, prostitutes or other disorderly persons, or shall suffer gambling or unlawful games of chance or other unlawful acts to be done or carried on in his tavern, beer-shop, liquor saloon or other premises, or shall violate any law of the state regulating the sale of intoxicating liquors, his license shall thereby become forfeited and void; and upon complaint of any three persons, residents and legal voters of the township or municipality wherein such license is used and exercised, verified by the oaths of such complainants, being

presented to the court or other body by which the license to the person complained against was granted, alleging that any such license as aforesaid has become forfeited and void, and specifying the acts complained of which shall be alleged to have worked such forfeiture, it shall be the duty of the court or other body to which such complaint may be presented, forthwith to cause to be indorsed on such complaint an order that the person complained against show cause before such court or other body granting such license, at a time and place to be specified in such order, not less than ten nor more than thirty days from the making thereof, why his license should not be declared forfeited and revoked; said complaint and order shall be filed with the court or other body making the same, and a copy thereof served upon the person complained against, personally, or by leaving the same at his residence or his tavern, beer-shop, liquor saloon or other licensed place, at least five days before the return of said order; and all such complaints shall be heard in a summary way, the burden of proof being upon the complainants, and either party may have the attendance of and be represented and heard by counsel; if, on such hearing, the defendant shall be found guilty of the offenses specified in said complaint, or any of them, judgment shall be rendered that the license theretofore granted such person be revoked and annulled; and in case the defendant be found not guilty, the order to show cause shall be discharged; in case a license be revoked, the person to whom the same was granted shall be disqualified for one year from receiving a license in this state; the court or body making such order to show cause may require the complainants to file a stipulation for costs, and the costs of such hearing shall be paid by the defendant, if found guilty, and by the complainants if the rule or order to show cause be discharged; costs to be ascertained and determined by the court or body before which the hearing shall take place; the remedy provided in this section is in addition to the other penalties provided by law.

11. *And be it enacted*, That no license to sell spirituous, vinous, malt or brewed liquors by less measure than one quart, shall be granted by any court, excise board or other board or authority having power to grant licenses,

in any store, apartments or place in which any grocery store or other mercantile business is carried on, excepting, however, the keeping of a restaurant and the sale of tobacco and cigars by retail; and any person engaging in the sale of any of said liquors, directly or indirectly, contrary to the provisions of this section, whether licensed or unlicensed, shall be guilty of the offense of keeping a disorderly house.

Selling without, a disorderly house.

Druggists and pharmacists may sell less measure than a quart; without license.

Proviso.

Not necessary to prove particular kind of liquor sold, on examinations or trials.

Persons twice convicted of keeping disorderly house disqualified from having a license.

Certain act repealed.

12. *And be it enacted*, That it shall and may be lawful, notwithstanding anything in this act contained, for druggists and pharmacists, regularly employed in and carrying on the drug and pharmacy business, to sell said liquors, or any of them, by less measure than one quart, without a license for that purpose first had and obtained; *provided*, that such liquors so sold be in good faith compounded or sold for medicinal uses and purposes only, upon the prescription of a reputable physician, signed by such physician; said liquors so compounded or sold not to be used or drunk on or about the premises where sold; any druggist or pharmacist furnishing or selling, or offering or exposing for sale any of said liquors by less measure than one quart, contrary to the provisions and true intent and meaning of this section, shall be guilty of the offense of keeping a disorderly house.

13. *And be it enacted*, That whenever it shall appear by proof on any examination or trial for an alleged offense against the provisions of this act, that any spirituous, vinous, malt or brewed liquor has been sold, exposed for sale or supplied on any pretext whatever, where the sale of such liquors would have been unlawful, it shall not be necessary to prove the particular kind of liquor sold, exposed for sale or given away.

14. *And be it enacted*, That if any person shall hereafter be twice convicted of the offense of keeping a disorderly house, the court before which such conviction is had, shall, in addition to all other penalties that may be imposed, add thereto that such person so convicted be thenceforth disqualified from having or receiving a license in this state.

15. *And be it enacted*, That the act entitled "An act to regulate the sale of intoxicating and brewed liquors," passed March seventh, one thousand eight hundred and eighty-eight, be and the same is hereby repealed.

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

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

Approved March 20, 1889.

CHAPTER LIV.

A Supplement to an act entitled "An act to provide for drainage and sewage in densely populated townships in which there is a public water supply," approved March fourth, one thousand eight hundred and eighty-four, and the various amendments thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, for any reason, lands along the line of sewers constructed or to be constructed under the authority conferred by the provisions of said act and the various amendments thereto, upon which an estimate and assessment of benefits may be, or might have been made under the provisions of the second section of a supplement to said act, approved April second, eighteen hundred and eighty-five, were not, are not or may not be assessed for benefits accruing from the construction of such sewers, the lands not assessed as aforesaid shall in no way use said sewers unless the owner or owners shall first obtain the written consent of the township committee of the township in which said land is situate, to use said sewers and connect with the same, and this consent shall not be given until a sum equal to the benefits then accruing to said property have been paid to the said township committee for the use of said township, which amount of benefits shall be determined by said township committee by a majority vote, and the

Lands unas-
sessed not to use
sewers, unless
consent of town-
ship committee
be given.

Consent not to
be given until
benefits have
been paid.

Benefits, by
whom deter-
mined.

record of the same shall be kept in a book to be provided for that purpose by said township committee; and in case any one shall connect such lands not assessed as aforesaid with such sewers in any way, without their first obtaining said written consent and paying said assessment, such person or persons shall forfeit the sum of one hundred dollars, for each and every offence, to the township in which the said lands are situate, to be recovered in an action upon contract in the name of said township in any court of competent jurisdiction.

Penalty for connecting without consent.

Approved March 25, 1889.

CHAPTER LV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the grand jurors of the several counties of this state shall receive the same compensation, and shall be paid in the same manner, as the petit jurors of the several counties.

Compensation of grand jurors.

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

Approved March 25, 1889.

CHAPTER LVI.

A Supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, upon the settlement of the account of a guardian of an infant, it shall appear that the estate of such infant in the hands of such guardian exceeds the sum of twenty thousand dollars, it shall and may be lawful, upon such and any subsequent accounting, for the court before which said account shall be presented for settlement and allowance, to consider the actual pains, trouble and risk of such accountant, and to allow such commission upon the estate and interest or income received as to the said court shall be deemed fair and just; *provided*, that said allowance, with all former or other allowances made to such guardian, shall not together exceed the sum of five per centum on such estate and the income received by such guardian for such infant.

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

Approved March 25, 1889.

CHAPTER LVII.

A Further Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the vice-chancellors provided for in the act to which this is a supplement, there shall hereafter be another vice-chancellor or other vice-chancellors, not exceeding two, as and when the chancellor shall determine, each of whom shall be a counselor-at-law of at least ten years' standing, and each of whom shall be appointed by the chancellor and commissioned by the governor, under the great seal of the state, and each of whom shall continue in office for seven years from the date of his commission.
2. *And be it enacted*, That the powers, duties and compensation of the vice-chancellors, and each of them, who shall be appointed by virtue of this act, shall be similar to those of the vice-chancellors heretofore appointed by virtue of the act to which this is a supplement.
3. *And be it enacted*, That this act shall take effect immediately.
- Approved March 25, 1889.

Number and
appointment of
vice-chancellors.

Term of office.

Powers, duties
and compensa-
tion.

CHAPTER LVIII.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

WHEREAS, it is deemed for the best interest of municipal Preamble.
government that elections for local officers should not
be held on general election days, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of
the State of New Jersey*, That no local or charter election When charter
elections are not
to be held.
shall be held in this state on the same day fixed for the
holding of a general election, or on the day when mem-
bers of the general assembly are now elected by law.

2. *And be it enacted*, That in all cities in this state Day of holding
charter elections.
where such charter elections are now held upon the first
Tuesday succeeding the first Monday in November, in
any year, they shall hereafter be held upon the first
Tuesday of December next thereafter.

3. *And be it enacted*, That it shall and may be lawful for Cities authorized
to change day of
holding charter
elections to first
Tuesday in
December.
the city council or board of aldermen, or other governing
body of any city in this state wherein the charter election
of any such city now falls upon a different day from the
day fixed for the holding of the general election, to alter
the time for holding such local or charter election, by a
majority vote, to the said first Tuesday in December in
each or any year.

4. *And be it enacted*, That in any city to which the pro- General registry
to be used.
visions of the registry law apply, the time of the local or
charter election in which may, by the provisions of this
act, be changed to the said first Tuesday in December in
any year, the registry made for the general election shall
be used, except that the board of registry shall meet on
the Thursday preceding the said first Tuesday of Decem-
ber, for the purpose of revising the same in the same
manner as is now done upon the last meeting of said
board prior to the annual general election; *provided*, Proviso.
however, if such Thursday should happen to fall upon

thanksgiving day, then, and in that case, such meeting for the revision and correction of the registry shall be held upon the preceding Wednesday.

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

Approved March 25, 1889.

CHAPTER LIX.

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

Preamble. WHEREAS, It appears that there are different practices in different counties of this state in the manner of the payment of the fees allowed by law to the judges of the court of common pleas where there are law or president judges who receive a salary in lieu of fees; therefore, in order that there may be a regularity in such distribution, and to define the duties of such officers as may have the distribution of such judges' fees,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all such fees as are authorized by law to be paid into court for the services of the common pleas judges, in counties where there are law or president judges receiving salaries in lieu of fees, shall be equitably divided between the lay judges, except in counties where the lay judges also receive stipulated salaries in lieu of fees.

Officers of courts to divide and pay over fees retained. 2. *And be it enacted*, That in all cases where the court officers have retained and have remaining in their custody any of such judges' fees, said court officers are hereby authorized to divide and pay over such sum or sums in accordance with section one of this act.

Fees to be divided between judges.

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

Approved March 25, 1889.

CHAPTER LX.

A Supplement to an act entitled "An act concerning firemen's relief associations," approved March twenty-fifth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the by-laws of any firemen's relief association shall provide for the election, by each of the several companies, associations, boards or corps of which such relief association is comprised, of more than one member of the board of representatives thereof, such firemen's relief association may provide for a rotation in the terms of office of such members of the board of representatives, and at any annual election hereafter, there may be elected one representative for one year, and one for two years, and, if deemed desirable, one for three years; and thereafter at each election, one representative shall be elected for the longest term provided for, not exceeding three years, from each company, association, board or corps comprising such firemen's relief association. Election and term of board of representatives.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith (excepting such special charters as have been granted by the legislature of this state), be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 25, 1889.

CHAPTER LXI.

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

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

Section as amended.

243. *And be it enacted*, That when exceptions shall have been taken at the trial of any cause, in cases where a bill of exceptions may be taken, and the justice of the supreme court or judge of the circuit court shall die, or he shall cease by expiration of his term or otherwise to hold office, without having sealed such exceptions, the cause shall be heard in the court of errors, upon such exceptions being stated and agreed to in writing by the parties or their attorneys; or if the parties or their attorneys cannot agree upon the bill of exceptions that were in fact taken, though not sealed, the same shall be settled and sealed, on five days' notice, by any justice of the supreme court, as the same shall be found by him to have been in fact taken, and shall be returned with the writ of error.

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

Approved March 25, 1889.

CHAPTER LXII.

An Act to amend an act entitled "An act to amend an act entitled 'An act incorporating the inhabitants of townships, designating their powers and regulating their meetings'" [Revision], approved April fourteenth, one thousand eight hundred and forty-six, and which said amendment was approved April first, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section number twenty-five of the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings" [Revision], approved April fourteenth, one thousand eight hundred and forty-six, as amended by said act approved April first, one thousand eight hundred and eighty-seven, and which reads as follows:

Section to be amended.

"25. *And be it enacted*, That when any person shall hereafter be elected to the office of collector in any township within this state, he shall, before he enters upon the duties of said office, enter into bond to the inhabitants of said township, in their corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders and resident within the county in which said township is situate, to be approved of by the township committee of said township, and in such sum as said township committee shall direct, conditioned for the faithful performance of all the duties of said office of collector of said township according to law," be amended so as to read as follows:

25. *And be it enacted*, That when any person shall hereafter be elected or appointed to the office of collector in any township within this state, he shall, before he enters upon the duties of said office, and within thirty days after notice given of such election or appointment, enter into bond to the inhabitants of said township, in their

Section as amended.

corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders and resident within the county in which said township is situate, to be approved by the township committee of said township, in such sum as the said township committee shall direct, conditioned for the faithful performance of all the duties of said office of collector of said township according to law.

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

Approved March 25, 1889.

CHAPTER LXIII.

An Act relating to the compensation of city judges in cities or municipalities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of aldermen or other governing body of any city or municipality of this state having a city judge, before whom offenses against the penal ordinances of said city or municipality are cognizable, shall have power by majority vote to fix [the] compensation of such city judge.

Compensation of
city judge, how
fixed.

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

Repealer.

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

Approved March 25, 1889.

CHAPTER LXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear to the satisfaction of the physician of the New Jersey state prison that any convict confined therein is pregnant, and likely to be delivered of the child before the expiration of her term of imprisonment, it shall be lawful for said physician to order the removal of said person to a place, in his discretion other than said prison, there to remain until she shall be delivered of the said child, and for such further time as in his judgment the circumstances of the case may require, and when he shall deem her condition suitable then he shall order her return to the said state prison, there to serve out her term.

Pregnant convicts may be removed from state prison.

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

Passed March 26, 1889.

CHAPTER LXV.

Supplement to an act entitled "An act for protection against mad dogs," approved March twenty-eighth, one thousand eight hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of any incorporated city or town, and the township committee of any township in this state, are hereby authorized and empowered to appoint one or more persons in their respective cities, towns or townships, with full power and authority to kill any dog, male or female, found running at large without a muzzle, within such cities, towns or townships, after a proclamation shall have been issued in pursuance of the first section of the act to which this is a supplement, and such person or persons so appointed shall have full power and authority and they are hereby authorized to kill any dog, male or female, found running at large within their respective cities, towns or townships in which such a proclamation shall have been issued, after said proclamation shall have been issued for one day; *provided*, that nothing in this act shall empower or authorize said officers to kill any dog or dogs accompanied by the owner or owners of such dog or dogs.
2. *And be it enacted*, That the common council of any incorporated city or town, and the township committee of any township, are hereby authorized to fix the compensation to be paid to any person or persons appointed as above provided for, and to pay the same out of any moneys in the treasury of such city, town or township.
3. *And be it enacted*, That this act shall take effect immediately.

Authority to
appoint persons
to kill dogs run-
ning at large.

Proviso.

Compensation of
persons ap-
pointed, how
fixed.

Approved March 26, 1889.

CHAPTER LXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this [is] a further supplement, which section, as the same was amended by a supplement to said act, approved April fifth, one thousand eight hundred and seventy-eight, reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at all such town meetings held after the passage of this act, the several town and township committees to be voted for and elected in the said towns and townships shall consist of three persons, and the said committees, when duly elected, appointed and qualified, shall have power and authority to appoint one of their number to be the chairman of said committee, and one to be treasurer thereof; the chairman of the said committee shall preside at all the meetings thereof, and the clerk of the township shall act as clerk of said committee and keep a record of the proceedings, and shall record the same in the town book; the treasurer of the said committee shall be the custodian of the moneys of such town or township, and all moneys which the said committee are by law authorized to receive and disburse shall be paid to him, and shall be held by him, subject to the order of said committee, and paid out by him on their order; and he shall, when required, and at the end of his term of office, account to the said committee for the moneys received by him as such treasurer, and pay over the balance in his hands, unexpended, to such person as may be appointed to succeed him, on demand; and such treasurer shall give bond to the

Section to be amended.

inhabitants of such town or township in such sum and with such sureties as the said committee shall approve, conditioned for the faithful discharge of all the duties of his office, and for the payment by him, on demand, to his successor in office, or to such person as the said committee shall designate and appoint, of such moneys remaining in his hands not paid out on the order of said committee, and upon the further condition that such treasurer render at all times, when called upon by the said committee, and at the end of his term of office, a just and true account of all moneys received and paid out by him as aforesaid, which bond shall be filed in the office of the clerk of the county in which such town or township is, the same having been first approved by the said town committee, and such approval indorsed on said bond; *provided, however,* that the provisions of this act shall not apply to townships in counties of this state having one hundred thousand inhabitants or more by the last state census," shall be amended so that the same shall read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That at all such town meetings held after the passage of this act, the several town and township committees to be voted for and elected in the said towns and townships shall consist of three persons; and the said committees, when duly elected, appointed and qualified, shall have power and authority to appoint one of their number to be the chairman of said committee, and one to be treasurer thereof; or they may appoint the collector of the township to be treasurer thereof; the chairman of the said committee shall preside at all the meetings thereof, and the clerk of the township shall act as clerk of said committee and keep a record of the proceedings, and shall record the same in the town book; the treasurer of the said committee shall be the custodian of the moneys of such town or township, and all moneys which the said committee are by law authorized to receive and disburse shall be paid to him, and shall be held by him subject to the order of said committee, and paid out by him on their order; and he shall, when required, and at the end of his term of office, account to the said committee for the moneys received by him as such treasurer, and pay over the balance in his hands,

unexpended, to such person as may be appointed to succeed him, on demand; and such treasurer shall give bond to the inhabitants of such town or township in such sum and with such sureties as the said committee shall approve, conditioned for the faithful discharge of all the duties of his office, and for the payment by him, on demand, to his successor in office, or to such person as the said committee shall designate and appoint, of such moneys remaining in his hands not paid out on the order of said committee, and upon the further condition that such treasurer render at all times, when called upon by the said committee, and at the end of his term of office, a just and true account of all moneys received and paid out by him as aforesaid, which bond shall be filed in the office of the clerk of the county in which such town or township is, the same having been first approved by the said town committee, and such approval indorsed on said bond; *provided, however*, that the provisions of this act shall not apply to townships in counties of this state having one hundred thousand inhabitants, or more, by the last state census.

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

Approved March 26, 1889.

CHAPTER LXVII.

A Supplement to the act entitled "An act to authorize the sale of church property and vesting a valid title thereto in the purchaser, free from uses for church purposes," approved April fifth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any incorporated religious society, owning or holding the title to any lands, premises ^{Power to sell and convey lands, &c.}

or real estate in trust or on condition that the same shall be used for church purposes, may, by its board of trustees, consistory or other board managing its temporalities, alone and without a vote of the members of the society, sell and convey, and it is hereby authorized and empowered to sell and convey, in fee simple or otherwise, such lands, premises and real estate, or any part thereof, with the appurtenances, freed and discharged from such trust or condition, and the deed therefor shall convey to the purchaser a title good and effectual in law, free from such trust or condition, and the grantee or grantees shall take the property so freed and discharged accordingly; *provided*, the donor or donors by whom such trust was created or condition imposed shall have discharged the property or such society from such trust or condition, or shall consent to such conveyance free from such trust or condition.

Proviso.

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

Approved March 26, 1889.

CHAPTER LXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of the act entitled "An act to provide for the incorporation of street railway companies and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six, be and the same is hereby amended so as to read as follows:

8. *And be it enacted*, That the board of aldermen, common council or township committee of any municipality, or township, upon the petition of the directors of any company incorporated under this act, or a majority thereof, for a location of the tracks of its railway therein, conformably to the route designated in their articles of incorporation, or for an extension of the same, shall give notice to all parties interested, by publication in one or more newspapers published and circulated in said municipality, or, if none be published there, then by posting in five of the most public places in such municipality or township, at least fourteen days before their meeting, of the time and place at which they will consider such application for location; and, after hearing, they shall pass an ordinance refusing such location or extension or granting the same, or any portion thereof, under such lawful restrictions as they may deem the interests of the public require; and the location or extension thus granted shall be deemed and taken to be the true location or extension of the tracks of the railway, if an acceptance thereof, in writing, by said directors, shall be filed with the secretary of state within thirty days after receiving notice thereof, and a copy thereof delivered to the clerk or other equivalent officer of the municipality or township; *provided*, that no street railway shall be constructed in the same street or highway in which a street railway may then be constructed and operated within one thousand feet of said railway, nor parallel thereto within less than two blocks thereof, for a distance greater than two hundred feet, without the written consent of the company then operating said railway, except to cross the same; but it shall and may be lawful to construct a street railway for a distance not greater than three hundred feet in any street or highway in which a street railway may be then constructed, in case the portion of said street or highway in which it is proposed to construct a new road is within two hundred feet of a passenger depot of any steam railroad, and is also a street or highway connecting two other streets or highways, in both of which it is proposed to construct said new road or extension; and in such case it shall not be necessary to obtain and file, as hereinafter provided, the consent of the owners of

S. ction as amended.

Proviso.

property fronting on that portion of said street or highway in which said street railway is already constructed as aforesaid; *provided, always*, that nothing herein contained shall be deemed to authorize the construction of any street railway upon any road lawfully built or controlled by any turnpike, plank-road or toll-road company, without the written consent of such turnpike, plank-road or toll-road company; *and provided, further*, that such ordinance shall not be passed or adopted until the company applying for a location of route shall file with the clerk of the board of aldermen, or other body to which application is made, the written consent of the owners of at least one-half of the property fronting on such portion of the street or highway through which such railway is to be made, which written consent shall be acknowledged by the subscribers thereto as are deeds entitled to be recorded; *provided*, that the consent as aforesaid of any executor or administrator having power to sell real estate, shall be a sufficient consent for the lands which he has such power to sell; if the route thus accepted be shorter than the route designated in the certificate of incorporation, a proportionate part of the moneys paid to the state treasurer upon filing the certificate of incorporation shall be forthwith refunded by the treasurer to said company; but none of such money shall be refunded as aforesaid for any distance in length of route less than half a mile.

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

Section as amended. 10. *And be it enacted*, That if any street railway company incorporated under this act shall not build and put in operation at least one-half of its road within two years after the passage of the ordinance establishing its route by the local authorities, its corporate power shall thereupon cease, and any moneys paid by it to the state treasurer as a guarantee of good faith, under section three of this act, shall be forfeited to the use of the state, excepting such parts thereof as may have been refunded by the treasurer, for portions of the road built; *provided*, that if any company incorporated under this act shall be restrained, by the order of any court having jurisdiction, from constructing its road or extension, after the route

thereof has been duly located, then the time during which such restraint exists shall not be computed as any portion of the time allowed by this act for the construction and putting into operation of said road.

3. *And be it enacted*, That all the powers, rights and privileges conferred by the provisions of this act shall apply to and be enjoyed as well by any street railway company heretofore organized under the act to which this act is a supplement, as by any such company hereafter to be so organized thereunder. Powers, rights, &c., conferred upon companies heretofore organized.

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

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

Approved March 27, 1889.

CHAPTER LXIX.

An Act to remunerate General William S. Truex for certain services performed by him for this state, as superintendent of a recruiting camp near Freehold, New Jersey, during the late civil war.

WHEREAS, General William S. Truex, late colonel of the fourteenth regiment New Jersey volunteers, and a survivor of both the Mexican and the late civil wars, is now a confirmed invalid, suffering from paralysis, resulting chiefly from military service in the late war; *and whereas*, during a period of fifty days, namely, from July seventh, one thousand eight hundred and sixty-two, to August twenty-sixth, one thousand eight hundred and sixty-two, he rendered certain important services for this state, as superintendent of a recruiting camp—Camp Vredenburg—near Freehold, New Jer- Preamble.

sey, for which services he has received no pay; and *whereas*, there is no statutory provision for such payment; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and required to pay to said General William S. Truex, of the city of Trenton, New Jersey, the sum of five hundred dollars, without interest.

Treasurer to pay
certain amount.

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

Passed March 27, 1889.

CHAPTER LXX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following-named clerks shall receive the following compensation for their services during the session of one thousand eight hundred and eighty-nine: the clerk of the committee on revision of the laws of the house of assembly, three hundred dollars; the clerk to the committee on municipal corporations of the house of assembly, three hundred dollars; the clerk of the committee on corporations of the house of assembly, three hundred dollars; the clerk of the committee on judiciary of the house of assembly, three hundred dollars; the clerk to the committee on railroads and canals of the house of assembly, three hundred dollars; the clerk to the committee on labor and industries of the house of assembly, three hundred dollars; the second assistant engrossing clerk of the house of assembly, three hundred dollars.

Compensation of
certain officers of
the legislature.

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

Passed March 27, 1889.

CHAPTER LXXI.

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

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of any town or borough, or of any township having a special charter, or of any township which has, or hereafter may have, a population exceeding fifteen hundred inhabitants, may become a body politic and corporate, in fact and in law, by the name and title of "the town of —, in the county of —," whenever, at a special election, to be called for that purpose, as hereinafter provided, it may be so decided by a majority of the electors of said proposed town who shall vote at such special election.

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

Approved March 27, 1889.

CHAPTER LXXII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in counties of the first class of this state having a population within their territorial limits exceeding one hundred and fifty thousand inhabitants, the crier of the court of common pleas, orphans' court and court of general quarter sessions of the peace, shall receive and be paid an annual compensation or salary of nine hundred dollars, in lieu of the compensation of three dollars per diem provided in an act entitled "A further supplement to an act to provide for the support of the government of this state and to fix the salaries of public officers," approved March seventeenth, one thousand eight hundred and seventy-four; and such annual compensation or salary shall be paid monthly to said crier by the county collector of such county, on the certificate of the county clerk of such county.

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

Approved March 27, 1889.

CHAPTER LXXIII.

An Act to provide for the adoption of labels, trade-marks and forms of advertising by associations or unions of workingmen, and to regulate the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for associations and unions of workingmen to adopt, for their protection, labels, trade-marks and forms of advertisement, announcing that goods manufactured by members of such associations or unions are as manufactured. Associations and unions may adopt labels, trade marks, &c.

2. *And be it enacted*, That all persons counterfeiting such labels, trade-marks or forms of advertisements, shall be guilty of a misdemeanor, punishable on conviction by imprisonment for a term of not less than three months nor more than one year, or by a fine of not less than one hundred dollars nor more than five hundred dollars, or both. Penalty for counterfeiting labels, &c.

3. *And be it enacted*, That every person who shall use any counterfeited label, trade-mark or form of advertisement of such unions or associations, knowing the same to be counterfeited, after having been notified in writing by the owner thereof or his or its agent that the same is counterfeited, shall be guilty of a misdemeanor, punishable by imprisonment for a term of not less than three months nor more than one year, or by a fine of not less than one hundred dollars nor more than five hundred dollars, or both; *provided*, that such notice in writing contains a copy, counterpart or fac-simile of such label, trade-mark or form of advertisement. Penalty for using counterfeited labels, trade marks, &c.

4. *And be it enacted*, That every such association or union adopting a label, trade-mark or form of advertisement as aforesaid, shall file the same in the office of the secretary of state by leaving two copies, counterparts or fac-similes thereof, with said secretary of state, who shall, under his hand and seal, deliver to the association or union filing the same, a certificate of record, for which he shall receive a fee of twenty-five cents. Proviso.
Labels, trade marks or form of advertisements to be filed in office of secretary of state.

Manufacturers
may be enjoined
from using or
sale of counter-
feit trade marks,
&c.

5. *And be it enacted*, That every such association or union adopting a label, trade-mark or form of advertisement as aforesaid, may proceed, by suit, in the courts of this state, to enjoin the manufacture, use, display or sale of any such counterfeits, and that all courts having jurisdiction thereof, shall grant an injunction to restrain and prevent such manufacture, use, display or sale, and shall award the complainants such damages resulting from such wrongful use as may be proved, and shall require the defendants to pay to the party injured the profits derived from such wrongful use, or both profits and damages; and the court shall also order all such counterfeits in the possession or under the control of the defendant in such case to be delivered to an officer of the court or to the complainant to be destroyed.

Authorized to
proceed against
all persons
wrongfully using
or displaying
labels, &c.

6. *And be it enacted*, That in like manner such unions or associations shall be authorized to proceed against all persons who shall wrongfully use or display the genuine labels, trade-marks or forms of advertisements of the respective associations or unions, not being authorized by such associations or unions to use or display the same.

Repealer.

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

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

Approved March 27, 1889.

CHAPTER LXXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of land records appointed or hereafter to be appointed under the provisions of the act of the legislature of this state to which this act is a supplement, may establish such index of maps now filed and hereafter to be filed in the land record offices of any county for which such commissioners shall be appointed, as they shall deem proper; and the number or designation in such index given to every such filed map by such commissioners shall not thereafter be changed or altered, and such system of map indexing so established by such commissioners, shall thereafter be continued by the register of deeds or county clerk of any such county, as the case may be, and all maps thereafter filed shall be numbered consecutively in the order of their receipt, commencing with the number next after the last number adopted or given by such commissioners in the index so established.

2. *And be it enacted*, That after the completion and placing in the proper offices for public use, the maps and indexes required by the act to which this is a supplement, in any such county, no map shall be received for filing by the register of deeds or county clerk (as the case may be) of such county, unless such map shall have delineated and shown thereon the block boundary or boundaries and designations established by such commissioners respecting the territory intended to be shown on such map; and such register of deeds or county clerk shall be entitled to receive the sum of five dollars for filing and indexing every such map as required by this act.

Commissioners
may establish
indexes.

Number of filed
map not to be
changed.

System estab-
lished to be
continued.

No map to be
filed unless block
boundaries and
designations are
shown.

Fee for filing.

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

Approved March 27, 1889.

CHAPTER LXXV.

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

When lease or agreement to be void.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the lessee of any dwelling-house or other premises in this state shall use the same for purposes of prostitution or assignation, the lease or agreement for letting the same shall thereupon become immediately void, and the landlord may enter upon the premises so let, and shall have the same remedies to recover possession as are given by law in case of a tenant holding over after the expiration of his lease.

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

Approved March 27, 1889.

CHAPTER LXXVI.

An Act to authorize corporations organized for religious, educational or benevolent purposes to procure an increase of their capacity to acquire and hold real and personal property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any corporation of this state, incorporated for religious, educational or benevolent purposes, shall, by its charter or any supplement thereto, or otherwise, be limited in the amount or value of real or personal property which it may acquire, have, hold and enjoy for the use and purposes of such corporation, and the board of trustees, directors or managers of such corporation shall desire to obtain for such corporation legal capacity to acquire, have, hold, use and enjoy a larger amount than that to which it is or shall be so limited, that it shall be lawful for such trustees, directors or managers at any stated meeting of said board, and from time to time, to adopt by vote of a majority of the whole number of such trustees, directors or managers, a resolution declaring their desire to have the amount so enlarged, and stating the amount to which it is to be so increased, and to cause a copy of such resolution, authenticated and verified as by this act directed, to be filed in the office of the secretary of state.

Authorized to increase amount or value of real or personal property.

Copy of resolution to be filed in office of secretary of state.

2. *And be it enacted*, That the copy of the resolution authorized by the first section of this act to be filed with the secretary of state, shall be certified and authenticated under the common seal of said corporation, and shall be verified by the oath of the clerk or secretary of said corporation that the seal affixed to said copy is the common seal of said corporation, that the said copy is a true copy of the original resolution as recorded on the minutes of said board, and that it was passed as directed in the first section of this act.

Resolution to be authenticated.

Upon filing copy
of resolution
corporations
authorized to
have, hold and
enjoy real and
personal estate.

3. *And be it enacted*, That on filing said copy of such resolution in the office of the secretary of state, it shall be thereafter lawful for the said corporation to take and receive by gift, grant, devise, bequest or purchase, and to have, hold and enjoy for the uses and purposes of the said corporation any real or personal estate not exceeding the increased amount named in said resolution, any provision of the charter of said corporation, or any supplement thereto, to the contrary notwithstanding.

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

Approved March 27, 1889.

CHAPTER LXXVII.

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.

State superin-
tendent to pre-
pare and print
plans and speci-
fications of
school houses, &c

Proviso

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state superintendent of public instruction shall cause to be prepared and printed in convenient form, plans and general specifications for the construction of school-houses of the various sizes and styles adapted to the needs of this state, with such general directions as to heating, lighting, ventilation and other sanitary conditions and details as may be desirable, and shall furnish such plans and directions, upon application, to school trustees and other school officers of this state; *provided*, that not more than five hundred dollars shall be expended for this purpose in any one year, and that the same shall be paid on the warrant of the comptroller out of the income of the school fund.

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

Approved March 27, 1889.

CHAPTER LXXVIII.

A Further Supplement to "An act relative to sales of land under a public statute or by virtue of any legal proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and the supplement thereto, approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisement of such sale in two newspapers printed and published in the county in which such lands are situate, in the manner required by the acts to which this is a further supplement, but that any purchaser or purchasers of land at such sale, who shall have complied with the conditions of such sale, shall be entitled to have a deed for the lands so purchased, notwithstanding the sale was advertised in but one newspaper of the county in which the land was situated; *provided*, that where the sale has been made by direction of any court of competent jurisdiction, an order confirming such sale shall first be made by said court or a judge thereof, upon it appearing to the satisfaction of said court or judge that the land has been sold for a fair price and that it is proper in such case to make the order, and a deed or deeds so given shall operate to transfer the title to the purchaser or purchasers as fully as if the sale had been advertised in two newspapers of the county where the lands are situated, in the manner and as required by the acts to which this is a further supplement.

Sale of lands not invalidated by reason of omission to publish advertisement.

Proviso.

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

Approved March 27, 1889.

CHAPTER LXXIX.

A Supplement to "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

Investment of
funds in first
mortgage bonds
of railroad
companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any savings bank in this state to invest its funds in first mortgage bonds of any railroad company which has paid dividends of not less than four per centum per annum regularly, on their entire capital stock, for a period of not less than five years next previous to the purchase of such bonds, or in any consolidated mortgage bonds of any such company authorized to be issued to retire the entire bonded debt of such company.

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

Approved March 27, 1889.

CHAPTER LXXX.

A Further Supplement to "An act to make taxes a lien on real estate and to authorize sales for the payment of the same," approved March seventeenth, one thousand eight hundred and fifty-four.

Collectors may
make application
to judge to have
description
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the description of any real estate heretofore assessed or hereafter to be assessed in any town, township or borough in this state is insufficient to make a legal sale of such real estate for the taxes

so assessed, the collector or other officer having the collection thereof, may make application to one of the judges of the court of common pleas of the county where such lands are situate, at any time before the sale thereof, to have the same amended by such short description as will sufficiently describe the same; and the said judge, upon proof of the facts alleged, is hereby empowered to so amend the description of such real estate as will enable such officer to properly advertise the same, and make title thereto; *provided*, that the owner or owners of said property shall have had at least ten days' notice of said application. Proviso.

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

Approved March 27, 1889.

CHAPTER LXXXI.

An Act to amend an act entitled "An act to re-apportion the several assembly districts of the state of New Jersey," passed March twenty-first, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to re-apportion the several assembly districts of the state of New Jersey," passed March twenty-first, one thousand eight hundred and eighty-one, be and the same is hereby amended so as to read as follows: Act to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the general assembly of this state, the several counties shall be formed into assembly districts, equal in number to the number of members of the general assembly that said counties are entitled to elect respectively, that is to say: Assembly district re apportioned.

- Atlantic. The county of Atlantic shall constitute one assembly district.
- Bergen. 2. *And be it enacted*, That the county of Bergen shall constitute two assembly districts:
- First district. The first district to be composed of the townships of Ridgefield, Englewood, Palisade, Harrington, Washington, Orvil and Hohokus;
- Second district. The second district to be composed of the townships of Franklin, Ridgewood, Saddle River, Midland, New Barbadoes, Lodi and Union.
- Burlington. 3. *And be it enacted*, That the county of Burlington shall constitute three assembly districts:
- First district. The first district to be composed of the townships of Bordentown, Chesterfield, Eastampton, Mansfield, New Hanover, Pemberton, Springfield and Woodland;
- Second district. The second district to be composed of Burlington, Beverly City and the townships of Beverly, Cinnaminson, Delran, Florence and Willingborough;
- Third district. The third district to be composed of the townships of Bass River, Chester, Evesham, Little Egg Harbor, Lumberton, Medford, Mount Laurel, Northampton, Randolph, Shamong, Southampton, Washington and Westampton.
- Camden. 4. *And be it enacted*, That the county of Camden shall constitute three assembly districts, to be composed as follows:
- First district. The first district to be composed of the First, Second, Third, Fourth, Eighth and Ninth wards of the city of Camden, the First precinct of the township of Stockton, and also all that portion of the territory of the township of Stockton comprised within the following limits, that is to say: beginning at the intersection of Cooper's creek and State street; thence running along the northerly side of State street in an easterly course to the River road; thence northeastwardly, along the westerly side of the River road, to the Toll-Gate road; thence running west, along the southerly side of Toll-Gate road, to the Delaware river; thence along the Delaware river, to Cooper's creek; thence along the easterly line of Cooper's creek, to the place of beginning; also all that portion of the territory known as Petty's island, the borough of Merchantville, the township of Delaware, the township of Haddon, and all that portion of the

territory of the township of Center comprised within the following limits, that is to say: beginning in the Clement's bridge road at a stream known as Long Meadow, and running thence in a northwesterly direction to the northeast corner of Elwood Scargle's house; thence in a northwesterly direction to the White Horse turnpike, at a point known as Davis' road and Greenland school-house; thence north, down the middle of the said White Horse turnpike, to the intersection of the Haddon township line; thence along the line between Haddon and Center townships, to the Delaware township line; thence along the line between the townships of Delaware and Center, to the intersection of the Gloucester and Delaware township lines; thence along the center of the Clement's bridge road, to the place of beginning, shall constitute and be known as the first assembly district of the county of Camden;

Second district—All that portion of the territory of ^{Second district.} the county of Camden contained within the limits of the Fifth ward, Sixth ward and Seventh ward of the city of Camden, and the Second and Third precincts of the township of Stockton shall constitute and be known as the second assembly district of the county of Camden;

Third district—All that portion of the territory of the ^{Third district.} county of Camden which is not comprised within the limits of the first and second assembly districts therein, as the same are bounded and described in this act, shall constitute and be known as the third assembly district of the county of Camden.

5. *And be it enacted*, That the county of Cape May shall ^{Cape May.} constitute one assembly district.

6. *And be it enacted*, That the county of Cumberland ^{Cumberland.} shall constitute two assembly districts:

The first district to be composed of the city of Bridge- ^{First district.} ton and the townships of Commercial, Fairfield, Downe, Hopewell, Stoe Creek, Greenwich and Lawrence;

The second district to be composed of the city of Mill- ^{Second district.} ville and the townships of Maurice River, Landis and Deerfield.

7. *And be it enacted*, That the county of Essex shall ^{Essex.} constitute ten assembly districts, to be composed as follows:

First district.

The first district being all that part of the county of Essex which is comprised within the present limits of the city of Newark, and embraced within the following described boundary lines, to wit: beginning at a point in the line of the Passaic river opposite the northeasterly terminus of the center of Jackson street; thence easterly and southerly, along the Passaic river, following the several courses thereof, to the boundary line between the Tenth and Twelfth wards of the city of Newark; thence westerly and northwesterly, along the several courses of the present boundary line between the Tenth and Twelfth wards of the city of Newark, to a point therein, in the middle of Elm street, opposite the center of Adams street; thence northeasterly, along the middle of Adams street, to the center of Ferry street; thence southeasterly, along the center of Ferry street, to a point opposite the middle of Jackson street; thence easterly and northeasterly, along the center of Jackson street, to the terminus thereof, and thence to the Passaic river and the place of beginning;

Second district.

The second district being all that part of the county of Essex which is now comprised within the Fifth and Tenth wards of the city of Newark, together with the territory embraced within the following described boundary lines, to wit; beginning at a point in the middle of the Passaic river, at a point therein opposite the northeasterly terminus of the center of Jackson street; thence northwesterly, along the Passaic river, to a point opposite the easterly terminus of the present boundary line between the Fifth and Twelfth wards of the city of Newark; thence southwesterly, to and along the present boundary line between the Fifth and Twelfth wards of the city of Newark, to the southwesterly terminus thereof, at a point in the middle of Elm street, opposite the center of Madison street; thence southeasterly, along the middle of Elm street, to a point therein opposite the center of Adams street; thence northeasterly, along the center of Adams street, to a point in the middle of Ferry street; thence southeasterly, along the middle of Ferry street, to a point therein opposite the center of Jackson street; thence easterly and northeasterly, along the center of Jackson street, to the terminus thereof, and thence to the Passaic river and place of beginning.

The third district being all that part of the county of ^{Third district.} Essex which is now comprised within the boundaries of the Third, Ninth and Fourteenth wards of the city of Newark, together with that portion of the territory now embraced within the Thirteenth ward of said city of Newark, and within the following-described lines, to wit: beginning at a point in the middle of High street, opposite the easterly terminus of the center of Montgomery street; thence westerly, along the middle of Montgomery street, to a point therein opposite the center of Somerset street; thence southerly, along the middle of Somerset street, to a point in the middle of Avon avenue; thence easterly, along the middle of Avon avenue, to a point in the middle of Clinton avenue opposite the easterly terminus of the center line of Avon avenue; thence northeasterly, along the middle of Clinton avenue, to a point therein opposite the center of High street; thence northerly, along the middle of High street, to a point therein opposite the center of Montgomery street and the place of beginning;

The fourth district being all that part of the county of ^{Fourth district.} Essex which is now comprised within the boundary lines of the Second and Fourth wards of the city of Newark;

The fifth district being all that part of the county of ^{Fifth district.} Essex which is now comprised within the boundaries of the First and Fifteenth Wards of the city of Newark, together with that portion of the territory now embraced within the Seventh ward of said city of Newark, and within the following-described lines, to wit: beginning at a point in the middle of High street where the same is intersected by the center of Central avenue; thence westerly, along the middle of Central avenue, to a point therein opposite the center of Norfolk street; thence southerly, along the middle of Norfolk street, to the center of Bank street; thence easterly, along the middle of Bank street, to the center of High street; thence northerly, along the middle of High street, to a point therein opposite the center of Central avenue and the place of beginning;

The sixth district being all that part of the county of ^{Sixth district.} Essex now comprised within the boundary lines of the Eighth and Eleventh wards of the city of Newark;

Seventh district. The seventh district being all that part of the county of Essex now comprised within the boundaries of the Sixth ward of the city of Newark, together with that portion of the present territory of the Seventh ward of the city of Newark, and embraced within the following-described lines, to wit: beginning at a point in the middle of Bank street where the same is intersected by the center line of Morris avenue; thence northerly, along the middle of Morris avenue, to a point therein in the center of Central avenue; thence easterly, along the middle of Central avenue, to a point therein opposite the middle of Norfolk street; thence southerly, along the middle of Norfolk street, to a point where the same intersects the center of Bank street; thence westerly, along the middle of Bank street, to a point therein opposite the center of Morris avenue and the place of beginning;

Eighth district. The eighth district being all that part of the county of Essex which is comprised within the city of Newark and embraced within the following-described boundary lines: beginning in the middle of Springfield avenue where the same is intersected by the center line of High street; thence westerly, along the center of Springfield avenue, to where the same intersects the line of Clinton township; thence southwesterly and easterly, along the courses of the Clinton township line, until the said line strikes the westerly boundary line of the Fourteenth ward of the city of Newark, at or near Chadwick avenue; thence northerly, along said boundary line, to a point in the center of Avon avenue; thence easterly, along the middle of Avon avenue, or the present boundary line between the Thirteenth and Fourteenth wards of the city of Newark, to a point therein opposite the center of Somerset street; thence northerly, along the middle of Somerset street, to a point therein where the same is intersected by the center line of Montgomery street; thence easterly, along the middle of Montgomery street, to a point in the center of High street opposite the easterly terminus of the center line of Montgomery street; thence northerly, along the middle of High street, to where the same intersects the center of Springfield avenue and place of beginning;

The ninth district being all that part of the county of ^{Ninth district.} Essex which is now comprised within the boundary lines of the city of Orange and the townships of South Orange, West Orange and Clinton;

The tenth district being all that part of the county of ^{Tenth district.} Essex which is now comprised within the boundary lines of the townships of East Orange, Bloomfield, Belleville, Franklin, Montclair, Caldwell, Livingston and Millburn.

8. *And be it enacted,* That the county of Gloucester shall ^{Gloucester.} constitute one assembly district.

9. *And be it enacted,* That the county of Hudson shall ^{Hudson.} constitute ten assembly districts:

The first district to be composed of all that part of ^{First district.} Jersey City beginning at the center of the Hudson river where it is intersected by the continuation of the center line of Morris street, in Jersey City; thence westerly, along the said center line of Morris street, to where the same intersects the center line of Washington street; thence northerly, along the center line of Washington street, to where it is intersected by the center line of Sussex street; thence westerly, along the center line of Sussex street, to where the same intersects the center line of Warren street; thence northerly, along the center line of Warren street, to the center line of Grand street; thence westerly, along the center line of Grand street, to the center line of Grove street; thence northerly, along the center line of Grove street, to the center line of Bright street; thence westerly, along the center line of Bright street, to the center line of Barrow street; thence northerly, along the center line of Barrow street, to the center line of Newark avenue; thence southerly and easterly, along the center line of Newark avenue, to the center line of Railroad avenue; thence southeasterly, along the center line of Railroad avenue, to the center line of Henderson street; thence northerly, along the center line of Henderson street, to the center line of Fourth street; thence easterly, along the center line of Fourth street extended, to the center line of the Hudson river; thence southerly, along the center line of the Hudson river, to the place of beginning;

The second district to be composed of all that part of ^{Second district.} Jersey City beginning at the center of the Hudson river

where it is intersected by the center line of said Morris street extended; thence westerly, along the said center line of Morris street, to where the same intersects the center line of Washington street; thence northerly, along the center line of Washington street, to where it is intersected by the center line of Sussex street; thence westerly, along the center line of Sussex street, to where the same intersects the center line of Warren street; thence northerly, along the center line of Warren street, to the center line of Grand street; thence westerly, along the center line of Grand street, to the center line of Grove street; thence northerly, along the center line of Grove street, to the center line of Bright street; thence westerly, along the center line of Bright street, to the center line of Barrow street; thence northerly, along the center line of Barrow street, to the center line of Railroad avenue; thence westerly, along the center line of Railroad avenue extended, to the center line of Cornelison avenue; thence southwesterly, along the center line of Cornelison avenue, to the center line of Summit avenue; thence southerly, along the center line of Summit avenue, to the center line of Communipaw avenue; thence southeasterly, along the center line of Communipaw avenue, to the center line of the Morris canal; thence southwesterly, along the center line of Morris canal, to the center line of Carteret avenue, situated east of the Morris canal; thence southeasterly, along said easterly extension of Carteret avenue and along the line thereof extended, to the center of the New York bay; thence northerly, along the center line of New York bay and the Hudson river, to the place of beginning;

Third district.

The third district to be composed of all that part of Jersey City beginning at the intersection of the center lines of Railroad avenue and Henderson street, in Jersey City; thence northerly, along the center line of Henderson street, to the center line of Pavonia avenue; thence westerly, along the center line of Pavonia avenue, to the center line of Grove street; thence southerly, along the center line of Grove street, to the center line of Eighth street; thence westerly, along the center line of Eighth street, to the center line of Division street; thence southerly, along the center line of Division street, to the

center line of Newark avenue; thence southeasterly, along the center line of Newark avenue, to the center line of Brunswick street; thence southerly, along the center line of Brunswick street, to the center line of Third street; thence westerly, along the center line of Third street, to the center line of Colgate street; thence southerly, along the center line of Colgate street, to the center line of Railroad avenue; thence easterly, along the center line of Railroad avenue, to the center line of Barrow street; thence northerly, along the center line of Barrow street, to the center line of Newark avenue; thence southeasterly, along the center line of Newark avenue, to the center line of Railroad avenue; thence southeasterly, along the center line of Railroad avenue, to the place of beginning;

The fourth district to be composed of all that part of ^{Fourth district.} Jersey City beginning at the intersection of the center lines of Penhorn creek and Manhattan avenue extended, in Jersey City; and running thence easterly, along the center line of Manhattan avenue, to the center line of Tonnelle avenue; thence southerly, along the center line of Tonnelle avenue, to the center line of Spruce street; thence easterly, along center line of Spruce street, to the center line of Collard street; thence southerly, along the center line of Collard street, to the center line of Hicks street; thence easterly, along the center line of Hicks street and Laidlaw avenue, to the center line of Oakland avenue; thence southerly, along center line of Oakland avenue, to the center line of Hopkins avenue; thence easterly, along center line of Hopkins avenue, to the center line of Palisade avenue; thence southerly, along the center line of Palisade avenue, to the center line of Hoboken avenue; thence southerly, easterly and northerly, along the center line of Hoboken avenue, as said avenue runs, to the westerly boundary line of the city of Hoboken; thence northerly, northeasterly, westerly and southerly, along the several boundary lines of the city of Jersey City, to the place of beginning;

The fifth district to be composed of all that part of ^{Fifth district.} Jersey City beginning at the point where the center line of Newark avenue intersects the westerly boundary line of Jersey City; thence easterly, along the center line of

Newark avenue, to the intersection of the center line of Nelson avenue; thence northerly, along the center line of Nelson avenue, to the center line of Saint Paul's avenue; thence easterly, along the center line of St. Paul's avenue, to the center line of Summit avenue; thence southerly, along the center line of Summit avenue, to the center line of Hoboken avenue; thence easterly, along the center line of Hoboken avenue, to the center line of Oakland avenue; thence southwesterly, along center line of Oakland avenue, to the center line of Court House place; thence southeasterly, along the center line of Court House place, to the center line of Palisade avenue; thence westerly, along center line of Palisade avenue, to the center line of Newark avenue; thence southerly and easterly, along center line of Newark avenue, to the center line of Eighth street; thence easterly, along the center line of Eighth street, to the center line of Division street; thence southerly, along center line of Division street, to center line of Newark avenue; thence southeasterly, along center line of Newark avenue, to the center line of Brunswick street; thence southerly, along center line of Brunswick street, to the center line of Third street; thence westerly, along center line of Third street, to center line of Colgate street; thence southerly, along center line of Colgate street, to center line of Railroad avenue; thence westerly, along center line of Railroad avenue extended, to the center line of Cornelison avenue at Academy street; thence southwesterly, along center line of Cornelison avenue at Academy street; thence southwesterly, along center line of Cornelison avenue, to the center line of Summit avenue; thence southerly, along center line of Summit avenue, to the center line of Communipaw avenue; thence northwesterly, along center line of Communipaw avenue, to its intersection with the westerly boundary line of Jersey City; thence northerly, along said westerly boundary line, to the place of beginning;

Sixth district.

The sixth district to be composed of all that part of Jersey City beginning at the westerly boundary line of Jersey City where it is intersected by the center line of Communipaw avenue continued; thence running easterly, along the said center line of Communipaw avenue, to the center line of the Morris Canal; thence southwesterly,

along the line of the Morris canal, to the center line of Carteret avenue, situated east of the Morris canal; thence southeasterly, along said easterly extension of Carteret avenue, to the easterly boundary line of Jersey City; thence southerly, along said easterly boundary line, to the southerly boundary line of said city; thence along said southerly boundary line, to the westerly boundary line of said city; thence along the said westerly boundary line, to the place of beginning, and also so much of said county of Hudson as is comprised within the limits of the city of Bayonne;

The seventh district to be composed of all that part of Seventh district. Jersey City beginning at the center of the Hudson river, where it is intersected by the continuation of the center line of Fourth street, in Jersey City; thence westerly, along the said center line of Fourth street, to the center line of Henderson street; thence northerly, along the center line of Henderson street, to the center line of Pavonia avenue; thence westerly, along the center line of Pavonia avenue, to the center line of Grove street; thence southerly, along the center line of Grove street, to the center line of Eighth street; thence westerly, along the center line of Eighth street, to the center line of Monmouth street; thence northerly, along center line of Monmouth street, to center line of Ninth street; thence easterly, along the center line of Ninth street, to the center line of Jersey avenue; thence northerly, along the center line of Jersey avenue, to center line of Hoboken avenue; thence easterly, along the center line of Hoboken avenue, to the intersection of the center line of Hoboken avenue with the southwesterly boundary line of the city of Hoboken; thence northerly and northeasterly, along the southwesterly line of the city of Hoboken, to the center of the Hudson river; thence southerly, along the center line of the Hudson river, to the place of beginning, and also all that part of the city of Hoboken comprised within the limits of the Fourth ward of said city;

The eighth district to be composed of all that part of Eighth district. Jersey City beginning at the intersection, in Jersey City, of the center lines of Ninth and Monmouth streets, and running thence easterly, along the center line of Ninth street, to the center line of Jersey avenue; thence north-

erly, along the center line of Jersey avenue, to the center line of Hoboken avenue; thence westerly, southerly and northerly, along the center line of Hoboken avenue, to the center line of Palisade avenue; thence northerly, along the center line of Palisade avenue, to the center line of Hopkins avenue; thence westerly, along the center line of Hopkins avenue, to the center line of Oakland avenue; thence northerly, along the center line of Oakland avenue, to the center line of Laidlaw avenue; thence westerly, along the center line of Laidlaw avenue, Hicks street and Jersey City reservoir, to Collard street; thence northeasterly, along the center line of Collard street, to Spruce street; thence westerly, along the center line of Spruce street, to Tonnelle avenue; thence northerly, along the center line of Tonnelle avenue, to Manhattan avenue; thence westerly, along the center line of Manhattan avenue extended, to Penhorn creek; thence southwesterly, along the center line of Penhorn creek, to the center line of Hackensack river; thence southerly and westerly, along the center line of the Hackensack river, to a point where the extension of Newark avenue (west) intersects the same; thence easterly, along the center line of Newark avenue, to the intersection of Nelson avenue; thence northerly, along the center line of Nelson avenue, to the center line of St. Paul's avenue; thence easterly, along the center line of St. Paul's avenue, to the center line of Summit avenue; thence southerly, along the center line of Summit avenue, to the center line of Hoboken avenue; thence easterly, along the center line of Hoboken avenue, to the center line of Oakland avenue; thence southwesterly, along the center line of Oakland avenue, to the center line of Court House place; thence southeasterly, along the center line of Court House place, to the center line of Palisade avenue; thence westerly, along the center line of Palisade avenue, to the center line of Newark avenue; thence southerly and easterly, along the center line of Newark avenue, to the center line of Eighth street; thence easterly, along the center line of Eighth street, to the center line of Monmouth street; thence northerly, along the center line of Monmouth street, to the place of beginning, and also so much of said county of Hudson as is now

comprised within the limits of Kearney township and the town of Harrison ;

The ninth district to be composed of all of the city of ^{Ninth district.} Hoboken except the fourth ward thereof ;

The tenth district shall comprise all that part of the ^{Tenth district.} county of Hudson now included within the limits of the townships of Weehawken, North Bergen and Union, and the towns of West Hoboken, Guttenberg and Union.

10. *And be it enacted*, That the county of Hunterdon ^{Hunterdon.} shall constitute two assembly districts :

The first district to be composed of the townships of ^{First district.} West Amwell, East Amwell, Delaware, Kingwood and Raritan, the borough of Frenchtown and the city of Lambertville ;

The second district to be composed of the townships of ^{Second district.} Alexandria, Holland, Bethlehem, Lebanon, Tewksbury, High Bridge, Union, Clinton, Readington and Frauklin, and Clinton borough.

11. *And be it enacted*, That the county of Mercer shall ^{Mercer.} constitute three assembly districts :

The first district to be composed of the townships of ^{First district.} Hopewell, Princeton, Lawrence, West Windsor, East Windsor, Washington, Hamilton, the First and Tenth wards of the city of Trenton, and so much of the Ninth ward of the city of Trenton as lies within the following boundaries, to wit: beginning at the intersection of the center line of the Assunpink creek and the Delaware and Raritan canal; thence southerly, along the center line of the said canal, to a point where the center line of Elmer street, if produced, would intersect the center line of the said canal; thence easterly, in a straight line to and along the center line of Elmer street, to the center of Prospect street; thence northerly, along the center line of Prospect street, to the center line of Hamilton avenue; thence westerly, along the center line of Hamilton avenue, to the center line of Hudson street; thence northerly, along the center line of Hudson street and continuing the same course, to the middle of Assunpink creek; thence westerly, along the middle of the said creek, to the place of beginning ;

The second district to be composed of the township of ^{Second district.} Ewing, and the Second, Fifth, Seventh and Eighth wards of the city of Trenton ;

- Third district. The third district to be composed of the Third, Fourth, Sixth and Eleventh wards of the city of Trenton, and so much of the Ninth ward of the city of Trenton as lies within the following boundaries, to wit: beginning at a point in the Delaware and Raritan canal where the center line of Elmer street, if produced, would intersect the center line of said canal; thence easterly, in a straight line to and along the center line of Elmer street, to the center line of Prospect street; thence southerly, along the center line of Prospect street, to the center line of Cummings avenue; thence westerly, along the center line of Cummings avenue, to the center line of Coleman street; thence southwesterly, along the center line of Coleman street, to the center line of Broad street; thence northwesterly, along the center line of Broad street, to the center line of Cass street; thence westerly, along the center line of Cass street, to the center line of the Delaware and Raritan canal; thence northerly, along the center line of the said canal, to the place of beginning.
- Middlesex. 12. *And be it enacted*, That the county of Middlesex shall constitute three assembly districts:
- First district. The first district to be composed of the townships of Raritan, Piscataway and Woodbridge, and the city of Perth Amboy;
- Second district. The second district to be composed of the city of New Brunswick;
- Third district. The third district to be composed of the townships of North Brunswick, South Brunswick, East Brunswick, Cranbury, Monroe, Madison, Sayreville and South Amboy.
- Monmouth. 13. *And be it enacted*, That the county of Monmouth shall constitute three assembly districts:
- First district. The first district to be composed of the townships of Howell, Freehold, Manalapan, Millstone and Upper Freehold;
- Second district. The second district to be composed of the townships of Atlantic, Matawan, Marlboro, Neptune, Ocean, Wall and Eatontown;
- Third district. The third district to be composed of the townships of Middletown, Raritan, Shrewsbury and Holmdel.
- Morris. 14. *And be it enacted*, That the county of Morris shall constitute three assembly districts:
- First district. The first district to be composed of the townships of Chatham, Mendham, Morris and Passaic;

The second district to be composed of the townships of ^{Second district.} Boonton, Hanover, Jefferson, Montville, Pequannoc and Rockaway;

The third district to be composed of the townships of ^{Third district.} Chester, Mount Olive, Randolph, Roxbury and Washington.

15. *And be it enacted,* That the county of Ocean shall ^{Ocean.} constitute one assembly district.

16. *And be it enacted,* That the county of Passaic shall ^{Passaic.} constitute four assembly districts:

The first district to be composed of the townships of ^{First district.} West Milford, Pompton, Wayne, Manchester, and the First, Third and Fourth wards of the city of Paterson;

The second district to be composed of the ^{Second and Second district.} Seventh wards of the city of Paterson and the township of Little Falls;

The third district to be composed of the ^{Third district.} Fifth and Sixth wards of the city of Paterson;

The fourth district to be composed of the ^{Fourth district.} Eighth ward of the city of Paterson, the township of Acquackanonck and the city of Passaic.

17. *And be it enacted,* That the county of Salem shall ^{Salem.} constitute one assembly district.

18. *And be it enacted,* That the county of Somerset shall ^{Somerset.} constitute one assembly district.

19. *And be it enacted,* That the county of Sussex shall ^{Sussex.} constitute one assembly district.

20. *And be it enacted,* That the county of Union shall ^{Union.} constitute three assembly districts:

The first district shall be composed of the ^{First district.} First, Second, Sixth, Seventh and Eighth wards of the city of Elizabeth, and the township of Linden;

The second district to be composed of the ^{Second district.} Third, Fourth and Fifth wards of the city of Elizabeth, and the townships of Union, Springfield, Summit, Cranford and New Providence;

The third district to be composed of the city of Rahway, ^{Third district.} the city of Plainfield, and the townships of Clark, Fanwood and Westfield.

21. *And be it enacted,* That the county of Warren shall ^{Warren.} constitute two assembly districts:

- First district. The first district to be composed of the townships of Greenwich, Franklin, Washington, Mansfield, Independence, Allamuchy, Frelinghuysen, Blairstown and Hardwick, the second voting precinct of Oxford township, and the town of Hackettstown and borough of Washington;
- Second district. The second district to be composed of the townships of Pahaquarry, Knowlton, Hope, Harmony, Lopatcong, Pohatcong, and the first voting district of the township of Oxford, and the towns of Belvidere, and of Phillipsburg.]
- Repealer. 2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.
- Approved March 27, 1889.

CHAPTER LXXXII.

An Act to enable cities to borrow money on temporary loans in anticipation of moneys received from the state.

- Power to borrow money on temporary loans in anticipation of moneys to be received.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it has become or may become necessary in any of the cities of this state to use the whole or any part of the appropriation annually made by the state for the support of public schools therein, before the same has been actually paid over by the state to such city, it shall and may be lawful for such city to borrow, on temporary loans, in anticipation of such receipt, the whole or any part thereof; *provided*, the amount so borrowed shall not exceed in any one year the amount so apportioned.
- Proviso.
2. *And be it enacted*, That it shall be the duty of such city to pay off and discharge all such loans outstanding when such money so anticipated is received.
3. *And be it enacted*, That this act shall take effect immediately.
- Outstanding loans to be discharged when money is received.
- Approved March 30, 1889.

CHAPTER LXXXIII.

A Supplement to an act entitled "An act to provide for the incorporation of associations for the erection and maintenance of hospitals, infirmaries, orphanages, asylums and other charitable institutions," approved March ninth, one thousand eight hundred and seventy-seven.

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

2. *And be it enacted*, That any such change shall be adopted only by a two-thirds vote of the governors or directors of such association present at any regular meeting or at any special meeting called for the purpose of considering the same, and when so adopted, a certified statement of such change of name, signed by the president, and attested by the secretary, under the seal of the corporation, if it have a seal, shall be filed in the office of the clerk of the county wherein the hospital of such association is situated, and also in the office of the secretary of state of this state, and upon such filing the name of said association shall be changed as stated in said certificate, and the said change shall have the same force and effect as if the altered provision had been contained in the original certificate of incorporation; but no change in the name of such association shall in anywise affect or alter its rights and privileges or liabilities, but such association shall be entitled to have, receive and hold, under its new name, any property which it formerly held or which may be hereafter given or bequeathed to it under its original name. Change of name, how adopt. d. Where certificate filed.

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

Approved March 30, 1889.

CHAPTER LXXXIV.

An Act to authorize and require the legal voters of the several school districts in this state to vote by ballot at their annual and special school meetings.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That the legal voters of the several school districts in this state are, in each and every of the said school districts, hereby authorized and required to elect by ballot, and not otherwise, at their annual school meetings, their school trustees, until otherwise required by law.

Legal voters to elect school trustees by ballot.

To raise money for school purposes by ballot.

2. *And be it enacted,* That at each and every annual or special school meeting held in any school district in this state, the legal voters thereof shall vote by ballot, and not otherwise, to raise money for any school purposes whatever.

Repealer.

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

Approved April 1, 1889.

CHAPTER LXXXV.

An Act to repeal an act entitled "An act to amend an act entitled 'An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates,' approved the twenty-seventh day of March, one thousand eight hundred and seventy-four," approved the twenty-first day of April, one thousand eight hundred and eighty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to amend an act entitled 'An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates,' approved the twenty-seventh day of March, one thousand eight hundred and seventy-four," approved the twenty-first day of April, one thousand eight hundred and eighty-seven, Act repealed. be and the same is hereby repealed.

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

Approved April 1, 1889.

CHAPTER LXXXVI.

An Act concerning corporations having charge of funds for the benefit of indigent and infirm firemen of any city, and also their widows and orphans.

Treasurer to enter into bond. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of trustees of any corporation of this state, incorporated under a special act, and having charge of a fund for the benefit of indigent and infirm firemen of any city in this state, and also their widows and orphans, to fix the amount of the treasurer's bond at their annual meeting in each year, whereupon said treasurer shall enter into bond to said association in the amount so fixed, with two sufficient sureties, to be approved by such board, and who shall each justify before a master in chancery in the penal sum of said bond.

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

Approved April 1, 1889.

CHAPTER LXXXVII.

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

Appropriation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support and maintenance of the state industrial school for girls and for

necessary repairs, the sum of ten thousand dollars be appropriated, and that the state treasurer be authorized to pay the same to the treasurer of said school, on the warrant of the comptroller.

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

Approved April 1, 1889.

CHAPTER LXXXVIII.

An Act to extend the time for completing certain railroads incorporated under an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed under the act referred to in the title of this act has expired during the year one thousand eight hundred and eighty-eight, or shall expire during the year one thousand eight hundred and eighty-nine, such time shall be and the same is hereby extended for a further period of two years; *provided, however*, that this act shall not apply unless money has actually been expended in surveys or location of route, or in acquisition of right of way, or in construction; *and provided further*, that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all rights of exemption from taxation and from privileges and advantages arising from any law or contract (if any there be)

Time limited for completion of railroads extended.

Proviso.

Proviso.

establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence, or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of this state under any general law, and further agreeing that the exercise of any power granted by this act shall not, in any way, affect the rights of the state (if any there exist) to take the property of such corporation under any existing law of the state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

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

Approved April 1, 1889.

CHAPTER LXXXIX.

An act concerning fugitives from justice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful to take, or cause or procure to be taken, or to aid or abet in taking any person or persons from out of this state, whether with or without the consent of such person or persons, for the purpose of answering any criminal charge that may have been preferred against such person or persons in any other state, except upon the warrant or mandate of the governor of this state.

Unlawful to take
fugitive from
state except upon
warrant of
governor.

Governor may
issue warrant.

2. *And be it enacted*, That if the governor shall be satisfied that the facts in the premises justify the granting of an application for extradition, he shall thereupon issue his warrant or mandate to the sheriffs, under-sheriffs, detectives or constables of the several counties of the state, directing said officers to cause the said person or persons to be apprehended and delivered into the custody

of the officer or agent appointed by the governor of the state making such requisition to receive such person or persons.

3. *And be it enacted*, That on receiving said warrant or mandate from the governor as aforesaid, it shall be the duty of any sheriff or other said officer to whom it may be delivered to use all due diligence to cause said person or persons mentioned therein, if found in his county, to be arrested, if not already arrested, and to be delivered into the custody of the officer or agent aforesaid.

Duty of sheriff or officer to whom warrant is delivered.

4. *And be it enacted*, That it shall then be lawful for such officer or agent aforesaid to take such person or persons out of this state, giving a receipt for the body or bodies of such person or persons to the said officer, who shall transmit the same to the prosecutor of the pleas, who shall forward the same to the secretary of state.

Officer or agent to give receipt.

5. *And be it enacted*, That it shall be lawful for any police justice, recorder or justice of the peace, on satisfactory evidence under oath being presented to him that application has been made, or is about to be made, by the authorities of any other state to the governor of this state for the extradition of any person or persons within the jurisdiction of such magistrate, to issue a warrant or warrants for the arrest of such person or persons and to commit such person or persons to the county jail, or to take bail for his or their appearance from day to day for a period not to exceed thirty days from the date of the arrest of said person or persons; *provided*, that any person or persons who may be so arrested and committed to the county jail shall not be detained or imprisoned for a longer period than thirty days.

Magistrate may issue warrant for arrest and commit to county jail.

Proviso.

6. *And be it enacted*, That any agent or officer or other person appointed by or representing the authorities of any other state who shall violate any of the provisions of this act, or any person or persons who shall aid or abet such agent, officer or other person in the violation of any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than two hundred dollars and not to exceed one thousand dollars, or by imprisonment of not less than four months and not to exceed two years, or both, at the discretion of the court.

Penalty for violation of act.

Repealer.

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

Approved April 1, 1889.

CHAPTER XC.

An Act to specifically provide for the appointment for a definite term of a county superintendent of public works by the board of chosen freeholders of any county of this state in certain cases.

Boards authorized to appoint superintendent of public works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any board of chosen freeholders of any county in this state may, by resolution adopted by an affirmative vote of not less than a majority of all the members of such board, declare it to be for the best interests of the county that a county superintendent of public works shall be appointed for a fixed and definite term, it shall be lawful for such board to appoint some competent person to fill such place, who shall hold the same for the term of three years from the date of the appointment, and until his successor shall be duly chosen and qualified to act; *provided, however*, that it shall be requisite that the person appointed to said office or place shall receive at least a majority of the votes of all the members of such board.

Term of.

Proviso.

Annual salary to be fixed and duties.

2. *And be it enacted*, That the person so appointed as aforesaid shall receive such annual salary or compensation for his services during his term of service as shall be fixed at the time of the appointment, and he shall, under the direction of such board, have under his supervision all public works and such buildings erected or to be erected, and such lands and grounds under the jurisdiction and control of such board, as the said board shall designate;

and his duties in relation thereto shall be defined by the board aforesaid, by resolution, at the time of his appointment, and these and such other duties as such board, from time to time, may impose on him he shall perform; and for the faithful performance of the same he shall, before he enters on the duties of his appointment, be required to give bond to the said board in a sum not less than twenty-^{To give bond.} five thousand dollars, with at least two sureties, who shall be freeholders in the county, which bond must be submitted to such board for the approval thereof, and the same must be renewed annually; any person now holding an office or place known as county superintendent, or other like county officer or official, by virtue of appointment by any board of chosen freeholders, shall be eligible to and hereby is made eligible to appointment under this act.

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

Approved April 1, 1889.

CHAPTER XCII.

A Further Supplement to the act entitled "An act concerning marriages, births and deaths," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

3. *And be it enacted*, That no justice of the peace, minister of the gospel, or other 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 justice of the peace, minister of the gospel, or other person authorized to solemnize marriages as aforesaid, and shall be entered upon the back of said certificate of consent; and if the person called upon to solemnize any marriage shall suspect that any male applying to be married is under the age of twenty-one years, or that any female applying to be married is under the age of eighteen years, and no consent of the parent or parents, guardian or guardians, or person or persons under whose care and government such male or female may be, shall be obtained as hereinbefore directed, he shall administer to such male or female, or both, as the case may require, an oath or affirmation that such male is of the full age of twenty-one years, and that such female is of the full age of eighteen years, 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 age.

2. *And be it enacted*, That the fifth section of the act to which this is a supplement be and the same is hereby amended to read as follows:

Section as
amended.

5. *And be it enacted*, That every justice of the peace, minister of the gospel, or other person having, or pretending to have, authority to join persons in marriage,

who shall marry any minor or minors 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.

3. *And be it enacted*, That this act shall take effect on the first day of May, one thousand eight hundred and eighty-nine.

Approved April 1, 1889.

CHAPTER XCIII.

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

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

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the commissioners chosen under the act to which this is a supplement, shall have borrowed money for the construction of such ditches, drains and channels for the passage of water as they were

Section to be amended.

authorized to construct, or for the payment of land damages or awards for lands taken or used for such work, and have given certificates of indebtedness therefor, and the moneys raised by the assessment for benefits, together with the amount assessed against the township or townships and raised by taxation therein, as provided in said act, shall have been expended on said work, and there are not sufficient moneys in the hands of said commissioners available for the payment of such certificates and the interest thereon, after the same have become due, it shall be the duty of said commissioners, on application of the holders of one-half in amount of such certificates, to notify the township committee or township committees of the township or townships in which the drainage district lies, of the amount of such indebtedness remaining unpaid; and a sum sufficient to pay such certificates and the interest thereon, shall, at the next assessment for taxes for township purposes, be assessed and raised by general taxation in such township or townships, to be assessed, levied and collected in the same manner as other taxes for township purposes are assessed, levied and collected, and in case the drained district lies in more than one township, the said commissioners shall apportion the amount to be raised, to each township in proportion to the number of acres in each that are affected by such drainage; and when the amounts so assessed shall have been levied and collected, they shall be paid by the township collectors to the said commissioners, who shall forthwith apply the same to the redemption of such certificates," be amended so as to read as follows :

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the commissioners chosen under the act to which this is a supplement shall have borrowed money for the construction of such ditches, drains and channels for the passage of water as they were authorized to construct, or for the payment of land damages or awards for lands taken or used for such work, and have given certificates of indebtedness therefor, or have incurred any just indebtedness in the construction of said ditches, drains and channels, and the moneys raised by the assessment for benefits, together with the amount assessed against the township or townships and

raised by taxation therein, as provided in said act, shall have been expended on said work, and there are not sufficient moneys in the hands of said commissioners, available for the payment of such certificates and the interest thereon after the same have become due, or for the payment of any such just indebtedness incurred by said commissioners as aforesaid, and the interest thereon, it shall be the duty of said commissioners, on application of the holders of one-half in amount of such certificates, or upon the application of any person to whom they may be justly indebted as aforesaid, to notify the township committee or township committees of the township or townships in which the drainage district lies, of the amount of such indebtedness remaining unpaid, and a sum sufficient to pay such certificates and the interest thereon, or such other just indebtedness as aforesaid, and the interest thereon, shall, at the next assessment for taxes for township purposes, be assessed and raised by general taxation in such township or townships, to be assessed, levied and collected in the same manner as other taxes for township purposes are assessed, levied and collected; and in case the drained district lies in more than one township, the said commissioners shall apportion the amount to be raised, to each township in proportion to the number of acres in each that are affected by such drainage; and when the amounts so assessed shall have been levied and collected, they shall be paid by the township collectors to the said commissioners, who shall forthwith apply the same to the redemption of such certificates or the payment of any such just indebtedness incurred as aforesaid.

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

Approved April 1, 1889.

CHAPTER XCIV.

A Supplement to an act entitled "An act for the prevention of cruelty to animals," approved March eleventh, one thousand eight hundred and eighty.

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

Section as amended.

24. *And be it enacted*, That nothing in this act contained shall be held to prohibit or affect the shooting of pigeons from a trap upon the grounds of any shooting or athletic club ; *provided*, the birds are gathered up immediately upon being so shot, or the shooting or taking game or game fish in such manner and at such times as is or may be allowed or provided by the laws of this state.

Repealer.

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

Approved April 2, 1889.

CHAPTER XCV.

An Act to regulate the number and term of office of members of the common council in boroughs of the second class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in boroughs of the second class the common council shall consist of six members in addition to the mayor, if there be a mayor, and that all common councilmen, other than the said mayor, shall hereafter be elected for the term of three years; *provided, however, that at the first election held after the passage of this act, the ticket voted shall designate the names of two common councilmen who shall serve for the term of one year, two who shall serve for the term of two years, and two who shall serve for the term of three years, and that at each succeeding election two common councilmen shall be elected for the term of three years.*
2. *And be it enacted*, That the mayor of said boroughs of the second class, if there be a mayor, shall be elected and serve for the term as heretofore provided by law.
3. *And be it enacted*, That all vacancies in said common council shall be filled for the unexpired term only, and in manner as heretofore provided by law.
4. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act take effect immediately.
- Approved April 2, 1889.

Number of members of common council and term.

Proviso.

Term of mayor.

Vacancies in common council, how filled.

Repealer.

CHAPTER XCVI.

An act to authorize cities in this state to purchase pumps, where those in use are not sufficient for the necessary and proper distribution of water for public uses in said cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any city of this state water is distributed for drinking and other public uses therein, from reservoirs into and from which said water is pumped, the supply of said water is now or may hereafter become insufficient for the public requirements, or is or may become so insufficiently distributed as to unwarrantably expose public and private property to destruction by fire, owing to the fewness or condition of the pumps now or hereafter employed, and there is no appropriation or money of said city applicable to said purpose, then the board in said city having the control of the water-works and water-supply shall, by and with the consent and concurrence of the board of aldermen, common council or other municipal board having the control and management of the finances of any city, purchase a new pump or new pumps of such power and capacity as will properly and sufficiently supply and distribute the water in said city for the public uses and purposes; *provided*, that the amount of expenditure under this bill shall not exceed in the aggregate the sum of thirty-two thousand dollars.
2. *And be it enacted*, That in order to raise the necessary money for the payment of said pump or pumps, the municipal board having the management and control of the finances of said city so purchasing the same is hereby authorized and empowered to issue bonds of said city, in the usual form, either registered or coupon, in an amount necessary to pay for said pump or pumps, not exceeding in the aggregate thirty-two thousand dollars, bearing a rate of interest not exceeding four and one-half per
- Cities authorized to purchase pumps, &c.
- Proviso.
- May issue bonds
- Amount, rate of interest, and when payable.

centum per annum, payable semi-annually; said bonds shall be payable in five years from the date thereof, and shall be sold for not less than par, and there shall be a sum appropriated and put in the tax levy of such city each year sufficient to pay the interest on said bonds, and also there shall in each year be appropriated and put in the tax levy of such city a further sum equal to one-fifth of the whole of the cost of said pump or pumps, which shall, from year to year, be properly invested and put in a sinking fund of said city, to pay said bonds as they mature and become payable.

3. *And be it enacted*, That no pump or pumps, for the purpose aforesaid under this act, shall be purchased by any city except by contract, upon notice duly advertised.

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

Approved April 2, 1889.

CHAPTER XCVII.

An Act to provide for the keeping of an alphabetical index to the daily entry of deeds and mortgages required or authorized by law to be recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the clerks, registers or other officers who now are obliged by law to receive and record all deeds and mortgages, to keep, in addition to the daily entry of the same, an alphabetical index of all the names of the grantors in deeds, and the names of all mortgagors in mortgages that may be presented for record, and that said alphabetical index shall be made of all deeds and mortgages by said clerk, register or other officer in manner aforesaid in the same day, or the day following, such deeds and mortgages shall have been received for record.

Fee for keeping
index.

2. *And be it enacted*, That the said clerk, register or other officer, for his said services in keeping such index as aforesaid, shall receive the sum of three cents for each name so indexed, to be paid by the person offering the said deed or mortgage for record.

Repealer.

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

Approved April 2, 1889.

CHAPTER XCVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the lands of any idiot or lunatic, or any part thereof, shall be subject to an estate by the curtesy or in dower, or to an estate for life or years, devised to any woman in lieu of dower, and the person entitled to such estate shall consent, in writing, to accept in lieu of his or her right or estate in such lands, either a gross sum to be approved by the chancellor, or the investment of a reasonable sum with like approval, in such manner as that the interest thereof be made payable to the person entitled to such estate by the curtesy, in dower, or for life or years, during the period for which such estate would, by its own limitation, continue, the chancellor may, after such consent in writing has been filed in the office of the clerk in chancery, direct the payment of such sum in gross, or the investment of such sum as he shall deem reasonable, and shall be acceptable to the person entitled to such estate, in manner aforesaid;

Persons entitled
to estate in lands
of idiots and
lunatics may
accept gross sum
in lieu thereof.

Chancellor may
order payment,
&c.

which sum so paid or invested shall be taken out of the proceeds of the sale of the real estate of such idiot or lunatic, so subject to such estate as aforesaid; *provided*, Proviso. *however*, before any such sum shall be paid, or such investment made, the chancellor shall be satisfied that an effectual release of such estate or right has been executed.

2. *And be it enacted*, That if any woman entitled to dower, or to an estate devised for life or years, in lieu of dower, in the real estate of any idiot or lunatic, sold under the provisions of this act, shall be a married woman, it shall be lawful for such married woman to execute a release of her right, interest and estate in such real estate, without her husband joining in or executing the deed of such release, and to receive and hold for her own separate use, the moneys ordered by the court to be paid to her, or the interest on the sum invested for her benefit, for such release; and such deed of release, when executed and given as aforesaid, shall have the same force and effect as if her husband had joined in said deed, or as if she were sole and unmarried.

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

Approved April 2, 1889.

CHAPTER XCIX.

A Further Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall hire, or cause to be hired, for his or her own use, any horse, mare, mule, wagon or other vehicle or livery driving rig

Married women may execute release of rights in estate of idiots and lunatics.
Penalty for wilfully abusing &c. property of livery-keepers.

or outfit from any keeper of a livery stable resident in the state, and who shall willfully abuse, injure, overdrive or neglect to properly care and provide for and return any such personal property to the custody of the person so hiring out the same, every such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, or both.

Penalty for
fraudulently procuring, or misrepresentation,
&c.

2. *And be it enacted*, That any person hiring, or causing to be hired, for his or her own use, any of the personal property mentioned and described in the first section of this act, from any keeper of a livery stable resident of this state, and who shall obtain or procure such thing or obtain the possession, as aforesaid, through or by means of any false token, deceit, fraud or misrepresentation, every such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished in like manner as provided in the first section of this act.

Repealer.

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

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

Approved April 2, 1889.

CHAPTER CI.

An act confirming, validating, and legalizing deeds of conveyance of or for lands, tenements, hereditaments, or real estate heretofore made and delivered by any administrators or administrator with the will annexed, or by any administrators or administrator de bonis non with the will annexed, or by the survivors or survivor, or successors or successor of them, him or her, and making the record of said deeds admissible in evidence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any deed or deeds of conveyance, heretofore made and delivered by any administrators or administrator with the will annexed, or by any administrators or administrator de bonis non with the will annexed, or by the survivors or survivor, or successors or successor of them, him or her, of or for any lands, tenements, hereditaments, or real estate sold pursuant to the power, permission or direction in the said will annexed, given to or vested in the executors or executor named in the said will annexed, is and are hereby confirmed, validated, legalized and declared to be, and is, and are, and shall be as good, legal, valid and effectual, and the record thereof admissible in evidence, as fully and completely as if the said deed or deeds of conveyance had been, or was, or were made and delivered by the executors or executor named in the said will (although the terms of the said sale have not been submitted to the orphans' court of the county in which the said lands or real estate lie, or have not been approved by said court, or the second section of the act entitled "A supplement to an act entitled 'An act concerning executors and administration of intestate's estates' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, regulating the sale of

Conveyances
confirmed and
validated.

lands by administrators with the will annexed, or by administrators de bonis non with the will annexed, and defining their powers," approved April sixth, one thousand eight hundred and eighty-eight, or any part of said second section has not been complied with), except where said will has expressly confided the exercise of said power of sale to some other persons or person named therein other than the executors or executor named in said will.

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

Passed April 2, 1889.

CHAPTER CII.

An Act concerning the appointment of commissioners of assessment of taxes in certain cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state now having, or which may hereafter have a population of not less than fifty thousand inhabitants, there shall be appointed by the mayor, by and with the consent of the board of aldermen or other legislative body of said city, five commissioners of assessment of taxes; such appointment shall be made for not less than one year or more than five years; the term for each such officer shall be appointed to be determined and fixed by the mayor at the time of making such appointment; and when more than one such officer is appointed at one time, the several appointees may be appointed and confirmed to hold their respective offices for different periods of time within the limits aforesaid; no more than a bare majority of such board of assessors or officers shall at any time be members of one political party, and such officers

Mayor to appoint commissioners of assessment of taxes.

Term of.

No more than a majority of one political party.

shall hold their respective offices until their successors shall be appointed and qualified.

2. *And be it enacted*, That the provisions of this act shall apply to the appointment of such officers to fill any and all vacancies arising from death, resignation, removal or other cause that may hereafter arise in any of said cities, and that upon the happening of any such vacancy or vacancies, commissioners of assessment of taxes, commissioners of taxation or assessors of taxes, as such officers are called in any of said cities, may be appointed in the manner and for the period of time in the first section of this act set forth; *provided, however*, that this act shall not determine the term of office of any such officer now holding such office, nor shall it change or affect the duties of any such officer, and, upon being appointed under this act, they shall perform and discharge their duties of any such office as now required by law in the city in which they are appointed.

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

Approved April 3, 1889.

CHAPTER CIII.

An Act to authorize cities of the second class to extend the term of office and fix the rate of compensation of certain officers therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state wherein they have an officer known as city physician, that the board of aldermen, or other legislative body of any such city, may, by a majority vote, and at the time of the making of the appointment to

such office, fix the term for which such appointee may hold his office, which term shall not exceed three years, and may at the same time, and by a like vote, determine and fix the annual salary of such officer, to be paid him during the term so fixed.

Repealer.

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

Approved April 3, 1889.

CHAPTER CIV.

An Act providing for the election of the members of a municipal government by the people.

Members of governing board to be elected by legal voters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in every borough, police, sanitary and improvement commission, or other municipality, where the members of the governing board are in part elected by the legal voters and in part appointed by a justice of the supreme court, it shall be lawful, at the next general election of officers of any such municipality, to elect all the members of the governing board by the legal voters of the district, at the same time and in the same manner as the elective members of such board are now required to be chosen; and the appointive members shall cease to hold their offices from the date of such election; and the persons elected in their stead shall be chosen from the municipality at large.

Repealer.

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

Approved April 3, 1889.

CHAPTER CV.

An Act concerning corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation of this state, whether organized under a special act of incorporation or under general laws, excepting, always, railroad and canal corporations, to increase its capital stock to such an amount as may be determined by its board of directors; *provided*, that such corporation shall, previous to the issuing of any share of stock representing such increase of its capital, file in the office of the secretary of state for this state a certificate, signed by its president and under its corporate seal, attested by its secretary, setting forth the amount of the proposed increase of capital and the number of shares of stock into which the same is to be divided, and also the assent in writing of stockholders owning at least two-thirds in value of the existing capital stock, to said proposed increase of capital.

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

Approved April 3, 1889.

CHAPTER CVI.

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

Judges, how appointed and term of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of said courts shall be appointed by the governor, with the advice and consent of the senate, and shall continue in office for five years from the date of their several commissions.

Judges to continue in office.

2. *And be it enacted*, That the judges of said court now in office shall continue in office until the end of five years from the date of their election by the legislature in joint session.

Repealer.

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

Approved April 3, 1889.

CHAPTER CVII.

An Act to repeal an act entitled "An act concerning elections," passed March twenty-ninth, one thousand eight hundred and eighty-eight.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning elections," passed March twenty-ninth, one thou-

sand eight hundred and eighty-eight, be and the same is hereby repealed.

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

Approved April 3, 1889.

CHAPTER CVIII.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall have power to appoint six 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 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.

2. *And be it enacted*, That 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

Appointment of
deputy inspec-
tors, term and
salary.

Salary of inspec-
tor of factories
and workshops.

Inspector may
discharge
deputies.

Proviso.

deputy inspector shall be discharged without the consent of the governor.

Expenses, how paid.

3. *And be it enacted*, That 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.

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

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

Approved April 3, 1889.

CHAPTER CLIX.

An Act to extend until one thousand eight hundred and ninety-two, the time for completing certain railroads.

Time limited for completion of railroads extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed within this state, under any special or general act, has or shall expire during the year one thousand eight hundred and ninety, such time shall be, and the same is hereby extended for a further period of two years from the passage of this act; *provided, however*, that this act shall not apply unless money has actually been expended in surveys, or location of route, or in acquisition of right of way, or in construction since January first, one thousand eight hundred and eighty-eight; *provided, further*, that this act shall not apply to any corporation, unless such corporation shall first, and as a condition precedent to the exercise of any power granted by

Proviso.

Proviso.

this act, file in the office of the secretary of state, an agreement, to be approved by the governor and attorney-general, waiving all rights of exemption from taxation, and from privileges and advantages arising from any law or contract (if any there be), establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence, or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of this state, under any general law, and further agreeing that the exercise of any power granted by this act shall not, in any way, affect the rights of the state (if any there exist) to take the property of such corporation under any existing law of the state, and agreeing further, that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

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

Approved April 3, 1889.

CHAPTER CX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of four thousand dollars be and is hereby appropriated for the current expenses of said bureau, and that the further sum of two thousand one hundred and seventy-two dollars and seventy-nine cents, or so much thereof as may be necessary, is hereby appropriated to defray expenses incurred by the said bureau in excess of the amount appropriated

Appropriation
for current
expenses.

last year for its expenses, to be paid on the approval of the items by the governor.

Appropriation
for services of
secretary.

2. *And be it enacted*, That the sum of nine hundred and fifty dollars is hereby appropriated to be paid to Charles H. Simmerman, for services as acting secretary of said bureau.

Treasurer to
pay.

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

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

Approved April 3, 1889.

CHAPTER CXI.

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

Fee for filing list
of officers and
other certificates

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on filing the list of directors and officers annually by corporations doing business in this state, as now required by law, there shall be paid to the secretary of state, for the use of the state, the sum of one dollar, and for all other certificates relative to corporations, not otherwise provided for, the sum of twenty dollars.

Secretary of
state to compile
and publish list
of corporations
annually.

2. *And be it enacted*, That it shall be the duty of the secretary of state to compile and publish in pamphlet form, during the present year, from the records of his department, a complete list of corporations organized under the corporation or other general public laws of this state prior to the first day of January one thousand eight hundred and eighty-nine; and annually thereafter, on or before the first day of March, in like manner to compile

and publish a complete list of such corporations organized during the preceding year, together with the names of the officers and the location of the principal office of each in this state; the expense incurred in carrying out the provisions of this act, shall be paid by the secretary of state from moneys collected under this act, the act to which this is a supplement or other supplements thereto. ^{Expenses, by whom paid.}

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

Approved April 3, 1889.

CHAPTER CXII.

A Supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

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

45. *And be it enacted*, That each savings corporation shall pay five dollars annually on filing its annual statement, and the actual expenses of examinations made or to be made, as required by law, of any savings corporation, shall be paid by the corporation examined, and if any such corporation shall, after due notice, refuse or neglect for thirty days to pay such expenses, the secretary of state may maintain an action in the name of his office against such corporation for the recovery of such expenses. ^{Expenses of secretary of state in examinations, how defrayed.}

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

Approved April 3, 1889.

CHAPTER CXIII.

Supplement to an act entitled "An act to consolidate the several acts relating to game and fish in this state."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to capture, kill, or have unlawfully in possession after the same has been taken or killed, any quail, commonly called partridge, or any ruffed grouse, commonly called pheasant, or any rabbit, except only between the last day of October and the sixteenth day of December in any year, under a penalty of twenty dollars for each quail, grouse or rabbit so taken, killed or had unlawfully in possession.
2. *And be it enacted*, That no person or persons shall take, kill, or have unlawfully in possession after the same has been taken or killed, any woodcock, except only during the month of July, and also between the last day of September and the sixteenth day of December in any year, under a penalty of twenty dollars for each bird so taken, killed or had unlawfully in possession.
3. *And be it enacted*, That no person or persons shall take, kill, or have unlawfully in possession after the same has been taken or killed, any upland or grass plover, except only between the last day of July and the sixteenth day of December in any year; or any Wilson snipe, commonly called English or gray snipe, except only during the months of March and April, and also between the last day of September and the sixteenth day of December in any year, under a penalty of twenty dollars for each bird so taken, killed or had unlawfully in possession.
4. *And be it enacted*, That it shall be unlawful to take, kill or have unlawfully in possession, any reed bird, rail bird or any marsh hen, except only between the last day of August and the sixteenth day of December in any year, under a penalty of five dollars for each and every bird so taken, killed or had unlawfully in possession.

When unlawful
and penalties for
killing or having
in possession
certain game.

Quail, pheasant,
rabbit.

Woodcock.

Plover.

Snipe.

Reed bird, rail
bird, marsh hen.

5. *And be it enacted*, That nothing in this act shall prevent any one, duly authorized by an incorporated game protective society in this state, from capturing alive any quail for the sole purpose of protecting and preserving them alive during the winter months; *provided*, the birds so taken are released within the borders of this state.

Quails may be captured alive by game protective societies.

Proviso.

6. *And be it enacted*, That nothing in this act shall prevent any licensed or established dealer in game to dispose of such game mentioned in this act, ten days after the periods herein mentioned; *provided*, that such game was killed within the period allowed by this act, or was killed and purchased outside the limits of this state.

Dealers may dispose of game two days after periods mentioned.

Proviso.

7. *And be it enacted*, That all laws now existing, relative to the preservation of game treated of in this act, be and the same are, so far as the same are inconsistent with this act, hereby repealed.

Repealer.

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

Approved April 3, 1889.

CHAPTER CXIV.

An act to re-organize the board of chosen freeholders in counties of the first class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of December next, the board of chosen freeholders in counties of the first class of this state shall consist of one chosen freeholder from each assembly district of such county.

Board of freeholders to consist of one from each assembly district.

2. *And be it enacted*, That from and after the first day of December next, there shall be a director-at-large of said board, to be chosen and elected at large from the whole of such county; said director-at-large shall be the presiding officer of said board, and perform all the duties

Director at large.

of a presiding officer, excepting that the standing committees of said board shall be appointed by the members of said board.

One chosen freeholder to be elected from each assembly district.

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

Term of office.

Director at large, how chosen.

Term of office

When terms to commence.

Annual salary of members.

4. *And be it enacted*, That the said members of the board of chosen freeholders shall receive as a salary and compensation for their services as members of said board, the sum of twelve hundred dollars each per annum, and the director-at-large shall receive the sum of two thousand dollars per annum; such salaries shall be paid out of the county treasury by the county collector, in equal quarter-yearly payments as the same becomes due, and no other compensation shall be allowed, given or paid to

any of said members or the director-at-large for any services or expenses whatever; and before assuming the duties of his office, each freeholder and the director-at-large elected under this act, shall give a bond for the faithful performance of his duty, each freeholder in the sum of fifteen thousand dollars, and the director-at-large of the board in the sum of twenty-five thousand dollars, with two or more good and sufficient sureties, to be approved by a justice of the supreme court; said director and each of said chosen freeholders shall, before they enter upon the duties of their office, take and subscribe an official oath to faithfully, impartially and justly perform all the duties of their office according to the best of their understanding and ability, which oath shall be taken before a justice of the supreme court and filed in the office of the clerk of said county.

Members to give bond and take oath.

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

Certain laws to apply.

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

Boards elected and organized under this act vested with all powers, rights, &c.

7. *And be it enacted*, That any board of chosen freeholders existing in the counties subject to the provisions and within the purview of this act at the time of the passage of this act, shall continue to be the board of chosen freeholders for each of said counties respectively until

Existing boards to continue until November 30, 1889

and including the thirtieth day of November, one thousand eight hundred and eighty-nine, and the term of office of said chosen freeholders which otherwise would expire before said thirtieth day of November, one thousand eight hundred and eighty-nine, in each of the counties aforesaid, is hereby extended and continued to and including the thirtieth day of November, in the year of our Lord one thousand eight hundred and eighty-nine.

Term of office of
boards elected
before passage of
act, when to
terminate

8. *And be it enacted*, That the term of office of all chosen freeholders chosen and elected before the passage of this act in any of such counties subject to the provisions of this act, shall expire, terminate, cease and come to an end on the thirtieth day of November, in the year of our Lord one thousand eight hundred and eighty-nine, notwithstanding that such member of the board of chosen freeholders may or shall have been chosen and elected for a longer term, or a period extending over said thirtieth day of November, one thousand eight hundred and eighty-nine; and such member of such board of chosen freeholders whose term of office is continued or terminated by this act, shall only receive and be paid, as a salary and compensation for their services as members of said board, the proportion of the annual salary or emoluments now provided for by law.

Repealer.

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

Approved April 3, 1889.

CHAPTER CXV.

An Act to amend an act entitled "A supplement to an act entitled 'An act to incorporate boat clubs and other associations for the promotion of athletic exercises,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved March seventh, one thousand eight hundred and eighty-nine.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any club or association organized or existing under the act to which this is a supplement, or any incorporated body of this state, whose object of incorporation is the building, purchasing and sailing of yachts, the encouragement of yacht-building, and the cultivation and advancement of naval architecture, construction and service, or either of them, to consolidate with any other club or association existing under the act to which this act is a supplement. Section as amended.

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

Approved April 4, 1889.

CHAPTER CXVI.

An Act concerning colleges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any college in this state founded or hereafter to be founded under and by virtue of the provisions of any general act of the legislature of the state of New Jersey shall, in addition to the powers, rights and privileges conferred upon said college, have the right, power and privilege, as from time to time shall seem to the trustees and faculty thereof to be expedient and proper, to give diplomas and confer degrees upon those who shall successfully complete the prescribed course of study in such college, and to confer honorary degrees upon such others as shall be recommended for that purpose by the board of trustees of such college; *provided*, that nothing in this act shall be construed to authorize any such college to confer any degree or diploma authorizing the practice of medicine, dentistry or law.

Colleges authorized to give diplomas and confer degrees.

Proviso.

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

Approved April 4, 1889.

CHAPTER CXVII.

An Act regulating the continuance of investments by executors, guardians and trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds, mortgages, stock-shares or other security shall come, or shall have come into the hands of any executor, guardian or trustee, as part of the assets which he is to administer, or as part of the estate and fund he is to control or manage, it shall be lawful for such executor, guardian or trustee to present a petition to the court by which he was appointed, or to the court by law authorized to pass on his accounts, setting forth the nature and amount of such bonds, mortgages, stock-shares and other securities that have so come into his hands and to pray the direction of said court as to the sale and conversion of such bonds, mortgages, stock-shares and other securities, or as to their retention as an investment, and the said court, upon a consideration of all the circumstances of the case and the evidence produced, may make such order touching the sale or retention of such bonds, mortgages, stock-shares and other securities, or any part thereof, as in the judgment and discretion of the said court will be most advantageous to the trust-fund and to the interest of the persons entitled to share therein; and any executor, guardian or trustee continuing to hold any such bonds, mortgages, stock-shares or other securities as an investment, in pursuance of such order and direction, shall be fully protected thereby, and shall not be accountable for any loss by reason of such continuance; that no notice of any such application under this act shall be necessary, unless the court to whom the same is made shall otherwise order, and in that case such notice shall be given as said court shall then direct; *provided, however*, that nothing herein contained shall apply to cases where the deed of trust or the last will and testament of any testator, or the

Court may order sale or continue investments.

Proviso.

court having jurisdiction of the matter, specially directs in what manner the trust-funds shall be invested.

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

Approved April 4, 1889.

CHAPTER CXVIII.

An Act to repeal an act entitled "An act concerning cities of the third class," passed March twenty-ninth, one thousand eight hundred and eighty-eight.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning cities of the third class," passed March twenty-ninth, one thousand eight hundred and eighty-eight, be and the same is hereby repealed.

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

Approved April 4, 1889.

CHAPTER CXIX.

An Act to authorize the election of a city treasurer, in cities of the second class, for a longer term than one year.

Election and term of city treasurer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state in which the city treasurer is now elected for

the term of one year, the said city treasurer shall hereafter be elected and hold office for the term of two years.

2. *And be it enacted*, That all acts and charter provisions inconsistent herewith, be and they hereby are repealed, and that this act shall take effect immediately. ^{Repealer.}

Approved April 4, 1889.

CHAPTER CXX.

A Further Supplement to the "Act respecting conveyances" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the register of deeds in every county in this state be and he is hereby authorized during his continuance in office to perform all the duties and exercise all the powers belonging to the office of commissioner for taking the acknowledgment and proof of deeds, and each register of deeds aforesaid, upon taking any acknowledgment or proof by virtue of the powers conferred by this act, shall affix to his signature the words "register of deeds." ^{Register of deeds authorized to take acknowledgements of deeds.}

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

Approved April 4, 1889.

CHAPTER CXXI.

A Further Supplement to the act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands heretofore made by any executor or executors, administrator or administrators under the said act mentioned in the title of this supplemental act, and now unconfirmed by the proper court or courts, shall be invalidated or held void by reason of an adjournment of said sale for more than one week, not having been advertised in one of the two newspapers in which the notice of such sale was originally advertised; but all such sales shall be as valid and effectual in law as though such adjournment had been regularly advertised in both said newspapers publishing the notice of such sale originally; and any court or courts to which the report of any such sale has been or may be made is hereby authorized to confirm any such sale heretofore made the same as though the adjournment thereof had been regularly advertised in the two newspapers publishing the original notice of sale; *provided*, said adjournment so failed to be advertised was not for a longer period than two weeks, and such sale has in all other respects been made in accordance with law.

No sale of lands invalidated by reason of adjournment of sale.

Sales validated.

Court may confirm sale.

Proviso.

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

Approved April 4, 1889.

CHAPTER CXXII.

An Act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-four of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be amended so as to read as follows:

24. *And be it enacted*, That he shall examine and license teachers, fix the boundaries of school districts, divide and unite districts, form new districts, provide for graded schools and discharge other duties of general supervision and superintendence over the public schools of the county, in accordance with the regulations prescribed from time to time by the state board of education; that each incorporated city or town shall hereafter constitute but one school district for all school purposes, and such consolidated district shall hold all the property and be liable for all the lawful debts of the district so consolidated; *provided*, that when any county superintendent shall neglect or refuse to form a new school district, or change the boundaries of any existing school district, when petitioned in writing so to do, appeal may be made to the state superintendent of public instruction, who shall have the power to form such new school district or to change the boundaries as aforesaid, if in his judgment such new district or change in boundaries is necessary.

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

Approved April 4, 1889.

CHAPTER CXXIII.

An Act to amend an act entitled "A supplement to an act entitled 'An act to provide for the incorporation and regulation of insurance companies,' approved April ninth, one thousand eight hundred and seventy-five," which was approved March eighth, one thousand eight hundred and seventy-seven.

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

Section as amended.

6. *And be it enacted*, That it shall be unlawful for any company, corporation or association of any kind whatsoever, incorporated or organized under the laws of this state, or of any other state or nation, itself, or by its agents, solicitors, surveyors, canvassers or other representatives of whatever designation, or for any such agent, solicitor, surveyor, canvasser or other representative, or any individual or firm, whether on behalf of any such company, corporation or association or not, to solicit or negotiate any contract of insurance of any kind, 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, to transact the business of insurance of any kind whatsoever, within this state, unless such company, corporation or association, individual or firm, shall be authorized to transact business in this state under the provisions of the act to which this is a supplement, and the supplements thereto.

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

7. *And be it enacted*, That the penalty for each and every violation of this act and of the act to which this is a supplement, and the supplements thereto, shall be five hundred dollars, and all costs of suit, to be sued for and collected, on complaint, in the name of the state, by the secretary of state; the first process against any person complained of may be a *capias ad respondendum*, and the person or persons against whom a 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 to the charitable fund of any fire department in said county, and the other half to the secretary of state for the use of the state, and the necessary expenses of enforcing the provisions of this act and the act to which it is a supplement and the supplements thereto, when not otherwise provided for, shall be paid by the secretary of state out of the fines so collected, and the fees and taxes paid by insurance companies of other states or nations, authorized to transact business in this state.

Section as amended.

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

Repealer.

Approved April 4, 1889.

CHAPTER CXXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township in this state to make such abatement, revision, alteration, adjustment and settlement of past-due taxes and assessments, both of principal and any and all interest and penalties

Township committees may make abatement, adjustment and settlement of past due taxes and assessments.

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thereon, as such board shall deem equitable and just and to be for the best interest of such township; *provided*, that the provisions of this act shall not in any wise affect or impair the interest or any lien of any purchaser other than such township, acquired under any sale made for past-due taxes or assessments.

Proviso.

Township collector to accept sum agreed to be accepted.

2. *And be it enacted*, That it shall be the duty of the township collector, upon receiving a certified statement of the amount which the township committee shall have agreed to accept in full satisfaction of such unpaid taxes and assessments, or either, to accept such sum so agreed to be accepted, in full satisfaction of such taxes and assessments, and to give a receipt for the amount paid in satisfaction thereof, to the person paying the same; which receipt, accompanied by said statement, shall be sufficient evidence of the payment and satisfaction of such taxes and assessments, and upon presentation thereof, with the tax bill annexed, to the clerk of the county, he shall satisfy the tax or assessment record in his office relating to unpaid taxes and assessments, or either or both of them, as far as relates to the payment of the said tax or assessment.

Act, when to be operative.

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

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

Approved April 4, 1889.

CHAPTER CXXV.

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

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

4. *And be it enacted*, That the said council or township committee of any such town or township, and the proper municipality of such adjoining municipalities, instead of making the contract or agreement provided for by the first section of this act, may each appoint one disinterested commissioner, who, after first making oath or affirmation, in writing, that they will exercise the powers and discharge the duties vested and imposed upon them honestly and faithfully and to the best of their ability and understanding, shall appoint an additional disinterested commissioner to act with them, who shall reside in the county, but shall be a non-resident of either such town or township or such adjoining municipality, who shall make the same oath or affirmation as is above required to be made by the other commissioners, all of which oaths or affirmations aforesaid shall be filed in the office of the clerk of the county in which such municipalities are situated; the compensation of each of the said commissioners shall be the sum of five hundred dollars for services required of them under the provisions of this act, which said compensation shall be apportioned in equal amounts between or among such municipalities, and said commissioners shall draw an order on each municipality in favor of the chairman of the said commission, which order shall be

Section as amended.

paid on presentation by the municipality on which it is drawn, and it shall then be the duty of the said chairman of said commission to pay to each of said commissioners the compensation herein specified.

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

Section as amended.

5. *And be it enacted*, That after filing the oaths provided for in the next preceding section the commissioners shall consider all the territory in each municipality and shall ascertain and determine the area in each having no sewerage which could be conveniently drained and sewered into the same outlet or main sewer, and shall make a map showing such drainage area, divided into lots and parcels of land, and showing also the size, route and outlet of a main or outlet sewer proper and sufficient for that purpose; they shall also prepare plans of the work required to be done thereon, and also an estimate or estimates of the probable total costs and expense of constructing the same; they shall likewise ascertain and determine the probable assessment which will be levied or imposed upon each lot and parcel of land in such drainage areas specially benefited by the construction of such sewer, and also the proportion of the total cost and expense of construction which each municipality ought to contribute and advance during the progress of the work; and the amount to be advanced by each municipality shall be in such proportion as the total estimated special benefits therein shall bear to the aggregate of the special benefits in all the municipalities joining in such proceeding, and without unnecessary delay shall make and file with the proper authorities of each municipality joining in such proceedings duplicates of their reports, plans, estimates and maps; and such duplicates shall remain open to public examination and inspection in the respective municipalities in which they may be filed until the time for presenting objections thereto, as hereinafter provided, shall have expired; notice of the filing of such reports, plans, estimates and maps shall be published by the clerk of each municipality, in the official newspapers thereof, for four weeks successively, at least once in each week, which said notice shall also describe the boundaries of the drainage

area in each municipality affected thereby, and shall designate the place or places in either of such municipalities where such reports, plans, estimates and maps can be seen and examined, and shall specify the time within which and the place where written objections to the construction of such proposed sewer may be filed, the last day of which time shall not be less than forty days from the date of the first publication of such notices; all written objections to the construction of such proposed sewer shall be filed with the clerk of the municipality which includes the drainage area in which the land of the objecting owner lies, and each of said clerks shall, at least fifteen days prior to the expiration of the time specified in such notice, post printed copies of such notice in at least twenty conspicuous places in the drainage area in the municipality of which he is clerk; at any time prior to the publication of the notice of the filing of such reports, plans, estimates and maps, as hereinbefore provided, the commissioners may, in their discretion, file supplementary reports, plans, estimates and maps, changing, altering or extending the original reports, plans, estimates and maps; in case the commissioners shall file such supplementary reports, plans, estimates and maps as aforesaid, then such supplementary reports, plans, estimates and maps shall take the place of the original reports, plans, estimates and maps, which said original reports, plans, estimates and maps shall then be null and void and of no effect; *provided, however*, that nothing Proviso. in this act contained shall prevent the commissioners from making slight changes in the location, grade and plans of such sewer, during the progress of its construction, in order to reduce the cost of same or to make it more effective for the purpose of its construction.

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

6. *And be it enacted*, That within fifteen days after the expiration of the time named in said notice, the council, governing body or proper board of such municipalities shall respectively meet and examine the written objections to the construction of such proposed sewer that have been filed with their respective clerks; and if a majority in Section as amended.

amount of the estimated probable assessment in the drainage area in either of such municipalities shall have objected thereto in writing, then, upon its being so certified by the clerk thereof to the said commissioners, no further proceedings shall be had or taken by said commissioners; and in that event, the costs and expenses of said commission, including compensation to a counsel and a competent engineer, the said commissioners being hereby authorized to employ one of each, shall be determined upon and shall be borne and paid equally by said municipalities.

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

Section as amended.

9. *And be it enacted*, That the said commissioners shall have full power and authority to enter into contracts with responsible persons, as hereinafter provided, for doing the work and furnishing the necessary materials required in the construction of such sewer or any section thereof, together with proper appurtenances thereof; they shall advertise for proposals in at least two newspapers published in the county in which such municipalities are situated, for doing the work and furnishing the materials for the whole sewer or for any section thereof, and the contracts shall be awarded to and made with the lowest responsible bidder who will comply with the requirements of the commissioners and will give ample security for doing such work and furnishing such materials according to contract.

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

Section as amended.

10. *And be it enacted*, That the commissioners shall, on the sworn certificate of their engineer and such other evidence as they may require of the completion of any portion of the work, apportion the amount to be paid therefor by each municipality appointing said commissioners, and shall draw an order on each in favor of the contractor or contractors for the amount so apportioned to it, which order, on presentation, shall be paid by the municipality on which it is drawn, either in money or improvement certificates or in the bonds of such munic-

pality, as may be agreed upon; *provided, however*, that at no time before said work shall be fully completed shall the said commissioners draw orders for more than eighty per centum of the work done, and when such work shall have been fully completed, orders for an additional ten per centum thereof may be drawn, and at the expiration of not more than six months thereafter orders for the remaining ten per centum may be drawn; and in case either municipality shall fail or refuse to pay any order drawn thereon by said commissioners on presentation, an action shall lie against it in favor of the person to whom it is made payable; proof of the issuing of such order by the said commissioners shall be sufficient proof of the liability of such municipality.

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

15. *And be it enacted*, That whenever any sewer proposed to be constructed under this act, shall be located so as to empty or discharge its contents into any creek, and a written request and demand of the governing body or proper authority of any municipality bordering upon said creek, shall be made to said commissioners, for the erection of tide and sluice banks and sluice gates in said creek, in connection with said sewer and as a part thereof, as hereinafter mentioned, then and in that event no sewer shall be built and constructed under this act so as to empty or discharge its contents into such creek, unless the said commissioners shall, and they are hereby authorized and directed to build and construct, or cause to be built and constructed, in connection with and as a part of said sewer, in and across said creek, such suitable and substantial tide and sluice banks, with the necessary sluice gates therein, as will best protect the lands lying above the same, and the public health of said municipality, making said request, from the effects of said sewer and outlet; the same to be placed in said creek above the outlet of such sewer, at a place to be selected by said commissioners, and the same to be of such plan and design as may be mutually agreed upon by said commissioners and said governing body of said municipality making such request and demand; and in case of the

refusal of any such municipality to agree as aforesaid, then the same to be of such plan and design as may be fixed and determined by the board of health of the state of New Jersey, upon application for that purpose made, and after notice to and hearing of the other party or parties interested; and the cost and expense of the construction of said sluice and banks shall be included by said commissioners in the estimate and assessment of said sewer; and said sluice and banks, after their completion, shall be forever thereafter maintained and kept in repair at the joint expense of said municipalities constructing said sewer; *provided, however*, that no sewer, or the outlet thereof, shall, in any event, be constructed or located so as to empty, drain or discharge its contents into any creek across which there is any bridge forming part of a public highway, unless it be at a point or place in said creek at least fifteen hundred feet from such bridge and highway; *and provided further*, that said sewer shall not be used, or its contents allowed or permitted to empty or drain into said creek, until said sluice and banks are first built [and] erected as hereinbefore provided.

Proviso.

Proviso.

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

Section as amended.

16. *And be it enacted*, That where, in any municipality affected by this act, the power to build and construct sewers is vested in any particular board or boards, department or departments, thereof, the powers and duties herein vested in and imposed upon the authorities 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 the board or boards, department or departments, thereof, in which the power to build sewers is vested; 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 powers and duties herein vested in and imposed upon such municipality in sections ten and eleven of this act, shall be exercised and performed by such board or department.

8. *And be it enacted*, That in case any drainage area established or that may be established by said commissioners shall include lands in which any commissioner is, or at the time of his appointment was interested as owner or otherwise, the proceedings, report, maps, plans and estimates made and filed by said commissioners, shall not be deemed to be invalidated thereby, but shall be as valid and effectual as if all of said commissioners were or had been disinterested in such proceedings, but from and after the filing of such report, maps, plans and estimates, the place of any commissioner interested as aforesaid shall be deemed and taken to be vacant and a new commissioner shall be appointed in his place by the body or board making the original appointment; but said commissioner interested as aforesaid shall be entitled to and receive the compensation provided for in the act to which this is a supplement, from the municipality which appointed him.

Proceedings, &c., not invalidated by reason of any commissioner being interested in lands.

9. *And be it enacted*, That after the confirmation of the final assessment for any sewer constructed under the provisions of this act, the said commissioners shall so fix and determine the proportion of the total cost and expense which each municipality shall bear and pay, that the amount to be borne by each municipality shall be in the same proportion to the total cost of the improvement as the sum of the assessment for special benefits therein bears to the aggregate special benefits assessed for the improvement; and if it shall appear that any municipality has contributed more towards the cost of the improvement than its fair proportion thereof, the excess thereof shall be forthwith repaid to it by the other municipality or municipalities, and the said commissioners shall fix and adjust the amount so to be paid back, having due regard to the proportions aforesaid.

Commissioners to fix and determine cost, and expense to be borne by each municipality.

10. *And be it enacted*, That no writ of certiorari or other writ or process shall be allowed or granted to review the assessment for any sewer constructed under the authority of the act, unless such writ or process be applied for within three months after the confirmation of such assessment.

When writ of certiorari.

11. *And be it enacted*, That after the completion of any sewer constructed under the authority of this act, the same shall be maintained and kept in repair, with all its

Sewers, by whom maintained.

appurtenances, at the joint expense of all the municipalities using the same.

Lands to be included in drainage area.

12. *And be it enacted*, That it shall be lawful for the said commissioners to include within any drainage area established by them, all lands which are without sewerage and which in the judgment of said commissioners can be conveniently drained and sewered by the sewer proposed to be constructed by them, notwithstanding such lands may have been heretofore included within the limits of the drainage area of some other main sewer and assessed therefor; and in case the said commissioners shall include any such lands in their drainage area, such land shall therefor be discharged from any prior assessment for a main sewer imposed thereon, and in case any such assessment shall have been paid the assessment so paid shall be refunded by the municipality to which the same was paid or may be deducted from any assessment imposed on such lands for a sewer constructed under the provisions of this act.

Repealer.

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

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

Approved April 4, 1889.

CHAPTER CXXVI.

An Act to authorize the condemnation of lands in the cities of this state whereon public school buildings may be erected, and which shall be devoted to use for public school purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in the judgment of the board or body having control of the public schools, and the authority to purchase lands therefor in any of the cities of this state, the price demanded by the owners of any land or real estate which may be deemed by such board or body necessary for the use of the public schools of any such city, is exorbitant and more than the reasonable and fair market value thereof, it shall and may be lawful for such board or body, with the concurrence of the common council (whenever the concurrence of the common council or other governing body is necessary for the purchase of lands for public school purposes in any such city), to apply to a judge of the circuit court in and for the county in which such city is located, for the appointment of three commissioners to make an appraisement of the value of the lands and of the damages which the owner or owners may suffer by reason of the taking and condemnation thereof; such application shall be made upon petition, setting forth that the said board or body has been unable to agree with the owners for the purchase of such lands, and that the price demanded therefor is, in the judgment of the said board or body, exorbitant, and more than the market value thereof, and praying that the same may be condemned, giving in the said petition a description of the lands which it is desired shall be condemned for the purposes aforesaid, and thereupon it shall be the duty of the said judge to appoint as commissioners three suitable persons (who shall be freeholders and residents in the county within which such application is made), to make an appraisement of the

Board may apply to judge for appointment of commissioners for appraisement of lands, &c.

Application, what to state, &c.

Appointment of commissioners.

value of the lands so to be condemned, and of the damages which the owner or owners of such lands may suffer by reason of the taking thereof.

Commissioners to estimate and determine value of lands and damages.

Proceedings in case owner is an infant, married woman, &c.

Owners aggrieved may appeal.

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

upon all parties as to the said valuation and damages, and the amount already paid or deposited as aforesaid shall be increased or diminished accordingly.

3. *And be it enacted*, That all titles taken for the purposes mentioned in this act shall be in the name of the city in which the said lands are purchased or condemned by virtue of the provisions of this act. Titles.

4. *And be it enacted*, That the commissioners so to be appointed by the said judge of the circuit court shall receive such compensation for their services as the said judge shall order and direct, and the same, as well as the other expenses incident to the condemnation proceedings, shall be paid by the said city in which the lands are situated. Compensation of commissioners.

5. *And be it enacted*, That any city in which such condemnation proceedings are taken shall provide the necessary funds to pay for the lands so condemned and the damages for the taking thereof, and such other expenses as may be incidental thereto, and for this purpose shall have power to raise money by taxation. Funds to pay lands, and expenses, by whom paid.

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

Approved April 4, 1889.

CHAPTER CXXVII.

An Act concerning the government of cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the cities in this state the mayors thereof respectively shall appoint all city controllers, city treasurers and city collectors in lieu of, and to be substituted for, and to act in place of, and who shall in each case respectively be invested with and shall perform all the powers and duties of any such officers, by whatsoever title they may be designated, now authorized Mayor to appoint certain city officers.

Salaries. by law to act therein; and that each of said officers so appointed by the mayors shall receive a salary of three thousand dollars per annum, and that their terms of service shall be two years in each case; and the terms of the first officers appointed hereunder shall date from the date of their appointment under this act; and that such

To give bond. officers shall give bonds for the faithful discharge of their duties in such amounts as may be fixed by the board of finance in and for any city, and which bonds shall be approved as to sufficiency by said board; and that the term of service of every such officer named herein now holding office in any such city shall end on the appointment and qualification of his successor as herein authorized; and every such officer shall immediately deliver up his office and all books and papers, matters and things whatsoever connected therewith to his said successor; any vacancy in either of the offices herein provided for shall be filled in the same manner, but for the unexpired term only; each of the officers named in this section shall have power

Vacancies, how filled. to employ a deputy, which deputies shall assist said officers in the discharge of their several duties, and act in their stead during absence or disability; and all such officers and deputies shall be sworn in as such officers are now sworn in, in each of said cities; and every such

Officers to employ deputies. deputy shall give bonds in such amount as the board of finance shall fix, to be approved in the same manner; said deputies shall each receive a salary of fifteen hundred dollars per annum, and shall serve during the pleasure of the appointing power; such other clerks and messengers may be employed from time to time by the chief officers herein named as may be necessary or convenient for the proper transaction of the public business, with the consent of the board of finance of the city, as in this act authorized; the appointing power to fix their compensation, not to exceed in any case one hundred dollars per month; proper and convenient offices shall be provided in each case, and the necessary supplies furnished at public expense, and the amounts thereof provided for in the annual tax levies of every city.

Deputies to give bond, &c.

Clerks and assistants.

TAX COMMISSIONERS.

2. *And be it enacted*, That in lieu of the method of appointing or electing assessors or tax commissioners in any city, there shall be appointed by the mayor thereof a board of three tax commissioners, whose terms of service shall be three years; they shall meet as soon as convenient after their appointment and organize by choosing one of their number to be president to serve for the ensuing year, and shall [so] choose a president each year thereafter; the board shall appoint a clerk, to serve during the pleasure of the board, to be paid a salary at the rate of fifteen hundred dollars per annum, and the members of the board shall each receive twenty-five hundred dollars per annum as compensation; the first appointments of tax commissioners hereunder shall be one for one year, one for two years and one for three years from the date of their appointment hereunder, 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.

Board of tax commissioners, appointment, term of office, salary, &c.

3. *And be it enacted*, That the several boards of tax commissioners herein provided for, may establish rules and regulations for the transaction of their business, not inconsistent with any ordinance of the city in which they are appointed, nor with any law of this state; the assessment-books shall be open to the inspection of any taxpayer during all business days, between ten o'clock in the forenoon and three o'clock in the afternoon; the acts of two members at any meetings of the boards shall be the acts of the boards respectively; the boards of tax commissioners and the tax commissioners provided for in this act shall be substituted for, and shall become possessed of and invested with all of the powers, and shall perform all of the duties now provided by law for any assessors or board of assessors, or tax commissioners or board of tax commissioners, in any city in this state, and in addition thereto they shall be the commissioners of appeal in cases of taxation for the cities in which they are appointed; separate assessment-books shall be made out each year for every ward or district as now required

Board to establish rules, regulations, &c.

Powers of.

by law, if any such requirement exists, for each or any of said cities; and when said books have been approved and accepted at a meeting of the board of finance, herein provided for in any city, the amounts therein assessed against or upon each piece or parcel of land or property shall become a lien upon the same according to law, to be collected and dealt with as now required by the law in that respect governing such city, or by any law of the state applicable thereto.

May employ assistants, &c.

4. *And be it enacted*, That the several boards of tax commissioners herein authorized may employ such assistants, clerks or servants as may from time to time be needed for the proper and convenient transactions of the public business and the proper discharge of the duties imposed upon them by law, and fix their compensation, but no such compensation shall in any case exceed one hundred dollars per month; the number and compensation of such assistants, clerks and servants to be fixed by the board of finance; offices and supplies shall be furnished for every such board at public expense, and the cost thereof provided for in the annual tax levy of every such city; the tax commissioners provided for herein shall each give bonds in ten thousand dollars for the faithful discharge of their duties, to be approved by the board of finance in every such city.

Certain offices to cease when appointment of successors.

5. *And be it enacted*, That the office of assessor or tax commissioner, or commissioner of appeals in cases of taxation, now existing in any city in this state, shall cease and end upon the appointment and qualification of their successors as herein provided, and all books and papers, matters and things connected with either of said offices shall be delivered up to the boards of tax commissioners herein authorized, respectively.

LAW OFFICERS.

Law officers, duties, terms and salaries.

6. *And be it enacted*, That in every city in this state the mayor thereof shall appoint a corporation counsel and a corporation attorney, to be paid such salaries respectively as are now provided by law for similar officers in the city for which they are appointed, who shall hold office for two years, and discharge the duties

that now devolve upon similar officers and offices in each of such cities respectively, under such requirements and regulations as are now provided by law, and in addition thereto such duties as are herein provided; and the offices of corporation counsel, and of corporation attorney in any city now existing, shall become vacant on the appointment of their successors as provided herein, and said offices shall be filled by their successors so appointed; any vacancy shall be filled in the same manner, but for the unexpired term only.

STREET AND WATER COMMISSIONERS.

7. *And be it enacted*, That it shall be lawful for the mayor of any city in this state to appoint three suitable persons, to be known as street and water commissioners, one for the term of one year, one for the term of two years and one for the term of three years, from the date of their appointment hereunder, and at the expiration of the term of service of each of said commissioners another shall be appointed in his place in the same manner for three years, so that the term of service of all such commissioners under this act thereafter appointed shall be three years, and they shall be the board of street and water commissioners of the city in and for which they are appointed; they 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 each, to be approved as to sufficiency by the board of finance in and for the city in which they are appointed, for the faithful discharge of their duties; the commissioners first appointed hereunder shall meet as a board as soon as practicable thereafter, and shall select one of their number to act as president for the ensuing year, and thereafter they shall so select a president each year; the said board of street and water commissioners shall have power to employ or appoint from time to time such engineers, surveyors, clerks and other persons to aid them in the execution of this act as they may deem necessary or as may be authorized or required by law for any such city, and to fix their compensation; the acts of two members shall be the acts of the board, and any vacancy shall be

Street and water
commissioners,
appointment
and terms.

To give bond, &c

May employ
engineers, &c.

filled by the mayor for the unexpired term only; no more than two members shall be appointed from the same political party.

Powers and
duties vested.

8. *And be it enacted*, That the board of street and water commissioners 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 street commissioners or board of public works, or any board or authority now having power to lay out, open, grade, alter, vacate or change the lines of streets, or to pave, repair or clean streets and sewers, or to make street or sewer improvements and constructions, or having charge, control, operation, management, maintenance and construction of water-works and the water-supply, and the distribution, sale and use of water, and the control and management and use of all public docks, wharves and bulkheads, and the erection of and repair of public buildings, and the purchase of the lands and real estate therefor, in any city, and the office of street commissioner, or commissioner of public works, in any city, is hereby abolished from the time the first street and water commissioners appointed under this act are qualified; and all books and papers, property and effects, matters and things whatsoever now used by or heretofore in charge of any such officer, or any board or body, and used for any purpose whatever in the exercise of the powers and duties by this act conferred upon the board of street and water commissioners herein provided for and authorized, shall at once be delivered to said board of street and water commissioners, or to the person or persons designated by said board to receive the same in any such city.

Power to repave
and improve
streets, &c.

9. *And be it enacted*, That the board of street and water commissioners herein authorized shall have power, in their discretion, to repave and improve, according to specifications adopted by said board for material for any such repaving, and for work in each case, any part of any street, lane, alley, avenue or public place already paved in any city, a part of the expense to be assessed on the property benefited in proportion to benefit received, but in no case for more than one-third of the cost thereof, and in no case beyond the benefit received; *provided*, the owners, or their legal representatives, owning or repre-

Proviso.

senting a majority of the lineal feet of frontage of any such street, lane, alley, avenue or public place, or part thereof, shall petition said board to have the same so repaved and improved, and said board shall have power to proceed and do such repaving and improving without such petition, by a unanimous vote of the board, proceeding in all things as now required by law for like street improvements in any such city, except as herein otherwise provided.

10. *And be it enacted*, That the said board of street and water commissioners shall have power, in addition to all other powers granted by law, in their discretion, to change the grade and so establish a new grade for any part of any street that is to be repaved or repaired as in this act authorized; and the cost of all such excavating or grading down, or of the filling in to bring the street or part thereof up to the new grade so established, shall be borne by the city at large; said board shall have power to adopt maps, grades and specifications for curbs along any such streets and for sidewalks, and may supply, set and reset such curbs, and supply, grade and lay and relay the sidewalks wherever needed to make them conform to the grade or specifications adopted for curbs or sidewalks in any such street, and to the new grade established for any such street, or curbs, or sidewalks, if any have been so adopted or established; and the cost of all such improvements for curbs or sidewalks, and laying, setting and relaying or resetting, as the case may be, shall be assessed upon the property benefited, and upon each piece or parcel of land, in proportion to benefit received; but if the cost shall be more than the benefit received, then the excess of cost over benefit shall be borne by the city at large; and all assessments for improvements authorized by this act shall be made, levied and collected in form and manner as other assessments for similar improvements are made, levied and collected in any such city, and with the same penalties for non-payment, including the right on the part of the city to sell the property for such non-payment; and said board shall have the power to require any property-owner or property-owners to alter, repair, lay or relay, set or reset,

Power to change
and establish
grades of streets,
&c.

Cost of improve-
ments, how
assessed, &c.

May require
property owners
to alter, repair,
&c.

with curbstones or flagstones, or other material, and to supply and lay or set new curb or sidewalk, all in accordance with the specifications adopted for any such curb or sidewalk in front of the property of any such owner or owners; and if any such property-owner or owners shall neglect or refuse to make the repairs required by the board of street and water commissioners, as herein authorized, for four weeks after notice shall have been served upon such owner or owners, or mailed to the last known post-office address of such owner or owners, or of their known agents in charge of such property, then the board may make such repairs and assess the expense thereof upon such property, to be collected as other assessments are collected in any such city, and with the same penalties for non-payment as are authorized by law for any such city in cases of street or sewer improvements and assessments therefor, including the power to sell the property for non-payment.

Board empowered to improve streets, &c., at public expense.

11. *And be it enacted*, That the board of street and water commissioners herein provided for shall have power, in their discretion, to repave, repair or improve, at public expense, any part of any street, lane, alley, avenue or public place already paved or that has been paved, to be paid for out of the funds raised by the issue of licenses for the sale of spirituous or malt liquors, as hereinafter provided, if any such licenses are granted in any such city.

Expenses for improvements to be paid out of license fees received.

12. *And be it enacted*, That the moneys necessary to pay the expense, or that portion of the expense that is by this act to be paid by any city for repaving, repairing or improving streets, lanes, alleys, avenues or public places, or parts thereof that have before been paved, shall be raised and furnished by license fees for the sale of spirituous or malt liquors as provided by law, or as may be provided by or for any city; and one-half of the fees so received for such licenses, if any are granted, in such city for and during three years next after the passage of this act, shall be kept as a separate fund, and shall be disbursed exclusively by the board of street and water commissioners herein provided for, in the repaving, repairing and improving of streets, avenues and public places as herereinbefore provided, and for no other purpose; and

License fees to be kept as a separate fund.

in case no such licenses are granted or fees received, then no such expense shall be incurred under this act.

13. *And be it enacted,* That whenever in any city the board of street and water commissioners provided for in this act shall make any contract for opening, grading, improving, paving or repaving any street, or the construction or repair of any sewer, for the faithful execution of which the contractor shall give bonds, said bonds shall first be approved as to sufficiency by the board of finance provided in this act, and no contract shall be binding upon the city or become effective or operative until said bonds are so approved by said board, and no such contractor shall commence any such work or incur any expense whatever to be paid by the city, or by assessment upon property, as the case may be, until the board of finance aforesaid has approved of the bonds proposed to be given as aforesaid; the president of said board of finance shall have power to examine the proposed bondsmen under oath, if he shall so desire or shall be so instructed by the board; but the board shall not be bound by any statement that may be made by any such proposed bondsmen, but shall have absolute discretion in the whole matter; this provision shall be referred to in any advertisement inviting bids for any such public work.

Contractors of improvements to give bonds.

No contract binding until bonds approved.

Power of president of board of finance

14. *And be it enacted,* That the street and water commissioners herein provided for shall be paid two thousand dollars each per annum, as compensation for their services.

Salaries of board.

15. *And be it enacted,* That every power and duty of every kind in relation to the subject-matters contained in sections seven to twelve hereof, inclusive, now existing in any officer or officers, or board, or authority, in any city, shall be performed by the board of street and water commissioners in this act provided for; and such board, in the exercise of such powers and duties, shall be substituted for any board or authority, or officer or officers, now performing or exercising any such powers and duties, and the powers and duties aforesaid of the latter shall cease as herein provided.

Power and duties vested in board.

FINANCE.

Board of finance,
appointment,
term, and salary.

16. *And be it enacted,* That in every city in this state there shall be a board of finance, to be composed of the president of the board of aldermen or common council, and of four suitable persons to be appointed by the mayor; no more than three of the members of said board shall be from the same political party; the term of service of those so appointed by the mayor shall be two years; and the first appointments shall be two for one year and two for two years, and thereafter those appointed to take the place of those whose terms expire shall be appointed for two years; the term of service of those first appointed shall date from the date of their appointment under this act; and the members of said board shall be paid five hundred dollars per annum each as compensation; and the said board shall be in place of, and be substituted for, and shall be invested with, and shall perform all the powers and duties of any board of finance and taxation now exercised by the latter board in any city in virtue of any law of this state, except as in this act otherwise provided; and the said board of finance herein provided shall also be invested with and shall perform all the powers and duties now exercised by any finance committee of any board of aldermen or common council, or by any board of aldermen or common council, in any city, in virtue of any law of this state in regard to the control and management of the finances of any city, or the levying of taxes, and fixing the annual tax or tax levy, or tax ordinance, of any city; the intention of this provision being that there shall be a board of finance constituted as herein provided, uniform in every city, to take the place of any and every other board or authority in every city in the control, care and general management of the finances thereof, except as otherwise in this act provided; and that such board of finance in every city shall have the sole power to borrow money, issue bonds, provide for the payment of the interest and principal thereof, and to do and perform every power and duty heretofore performed by any other board or authority in regard to the raising of money or any other

Powers vested.

General powers and duties.

of the financial affairs of any city, except as in this act otherwise provided; and any board of finance and taxation now existing in any city shall be and is hereby abolished from the time the first board of finance herein provided and authorized shall be organized for the discharge of their duties, and shall deliver up to said board of finance organized in any city as herein authorized, all books and papers, matters and things in their possession or used by them in the discharge of their duties in the care and management of the financial affairs of any city; said boards of finance herein authorized shall each meet as soon as convenient after their appointment, and select one of their number to act as president for the ensuing year, and thereafter shall so select one of their number to act as president each year, and shall have power to appoint a clerk, and fix his compensation.

SINKING FUND COMMISSION.

17. *And be it enacted*, That the commissioners of every sinking fund established by law in and for any city in this state shall be three suitable persons, to be appointed by the mayor thereof for a term of three years; the first appointments shall be one for one year, one for two years, and one for three years, from the date of their appointments, and thereafter one each year for three years in place of the one whose term then expires; any vacancy to be filled by the mayor for the unexpired term only; the sinking fund commission herein authorized shall be in place of and be substituted for and shall be invested with all the powers and duties of any commissioners of any sinking fund now established or authorized by law in and for any city, and the term of service of any such commissioner or commissioners serving in any city at the time this act goes into effect shall cease on the appointment of the sinking fund commission as herein authorized.

Commissioners
of sinking fund,
appointment and
term of office.

18. *And be it enacted*, That all moneys needed for the purposes and proper execution of this act shall be raised by annual tax upon the real and personal property, as other taxes are raised in and for any city, but the money so needed for the execution of this act during the first year or part of a year not herein provided for, nor provided

Moneys needed
to be raised by
annual tax.

for in the current annual tax levy or tax ordinance of any city, shall be borrowed by temporary loans, and the amounts so needed and borrowed shall be provided for in the next annual tax levy of any city in which the deficiency may occur.

VETO POWER.

Veto power of the mayor.

19. *And be it enacted*, That the mayor of any city shall have the right to veto the acts of any board provided for in this act, or any other board in any such city, and copies of all resolutions or other matters duly certified shall be furnished to the mayor of every such city, and he shall have ten days in which to consider them in each case before signing or returning them to the boards respectively with his objections; the mayor shall have the power to veto any item or items contained in any ordinance or resolution appropriating money for any purpose, and to approve of the residue of such ordinance or resolution; any board may pass any resolution or other matter, notwithstanding the objections of the mayor, by a vote of two-thirds of all the members thereof.

ACTING MAYOR SHALL NOT APPOINT.

Acting mayor not to appoint any city officers.

20. *And be it enacted*, That no appointment authorized by law to be made by the mayor of any such city to which this act shall apply, or with his consent, shall be made or consented to by any officer acting in the absence or disability of the mayor.

RE-ORGANIZATION OF POLICE.

Police commissioners, appointment, term of, and salaries.

21. *And be it enacted*, That the police department in every city shall be re-organized, governed and managed by a board of three police commissioners, who shall be appointed by the mayor thereof for three years; the first appointments shall be one for one year, one for two years and one for three years, and thereafter one each year for three years, to succeed the one whose term then expires, so that the term of service for all such police commissioners, after the first appointments, shall be three

years; they shall receive one thousand dollars each per annum as compensation for their services, and shall be sworn as other officers are sworn in any such city; the acts of two members of the board shall be the acts of the board; no more than two members shall be appointed from the same political party; the board of police commissioners, and the police commissioners authorized and appointed under this act, shall be in place of and substituted for, and shall become invested with, and shall perform all the powers and duties of, any board of police commissioners or any police commissioners holding office in any city at the time this act goes into effect, and the terms of service of all police commissioners then so holding office in any city shall cease and end on the appointment and qualification of the police commissioners appointed by the mayor of any city as authorized and provided by this act; the police commissioners provided for and authorized by this act shall have power, in addition to all other powers herein granted, to re-organize, in whole or in part, the police department of any such city by the appointment from time to time, in their discretion, of all such numbers of officers and men or clerks or other persons as are now authorized by law for the police department, or in any capacity whatever connected therewith, or heretofore appointed by the police commissioners of any city, to take the place of and act instead of and to be substituted for any and all such officers and patrolmen or other persons as are now serving in any capacity in or connected with any such department, but shall not increase the number of members of the force beyond the number authorized by law in any such city, nor the pay of such members beyond the pay so authorized, except in the case of the police surgeon, whose salary the board may fix; *provided*, that nothing in this act contained shall be construed to repeal or violate any law now existing in regard to the dismissal of any person from the police department.

Certain powers
vested.

General powers.

Proviso.

RE-ORGANIZATION OF FIRE DEPARTMENT.

22. *And be it enacted*, That the fire department in every city in this state shall be re-organized, governed and managed by a board of three fire commissioners, who

Fire commis-
sioners, appoint-
ment, term and
salary.

shall be appointed by the mayor thereof for three years; the first appointments shall be one for one year, one for two years, and one for three years, and thereafter one each year for three years, to succeed the one whose term then expires, so that the term of service for all such fire commissioners after the first appointments hereunder shall be three years; they shall receive one thousand dollars per annum each, as compensation for their services, and shall be sworn as other officers are sworn in any such city; the acts of two members shall be the acts of the board; no more than two members shall be appointed from the same political party; the board of fire commissioners and the fire commissioners authorized and appointed under this act, shall be in place of and substituted for, and shall become invested with, and shall perform all the powers and duties of any board of fire commissioners or any fire commissioners holding office in any city at the time this act goes into effect, and the terms of service of all such fire commissioners then holding office in any city shall cease and end on the appointment and qualification of the fire commissioners appointed by any mayor as authorized and provided by this act;

Certain powers vested.

General powers.

the fire commissioners so provided for and authorized by this act for any city shall have power, in addition to all other powers herein granted, to re-organize, in whole or in part, the fire department of any such city by the appointment from time to time, in their discretion, of all such clerks, engineers, assistant engineers, officers and men as are now authorized by law for the fire department of any such city; if any law exists authorizing and restricting the number of men or officers in any such department, and the new officers and men so appointed shall receive the compensation provided by law, if any such law exists; *provided*, that nothing in this act contained shall be so construed as to repeal or violate any law now existing in regard to the dismissal of any person from the fire department of any city.

President of board of aldermen, to be elected.

23. *And be it enacted*, That in every city there shall be elected an officer to be known as president of the board of aldermen therein, who shall be the president of and shall so act at the meetings of the principal legislative body of such city, whether the same shall be called the

board of aldermen or the common council thereof; but such boards shall have power to designate one of their number to act in case of the absence or disability of the president; said president shall serve two years, and shall be elected at the first municipal election after the passage of this act, and thereafter one shall be so elected every two years, and in addition he shall have all the powers of an aldermen of the city in which he is elected; *provided*, Term of. *however*, Proviso. that the first president of the board of aldermen shall be elected at the election to be held in any such city under section thirty-three of this act for the acceptance or rejection of this act; and in case this act shall be accepted in any city at any such election, then the president of the board of aldermen so elected shall hold office therein for the term of two years, calculating said term from the time in that year when the term of the members of the board of aldermen elected in that year for regular terms in such city shall begin; and in case the voters of such city shall decide at any such election to reject the provisions of this act in the manner prescribed in section thirty-four of this act, then the election of a president of the board of aldermen held therein at such election shall be void.

OVERSEER OF THE POOR.

24. *And be it enacted*, That in every city the mayor thereof shall appoint all overseers of the poor authorized by law for any such city; the term of service of overseers of the poor shall be three years and they shall receive a salary of fifteen hundred dollars each; the term of the first appointment hereunder shall date from the date of his appointment hereunder, and thereafter an overseer of the poor shall be so appointed every three years in place of the one whose term then expires. Overseer of the poor, appointment, term of office and salary.

COLLECTIONS.

25. *And be it enacted*, That in every city to which this act shall apply the city collector thereof shall also collect all moneys due the city for the sale or use of water or water rents, or for any purpose whatever in the water department, and the board of finance in this act provided Board of finance to make rules and regulations for the collection of water rents.

for shall make proper rules and regulations for the carrying out of this provision and the keeping of suitable books and accounts by and between said collector and the water department, and such rules and regulations shall be executed and performed as a part of the regular duties of the water registrar or other person or persons in the water department of every city, and of the city collector thereof, and said collector shall report all cases of non-payment or arrearages to said board of finance, under such regulations as may be ordered and fixed by said board, to the end that said board may order and enforce all penalties and means of collection now authorized by any law for the water department of any city, and said board of finance is hereby authorized to apply and enforce any such penalties and means of collection in every case; the water department or water registrar in any such city shall cease to collect or receive any moneys whatever from the time the board of finance, created by this act for any city, shall have made the arrangements authorized and required by this section for the collection of such moneys by the city collector as herein provided; and the clerk of said board of finance shall give notice to the water department or water registrar of the day fixed by said board for the change in the method of collection herein authorized, and the water department or the registrar thereof shall not receive moneys for the sale or use of water or for the water department of any such city after said day so fixed, the intention of this section being that the payment of moneys for taxes and water rents shall be all made at one place to the city collector, under regulations to be fixed by the board of finance of any city, as herein authorized.

PERMITS AND PENALTIES.

Moneys received
for permits or
penalties to be
paid into city
treasury.

26. *And be it enacted,* That all moneys for permits or penalties in any department of the city government in any city, and not otherwise in this act provided for, shall be paid direct into the treasury of such city, under such rules and regulations as may be prescribed by the board of finance in any city.

APPEALS IN WATER DEPARTMENT.

27. *And be it enacted*, That in any city any person deeming himself or herself improperly or unfairly assessed in the water department thereof, or for the use of water, shall have the right of appeal to the board of street and water commissioners in this act provided for; and said board shall consider the same, and shall make such order as to said board shall seem just and proper in each case; and, after such consideration, the amount declared by said board to be the proper amount due in every such case, shall be the amount to be paid and collected; but said board shall have power in every case to adjust all assessments in the water department for the sale or use of water, by increasing or diminishing them, and each of them, as may be deemed to be just and proper; but no clerk or other person shall change the amount to be paid by any consumer or purchaser of water, after the same has been fixed and entered in the proper books by the water assessor or other person authorized by said board of street and water commissioners, without the authority of said board duly given; any adjustment so made, on appeal or otherwise, shall be duly entered upon the books of the water and collection departments under rules and regulations to be prescribed by the board of finance created by this act for every city.

Persons aggrieved may appeal to board of street and water commissioners.

28. *And be it enacted*, That in case, for any reason, any section or provision of this act shall be questioned in any court, or shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this act.

If section or provisions of act held invalid, not to affect other sections, &c.

29. *And be it enacted*, That one-quarter of all moneys received for licenses granted after the passage of this act, for the sale of liquors, by any city, shall be kept apart, and shall be expended for the construction and furnishing of buildings for the public school department of such city, and for no other purpose.

Money received for license fees, how expended.

30. *And be it enacted*, That the salary account for any department of the government of any city shall not exceed the amount fixed in the tax levy for that department for any year.

Salary account not to exceed amount in tax levy.

Officers may be removed.

31. *And be it enacted*, That all persons whose appointment is provided for in section one of this act, and all members of the board of street and water commissioners, and of the board of tax commissioners, and of the board of fire commissioners, and of the board of police commissioners, and of the board of sinking fund commissioners, of any city, may be removed by the mayor thereof for cause, and after opportunity to be heard, subject, however, before such removal shall take effect, to the approval of the governor expressed in writing; the mayor shall, in all cases, communicate to the governor, in writing, his reasons for the removal; whenever a removal is so effected the mayor shall, upon the demand of the officer removed, make, in writing, a public statement of the reasons therefor; no officer so removed shall be again appointed to the same office during the same term of office.

Suits or proceedings not abated.

32. *And be it enacted*, That no suit or proceedings by or against the city, and no proceeding or application for any public improvement, shall abate or be discontinued by reason of any provision in this act contained, but shall proceed with proper amendments.

Board of aldermen may submit acceptance or rejection of act to voters.

33. *And be it enacted*, That the board of aldermen or common council of any city may by resolution, or the mayor of any city may by proclamation, submit the question of the acceptance or rejection of this act to the voters of such city at any general or charter election to be held therein, whereof at least 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 any such city shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election, where this question is submitted to them, shall express their assent or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or wards of any such city, and those who are in favor of the acceptance of this act, and the grants and

powers therein contained, shall each deposit a ballot containing the words "new charter of 1889 accepted" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "new charter of 1889 rejected" written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the state, city, district or ward officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass on the return of the votes upon this question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at such election, and if a majority of the ballots on which there shall be either the words "new charter of 1889 accepted," or "new charter of 1889 rejected," shall be found to be for the acceptance of this act, it shall then, but not otherwise, go into effect and be binding upon such city wherein such vote shall have been taken; *provided, however,* that no election shall be held under the provisions of this act after the first day of October, eighteen hundred and ninety.

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

Approved April 6, 1889.

CHAPTER CXXVIII.

An act to authorize cities of this state to elect a mayor for the term of two years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in all cities of this state in which the mayor is now elected annually, the said mayor shall hereafter be elected for the term of two years,

commencing with the day fixed by law for the commencement of his term.

Repealer.

2. *And be it enacted*, That all acts and parts of acts and charter provisions inconsistent herewith be and they are hereby repealed.

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

Approved April 6, 1889.

CHAPTER CXXIX.

An Act to authorize cities in this state located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof.

Authorized to lay out and open streets and construct public walks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or other governing body in the cities of this state located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, by an ordinance or ordinances duly passed for that purpose, as herein provided, to lay out and open streets and drives, and construct public walks along the beach or ocean front, and in like manner to grade or otherwise improve the same, whether such street, drive or public walk be laid out, opened or constructed wholly or partly between high and low-water mark, or wholly or partly on land covered by water.

2. *And be it enacted*, That where, in any such city, an ordinance has been duly passed and approved for this purpose, designating therein the street or streets, drive or drives, walk or walks, which it is the intention of such city to lay out, open and construct, and the character of the improvement intended to be made, which ordinance or ordinances shall be published at least ten days after it shall be ordered to have a third reading, and before final passage, in the newspaper or newspapers in which the official notices of such city are now or may be hereafter published, it shall be the duty of the city counsel, or other principal law officer of such city, on behalf of such city, to make application to the circuit court of the county wherein such city is situate, for the appointment of three commissioners to estimate the damages and benefits which the opening, laying out, construction or improvement of any such street, walk or drive will occasion; all such damages shall include the value of the land taken, as well as the injury to the owner or owners of the remaining land, by reason of such taking; notice of the time when and place where such application will be heard, shall be given, as the court shall direct, and may be either personal or by publication; upon satisfactory evidence of such notice having been given, the said court shall, without unnecessary delay, appoint the said commissioners, who shall be disinterested residents and freeholders in the city in and for which the application is made; when so appointed the said commissioners shall, within ten days after their appointment, take and subscribe an oath before some person duly qualified to administer oaths, faithfully and impartially to execute the duties imposed upon them as such commissioners, and they shall proceed without unnecessary delay to the execution of their duties; in case of the death, resignation, refusal to serve or disability of any commissioner so appointed, the vacancy shall be filled by the said court as soon as may be, on application as aforesaid.

Proceedings for the appointment of commissioners to estimate and assess damages, &c.

Damages, what to include.

Notice of application, how given.

Commissioners to take oath.

3. *And be it enacted*, That the said commissioners so appointed shall immediately after they are qualified as herein directed, give notice by advertisements in the newspapers of the said city in which the public laws and official notices are printed, of the time and place of their

Commissioners to advertise notice of meeting.

first meeting, at least ten days before the said meeting; and the said commissioners, or a majority of them, when met, shall have power to examine witnesses, under oath, to be administered by any one of them, to enter upon and view the premises, and adjourn from time to time; and they shall make a just and true estimate and assessment of the damages and benefits as aforesaid, and make report of the same to the said court, signed by the said commissioners, or any two of them; and the said court shall cause such notice to be given, as it shall direct, of the time and place of hearing any objection that may be made to such assessment or assessments, and, after hearing any matter which may be alleged against the same, the said court shall, by rule or order, either confirm the said report, or refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by the said court to reconsider the subject-matter thereof; and the said commissioners to whom the said report shall be so referred, shall return the same report, corrected and revised, or a new report, to be made by them in the premises, to the said court, without unnecessary delay; and the same, on being so returned, shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; and such report, when so confirmed by said court, shall be final and conclusive as well upon the said city as the owners of any land and real estate affected thereby; and the said court shall thereupon cause a certified copy of the said report to be transmitted to the city clerk, with a certified copy of the rule of said court confirming the said report; and the common council or other governing body of the said city shall thereupon order and cause the said assessment so made to be collected or the damages awarded to be paid as herein provided; and the said commissioners can include in one report an estimate and assessment of damages and assessments for benefits for any such opening or improvement, or may make separate reports thereof, as may be deemed most advisable by them.

Commissioners
to make report.

Report, when
confirmed, to be
final.

4. *And be it enacted*, That whenever any estimate and assessment of damages has been made and reported, and certified as aforesaid, it shall be the duty of the common council or other governing body, immediately to place in the treasury of said city a sufficient amount of money to pay the damages so estimated and awarded, and the owners of land taken or other persons entitled thereto, shall be entitled to demand and receive the same from the treasurer of such city, or in default thereof, may have an action against such city to recover the same in any court having jurisdiction thereof; and the lands and real estate so condemned shall, upon making such deposit, become the property of such city for the uses for which the same are taken, and such city shall be entitled to the possession thereof immediately, and the common council shall in like manner upon any report of benefits having been received and certified as aforesaid, order and direct the collector or collecting officer of such city to make an abstract of such assessment, and enter the same in a book or books to be kept for that purpose, and to give notice thereof, either personally or by publication, for at least ten days, in the newspapers published in the said city publishing the official notices thereof, stating in general terms the streets or sections of streets and lands comprised in such assessment, and requiring the owners of land and real estate assessed as stated in the said report, to pay the amount of the assessments so made, to the treasurer of such city, or to the other proper officer authorized to receive the same, within sixty days from the giving or publication of said notice; and all such assessments for benefits shall be and constitute a prior and first lien upon the lands and real estate upon which the same are imposed, and the same may be sold as hereinafter provided, to collect the amount of the assessment so made; it shall be the duty of the said commissioners in making their said report to annex thereto proper maps showing thereon the lands taken and condemned, and the amounts awarded therefor, and the names of the owners thereof, so far as the same can be ascertained, and where they cannot be ascertained, such award shall be made to the owners as "owners unknown,"

Damages to
lands, by whom
paid.

Lands con-
demned property
of city.

Assessments for
benefits to be
first lien.

Map to be an-
nexed to report.

and also a designation and description of the lands assessed for benefits, with the amounts so assessed on each plot or piece of land, and the names of the persons who are the owners thereof, so far as the same can be ascertained, and when they cannot be ascertained they shall be designated as "owners unknown."

Proceedings in case owner is non-resident incapacitated, &c.

5. *And be it enacted*, That if in any case an award of damages is made to any person who is not resident in such city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or if for any other lawful reason is incapacitated to receive the same or will not accept the same when tendered; that the city treasurer shall make an affidavit of such fact, and shall file the same with the city clerk, and the common council or other governing body of the city, shall, after inquiry into the facts of the case, direct the amount of such assessment to be paid into the treasury of such city for the use of the person or persons to whom the same may be due, and the said moneys so placed in the said treasury shall be paid to the person or persons entitled to receive the same, but without interest, except from the time that a lawful demand shall be made therefor and payment thereof refused, and any person interested in the said moneys may make application to the circuit court of the county wherein such city is situate, and the said court shall make inquiry on such application, and make such order in relation to the payment and distribution of the said moneys as may be just and equitable in the premises, and the said court may make such rules and regulations not inconsistent with the provisions of this act, for the practice or procedure thereunder, as shall be deemed expedient.

Assessments, costs, damages and expenses to be assessed on lands benefited.

6. *And be it enacted*, That all assessments for costs, damages and expenses which shall be incurred in the opening, laying out or construction of any street, public walk or drive, or for the improvement thereof made under the authority of this act, or any supplement thereto, shall be assessed by the said commissioners upon all the owners of land and real estate in the said city peculiarly benefited thereby, in proportion as nearly as may be to the advantage each shall be deemed to acquire, and in case the costs, charges and expenses shall exceed the amount of the

said benefits, such benefits shall be assessed upon and paid by such city.

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

Payment of damages and expenses, how provided for.

Power to issue bonds.

Amount and designation.

May issue improvement certificates.

- Compensation of commissioners, by whom and how paid. 8. *And be it enacted*, That the commissioners appointed by virtue of the provisions of this act shall receive such compensation for the services rendered by them as the common council or other governing body shall by resolution order and direct, not exceeding ten dollars per day for each day's service rendered by them, and the same and all expenses incident to the execution of the provisions of this act shall be deemed part of the expenses of such improvement and be included in the cost of the same; and it shall be the duty of the commissioners appointed by virtue of this act, in making their report of any assessment for benefits made by them to estimate and state therein the cost of the improvement for which the benefits are so estimated and assessed, in which they shall include the costs authorized by this act.
- Duty of commissioners. 9. *And be it enacted*, That in all work done in constructing streets, walks and drives under the authority of this act, or in improving the same, the common council or other governing body shall appoint a committee to be called the "committee on streets, walks and drives," to consist of not more than five members of the said body, and the said committee, before proceeding to perform the said work or any part thereof, shall cause plans and specifications to be prepared therefor, and shall cause public notice to be given by advertisement of the work needed to be done and the material to be used therefor, inviting bids or sealed proposals therefor at least ten days before awarding the same as hereinafter provided, in the papers publishing the official notices in such city, and they may give such further publication thereof as they may deem proper and advisable, and at the time and place designated in such notice they shall receive and open sealed proposals for the work so to be done and materials to be furnished, and shall award the same to the lowest bidder therefor; *provided, however*, that it shall be competent for the said committee to reject any and all bids so offered, if in their judgment the interest of the city shall require such rejection, and they may advertise again for such sealed proposals in the same manner until the said work shall be finally awarded; contracts for all such work and material shall be made in the name of the city, and such regulations for letting such work
- Appointment of committee on streets.
- Plans and specifications to be prepared and notice of work, &c., to be advertised.
- Proviso.

and for securing the performance of the same as the common council or other governing body may require may be made, and all such contracts may be signed on the part of the city by the mayor and attested by the city clerk.

10. *And be it enacted*, That in case any assessment for benefits, made under the provisions of this act, shall be paid on or before the expiration of the time limited in the notice herein directed to be given, no interest thereon shall be charged or collected, but if not paid within that time, interest at the rate of seven per centum per annum shall be charged and collected from the date of the final confirmation of the report of the commissioners; and it shall be lawful for the common council or other governing body in any such city, by ordinance, to provide for the sale of all lands and real estate on which such assessments have been made which remain unpaid for one year after the date of final confirmation; every ordinance passed for this purpose shall require notice to be given of the time and place at which such sale or sales shall be made, the officer or officers by whom the same shall be conducted, which notice shall not be less than four weeks; and every such ordinance shall provide for the redemption of such lands and real estate by the owner, mortgagees, judgment creditors and other persons having any estate therein, giving such persons not less than six months within which to redeem the same after notice of the sale thereof, and shall provide also for the execution and delivery of proper deeds of conveyance therefor; all such proceedings shall be made to conform as nearly as may be with the provisions made for the sale of lands and real estate sold for taxes and assessments, adjusted and fixed under an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates and 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, and the supplements thereto; all conveyances made in pursuance of this authority shall convey to the pur-

Unpaid assessments for benefits to draw interest.

Lands may be sold for non-payment of assessments.

Ordinances, what to provide.

chaser or purchasers the title of the lands sold in fee simple, and the city may be a purchaser at any such sale, with all the rights of a purchaser.

Use of streets,
walks or drives,
how regulated.

11. *And be it enacted*, That where, in any city, streets, walks or drives are laid out and constructed under this act, the common council or other governing body may, by ordinance, regulate the use thereof, and enforce such regulations and rules as may be adopted, by reasonable penalties which may be imposed for revenue.

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

Approved April 6, 1889.

CHAPTER CXXX.

An Act relating to the appointment, term of office and compensation of overseers of the poor in cities of the first class in this state.

Overseers of the
poor, how
appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseer of the poor in cities of the first class in this state shall hereafter be appointed by the board of aldermen or common council in such cities.

Term and salary
of.

2. *And be it enacted*, That the overseer of the poor so appointed, shall hold his office during good behavior, and shall receive and be paid an annual salary of sixteen hundred dollars as full compensation for his services as such overseer of the poor.

Repealer.

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

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

Approved April 6, 1889.

CHAPTER CXXXI.

An Act to authorize the acquisition of real estate, and the erection of buildings thereon, for the use of police departments in the cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in the opinion of the board or authorities having the control of the police department in any city of this state, it shall be deemed necessary to acquire additional accommodations for precinct station-houses, or police station-houses, for the use of the police department of any such city, it shall be lawful for the authorities or other board having charge of the erection of public buildings in said city, to purchase, in the corporate name of the city, such real estate, in such parts or localities of said city as may be required, and indicated by the board or authorities having control of such police department, and to have erected upon each of said sites or parcels of land so purchased, such precinct station-houses, or police station-houses, as said police authorities may deem necessary as aforesaid; *provided, however,* that the purchase of such real estate shall be only at such price or prices as shall be authorized by a vote of two-thirds of all the members of the board having charge of the erection of public buildings in said city as aforesaid, and that such buildings shall be built only upon contract, and after due advertising for proposals for such work shall be made in the manner and way now provided for in any public, special or local law applicable to such city, and relating to contracts for work or material to be purchased by or furnished to such city, and that such contract shall be awarded to that responsible bidder who offers the terms most advantageous to the city.

2. *And be it enacted,* That the sum expended for the purposes aforesaid shall, in no case, exceed the sum of forty-five thousand dollars.

- Concurrence of board of finance to be had. 3. *And be it enacted*, That such purchase of real estate and the erection of such buildings as hereinbefore provided for, shall be had and done only by and with the concurrence of the board having the charge and control of the finances of such city.
- May issue bonds not exceeding amount required. 4. *And be it enacted*, That to provide moneys necessary to pay for said real estate, and the erection of said buildings, it shall be lawful for the board having the charge and control of the finances of said city to issue bonds in the corporate name of the city, not exceeding the amount required to be paid for said real estate, and the erection of said buildings, pledging, for the redemption thereof, the faith of said city, under the seal of the city, signed by the mayor of said city and attested by its clerk, of such denominations as said board having the charge and control of the finances of said city shall deem fit, bearing
- Rate of interest. interest at a rate not exceeding five per centum per annum, and redeemable in not more than twenty years from the date of issue thereof, and to dispose of the same at the best price that can be obtained, but at not less than par value, and to provide for the redemption thereof and the payment of the interest thereon by taxation.
- Cities may erect buildings on lands owned. 5. *And be it enacted*, That any such city, having or owning real estate available for the erection thereon of any such precinct station-houses, or police station-houses, as herein provided for, that then and in such case such city may, if it deem it advisable, instead of purchasing real estate, as herein provided for, erect upon any such real estate had or owned by such city, said buildings, or any of them.
- Repealer. 6. *And be it enacted*, That all acts or parts of acts, general, special or local, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 8, 1889.

CHAPTER CXXXII.

A Further Supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases whatsoever, where sale of any lands, tenements, hereditaments or real estate shall be ordered by the court of chancery of this state to be made (except sales for the payment and satisfaction of mortgages), the officer or officers, person or persons authorized or directed by said court to make such sale, may make sale of such lands, tenements, hereditaments or real estate, at public or private sale, in his, her or their discretion, and on such terms as such officer or officers, person or persons may deem to be most advantageous to the parties concerned therein; *provided, however,* that no sale of lands, tenements, hereditaments or real estate made by such officer or officers, person or persons, at private sale, shall be valid, until such sale shall have been confirmed by the chancellor, upon a report of the terms thereof, by the officer or officers, person or persons making the same.

Lands, &c., may be sold either at public or private sale.

Proviso.

2. *And be it enacted*, That the provisions of this act shall apply to every sale not under foreclosure of mortgage, heretofore authorized by said court of chancery, except where the order or decree authorizing such sale shall have expressly directed the same to be made at public sale.

Provisions of act to apply to all sales.

3. *And be it enacted*, That so much and such part of the first section of the act to which this is a supplement, as conflicts, or is inconsistent with this act, be and the same is hereby repealed.

Repealer.

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

Approved April 8, 1889.

CHAPTER CXXXIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the act entitled "An act to provide for the formation and government of towns," approved April twenty-fourth, one thousand eight hundred and eighty-eight, be and the same hereby is amended so as to read as follows :

Section as amended.

5. *And be it enacted*, That it shall be the duty of the council, township committee or other governing body of such town, borough or township, which shall have voted as aforesaid for incorporation as a town under this act, to divide such town into not less than three wards; each ward shall consist of contiguous territory, and each shall contain as nearly as possible an equal number of inhabitants; *provided, however*, that such division into wards shall be made at least one month before the first annual town election held under this act; *and provided, further*, that where any town, borough or township shall have been divided into three or more wards before adopting this act, such division shall continue, and such existing wards shall constitute the wards of the town as formed and incorporated under this act.

Proviso.

Proviso.

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

Section as amended.

6. *And be it enacted*, That the officers of any town, borough or township, which has voted as aforesaid for incorporation as a town under this act, who shall hold office at the time of filing the aforesaid certificate with the secretary of state, shall continue to hold their respective offices until the first day of May next succeeding the first annual town election held under this act, and shall in all things be subject to the provisions of this act in the

same way as if they had been elected hereunder; and no surety of any such officer shall be discharged from liability on account of any change made in the duties of such officer by this act, unless, within five days after this act becomes operative in such town, he shall, in writing, notify the council of his intention to withdraw from his suretyship, in which case he shall be discharged from liability from the time this act becomes operative in such town; and the council may require such officer to furnish new or additional sureties in place of the ones withdrawing as aforesaid; and if he fails or neglects so to do, the council may declare his office vacant, and may fill such vacancy in the manner hereinafter prescribed for the filling of vacancies.

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

25. *And be it enacted*, That the salaries and compensation to be paid to the town clerk, the town collector, the town treasurer, the town attorney, the recorder, the assessor, the chief of police and members of the police force, the overseer of the poor, the town surveyors, pound-keepers, commissioners of appeal, commissioners of assessment and members of the town council shall be fixed by ordinance of the town council, and no town or ward officer other than those in this section specified, excepting the clerk of the board of education, shall receive any salary, fees or compensation whatsoever, from the town, for his services, and the salary or compensation of any officer which has been fixed as aforesaid, shall not be increased or diminished during his term of office, and all fees paid to any of said officers for any services required of him by this act or by any ordinance or resolution of the town council, shall, immediately after the receipt thereof, be paid by such officer to the town treasurer for the use of the town, unless herein otherwise specially provided.

Section as amended.

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

40. *And be it enacted*, That the members of the board of commissioners of appeals shall be appointed by the

Section as amended.

council, and shall hold office for three years; they shall perform such duties as are now or hereafter may be by law enjoined upon commissioners of appeals in cases of taxation, and at the time of the first appointment of such board under this act, the term of office of each member shall be designated by the council, and thereafter all appointments to said board, except to fill vacancies, shall be for the term of three years.

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

Section as
amended.

71. *And be it enacted*, That the cost and expense of widening, opening or extending any street, and after the completion thereof the whole cost of any street sewer or other public improvement, shall be ascertained and determined by the commissioners of assessment, and such cost and expense shall, so far as the same can be, be assessed upon the lands and real estate specially benefited by the improvement, in proportion to the benefit received; and no lot or parcel of land shall be assessed more than it is so specially benefited; and if the total cost of any improvement shall exceed the aggregate assessable special benefits, the excess shall be borne and paid by the town at large; the commissioners shall file their report with the town clerk, which shall be accompanied by a map showing what lots and parcels of land are specially benefited by the improvement, the amount assessed as special benefits upon each lot or parcel of land, and the names of the owners of the several lots and parcels of land assessed, so far as the commissioners can ascertain the same, and the amount, if any, of the excess of the cost of the improvement over the aggregate assessable special benefits; but no assessment shall be deemed defective by reason of any mistake in the names of the owners of lands assessed, or omitting the said names or any of them; the clerk shall publish and post notices in the same way and manner hereinbefore prescribed for publishing and posting the petition for the improvement and its accompanying notice, stating that the map and report of the commissioners have been filed in his office, and that the council will consider any objections to such report, map and assessment presented in writing on or

before a day named in such notice to be fixed by the town council, which day shall be at least ten days after the first publication of such notices; after considering such report, map and assessment, and such objections as may have been presented against the same, the said council may confirm the said report, map and assessment, or if deemed necessary may return the same to the commissioners for revision and correction, who shall return the same corrected and revised without unnecessary delay; and thereafter the council may, without further notice, confirm the said report, assessment and map.

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

Approved April 8, 1889.

CHAPTER CXXXV.

An Act to authorize the improvement of roads, streets and highways in boroughs and incorporated towns of the second class in this state, and to provide for the payment thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or other governing body of any borough or incorporated town of the second class within this state to issue bonds to an amount not exceeding fifteen thousand dollars in any one year, in their corporate name, of such denominations as to them may seem fit, bearing interest not exceeding the legal rate, payable semi-annually, and redeemable in twenty years from the date thereof, for the purpose of paying the costs and expenses of improving the roads, streets and highways in such borough or incorporated town, either in whole or in part, and in such manner as they may deem most advisable,

Authorized to
issue bonds to
pay costs and
expenses of im-
proving streets,
&c.

Proviso.

under the supervision of such person or persons as they shall designate for that purpose, not being a contractor or contractors for the said work; *provided, however*, that no common council or other governing body of any such borough or incorporated town shall issue any such bonds unless the question of the issue of such bonds shall have been submitted to the voters of such borough or incorporated town at the last annual town, borough or charter election held in such borough or incorporated town, and a majority of the votes cast in relation thereto at such election shall declare in favor of the issuing of such bonds.

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

Approved April 8, 1889.

CHAPTER CXXXVII.

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

Preamble.

WHEREAS, The provisions of the law in reference to the number of township committeemen, and their term of office, are conflicting with reference to townships in counties in this state having more than one hundred thousand inhabitants, and the same should be made clear; therefore,

Number and election of township committee.

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

2. *And be it enacted*, That if members of the township committee under existing laws have been elected for a period longer than one year, they shall hold their office until the end of their term; but only so many township committeemen shall be elected in such a case as will make the whole number of the township committee five, including those who hold over under existing terms of office.

Members to hold to end of term.

Number not to exceed five.

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

Repealer.

Approved April 8, 1889.

CHAPTER CXXXVIII.

An Act to provide for the distribution of the publications of the geological and topographical surveys of the state to the several public free schools of the state, and to provide for the payment of the cost and expenses thereof out of the income or revenue of the fund for the support of the public free schools of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of managers of the geological survey be authorized to furnish to the public free schools of the state, the state normal school, the state model school, the New Jersey school for deaf mutes, and the Farnum preparatory school, properly prepared copies of the final reports and maps of the results of the said survey under their charge.

Managers authorized to furnish reports and maps.

2. *And be it enacted*, That said reports and maps shall be furnished on the requisition of the state superintendent of schools, and shall be sent to the clerk of the

Reports and maps to be sent to clerk.

school district or board of education in which the schools are located, and received by him as the property of the district or boards and for the use of the school.

Costs and ex-
penses to be paid
out of school
fund.

3. *And be it enacted,* That the said reports and maps shall be furnished at the cost of publication, and the cost and expenses thereof shall be paid out of the income or revenue of the fund for the support of the public free schools of this state, on the presentation of the bills therefor, audited by the said board of managers, and approved by the state superintendent of schools.

Comptroller to
draw warrant.

4. *And be it enacted,* That the comptroller is hereby directed to draw his warrants upon the treasurer of the school fund for the above-mentioned appropriations and expenditures when they shall severally become due and payable; and the said treasurer is directed to pay the same out of any moneys now in his hands, or which may come to his hands, as income or revenue from the investments of the school fund.

Repealer.

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

Approved April 9, 1889.

CHAPTER CXXXIX.

A Further Supplement to an act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by way of Sandy Hook," approved April seventeenth, one thousand eight hundred and forty-six.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, by and with the advice and consent of the senate, shall appoint five commissioners of pilotage, who shall hold their offices, respectively, for three years; and in case any commissioner of pilotage so appointed shall die or resign, or in any other way become disqualified to act, it shall be the duty of the governor, by and with the advice and consent of the senate, forthwith to fill such vacancy; and the person so appointed to fill such vacancy shall hold his office for the like term of three years; and the commissioners of pilotage, or a majority of them, shall be authorized, and full power and authority are hereby given to them, to permit, at their discretion, any person to act as a branch pilot off the bar at Sandy Hook, or of the river Raritan, or of the harbors of Jersey City, Newark or Perth Amboy, they having examined the said person in the manner hereinafter mentioned, and made such inquiries respecting him and his qualifications, as to them, the said commissioners, or a majority of them, shall appear necessary and expedient.

Section as amended.

2. *And be it enacted*, That the terms of all the several commissioners of pilotage now in office under the act to which this is a supplement, and the various supplements thereto, shall cease and determine upon the appointment and confirmation of the commissioners of pilotage above provided for.

Terms of present commissioners, when to cease.

3. *And be it enacted*, That section twenty-four of the act to which this is a supplement be and the same is hereby amended so as to read as follows, to wit:

24. *And be it enacted*, That the pilots shall, once in each month, account to the said commissioners for the fees received by them for pilotage; and the said commissioners shall be entitled to receive one and one-half per centum from the said fees, as a compensation for their services under this act, to be divided among the commissioners according to the days they may have, respectively, attended at any meeting; *provided*, that said commissioners shall not be entitled to receive said commissions on extra pilotage for boarding off shore, or for fees received for what is called transportation or harbor pilotage.

Section as amended.

Apprentices,
how many to a
boat and how
long to serve.

4. *And be it enacted*, That hereafter every boat belonging to the pilots licensed by the laws of this state shall have but one indentured apprentice, who shall be attached to said boat, and indentured to its master, and serve as said apprentice, under the laws of this state, at least four years, and at least three consecutive years of said apprenticeship as a boat-keeper on said boat, and shall be subject to all the laws now in force for the government of pilots of this state, and shall be examined as now directed by law, and, after said examination, shall be licensed as a deputy pilot, at and under the discretion of the pilot commissioners of this state, and no person shall be appointed a pilot of this state, by way of Sandy Hook, except as herein provided.

Examinations,
&c.

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

Approved April 9, 1889.

CHAPTER CXL.

An Act relating to the opening of streets and avenues in townships.

Authorized to
award damages
for lands taken
and make assess-
ments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any township in this state has power by special charter to open, grade, curb, flag and macadamize streets and avenues in such township, and to take land therefor, it shall be lawful for the corporate authorities of such township to make or cause to be made the proper award for damages for the necessary lands taken and appropriated for the opening of any such streets or avenues, and to make or cause to be made the proper assessments for the costs and expenses of such opening upon the lands and real estate benefited thereby, and to collect or cause to be collected the amount or

amounts so assessed, before proceeding to carry out the other improvements that the said township authorities may have determined to carry out on such street or avenue.

2. *And be it enacted*, That all acts or parts of acts, ^{Repealer.} whether general or public, local or special, inconsistent with the provisions of this act, be and they are hereby repealed.

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

Approved April 9, 1889.

CHAPTER CXLI.

An Act in relation to the repairing of sidewalks in the cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be determined by the common council of any city, by resolution, ^{Sidewalks, how repaired.} that it is necessary to repair, as hereinafter provided, any sidewalk, or any part or parts of the same, including the curb and gutter stones thereof, in any public street of said city, specifying in said resolution how and in what manner the said sidewalk or such part or parts thereof, and the said curb and gutter stones, shall be so repaired, it shall be the duty of the street commissioner, or other ^{Duty of street commissioner.} duly appointed agent of said city, to serve upon each landowner whose lands adjoin or front upon the said sidewalk, or said part or parts thereof, in case he or she shall reside in said city, a certified copy of such resolution, together with a notice that if said sidewalk adjoining said lands, including said curb and gutter stones, shall not be so repaired by said owner within fourteen days next thereafter, the said repairs shall be made by said

city at the expense of said owner; and that if such owner shall be unknown or non-resident, the said copy of said resolution and the said notice shall be posted conspicuously upon the front part of his or her said lands for fourteen days as aforesaid, and shall also be advertised for fourteen days in a newspaper printed and circulating in said city; and that due proof shall be made of the manner of such service and publication, by oath or affirmation, to be filed in the office of the city clerk; and that when such repairs shall be made by the said owner, they shall be made under the direction and control of the said street commissioner or other duly appointed agent of the said city, and shall be subject in all things to his approval; and that when such repairs shall be made by said city, at any time after the expiration of said fourteen days, the actual cost thereof to each owner shall be ascertained and determined by said common council, and shall be duly entered upon their minutes, and shall be certified by the city clerk to the collector of taxes (by whatever name he may be known) of the said city; and that the said cost of the same shall then become and thenceforward be a lien upon the said lands of the said owner until the same shall be paid and discharged, with legal interest thereon; and that the amount of the same shall be added to and included in the next annual tax bill for city, county and state taxes against said owner, and shall be collected and enforced therewith, and in the same manner; and that said repairs to said sidewalk, including said curb and gutter stones, shall embrace the leveling of the same, in accordance with the established grade, and the resetting, relaying, renewing and replacing of all flag, curb and gutter stones, or any part or parts thereof, in such manner as shall conform to the said resolution, and to any ordinance or ordinances of said common council, and as shall be approved by said street commissioner, or said other duly appointed agent of said city.

Repairs, how made.

Cost to be ascertained and remain a lien until paid.

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

Approved April 9, 1889.

CHAPTER CXLII.

Supplement to an act entitled "An act for the better security of depositors in savings banks," approved April fifth, one thousand eight hundred and seventy-eight.

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

2. *And be it enacted*, That hereafter it shall not be law-^{Loans on col-} lateral securities. ful for any saving institution in this state to loan the money on deposit with the same, or any part thereof, upon notes, bills of exchange or drafts, excepting upon the additional pledge of collateral security or securities, which collateral security or securities shall be of the same nature and character as those in which the money deposited may be invested, as directed in the first section of this act, or the capital stocks of national and state banks, or other corporations of this state, which have not defaulted in the payment of interest dividends within two years next preceding the time of such loan, and then only to the extent of eighty per centum of the market value of such collaterals; *provided*, that the total^{Proviso.} amount of such loans shall not exceed fifteen per centum of the total deposits held by such institution.

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

Approved April 9, 1889.

CHAPTER CXLIII.

An act concerning companies empowered to construct horse railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for commencing and completing any railroad of any corporation heretofore organized under any special act of the legislature of this state, and empowered by any supplement to lay railroad tracts and operate a horse railroad whose time limited for commencing and completing the building of such railroad has expired, shall be extended for the further period of two years from the passage of this act; *provided, however*, that this act shall not apply to any corporation, unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state, an agreement, to be approved by the governor and attorney-general, waiving all rights to exemption from taxation and from privileges and advantages arising from any law or contract (if any there be), establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state, now in existence or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of the state, under any general law, and further agreeing that the exercise of any power granted by this act, shall not, in any way, affect the rights of the state (if any there exist), to take the property of such corporation under any existing law of the state; and agreeing further, that all laws affecting such corporation shall be subject to alteration or repeal by the legislature; *and provided further*, that if any street through which said railroad is proposed to be located shall be paved during the extension of time granted by this act, that in such case no railroad track shall be laid down in said street until the company proposing to construct the same shall

Time limited for completion of railroads extended.

Proviso.

Proviso.

pay to the proper authorities its pro rata share of the cost of said pavement.

2. *And be it enacted*, That the period of the existence of any such corporation is hereby extended for fifty years from the passage of this act. Period of existence extended.

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

Passed April 9, 1889.

CHAPTER CXLIV.

An Act in regard to honorably-discharged Union soldiers and sailors holding public office or position.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person holding or hereafter holding a public office or position under the government of any city or county of this state, whose term of office is not fixed by law, and who receives a salary from the city or county, and who is an honorably-discharged Union soldier or sailor, having served in the war of the rebellion, shall be removed from such office or position except for good cause shown after hearing, but such person shall hold his office during good behavior, and shall not be removed for political or partisan reasons. Honorably discharged soldiers or sailors not to be removed from office except for good cause.

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

Passed April 9, 1889.

CHAPTER CXLV.

An act to amend an act entitled "A further supplement to an act entitled 'An act to provide additional accommodations for the insane of this state,' approved March thirty-first, one thousand eight hundred and seventy-one," which further supplement was approved April second, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act entitled "A further supplement to an act entitled 'An act to provide additional accommodations for the insane of this state,' approved March thirty-first, one thousand eight hundred and seventy-one," which further supplement was approved April second, one thousand eight hundred and eighty-five, which said section reads as follows :

Section to be amended.

"4. *And be it enacted*, That such order of said court or judge, if made, shall be filed in the office of the clerk of said county, and a certified copy shall be sent to the asylum with the said lunatic; and such certified copy shall be sufficient warrant to the officers of said asylum for the detention of the said person," be and the same is hereby amended so as to read as follows :

Section as amended.

4. *And be it enacted*, That the said petition, the proof or acknowledgment of service of the same upon the freeholder, the depositions of the physicians and other witnesses, and the order of said court or judge, if made, shall be filed in the office of the clerk of said county, and a certified copy of said papers shall be furnished by said clerk and sent to the asylum with the said lunatic; and such certified copy shall be sufficient warrant to the officers of said asylum for the detention of the said person.

2. *And be it enacted*, That section five of the act of which this act is amendatory, which reads as follows :

“5. *And be it enacted*, That the county clerk shall be entitled to a fee of fifty cents on each order made under this act, to be paid by the person making the application therefor,” be and the same is hereby amended so as to read as follows: Section to be amended.

5. *And be it enacted*, That the county clerk shall be entitled to a fee of one dollar for filing the papers and furnishing certified copies of the same on each order made under this act, to be paid by the person making the application therefor. Section as amended.

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

Approved April 10, 1889.

CHAPTER CXLVI.

An Act to authorize the improvement of roads or streets which constitute the boundary line between two municipalities in the same county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any road or street, or section of road or street, which constitutes the boundary line between two municipalities in the same county, may be vacated, altered, straightened, widened, regulated, graded, curbed, guttered, paved, macadamized, flagged, drained or sewered in the manner provided in and by this act. Streets constituting boundary lines may be vacated, graded, &c.

2. *And be it enacted*, That the term “municipality,” as used in this act, shall be construed to include all cities, boroughs, towns and townships of this state, and that the term “governing body,” as used herein, shall be construed to include the board of aldermen or common council of any city, the council of any town or borough and the township committee of any township, and that the term “road,” as used in this act, shall be construed as Certain terms used, how construed.

to include any road, street, avenue or highway, and that the term "joint board," as used herein, shall be construed to mean and include the governing bodies of any two municipalities acting under the provisions of this act.

Governing bodies
to jointly meet.

3. *And be it enacted*, That it shall be lawful for the governing bodies of any two municipalities which are divided by any road to jointly meet, at such time and in such place, in either municipality, as they may agree upon, to consider and determine in what way such road can or may be improved in any or all of the particulars mentioned in the first section of this act, to the best advantage of the public and the owners of property adjacent thereto; and to that end the said joint board are hereby authorized to prepare a map, and also a plan and specifications of the changes and improvements in such road which they shall deem necessary and proper, showing particularly all such parts of such road as they shall deem it advisable to vacate, and also all the land required to be taken for the straightening or widening of such road in case such straightening or widening shall be deemed by them to be advisable, and also the proposed width of the roadway and sidewalks, and the proposed grade or grades thereof, and the points at and the extent to which excavating and filling in will be required; and for said purposes such joint board shall have power to employ a competent engineer or surveyor, and such other assistants as they may deem necessary.

Authorized to
prepare plans,
&c., of changes
and improve-
ments in road,&c

Maps, plans,&c.,
where filed.

4. *And be it enacted*, That upon the completion of such map, plan and specifications, duplicate copies thereof shall be filed in the office of the clerk of each of the municipalities affected thereby, where the same shall remain open to public inspection and examination for such time and during such hours as the said joint board may prescribe; and the said joint board shall thereupon cause notice of such filing to be published in at least two newspapers, printed and published in the county in which such municipalities are situate, for four weeks successively, at least once in each week, which notice shall specify and set forth the place or places where, in each municipality, and the time during which, and the hours in each day (excepting Sundays and holidays) when such plan, map and specifications can be seen and examined;

Notice of filing
to be published.

such notice shall also designate the time within which objections, in writing, to the proposed improvements in such road may be filed with the clerk of each municipality, which time shall be at least forty days after the first publication of such notice; the said joint board shall likewise cause at least fifty printed copies of such notice to be posted in conspicuous places in each municipality, of which at least one-half shall be along the line of the road affected by such proceedings, at least thirty days prior to the expiration of the time specified in the notice for the filing of objections.

5. *And be it enacted*, That any owner or owners of land fronting on the road proposed to be improved as aforesaid may, at any time before the expiration of the time limited in such notice, file with the clerk of the municipality in which his land is situated, his written objection to the map, plan and specifications filed as aforesaid, in which objection he shall set forth the number of lineal feet of frontage of his lands on such road; and within ten days after the expiration of the time for filing objections as aforesaid, the governing body of each municipality shall convene in joint meeting, and the clerk of each municipality shall lay before it all of the written objections which shall have been filed with him, and the said joint board shall then proceed to examine the same, and shall ascertain and determine whether or not the owners of a majority of the lineal feet of land fronting upon said proposed improvement as aforesaid, in either of said municipalities, have objected thereto; and if they find that the owners of a majority of the lineal feet in either municipality as aforesaid have objected thereto, then said joint board shall declare that said proposed improvement has been rejected; but if it shall appear that the owners of a majority of the lineal feet fronting on such road in each and both of said municipalities have not objected to such map, plan and specifications, then and in that event the same shall be deemed and taken to be the map, plan and specifications governing and regulating said improvement of said road, and may be so declared by said joint board.

6. *And be it enacted*, That all costs and expenses incurred in the proceedings hereinbefore authorized, shall be borne and paid by each municipality in equal proportions.

Owners of lands
may file objections.

If owners of
majority of feet
object, the
improvement
rejected.

Costs and ex-
penses, by whom
paid.

7. *And be it enacted*, That at any time after the declaration aforesaid, the owners of not less than one-sixth of the land fronting on such road in each municipality, may present a petition in writing to the governing body of either municipality, praying for the improvement of such road in the manner set forth in said map, plan and specifications, which petition shall be accompanied by a deposit of one hundred dollars, to be applied, as hereinafter provided, to the payment of expenses incurred under such petition; the governing body of each municipality shall, as soon as practicable thereafter, convene in joint meeting, and shall appoint three disinterested commissioners, one of whom shall be a freeholder and resident in one of said municipalities, another of whom shall be a freeholder and resident in the other of said municipalities, and the third shall be a freeholder and resident in the county in which such municipalities are situate, but shall not reside in or own, or be interested in anywise in land in either of said municipalities.
8. *And be it enacted*, That each of said commissioners, before entering upon the duties imposed upon him by this act, shall make and subscribe an oath or affirmation that he is not interested in the proposed improvement, and that he will perform and discharge all the duties imposed upon him by this act, to the best of his ability and understanding; in case the place of any commissioner shall become vacant by reason of death, resignation, disability, refusal or neglect to serve, or otherwise, another commissioner, with like qualifications, shall be appointed by said joint board in his place, and such new commissioner shall also make and subscribe the oath or affirmation hereinbefore provided.
9. *And be it enacted*, That the said commissioners, as soon as practicable after their appointment, shall proceed to estimate and determine the probable cost of the improvement mentioned and set forth in the petition, including all costs and expenses likely, in their judgment, to attend the completion of such improvement; in case the taking of land shall be necessary the commissioners shall ascertain, as far as practicable, the names and estates of the owners of the land so required to be taken, and the interest of each of such owners therein; and when such names or
- Owners fronting on road may petition for improvements.
- Deposit to be made.
- Commissioners to be appointed.
- Commissioners to take oath.
- Vacancies, how filled.
- Commissioners to estimate and determine cost of improvement.

estates are not known, they shall so report; they shall also appraise the value of the interest of each owner of real estate required to be taken, and the damage to be done to such owner by taking the same; and where the estates in any piece or parcel of land are unknown, they shall appraise the value of, or the damage done to, the fee simple; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings or parts of buildings which may be required to be taken on account of such improvement, and shall deduct such amount from the gross amount of awards and damages; said awards and appraisements shall be made upon notice to the land-owners whose lands it is proposed to take for said improvement; which notice shall be given by leaving the same in writing at the residence of such land-owner, if known, and resident in the county in which the municipalities are situated; if not known, or if non-resident, by inclosing the same directed to such land-owner by mail at the post-office nearest to the residence of said land-owner; *provided*, such post-office address can be ascertained, and if not, to his last known post-office address, if the same can be ascertained; and such notice shall also be published in a newspaper published in the county in which such municipalities are situated, for at least two weeks before the day of the meeting of said commissioners to consider said matter, the time and place of which shall be stated in such notice, and at the day and hour named in such notice, said commissioners shall proceed to view the lands so proposed to be taken, and shall hear the parties interested and shall publicly adjourn from time to time as may be necessary, and after considering the whole matter, shall make said award or awards in the manner hereinbefore provided; after finally completing their duties in said matter the said commissioners shall make report in writing, of the facts ascertained and of the estimates, awards, appraisements and determinations so made by them concerning such improvements, and shall file the same with said joint board within three months after the reference to them, or within such further time as the said joint board may by resolution allow them; upon the filing of the aforesaid reports, the said joint board shall cause duplicates

To appraise
value of real
estate required
to be taken.

Proviso.

of the same to be filed in the office of the clerk of each municipality, where the same shall remain open to public inspection for such times and during such hours as said joint board may prescribe; and the said joint board shall thereupon cause notices of the filing of such report, signed by the chairman and clerk of the governing bodies of each of such municipalities, to be published in at least two newspapers printed and published in the county in which such municipalities are situated, for four weeks successively, at least once in each week, which notice shall specify and set forth the place or places where, in each municipality, and the time during which such report can be seen and examined, and shall specify the time within which objections to such proposed improvements may be made, and filed with the clerk of each municipality, by the owners of lands fronting thereon, which time shall be at least forty days after the first publication of such notice; and the said joint board shall likewise cause at least fifty printed copies of such notice to be posted in conspicuous places in each of such municipalities, of which at least one-half shall be along the line of the proposed improvement, at least thirty days prior to the expiration of the time specified in said notice for the filing of objections.

Owners may
object to pro-
posed improve-
ment.

No further pro-
ceedings to be
had if majority
of owners object.

10. *And be it enacted,* That the owner of any lands fronting on the proposed improvement may, within the time limited in such notice therefor, file with the clerk of the municipality in which his land is situated, his written objection to the proposed improvement; within ten days after the expiration of the aforesaid time for filing objections, the said joint board shall convene, and the clerk of each municipality shall lay before it all the written objections to such proposed improvement that have been filed with him, and the said joint board shall thereupon proceed to examine the same, and shall ascertain and determine whether or not the owners of a majority of the lands fronting on the proposed improvement have objected thereto, and if it shall appear that such majority have objected to the proposed improvement, then no further proceedings shall be had in the matter, and the petition shall be rejected, and the costs and expenses of the proceedings aforesaid shall be paid

out of the moneys deposited by the petitioners, and if such moneys shall prove to be insufficient, the deficiency shall be borne and paid by each of said municipalities in equal proportions, and if the cost of the proceedings shall be less than the amount deposited, then the excess shall be returned to the depositors; and no other or further petition for the improvement of such road shall be made or received until after the expiration of one year from the time of the rejection of such petition.

11. *And be it enacted*, That in case it shall appear that the owners of a majority of the land fronting on the proposed improvement have not objected thereto, then the joint board may pass and adopt a resolution confirming the report of the commissioners and the awards for lands and damages made by them and set forth in their report, and may direct the several sums awarded to be paid to the persons to whom or in whose favor the awards are made; the moneys to pay such awards shall be contributed and advanced by each municipality in equal proportions; and in order to raise the money so required to be paid, each of such municipalities is hereby authorized to issue its corporate bonds in an amount not exceeding the sum required to be paid by it, bearing interest not exceeding the rate of six per centum per annum, and payable in not exceeding five years; and upon the payment, tender of payment, or deposit as hereinafter provided, of the amount of the several awards, and not otherwise, the fee simple of the land required to be taken for such improvement shall be deemed to be vested in such joint board as trustees for such municipalities, and the said joint board may thereupon enter into and upon and take possession of such lands and the improvements thereon.

12. *And be it enacted*, That in case the said commissioners shall have reported the names or the estates of the owners of any piece or parcel of land required to be taken as aforesaid, as unknown, the resolution directing payment of the award shall also direct the sum of the awards, on account of such piece or parcel of land, to be paid to the owners thereof, when and as their interests may appear, and the sum shall be deposited in some bank, as hereinafter provided; and any such owner or

Joint board may confirm report of commissioners and awards for lands and damages.

Authorized to issue bonds.

Owners unknown, award to be deposited in bank.

person interested in said lands, may, by bill in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him, as law and justice may require; and in case any known owner, in whose favor an award shall have been made, is an infant, or person of unsound mind, or under any other legal disability, the amount of such award shall be paid into the court of chancery to the credit of such person or his estate, and shall be there disposed of in such way as to the chancellor shall seem just and proper.

When owner an infant, award paid into court.

13. *And be it enacted*, in all other cases the awards shall be paid or tendered to the person or persons in whose favor they are made, but if any such person shall refuse to accept the amount tendered him, or cannot, upon due inquiry, be found within the county in which such municipalities are situated, the sum shall be deposited in some safe bank in such county for the use of the person to whom the same may be due, and the said money so deposited shall be paid to the person or persons entitled thereto on demand and without interest.

Persons refusing to accept amount or cannot be found, sum to be deposited in bank.

14. *And be it enacted*, That in case any person in whose favor an award shall have been made as aforesaid, shall be dissatisfied with the determination of the commissioners, such person may commence an action on contract against the said joint board as trustees, in the circuit court of the county in which such municipalities are located, or in the supreme court of this state (provided that the trial of such action shall be had in the county in which such municipalities are situated), which action shall proceed in all respects as if such joint board had, upon taking the real estate required for such improvement, agreed, in writing, to pay therefor the value thereof, and the damages done by taking the same; and in case the judgment in such action shall be in favor of the plaintiff for any sum in excess of the amount awarded to him, he shall recover, in addition, his taxable costs, and judgment therein shall be rendered in favor of said plaintiff and against said joint board as trustees, and the amount thereof in excess of the amount of the award made in favor of such plaintiff shall be contributed and advanced by each municipality, in equal proportions, and may be raised by the issue of bonds in the manner

Persons dissatisfied with award may commence action on contract against joint board.

hereinbefore provided; but if the plaintiff in any such action shall not recover more than the amount of such award, then the defendants shall recover their taxable costs against the plaintiff, and may deduct the same from the amount of his said award; *provided, always*, that no such action shall be brought by any person who has accepted payment of the amount awarded to him, nor by any person unless notice that such action will be brought be filed with the said joint board within two months after the confirmation of the awards, nor unless such action be commenced within six months after such confirmation.

15. *And be it enacted*, That at or after the time of adopting the resolution confirming the report of the commissioners, the said joint board may adopt a resolution directing the improvement, as petitioned for, to be made, and thereupon said joint board shall have full power and authority to enter into contracts with responsible persons, as hereinafter provided, for doing the work and furnishing the necessary materials therefor, which contracts may be for doing the whole improvement, or the joint board may divide the proposed improvement into two or more sections, and may advertise for proposals and enter into contracts for the whole improvement or for sections thereof; they shall advertise for proposals in at least two newspapers published in the county in which such municipalities are situated, and their contracts shall be awarded to and made with the lowest responsible bidder who will comply with the requirements of the joint board and will give ample security for doing the work and performing the contract, but such joint board shall be under no obligation to accept the lowest bid, in which case all other bids will be thrown out and new proposals advertised for in the manner hereinbefore provided.

16. *And be it enacted*, That the said joint board shall, on the sworn certificate of the engineer, and on such other evidence as they may require as to the work done, the materials used and furnished on the improvement or any section thereof, order payments to be made to the contractor or contractors for seventy per centum of the contract price for such work and materials, and when the

improvement or any section thereof shall have been fully completed and accepted, they may order an additional twenty per centum thereof to be paid, and at the expiration of not less than three months after the acceptance thereof they may order the remaining ten per centum to be paid, unless errors or defects in the work shall have appeared, in which case said amount shall be withheld until such errors or defects shall be rectified to the satisfaction of the said joint board; and the amounts so ordered to be paid by the said joint board shall be advanced by each municipality in equal proportions at the times when the payments aforesaid are required to be made, and each municipality shall be liable to the contractor or contractors to that extent.

Authorized to
issue bonds.

17. *And be it enacted*, That in order to raise the money to make payments hereinbefore required to be made for or on account of such contracts, it shall be lawful for the governing body of each municipality to issue its corporate bonds in such amount as may be necessary for that purpose, which shall bear interest at not exceeding the rate of six per centum per annum, and shall run not longer than five years.

Costs and ex-
penses of im-
provement, how
ascertained, and
to be assessed on
lands benefited.

18. *And be it enacted*, That after the completion of the said improvement, the whole cost and expense thereof shall be ascertained by the three commissioners appointed as aforesaid, and shall be assessed by them, as far as can be, on all the lands, and each tract, lot or parcel of land in such municipalities which, in the judgment of the commissioners, are specially benefited by the said improvement, in proportion to the benefit received by each lot, tract or parcel of land from the said improvement; and no lot, tract or parcel of land shall be assessed more than it is so specially benefited, which assessment shall be manifested by a report and a map, in duplicate, which report and map shall show, amongst other things, each lot, tract or parcel of land assessed, and the names of the owners thereof, and the amount assessed, so far as the same can be ascertained, and also the excess of the cost, if any over the aggregate special benefits assessed to them, and the total amounts of special benefits assessed by them upon the property lying within each municipality; *provided, however*, that said assessment shall not be finally

Proviso.

confirmed by said commissioners until after an opportunity has been given to all persons interested therein to be heard thereon, upon such notice, either personally or by publication, as such commissioners shall determine, which report and map, in duplicate, signed by said commissioners or a majority of them, shall be deposited with said joint board, who shall thereupon cause one of said copies to be filed with the clerk of each of said municipalities; and from and after the time of said filing, the said assessment shall be and become a lien upon each lot, tract or parcel of land as assessed, and so remain until the said assessment is paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof; and such assessment, if the same remain unpaid, shall be subject to the same interest and penalties, and may be collected and enforced in each of said municipalities in the manner prescribed by law with respect to assessments for other improvements therein; and all moneys received in payment of assessments made under the provisions of this act, shall be kept, held and applied to and for the redemption of the bonds, if any, issued under this act, and for no other purpose whatever.

19. *And be it enacted*, That after the making of the assessment aforesaid, the joint board shall fix and adjust the proportionate part of the cost and expense of such improvement to be borne by each municipality so and in such manner that each municipality shall be chargeable with and required to pay of such cost and expense in the proportion that the total amount of assessed special benefits therein bears to the aggregate assessed special benefits assessed in both municipalities; and if, after such adjustment, it shall appear that either municipality has contributed or advanced toward the cost of the improvement more than such proportionate part, the excess so contributed or advanced over such proportionate part shall be forthwith refunded and paid to it by the other municipality.

20. *And be it enacted*, That the said joint board shall, after the completion of the improvement, divide the road into two equal sections, and shall designate the section which each municipality shall maintain and keep in repair; and thereafter each of said municipalities shall

Joint board to
fix and adjust
cost and expense
to be borne by
each municipi-
pality.

Road to be
divided, main-
tained and kept
in repair.

maintain and keep in good condition and repair the section of the road so assigned to it.

Organization of
joint board.

21. *And be it enacted*, That said joint board may choose a chairman and secretary, and such other officers, and may make such rules for government as shall be deemed advisable; the said joint board shall have power to meet and adjourn from time to time and as often as in their judgment it shall be deemed necessary to fully carry into effect the provisions of this act; the votes of a majority of all the members of such joint board shall be necessary to decide any question, order, motion or resolution which may come before it; the secretary of said joint board, and the engineer and commissioners appointed by them, shall receive such compensation for their services as the said joint board shall determine to be just and proper; and the members of said board shall be entitled to the same compensation as is allowed to them as members of the governing body of the municipality which they represent.

Compensation of
certain officers,
how allowed.

When no writ of
certiorari to be
allowed.

22. *And be it enacted*, That no writ of certiorari to review any assessment made for any improvement authorized by this act shall be allowed or granted unless application therefor be made within three months after the filing of the duplicate report and map in the respective clerks' offices of said municipalities.

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

Approved April 10, 1889.

CHAPTER CXLVII.

An act to amend an act entitled "An act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities," approved March thirty-first, one thousand eight hundred and eighty-seven.

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

3. *And be it enacted*, That any member of such force having received permanent disability by reason of accident incurred at any time in the service, or, after nine years in the service, by reason of disease contracted during such service, shall be retired upon half pay. Section as amended.

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

Approved April 10, 1889.

CHAPTER CXLVIII.

An act to provide for street and sewerage improvements in the cities of this state, without increase of municipal indebtedness therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition in writing shall be presented to the common council or other governing body of any city of this state, signed by the owners of one-third of the lineal frontage of any street or highway, or portion thereof, in such city, requesting that an estimate be made of the probable cost and expense of grading, curbing, graveling, macadamizing or paving any such street or highway, or portion thereof, or the construction of any public sewer or drain within the same; and whenever, also, such governing body shall, without such petition, deem it advisable to have such estimate, it shall be lawful for such governing body to cause such estimate to be made as soon thereafter as practicable, by the city surveyor of said city, or other proper person, and placed on file in the office of the clerk of such city for public information, which said estimate may include two or more methods of construction as to plans, materials and work.

Owners of one-third of frontage may petition for estimate of cost for street and sewer improvements.

Filing of estimates.

2. *And be it enacted*, That whenever, after twenty days shall have expired from the time of filing any such estimate, a petition in writing shall be presented to any such governing body, signed by the owners of two-thirds of the lineal frontage of any street or highway, or portion thereof, in any such city, for the grading, curbing, graveling, macadamizing or paving of any such street or highway, or portion thereof, or the construction of any public drain or sewer within the same; and whenever, also, any such governing body, without such petition, shall deem it advisable to grade, curb, gravel, macadamize or pave any street or highway, or portion thereof, within any such city, or to construct any public drain or sewer

within any such street or highway, or portion thereof, it shall be lawful for such governing body to direct, by ordinance or by resolution, that the same shall be so done, and prescribe the manner and detail of such improvement; and thereupon it shall be the duty of the city clerk of such city immediately to cause an advertisement to be inserted in two of the newspapers published and circulating in said city, for one week, for sealed proposals for the said work, to be filed with said clerk, within twenty days from the first publication of said advertisement, which advertisement shall state that said improvement is to be made under the provisions of this act, and the proposals received therefor shall be opened in the presence of said governing body, who shall award the contract for the said work to the lowest responsible bidder, whose bid shall not exceed said estimate, and who shall thereupon give sufficient bond, to be approved by said governing body, for the faithful performance of his undertaking; and in case there shall not be two newspapers published in any such city, then such publication may be made in any two newspapers published in the county wherein such city may be located, and circulating in said city, that now are or hereafter may be designated by law for the publication of the laws of this state.

Advertisement
for proposals.

3. *And be it enacted*, That no work or improvement done or made under this act nor any contract therefor shall create a general debt of said city, or be paid for otherwise than by the moneys collected from assessments hereinafter mentioned or from some existing fund in the treasury of such city at the time of awarding said contract and applicable to such purpose, or from appropriations to be voted by the qualified voters of such city for such work or improvement in manner authorized by law; and every such fund so applicable to or voted for such purpose shall, from the time of awarding said contract and from the time of voting the same, be thereby set apart and pledged for the satisfaction thereof, and shall not be thereafter diverted or applied to any other use until the payments required for the said work and improvement shall have been fully discharged; and all such work and improvement shall be performed under the supervision of the street commis-

General debt not
to be created.

sioner or other suitable officer or officers of such city or other capable person or persons to be appointed by the governing body of such city, who shall certify in writing to said governing body that such improvement and work have been fully and properly completed as required; and such governing body shall be satisfied that said work and improvement have been so completed, and shall by resolution approve the same before payment for the same shall be made.

Damages, how assessed.

4. *And be it enacted*, That if in the judgment of such governing body any improvement made under this act shall be likely to benefit and increase or injure the value of any lands and real estate in the vicinity thereof, it shall apply to the circuit court of the county wherein such city may be situated for the appointment of three commissioners to estimate and assess such benefits and damages, of the time and place of which application notice shall be given by ten days' publication in two newspapers published and circulating in such city; and in case there shall not be two newspapers published in any such city, then in any two newspapers published in the county wherein such city may be located, and circulating in said city, which now are or hereafter may be by law designated for the publication of the laws of this state; at which time and place as said court may designate such court shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the city making such application, to estimate and assess said benefits and damages, and the said court shall have power to remove any commissioner and appoint another in his place, and also fill any vacancy that may occur in the office of any commissioner from any cause.

Commissioners to make oath, and attach to report.

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

6. *And be it enacted*, That the said commissioners having so qualified, shall give two weeks' notice in two newspapers published and circulating in such city, and in case there shall not be two newspapers published in any such city, then in any two newspapers published in the county wherein such city may be located, and circulating in said city, which now or hereafter may be designated by law for the publication of the laws of this state, 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 as such commissioners may appoint by adjournment, the said commissioners shall attend and give public hearing to all persons in interest who may be present and desire to be heard; and the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to compel the attendance of such witnesses, by subpoenas to be issued by them, and to enter upon and view any premises that they may deem necessary, and to adjourn from time to time, in their discretion; they shall use diligent efforts to ascertain the names of the owners of the lands and real estate benefited or damaged by such improvement, and state the same in the report hereinafter mentioned; but the failure to ascertain the name of any such owner, or to state the same correctly, or the omission of any such from the said report, shall not be deemed to invalidate the said assessment for benefits or damages, or any part thereof, nor to be a bar to the collection of the same.

7. *And be it enacted*, That after having given opportunity, as aforesaid, for a public hearing of the persons in interest, and having viewed the premises likely in their judgment to be benefited or injured by such improvement, the said commissioners shall make a report, in writing, of their estimates and assessments, to such governing body of said city, accompanied by a survey and map prepared by the city surveyor of such city or some other suitable person appointed by said governing body, showing the lots or parcels of land and real estate peculiarly benefited and damaged by such work and improvement; the said report shall state the cost of the whole work and improvement, the names as far as ascertained

of the owners of the said lots or parcels of land and real estate and the amount of the assessment to each owner for each of said lots of land for said benefits and damages, which assessment for benefits shall be, in each case, in proportion, as near as may be, to and not exceeding the advantage which each of such owners shall be deemed to have acquired by such improvement.

Commissioners
to give notice of
time and place
of hearing.

8. *And be it enacted*, That upon the coming in of such report signed by such commissioners, or any two of them, such governing body shall cause due and sufficient notice to be given in such two newspapers published in such city or county and circulating in said city, of the time and place of hearing any objections that may be made to such assessment, and after hearing and considering any matter that may be alleged against the same, the said governing body shall confirm the said report, or shall refer the same back to the same commissioners for revision and correction, or may refer the same to new commissioners, to be appointed by the said court, forthwith to reconsider the subject-matter thereof, and the said commissioners to whom the said report shall be so referred shall return the same corrected and revised, or a new report to be made by them in the premises, to the said governing body, without unnecessary delay; and the same being so returned shall be confirmed or again referred in manner aforesaid, as right and justice shall require, and so from time to time until a satisfactory report shall be made or returned, which the said governing body shall confirm; such report, when so confirmed, shall be final and conclusive as well upon said city as upon the owners of any lands and real estate affected thereby; it shall not be necessary to delay the appointment of said commissioners or the making of report by them as aforesaid until the completion of the improvement for which such assessment shall be made, but no such report or assessment shall be confirmed until it shall have been certified to the said governing body by the officer having charge of the said work that the same has been fully and properly completed as required, and said governing body shall have approved the same as provided in the third section of this act; the said governing body shall thereupon cause a certified copy of such report and

the accompanying map to be forthwith delivered to the officer of such city charged with the duty of collecting taxes, who shall record the same in a book to be provided for that purpose at the expense of such city, and which shall be open to public inspection at all proper times; and such assessment shall, from the time of filing such transcript thereof, be a lien upon the lands and real estate therein mentioned paramount to any mortgage or other incumbrance previously existing, and notwithstanding any alienation or transmission of title to said premises by the owner thereof.

9. *And be it enacted*, That the said officer having in charge the collection of taxes, upon receiving the said transcript of said report and map and confirmation thereof, shall immediately give notice thereof by mail to each person against whom there shall be any such assessment, if his address can be ascertained, and by publishing the same in two newspapers circulating in the said city and published in the county wherein said city shall be situated, for two weeks, which notice shall require payment of the amounts assessed by the owners of said land respectively, to be made to said collecting officer, the one-half thereof within sixty days after the date of the first publication of the said notice, and the remaining one-half thereof within ninety days after the date of said first publication.

Payments, how made.

10. *And be it enacted*, That if any such assessment shall not be paid within said term of ninety days from the said date of first publication, the said collecting officer shall proceed to collect the same, together with interest on said assessment at the rate of six per centum per annum from and after ninety days from the said date of first publication and the expenses of sale, by selling the said lands affected thereby for the like term, upon the like advertisement and with the like effect as in case of sales for taxes in said city.

Lands may be sold for payment of assessments.

11. *And be it enacted*, That in contracts made under and by virtue of this act, the city shall in no case be liable to any claim for the amounts to be collected upon such assessments from lands and real estate benefited, but the contractors shall in all cases look wholly to such assessments to the extent thereof for their compensation, and every such contract shall contain a clause that it is

Contracts, how paid.

subject to the provisions of this act; but so much of the expense of any such work and improvement as shall remain after such assessments made for benefits, shall be borne and paid by such city, excepting that the liability of such city therefor shall be restricted to the amounts which shall have been, or may be, from time to time, appropriated for the same, as specified in the third section of this act.

Moneys from
assessments
separate fund.

12. *And be it enacted*, That the moneys arising from assessments and appropriations under this act shall constitute a fund, which shall be kept separate from other moneys of said city, and shall be used and paid out only for the improvement of streets and construction of sewers in such city under this act, and upon orders specially drawn against the same, designating in each case the improvement on account of which such order is given, and the moneys arising from each assessment shall be first appropriated to the payment for the improvement for which such assessment was made.

Private lands
may be acquired.

13. *And be it enacted*, That in case it shall be necessary, for the construction of any sewer or drain under this act, to take or acquire any private lands through which the same may be laid, or any estate or easement therein, it shall be lawful so to appropriate the same; and the said commissioners in such case shall give notice of their intention to take the same in the manner prescribed in the sixth section of this act, and shall give public hearing to all persons in interest in the manner in said section directed, and shall include in their report hereinbefore directed to be made a description and map thereof, with the name of the owner or owners, and an estimate and valuation of the lands or estate or easements therein necessary to be acquired, and of the damages accruing therefrom to such owner or owners; and the said governing body shall give such notice of the time and place of hearing any objections that may be made to said report and proceedings as directed in the eighth section of this act, and shall consider the same and deal with said report and subsequent reports in respect thereto as in said section is directed respecting assessments; shall consider the same, and, having heard any objections that may be made thereto, shall confirm such report or again refer

the same, and like proceedings shall be had as in case of the report of assessments for benefits as aforesaid until the same shall be confirmed; and the damages so finally assessed shall be included in the expense of said improvement.

14. *And be it enacted*, That each commissioner appointed under this act shall be entitled to receive three dollars for each day that he shall be actually engaged in the performance of the duties herein required of him, which sum shall be paid by said city, and shall be in full for all charges or expenses of such commissioner, and shall be included in the expense of said improvement. Compensation of commissioners.

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

Approved April 10, 1889.

CHAPTER CXLIX.

An Act to enable certain municipal corporations of this state to erect buildings and structures for municipal uses and purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council or other governing body of any city, town or other municipal corporation of this state, incorporated or existing under or by virtue of any special act of incorporation and supplements thereto, to build upon land already owned by such corporation, or to purchase land and build thereon a building or buildings, structure or structures, for municipal uses and purposes; *provided*, that the cost and expense of any such building or buildings, structure or structures, shall not, in the aggregate, exceed the sum of ten thousand dollars. Authorized to erect buildings for municipal purposes. Proviso.

May issue bonds
to defray cost
and expense.

2. *And be it enacted*, That to defray the cost and expense of any building or buildings, structure or structures, to be erected under and in pursuance of the first section of this act, such corporation may issue bonds in the corporate name of such corporation in sums of not more than one thousand dollars and not less than one hundred dollars each, to be signed by the mayor or other chief officer, and countersigned by the clerk and sealed with the corporate seal of such corporation, and to have written or printed thereon the words "construction bonds," and one thousand dollars in amount of said bonds shall be made payable each and every year from the date thereof, until each and every thereof be paid and discharged, said bonds to be disposed of at not less than their par value, and to draw interest at a rate not exceeding five per centum per annum, payable semi-annually; and the common council or other governing body of such municipal corporation shall have power to raise the money to pay the principal and interest of said construction bonds as the same mature, in addition to the tax they are now authorized to raise, and in the same manner as other taxes are assessed and raised by such municipal corporations.

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

Approved April 10, 1889.

CHAPTER CL.

A Supplement to an act entitled "An act to provide for sewerage and drainage by incorporated camp-meeting associations or seaside resorts," approved March fifth, one thousand eight hundred and seventy-eight.

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

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when it becomes necessary, in the opinion of the board of trustees, directors, commissioners or other corporate authorities of any incorporated camp-meeting association or seaside resort, to provide a system of sewerage and drainage for such corporation, or any part thereof, it shall be the duty of such board of trustees, directors, commissioners, or other corporate authorities, to devise and form, or cause to be devised and formed, a plan for sewerage and drainage for the whole of the premises of such corporation, or such part thereof as may be designated by them; *provided*, the consent in writing of the majority of the lot-owners on the line of the proposed improvement be first obtained, said owners to have one vote for each lot owned by them," Proviso. be amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when it becomes necessary, in the opinion of the board of trustees, directors, commissioners, or other corporate authorities of any incorporated camp-meeting association or seaside resort, or borough commission, to provide a system of sewerage and drainage for such corporation, or any part thereof, it shall be the duty of such board of trustees, directors, commissioners, or other corporate authorities, to devise and form, or cause to be devised and formed, a plan for sewerage and drainage for the whole of the premises of Section as amended.

Proviso. such corporation, or such part thereof as may be designated by them; *provided*, the consent, in writing, of the majority of the lot-owners on the line of the proposed improvement be first obtained; said owners to have one vote for each lot owned by them.

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

Approved April 10, 1889.

CHAPTER CLI.

An Act to provide for the appointment of an assessor in boroughs of the first class.

Mayor to appoint assessors. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the assessor of taxes in and for boroughs of the first class shall be appointed by the mayor and common council of said boroughs.

Appointment to be made annually 2. *And be it enacted*, That the appointment of such assessors shall be made annually at the first regular council meeting after the annual borough election.

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

Approved April 10, 1889.

CHAPTER CLII.

Supplement to an act entitled "An act to authorize the construction and maintenance of bridges and approaches thereto over navigable streams which mark the dividing line between counties in this state," approved March eighth, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case it shall be necessary to acquire land for the approach or approaches mentioned in the fifth section of the act to which this act is a supplement, and the municipal authorities and the owner or owners of the said land cannot agree upon the price to be paid therefor, it shall and may be lawful for any justice of the supreme court, and the said justice is hereby directed, upon application by the common council, board of aldermen, township committee or other governing body of the town, township or municipality through which such approach or approaches shall lie, upon two weeks' previous notice, served in person, or by leaving a copy thereof at the dwelling-house or usual place of abode of the owner or owners of said lands and the tenants, if any there be, or in case of the absence from the state or legal disability of the owner or owners or tenants, then the said notice shall be published in a newspaper published in the county where said lands are situate, for two weeks prior to the time fixed for such application, to appoint three disinterested persons commissioners, which said commissioners shall be residents of the county where said lands are situate, to condemn and assess and ascertain the value of the lands necessary for such approach or approaches, which commissioners shall appoint a time and place at which they shall meet and execute the duties of this appointment, and shall cause two weeks' notice thereof to be given to the owner or owners and tenant or tenants thereof, either by personal service or by leaving a copy

Proceedings in case authorities and owners cannot agree as to price for land.

Commissioners to be appointed.

thereof at the dwelling-house or usual place of abode of said owner or owners and tenant or tenants, or in case of the absence from the state or legal disability of said owner or owners or tenant or tenants; then said notice shall be published in a newspaper printed in the county where said lands are situate, for two weeks prior to the time of such meeting; at which time and place the said commissioners, or any two of them, shall meet and view the premises and lands, and hear all the parties interested, and take evidence, if any shall be offered, and for that purpose shall have power to administer oaths and affirmations, and to adjourn from time to time; and the said common council, board of aldermen, township committee or other governing body shall make and exhibit to the said commissioners, at their meeting aforesaid, a description of said lands required for such approach or approaches as aforesaid, either in writing or by maps or drawings, or both; and the said commissioners, or any two of them, shall thereupon ascertain and assess the value of said lands and shall execute under their hands and seals, or the hands and seals of any two of them, an award to said common council, board of aldermen, township committee or other governing body in the description aforesaid, stating therein the compensation therefor by them assessed, in favor of said owner or owners, tenant or tenants, if any there be, and a description of the said lands, which said award shall be acknowledged by the commissioners making the same and filed in the register's office of the county where said lands are situate, and recorded by the said register in the same manner and in the same books that deeds for real estate are now recorded.

Commissioners to ascertain and assess value of lands, &c.

Award and assessment to be paid owners on filing award of commissioners.

2. *And be it enacted*, That when the said commissioners, or any two of them, shall make their award and assess the value of the lands aforesaid, that it shall be the duty of the common council, board of aldermen, township committee or other governing body to pay to the owner or owners of said land and to the tenant or tenants, if any there be, the amount so assessed by the said commissioners, and in case the said owner or owners, tenant or tenants refuse to receive the same, or reside out of this state, or are legally disqualified or cannot be found,

then the said common council, board of aldermen, township committee or other governing body shall pay the said amount so assessed to the clerk of the circuit court of the county where said lands are situate.

3. *And be it enacted*, That the award of the commis-^{Title vested on} sioners aforesaid, or any two of them, and the payment^{payment of} of the money so assessed as aforesaid by the common^{award.} council, board of aldermen, township committee or other governing body in the manner aforesaid, shall vest in the common council, board of aldermen, township committee or other governing body the lands and premises described in said award, the same estate as would have vested in them had the owner or owners thereof conveyed the same to the common council, board of aldermen, township committee or other governing body, under their hands and seals in fee simple.

4. *And be it enacted*, That if the common council, board^{Proceedings in} of aldermen, township committee or other governing^{case cities or} body, or the owner or owners, or the tenant or tenants of^{owners are not} said lands are not satisfied with the assessment of the said^{satisfied with} commissioners of the amount to be paid to the owner or^{assessment of} owners, to the tenant or tenants of said lands, then and^{commissioners.} in that case either party may appeal to the next or second term thereafter of the circuit court of the county where said lands are situate, by filing a petition with the clerk of said circuit court, and serving a notice of such appeal upon the opposite party three weeks prior to such term, or by publication in a newspaper printed in the county where said lands are situate, for four weeks prior to such term; which petition, when filed, and the notice served or published as aforesaid, shall vest in said court full power to hear and determine said appeal.

5. *And be it enacted*, That in all cases of appeal from^{Trial may be} the assessment of the commissioners, it shall and may be^{by jury.} lawful for either party to demand and have a trial by jury, and the assessment of the court or jury shall be final.

Approved April 10, 1889.

CHAPTER CLIII.

A Further Supplement to an act entitled "An act concerning official newspapers in cities of this state," passed March thirteenth, one thousand eight hundred and eighty-four.

Certain newspapers to be official newspapers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state in which a newspaper printed in the German language shall have been published at least once a week for a period of not less than three years prior to the passage of this act, such newspaper printed in the German language shall be designated as an official newspaper of the city in which it has been thus published, in addition to the official newspapers authorized to be designated by the charter of such city or by general enactment; *provided, however*, that in cities where one or more newspapers printed in the German language shall be official newspapers of such city no additional official newspaper printed in the German language shall be named.

Proviso.

Repealer.

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

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

Approved April 11, 1889.

CHAPTER CLIV.

A Further Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person elected as a member of the township committee in any township shall, before he enters upon the discharge of his duties, and within six days after notice of his election or appointment, take and subscribe an oath or affirmation, before the township clerk or some other person authorized under the laws of this state to administer oaths and affirmations, that he will, to the best of his ability and understanding, faithfully, justly and impartially perform the duties of a member of the township committee of such township; and the certificate of such oath or affirmation shall, within six days thereafter, be delivered to the clerk of the said township, who shall file the same in his office; and if such person shall not take and subscribe the said oath or affirmation as aforesaid, or shall not transmit or deliver the same to the township clerk as aforesaid, within the time hereby limited, such neglect shall be deemed and taken as a refusal to serve in the said office.

Approved April 11, 1889.

CHAPTER CLV.

A Supplement to an act entitled "An act concerning clerks of grand juries," approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the clerks of grand juries in all counties of this state having by the state census of one thousand eight hundred and eighty-five a population of seventy-five thousand or more inhabitants and less than one hundred thousand inhabitants, shall be two hundred dollars per term of court, and no more.

Salary of clerks
of grand juries.

Repealer.

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

Approved April 11, 1889.

CHAPTER CLVI.

An Act concerning police in towns, boroughs and townships.

Authority to
appoint day and
night police.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council or township committee of any town, borough or township in this state, authorized by law to establish and maintain day and night police, are hereby authorized to appoint such number of patrolmen as in their judgment the public

good shall require, and may also appoint a superintendent or captain and a sergeant of police; *provided, however,* ^{Proviso.} that at no time shall the number of patrolmen appointed be more than one for every eight hundred inhabitants of such town, borough or township; *and provided, further,* ^{Proviso.} that the compensation to be paid to the superintendent or captain and to the sergeant shall be the same as the compensation provided for each patrolmen, except that there may be paid to the superintendent or captain, in addition thereto, not exceeding twenty-five per cent. of such amount, and to the sergeant, in addition thereto, not exceedidg fifteen per cent thereof.

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

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

Approved April 11, 1889.

CHAPTER CLVII.

A Further Supplement to an act entitled "An act concerning official newspapers in cities of this state," passed March thirteenth, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in all cities in this state in which a newspaper specially devoted to the interests of organized labor, shall have been published at least once a week for a period of not less than five years prior to the passage of this act, such newspaper devoted to the interests of organized labor shall be designated as an official newspaper of the city in which it has been thus published, in ^{Designation of official news-paper.}

addition to the official newspapers authorized to be designated by the charter of such city or by general enactment.

Repealer.

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

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

Approved April 11, 1889.

CHAPTER CLVIII.

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.

Appropriation for construction, maintenance, &c., of public hospital.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the board of chosen freeholders in any county of the first class within this state and in which there is or may hereafter be established by law, a county board of health, shall appropriate and set apart a sum not to exceed three thousand and five hundred dollars annually for the construction, maintenance and repair of a public hospital for such county, for the treatment of cases of a contagious nature other than small-pox.

Annual appropriation and by whom expended.

2. *And be it enacted,* That it shall and may be lawful for such board of chosen freeholders to render annually to such county board of health the said sum not to exceed three thousand and five hundred dollars, to be by said board of health expended for the purposes aforesaid.

County board of health to have exclusive charge and control of sum, &c.

3. *And be it enacted,* That such county board of health shall have exclusive charge and control of the expenditure of said sum for the purposes aforesaid, and shall account for such expenditure on or before the end of each

and every fiscal year, to the county collector of such county, rendering at the same time to him the balance, if any, of such sum remaining.

4. *And be it enacted*, That in case any such board of freeholders shall have heretofore appropriated any sum for the purposes aforesaid, and in excess of moneys at their disposal, it shall and may be lawful for such board of freeholders to issue bonds for or otherwise to grant and raise a sum not to exceed three thousand and five hundred dollars for the erection and construction of a hospital for contagious diseases other than small-pox, within such county; such sum so raised to be rendered to such county board of health, and to be by them exclusively used for the erection and construction of such hospital.

Board of freeholders to issue bonds.

Sum raised, how used.

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

Repealer.

Approved April 11, 1889.

CHAPTER CLIX.

Supplement to an act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inferior courts of common pleas in and for the several counties of this state shall be and hereby are authorized and empowered, in their discretion, to transfer any license granted by them under and by virtue of the act to which this is a supplement; and in case of transfer, the license so transferred shall

Courts authorized to transfer licenses granted by them.

only be good for the unexpired term thereof, and at the place mentioned in the original license.

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

Approved April 11, 1889.

CHAPTER CLX.

An Act to repeal an act entitled "An act concerning elections," passed March twenty-eighth, one thousand eight hundred and eighty-eight.

Act repealed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning elections," passed March twenty-eighth, one thousand eight hundred and eighty-eight, be and the same is hereby repealed.

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

Approved April 11, 1889.

CHAPTER CLXI.

An Act fixing the compensation of commissioners constituting city excise boards having the control of the granting of licenses for the sale of spirituous, vinous, malt and brewed liquors in cities of this state containing over one hundred thousand inhabitants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners constituting city excise boards having the control of the granting of licenses for the sale of spirituous, vinous, malt and brewed liquors, which now or hereafter may exist in cities of this state containing over one hundred thousand inhabitants, shall each receive and be paid, in lieu of any other compensation whatsoever which, under any general or special act, he may receive, an annual salary or compensation of one thousand dollars, said salary or compensation to be paid such commissioner monthly and in the same manner as the salaries of other officers of said cities are now paid; *provided*, the provisions of this section shall not apply to the commissioners of any excise board in any city of this state while the bonded indebtedness of such city exceeds fifteen per centum of its ratables liable to municipal taxation in such city, nor where in any city the said commissioners have charge of or control over any other department of the city government.

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

Approved April 15, 1889.

CHAPTER CLXII.

An Act in relation to the New Jersey troops in the battle of Gettysburg, July first, second and third, one thousand eight hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it is desirable that a record of the services rendered the nation by the citizen soldiery of New Jersey serving in the army of the United States, at the battle of Gettysburg, Pennsylvania, on the first, second and third days of July, one thousand eight hundred and sixty-three, together with a history of their services during the campaign beginning June fifth, one thousand eight hundred and sixty-three, and ending with the close of the battle aforesaid, be placed in each public school library in this state and in the several departments of the state government.

2. *And be it enacted*, That the adjutant-general of the state of New Jersey be and he is hereby directed to purchase of the Orange Evening Mail publishing-house, Orange, New Jersey, as many copies of the work entitled "New Jersey troops in the Gettysburg campaign," as may be necessary for the purposes mentioned in section one of this act; the price per copy not to exceed two dollars, and the bill for the same, duly certified as correct by the adjutant-general, shall be received by the comptroller as a proper voucher, and on receipt of which he shall draw his warrant on the state treasurer for the amount named.

3. *And be it enacted*, That owing to the limited number of this work now available, the publisher shall agree to furnish to the state of New Jersey enough of the copies of the work known as "New Jersey troops in the Gettysburg campaign," at the price named, as shall meet the requirements of this act.

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

Approved April 16, 1889.

Record of services of New Jersey soldiers to be placed in public school libraries.

Adjutant-general authorized to purchase copies of work.

Price.

Publisher to agree to furnish copies.

CHAPTER CLXIII.

A Further Supplement to an act entitled "An act to establish and organize the state reform school for juvenile offenders," approved April sixth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the New Jersey state reform school shall be and they are hereby authorized to employ for such time, and at a compensation as they shall see fit, a clergyman or clergymen, of good repute and standing, to act as teachers and moral instructors of the inmates of the reform farm school; *provided*, that the annual compensation to the moral instructors of said school shall not exceed one thousand five hundred dollars, to be paid from the annual appropriation for the maintenance of said school.

Trustees authorized to employ moral instructors.

Proviso.

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

Approved April 16, 1889.

CHAPTER CLXIV.

An Act to validate certain sales of lands, tenements and hereditaments for unpaid taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all sales for unpaid taxes assessed and levied against any lands, tenements and hereditaments heretofore made by any person or persons acting, or pretending to act as the collector of

Sales for unpaid taxes ratified and confirmed.

New Jersey State Library

taxes in any town, township, city or borough of this state, pursuant to and by virtue of any directions to him or them given by competent authorities, be and the same are hereby ratified and confirmed, and such sales made as aforesaid shall be valid to all intents and purposes, and have the same force and effect as if such sales had been made by any officer duly qualified to make the same, notwithstanding the term of office of such person or persons acting as such collector as aforesaid may have terminated at the time of such sale.

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

Passed April 16, 1889.

CHAPTER CLXV.

An Act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That subdivision four of section two of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:
- IV. To appoint the county superintendents of the several counties of the state.
2. *And be it enacted*, That section nineteen of said act be amended so as to read as follows:
19. *And be it enacted*, That the state board of education shall appoint for each county a person of suitable attainments to be the county superintendent of the public
- Subdivision as amended.
- County superintendents.
- Section as amended.

schools of that county, who shall hold office for a term of three years and until his successor shall have been appointed as aforesaid, unless sooner removed for cause by the state board of education.

3. *And be it enacted*, That section nineteen *a* of said act Section repealed. be and the same is hereby repealed.

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

Approved April 16, 1889.

CHAPTER CLXVI.

A Further Supplement to an act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty, and the supplement thereto, approved March twenty-second, one thousand eight hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said supplement approved March twenty-second, one thousand eight hundred and eighty-three, be and the same is hereby amended so that the same shall read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall com- Section as amended. mence or continue to practice medicine or surgery without conforming to the requirements of the first section of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of twenty-five dollars, or imprisonment in the county jail not exceeding six months, or both, at the discretion of the court, for each prescription made, operation performed or profes-

- Proviso.** sional service rendered; *provided*, that any person who shall have had twenty years' experience in the practice of medicine or surgery in any one locality within this state, and shall file with the clerk of the county in which he shall have so practiced, and also in which he resides, an affidavit setting forth the fact of such experience and length of practice, shall be exempt from the requirements of section first of the act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty.
- Repealer.** 2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.
3. *And be it enacted*, That this act shall take effect immediately.
- Passed April 17, 1889.

CHAPTER CLXVII.

Supplement to an act entitled "An act to authorize and enable counties in this state to acquire and improve lands for public parks, and to maintain and regulate the same," approved March thirteenth, one thousand eight hundred and eighty-eight.

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

Section as amended.

8. *And be it enacted*, That after such meetings shall have been held and tax-payers interested have been heard, the said commissioners shall have power, if they, or a majority of them, deem it advisable so to do, from time to time to enter into an agreement or agreements in the corporate name of the county for the purchase of one or

more of the sites so selected; and said commissioners shall have power to improve the same for park purposes, and to that end to employ engineers, gardeners, mechanics, laborers, policemen and other necessary servants, and to make reasonable and proper rules and regulations for the use and enjoyment of the same by the public as a place or places for recreation; *provided, nevertheless*, that the cost of acquiring said lands, and of converting the same into one or more public parks, with all necessary improvements thereon, shall in the aggregate not exceed one per centum of the assessed value of all the property, real and personal, in said county liable to taxation for county purposes; *and provided further*, that the entire annual expense of keeping in order, regulating and maintaining said park or parks, including the annual interest on bonds to be issued for the cost of such park or parks, and the improvement thereof as hereinafter provided, shall not exceed one mill on the dollar of the assessed value of all property, real and personal, in said county liable to taxation for county purposes.

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

14. *And be it enacted*, That in case commissioners shall be appointed in any county or counties under this act, the preliminary expenses incurred by such commissioners in selecting sites, making surveys and estimates, publishing notices and holding meetings, as required by the provisions of this act, including counsel fees and legal services, shall be paid by the board of chosen freeholders, the same having been duly certified by the president of said board of park commissioners; *provided*, such expenses in the aggregate shall not exceed the sum of five thousand dollars.

3. *And be it enacted*, That if said commissioners cannot agree with the owner or owners of lands, rights, privileges and property required for county park purposes, for the purchase thereof, or if by legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the lands, rights, privileges and property so required for said county park purposes

shall be given in writing under the oath or affirmation of some engineer or proper agent of said park commissioners, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county in which the lands required for said park purposes are situated, who shall cause the said park commissioners to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands, rights, privileges and property upon such notice, not less than ten days, to be given to the persons interested or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and to proceed to examine and view the said lands, rights, privileges and property, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said county park, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same; which report shall be made in writing under the hands and seals of said commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands, rights, privileges and property and oaths or affirmations aforesaid, in the register's and clerk's office of said county, to remain of record therein; which report, or in case of

an appeal, the verdict of a jury and the judgment of the court, and a copy thereof certified by the clerk of said county (the costs assessed and adjudged being first paid as hereinafter mentioned), shall at all times be considered as plenary evidence of the right of said park commissioners to have, hold, use, occupy, possess and enjoy the said lands, rights, privileges and property for county park purposes; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow fees and expenses to the judges of the said court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

4. *And be it enacted*, That in case the said park commissioners, or owner or owners of the said lands, rights, privileges and property, shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of said county, at the first term after the filing of the said report, by proceeding in the form of petition to said court; which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be impaneled and sworn as in other cases, and a view of the premises to be had if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said lands, rights, privileges and property; and if they shall find a greater sum than the commissioners have awarded or the park commissioners have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said park commissioners, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the park commissioners offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the

Commissioners
or owners dis-
satisfied with
report may ap-
peal to circuit
court.

Proviso. said jury, or execution awarded thereon, as the court shall direct; but such application shall not prevent the park commissioners from taking the said lands, rights, privileges and property upon filing the said report; *provided*, that in no case whatever shall said park commissioners enter upon or take possession of the lands, rights, privileges and property of any person or persons for the purpose of actually laying out said county park or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of said park commissioners, until they have paid the party or parties entitled to receive the same the amount found by the said commissioners as the value of the said lands, rights, privileges and property, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, or the amount found by the jury, in case of appeal, shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state or under any legal disability, then payment of the amount assessed or found as aforesaid into the circuit court of the county in which the lands taken are situated shall be deemed a valid and legal payment; *and further*, the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners; *provided, however*, that in case the said park commissioners or a majority of them shall after consideration decide that it is not to the best interests of said county to take said lands, rights, privileges and property for county park purposes at the appraisement fixed by such commissioners in condemnation or by the judgment upon such trial as aforesaid, they may elect to abandon said proceedings and the condemnation of said lands and property aforesaid, by an instrument in writing to that effect to be filed with the clerk of said court and entered on the minutes thereof within thirty days after the filing of said report and appraisement or judgment, as the case may be, whereupon said

Proviso.

Proviso.

proceedings and appraisement of damages or judgment shall be void; *provided, however*, that upon such abandonment the costs of all proceedings to be taxed by the said court shall be paid by the county.

5. *And be it enacted*, That all acts and parts of acts in- Repealer.
consistent with the provisions of this act be and the same are hereby repealed.

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

Approved April 17, 1889.

CHAPTER CLXVIII.

An Act to define the duties of the superintendent and warden of the state lunatic asylums of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the superintendent or warden of the respective state asylums for the insane in this state, at which patients are supported at the expense of any county of this state, to make out, under oath, and send to the clerk of the board of chosen freeholders of each and every county supporting patients at said asylum, at least three days before the day for the meeting of said board of freeholders at which the quarterly bill of said asylum shall be presented, a regular quarterly statement, giving the names of all patients supported at said asylum at the expense of the county for which said statement is made, who have been at said asylum during the last preceding quarter, which statement shall also contain the dates of the admission of the respective patients, the township from which they came, the dates of the discharge of any who have been discharged, the dates of death of any who have died and the dates between which any have been

Superintendent
or warden to
send to clerk a
list of patients
chargeable to
county.

away from said asylum on a visit or otherwise during said quarter.

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

Approved April 17, 1889.

CHAPTER CLXIX.

A Supplement to an act entitled "An act in relation to the New Jersey troops in the battle of Gettysburg, July first, second and third, one thousand eight hundred and sixty-three," passed April eighth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all expenses incurred in furnishing the copies of the work entitled "New Jersey troops in the Gettysburg campaign" to the public school libraries in this state shall be paid on the warrant of the comptroller out of the income of the school fund.

Expense for furnishing copies to be paid out of school fund.

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

Approved April 17, 1889.

CHAPTER CLXXI.

An Act authorizing the consolidation of corporations organized as yacht clubs and athletic clubs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation or corporations of this state, incorporated under general or special laws, whose object is the building, purchasing and sailing of yachts, the encouragement of yacht building and the cultivation and advancement of naval architecture, construction and science, or either of said objects, and any corporation or corporations of this state whose objects are the mental and physical improvement of their members by the maintenance of boat-houses, clubs, gymnasiums, boats and yachts, or any of said objects, or by such other means as may be appropriate to the objects for which they are respectively organized, to consolidate and merge their corporate rights, franchises, powers and privileges into a single corporation, so that by virtue of this act such corporations shall be consolidated and merged, and so that all the property, rights, privileges and franchises by law vested in or enjoyed by such corporations so merged shall be transferred to and vested in the new corporation into which said corporations are consolidated and merged under this act.

Corporations authorized to consolidate and merge.

2. *And be it enacted*, That such consolidation and merger shall be made under the following conditions, to wit:

Consolidation, how effected.

I. That the directors, trustees or managers of each corporation so authorized to consolidate as aforesaid, shall enter into a written agreement, under the corporate seal of each corporation, for the consolidation of said corporations and of such merger, prescribing the terms and conditions thereof, the name of the new corporation, and all such other provisions as they shall deem necessary or proper to effect the said consolidation and merger;

To enter into agreement, &c., for consolidation.

To designate premises to be used for certain purposes.

II. In making the terms of such consolidation, they may designate a portion of the premises owned by either corporation, to be used for athletic purposes, or certain other purposes for which the same may be lawfully used; and also designate other portions of their premises to be used for yacht club and boating purposes, or for such other uses as they deem proper connected therewith; and they may further prescribe any restrictions and grant such privileges as to the use of either, that would lawfully exist if such a consolidation had not been made, under the acts under which such clubs had existed prior to such consolidation, and in the absence of such provision in said agreement, the premises theretofore used for yachting or boating purposes by either of the corporations thus consolidated may be used in the same way and manner, and subject to the same regulations, and with the same rights and privileges as the same were or might have been theretofore used by either of the corporations thus merged and consolidated;

Agreement to be submitted to each corporation.

III. Such agreement shall be submitted to the respective clubs or corporations at meetings to be called separately by each corporation; and of the time, place and object of such meetings notice shall be given as far as practicable, by mailing to each member at his place of residence last known to the secretary, at least one week prior to the time of such meeting, which notice in effect shall state that the object of the meeting is to consider the agreement of consolidation agreed to by the directors, trustees or managers of the clubs desiring consolidation, naming the clubs; at the said meetings of each of said clubs desiring consolidation, the said agreement shall be considered, and if adopted by a two-thirds vote of the members present at each separate meeting as aforesaid, then that fact shall be certified by the secretary of each corporation, and said certificates, together with the agreement of consolidation, shall be filed in the office of the clerk of the county designated for that purpose in the agreement of consolidation, whereupon the said agreement shall be deemed and taken to be the act of consolidation and merger of said corporations;

Agreement, how adopted.

Certificates to be filed.

General powers.

IV. Upon the filing of said certificates and agreement in the office of the county clerk as aforesaid, the said

merger and consolidation shall be deemed to have taken place, and the said corporations shall be one corporation under the new name adopted by them, possessing all the rights, powers, privileges and franchises theretofore vested in or enjoyed by each of said corporations, and all the property, real, personal and mixed, and debts due and rights of action of each of said corporations shall be deemed and taken to be transferred to and vested in the new corporation without further act or deed; and all property, real and personal, all rights of way and all other interests shall be as effectually the property of such new corporation as they were of the former corporations, parties to said agreement; *provided*, that all rights of creditors and all liens upon the property of either of said corporations shall continue unimpaired, and the respective corporations shall be deemed to be in existence to preserve the same, and all debts, duties and liabilities of either of such corporations shall thenceforth attach to the new corporation and may be enforced against it with the same effect and by the same process as if the said debts, duties and liabilities had been contracted by such consolidated corporation; *and provided further*, that a certified copy of said certificates and agreement so to be filed in the office of the county clerk as aforesaid, shall be evidence of the lawful holding and action of such meetings and of the consolidation of said corporations and of the merger into said new corporation.

3. *And be it enacted*, That whenever any such consolidation and merger shall have taken place under and by virtue of this act between any two or more corporations so authorized as aforesaid, such new consolidated corporation shall have the power and authority to issue scrip or bonds, either registered or coupon, and to create a mortgage or mortgages on a portion or all of its property, real or personal, and also, its rights, privileges and franchises, to trustees, to secure the payment of the bonds so issued, and to give and exchange the said bonds for the debts and obligations of the respective corporations so consolidated and merged; such scrip and bonds may also be issued for the purpose of purchasing or acquiring property real and personal, or improving any property owned by such consolidated clubs for the use of the new

Proviso.

Proviso.

Consolidated corporation authorized to issue scrip or bonds.

Scrip and bonds may be issued for property purchased.

corporation; and said bonds and scrip so issued may be sold at par or given in lieu, exchange or satisfaction of all bonds or mortgages or other debts, claims or obligations against the corporations thus consolidated and merged, upon such terms as may be agreed upon by and between the holders of such claims and the new corporation.

Election of
directors.

4. *And be it enacted*, That the consolidated corporation shall be governed by a board of eleven directors, who shall be elected annually and hold office for one year, and until their successors shall have been chosen; that the first meeting for the election of directors of the consolidated corporation shall be held at a time and place to be designated in the agreement of consolidation; and the directors elected at such first meeting shall hold their office until the time designated for the regular annual election, which shall be designated in the articles of agreement.

Directors may
appoint officers
and adopt rules
and regulations.

5. *And be it enacted*, That the board of directors of the consolidated club may appoint such officers and create such departments as they may deem proper, and do all other acts and things necessary or proper for the good of the consolidated corporation, with the right at any time for the club, at a meeting called for that purpose, to change such regulations with reference to the officers, departments or management of the club, provided such change is made by the club at a special meeting called for that purpose by the secretary, upon the written request of one-fifth of the members of the consolidated corporation; at least two weeks' notice of such meeting shall be given to each member of the consolidated corporation, by mailing, as far as practicable, the same to him at his place of residence last known to the secretary.

May adopt con-
stitution and
by-laws.

6. *And be it enacted*, That the directors of the consolidated corporation may adopt a constitution and by-laws, which shall be ratified as presented to or amended by the club at a regular meeting, or special meeting called for that purpose.

Act, how con-
strued.

7. *And be it enacted*, That this act shall be favorably construed in all courts and places for the purposes therein intended, and no misnomer of the old corporations or of the new corporation in any deed, grant, gift, devise, bequest or other instrument, contract or conveyance shall

defeat or vitiate the same if the corporation be sufficiently described to show the intent of the parties.

8. *And be it enacted*, That for all purposes under this act the members of the corporations or clubs thus consolidated shall be members of the new consolidated corporation or club; and that twenty-five members shall be a quorum of the new consolidated corporation or club for the purposes under this act, and for all other purposes until otherwise provided for in the constitution or by-laws of the consolidated corporation or club. Members and quorum.

9. *And be it enacted*, That such consolidated corporation shall have power by its corporate name to institute suits for the recovery of fines, dues, debts and arrearages due to either of the corporations consolidated, or that may at any time become due to the consolidated corporation; and may in its constitution provide for the admission, suspension or expulsion of members of such new consolidated corporation or club. May institute suits for fines, dues, &c.

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

Approved April 17, 1889.

CHAPTER CLXXII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under the act entitled "An act to ascertain the rights of the state and of the riparian owners in the lands lying Riparian commissioners, how appointed.

under water in the bay of New York and elsewhere in the state," approved April eleventh, one thousand eight hundred and sixty-four, and the various supplements thereto, shall hereafter be appointed by the governor, with the advice and consent of the senate; they shall hold their office for the term of five years; appointments to fill vacancies caused otherwise than by expiration of term, shall be made in like manner for the unexpired term; the commissioners now in office under said act and said supplements thereto shall serve out their present terms, except as hereinafter mentioned.

Term of, and
vacancies, how
filled.

Commissioners
to arrange terms
of office.

2. *And be it enacted*, That the two commissioners appointed by the senate and general assembly in joint meeting, in the year one thousand eight hundred and eighty-eight, shall, on or before the first day of May next, so arrange their terms, either by agreement or by drawing, that the term of office of one of them shall expire four years from the date of his appointment aforesaid, and that the term of the other shall expire five years from the date of his appointment.

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

Approved April 18, 1889.

CHAPTER CLXXIII.

A Supplement to the act entitled "An act to establish and organize the state reform school for juvenile offenders," approved April sixth, one thousand eight hundred and sixty-five.

Trustees, how
appointed.

Proviso.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter the trustees of the reform school shall be appointed by the governor, by and with the advice and consent of the senate; *provided*, those

now in office shall serve out the terms for which they were respectively elected or appointed.

2. *And be it enacted*, That section two of the act entitled Section repealed. "A supplement to an act entitled 'An act to establish and organize the state reform school for juvenile offenders' [Revision], approved April sixth, one thousand eight hundred and sixty-five," which said supplemental act was passed April fourth, one thousand eight hundred and eighty-five, be and the same is hereby repealed.

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

Approved April 18, 1889.

CHAPTER CLXXIV.

Supplement to an act entitled "An act to establish a state industrial school for girls," approved April fourth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the trustees of the New Jersey state industrial school for girls shall be appointed by the governor, by and with the advice and consent of the senate; *provided*, the terms of those now in office shall not be affected hereby. Trustees, how appointed.

2. *And be it enacted*, That section two of the act entitled Section repealed. "A supplement to an act entitled 'An act to establish a state industrial school for girls' [Revision], approved April fourth, one thousand eight hundred and seventy-one," which said supplemental act was passed April fourth, one thousand eight hundred and eighty-five, be and the same is hereby repealed.

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

Approved April 18, 1889.

CHAPTER CLXXV.

An act regulating the appointment of the commissioners of fisheries of the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of fisheries shall hereafter be appointed by the governor, by and with the advice and consent of the senate; *provided*, those now in office shall serve out the terms for which they were respectively elected or appointed.
2. *And be it enacted*, That the act entitled "An act to provide for the appointment of commissioners of fisheries of the state of New Jersey," passed March twenty-ninth, one thousand eight hundred and eighty-eight, be and the same is hereby repealed.
3. *And be it enacted*, That this act shall take effect immediately.
- Approved April 18, 1889.

Commissioners,
how appointed.

Proviso.

Act repealed.

CHAPTER CLXXVI.

An Act to regulate the appointment of members of the board of managers of the New Jersey state asylum for the insane, at Morristown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the board of managers of the New Jersey state asylum for the insane, at Morristown, New Jersey, shall hereafter be appointed by the governor, by and with the advice and consent of the senate, but no more than five members of

Board of man-
agers, how
appointed.

such board shall belong to the same political party; they shall hold their office for the same term and be subject to removal in the same manner as now provided by law.

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

Approved April 18, 1889.

CHAPTER CLXXVII.

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

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

2. *And be it enacted*, That for the supervision and control of the state prison as hereinafter provided there shall be a board of five inspectors, to be appointed by the governor, by and with the advice and consent of the senate, who shall hold their office for five years, and until others are chosen and legally qualified to act in their stead; and if any vacancy shall happen by the death, removal, resignation or refusal to act, or other disability, of any said inspectors chosen as aforesaid, the governor shall appoint a person or persons to fill the vacancy, but any such appointment to fill a vacancy shall not extend beyond the next succeeding session of the legislature; each of said inspectors shall receive an annual salary of five hundred dollars for their services under this act, to be paid to them by the treasurer of this state, by warrant of the comptroller.^{Section as amended.}

Expiration of
term of office of
present inspec-
tors.

2. *And be it enacted*, That the term of the present board of inspectors shall expire upon the appointment of a board of inspectors by the governor, and their confirmation as provided for in this act.

Repealer.

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

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

Approved April 18, 1889.

CHAPTER CLXXVIII.

An Act concerning cities containing more than two assembly districts, where all the assembly districts within any such city are completely and exclusively within the limits of such city and embrace no territory outside of such city, and providing for conformity between the lines of wards and assembly districts in such city.

Certain cities to
be divided into
wards to corres-
pond with bound-
aries of assem-
bly districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state which now or hereafter shall contain more than two assembly districts within any such city, which assembly districts are completely and exclusively within the limits of such city and embrace no territory outside of such city, it shall be the duty of the mayor and common council or other municipal board corresponding thereto, and such mayor and common council or other municipal board of every such city are hereby directed by resolution to divide such city into wards corresponding in number and boundaries to such assembly districts exclusively embraced as aforesaid within the limits of such city.

2. *And be it enacted*, That such division of such city ^{When division to be made.} into wards as provided for in the first section of this act, shall be made on or before the thirtieth day of April in each year, whenever any change of the lines of assembly districts in any such city, shall make it necessary to take the action directed in the first section of this act, so as to establish an exact conformity between the ward lines and the assembly district lines within such city.

3. *And be it enacted*, That whenever, under the terms ^{Ward lines changed, no other wards to exist.} of this act, ward lines are changed as aforesaid in any such city, no other wards shall exist or be in any way recognized therein.

4. *And be it enacted*, That nothing within this act con- ^{Term of office not effected.} tained shall be so construed as to affect the term of office of any person elected from any ward as existing prior to such change directed by this act; but the terms of office of all such persons shall continue until the expiration of the time for which they were elected, and no longer.

5. *And be it enacted*, That the common council or other ^{Municipal boards, what to constitute.} municipal board corresponding thereto, and also all other municipal boards, the members of which are elected in wards in any such city, shall thereafter consist of those persons holding over for their elected term or terms, and those thereafter elected from the wards as changed by authority of this act; *provided, however*, that ^{Proviso.} after the expiration of the terms of office of those holding over as aforesaid, such common council or other municipal boards shall consist of those elected from the wards as changed under the authority of this act.

6. *And be it enacted*, That all acts and parts of acts, ^{Repealer.} general, public, local or special, inconsistent with this act, be and the same are hereby repealed.

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

Approved April 18, 1889.

CHAPTER CLXXIX.

A Further Supplement to an act entitled "An act establishing legal holidays, and regulating the maturity of commercial paper with respect thereto," approved June first, one thousand eight hundred and eighty-six.

Preamble.

WHEREAS, The thirtieth day of April next is the anniversary of the organization of the first congress of the United States of America; *and whereas*, it is fitting that said day should be observed as a holiday by the people of this state; therefore,

Legal Holiday.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirtieth day of April, in the year one thousand eight hundred and eighty-nine, shall be a legal holiday, and no courts shall be held upon said day except in the cases where said courts would now sit upon a Sunday, and no person shall be compelled to labor upon said day.

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

Approved April 18, 1889.

CHAPTER CLXXX.

An Act in relation to interest upon assessments collectible in or by any township of this state or by any officer thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township in this state to authorize and direct the collector of any assessment collectible by such township or any officer thereof to receive and collect upon all such assessments remaining due and unpaid in whole or in part on the passage of this act, and which shall be paid on or before the first day of December, one thousand eight hundred and eighty-nine, such interest, less than prescribed by any general or special act relating to such assessment, as said township committee shall fix and direct and as shall be deemed for the best interests of such townships.

Committee
authorized to
direct collector
to receive and
collect interest
on assessments.

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

Approved April 18, 1889.

CHAPTER CLXXXI.

A Supplement to an act entitled "An act in regard to honorably-discharged Union soldiers and sailors holding public office or position," passed April ninth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, shall not apply to the tenure of office of the corporation counsel, corporation attorney or other law officer, city comptroller, city treasurer, city collector, collector of revenue, water registrar, water purveyor, or chief clerk to any municipal board of any city in this state.

Provisions of act
not to apply to
certain officers.

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

Approved April 18, 1889.

CHAPTER CLXXXII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of the said bureau shall hold his office for the term of five years, and shall receive an annual salary of twelve hundred dollars, and he and such assistants as may be necessary to properly carry on the operations of the bureau shall be appointed by the governor.

Appointment,
term of office
and salary of
secretary of
bureau.
Appointment of
assistants.

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

Repealer.

Approved April 18, 1889.

CHAPTER CLXXXIII.

An Act in relation to service of notice of application to any court or justice or judge thereof, in any proceeding or under any statute of this state, where no provision of law exists for such notice or the time or mode of service thereof, and validating notices of such application heretofore made.

Judge to fix and determine how notice to be served.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it is or shall hereafter become necessary, in any legal proceeding or in any proceeding under any statute of this state, to give notice of any application to any court or justice or judge thereof, and no provision is made by law for the mode of giving such notice to the parties interested or entitled thereto, or for the length of time that said notice shall be served prior to such application, said court, or any justice or judge thereof, shall have the power and authority, upon ex parte application, to fix and determine, as said court or justice shall deem proper, how said notice shall be served, either by personal service in or out of the state, mailing to the parties at their last known place of residence, or by publication in one or more newspapers published either in or out of the state, for such period of time as said court or justice shall determine; and such notice of such application thus given shall be deemed and taken as due and legal notice of such application.

Notice heretofore given legalized.

2. *And be it enacted*, That any such notice as aforesaid heretofore given, served or published, or hereafter given, served or published, under any order of any court, or any justice thereof, heretofore or hereafter made, shall be deemed and taken to be a good and legal notice of any application heretofore made to such court or justice.

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

Approved April 18, 1889.

CHAPTER CLXXXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state house and adjacent public grounds be and hereby are put under the care and safe keeping of some suitable person, to be superintendent of the same, who shall be nominated by the governor and appointed and commissioned by him, and shall continue in office for the term of three years from the date of his commission, unless sooner removed by the governor, whereupon his successor shall be appointed in the same manner and for the like term.

Superintendent
of state house,
how appointed
and term.

2. *And be it enacted*, That the door-keepers of the two houses of the legislature, immediately after the legislature shall have adjourned, shall deliver to the said superintendent all the keys of their respective houses, which shall be safely kept in his office until the next meeting of the legislature; and when the courts held in the state house are not in session, the keys of the respective court-rooms shall be deposited with the said superintendent for safe keeping; that it shall be the duty of said superintendent to have the general supervision and care of the state house and said grounds, to preserve them from injury, and to provide for their being kept in proper order; he shall also take care that the occupied parts of the state house are kept warm, ventilated, swept and cleaned, and he shall employ so many necessary assistants for that purpose, at such prices as the governor, attorney-general and state treasurer, or a majority of them, shall approve, and he shall render monthly accounts to the state treasurer, and the state treasurer shall certify the same, and they shall thereupon be paid by the state treasurer on the warrant of the comptroller.

Superintendent
to have general
supervision of
buildings and
grounds.

May employ
assistants, and
render accounts.

3. *And be it enacted*, That hereafter the said superintendent shall have the distribution of the laws, law

Distribution of
laws, reports, &c.

reports, equity reports, the minutes and proceedings of each house of the legislature, and all other documents published under the authority or patronage of the state, and he shall transmit such copies to such person or persons as is now provided for by law; and he shall have the same supervision and control over such documents as the state treasurer now has.

Annual salary. 4. *And be it enacted,* That the said superintendent shall receive an annual salary of two thousand dollars, to be paid by the treasurer, upon the warrant of the comptroller, out of the treasury of this state, in monthly installments, which shall be computed from the day of the appointment of said superintendent.

To take oath. 5. *And be it enacted,* That the said superintendent before entering upon the execution of the duties of his said office shall take and subscribe the following oath, to wit: I, A. B., being appointed superintendent of the state house and the adjacent public grounds, do solemnly promise and swear that I will justly and honestly keep the books, papers and writings to me committed, and to be committed by virtue of my said office, and that I will [faithfully] and honestly perform all the duties of the said office according to the best of my ability and understanding, so help me God.

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

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

Bond to be approved and filed.

8. *And be it enacted*, That this act shall be a public act ^{Repealer.} and shall take effect immediately, and that all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.
Approved April 18, 1889.

CHAPTER CLXXXV.

A Supplement to an act entitled "An act concerning the government of cities of this state," approved April sixth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the proclamation submitting the question of the acceptance or rejection of the act to which this is a supplement shall have heretofore been or shall hereafter be issued by the president of the board of aldermen or other governing body of such city, acting as mayor of such city, such proclamation shall be of like force and effect as if the same had been issued and signed by the mayor of such city.

<sup>Proclamation
heretofore issued
legalized.</sup>

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

Approved April 18, 1889.

CHAPTER CLXXXVI.

A Supplement to an act entitled "An act to incorporate boat clubs and other associations for the promotion of athletic exercises," approved April twenty-fourth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors or trustees, at any regular meeting, or at a special meeting to be called for that purpose, may change the name heretofore adopted by any such association or coporation, or correct any mistake which may have been made in the name thereof as stated in the certificate heretofore filed; and for the purpose of making such change in the name, or correcting any mistake made therein, the members of said board, or a majority of them, shall make and sign a certificate, stating the new name adopted by them, and correcting the error made in the name before adopted, where such mistake has been made; which certificate shall be duly attested by the secretary, and the execution thereof duly proven, and shall then be filed and recorded in the office of the clerk of the county where the original certificate was filed and recorded.
2. *And be it enacted*, That upon the filing and recording of such certificate, such association or corporation shall be known and designated, and sue and be sued, and have corporate rights and powers as given by the act to which this is a supplement, or any supplement thereto, by the name so adopted, changed or corrected; *provided, however*, nothing in this act contained shall invalidate or affect any act done by such association or corporation by the name before used; and all corporate acts of any such association or corporation otherwise lawful are hereby validated and confirmed, notwithstanding any error or mistake in the name used by said corporation or association in its business or transactions before such change.
3. *And be it enacted*, That this act shall take effect immediately.

Directors or trustees may change name or correct mistake.

Certificate to be filed.

Corporate rights.

Proviso.

Approved April 18, 1889.

CHAPTER CLXXXVII.

An Act to incorporate building associations formed by knights of labor or other societies of organized labor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several counties in this state in which there now are or hereafter may be two or more assemblies of the knights of labor or other societies of organized labor, it shall and may be lawful for two or more of such assemblies or societies to associate themselves together and become incorporated under and by the name of "the knights of labor building association of the county of —," or under any other name which shall indicate the object of such association; and upon the recording of a certificate, in the form hereinafter provided, in the office of the clerk of the county in which the same may be located, and the filing of such certificate in the office of the secretary of state of this state, such persons shall, from and after the date of the filing thereof, become and be incorporated under and by the name aforesaid, as a body politic and corporate in law, and by such name shall have perpetual succession and continuance, and be capable of suing and being sued, complaining and defending in any court of law or equity, and may make and use a common seal and alter the same at pleasure, and may receive, take, hold, purchase and convey or mortgage, invest and re-invest real, personal and mixed estate, and may enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of such corporation, and they and their successors, and all who shall associate themselves together with them, shall, as such corporation, be entitled to all the rights, powers, privileges, benefits, advantages and immunities which now are or hereafter may be conferred upon corporations generally under and by any law of this state; and the membership of such corporation shall consist of the members of the several assemblies of knights of labor

Associations
may associate
together and
become incor-
porated.

Name.

Certificate to be
filed.

Powers.

Membership.

or other societies of organized labor in any county of this state, who shall organize themselves into a corporation under the provisions of this act, and the whole body of membership of such corporation shall have the same rights therein as the charter members thereof.

Certificate of incorporation to be filed and recorded.

2. *And be it enacted*, That the president and secretary of such corporation, when elected as hereinafter provided, shall forthwith execute and sign a certificate, and cause the same to be recorded in the office of the clerk of the county in which the same may be located, which certificate, after being so recorded, shall be filed in the office of the secretary of state; and the said certificate or a copy thereof, duly certified by the county clerk or secretary of state, shall be evidence in all courts and places; and such certificate, in writing, shall set forth the election of the representatives authorized to organize such corporation, the election by such representatives of a board of officers and trustees, giving their names and official designations, the corporate name taken and chosen to designate such corporation, the location of such corporation and a reference to this act.

Board of representatives, how constituted and powers.

3. *And be it enacted*, That on or before the first Monday in May in every year, each assembly of the knights of labor or society of organized labor in any county of this state, that may be members of any corporation organized under this act, may elect not more than three representatives, and the said representatives, when so elected by the several assemblies or societies, shall constitute the board of representatives of such corporation, and said board shall have and exercise the powers hereinafter committed to them, and shall hold office for three years from the date of their election and until their successors are elected; *provided, however*, that at the first election after the organization under this act, one representative shall be elected for one year, one for two years and one for three years, but all subsequent elections shall be for a term of three years, as hereinbefore provided.

Board to elect board of officers.

4. *And be it enacted*, That the said board of representatives, on or before the first Monday in June in every year, shall elect by ballot, from among their own number, a president, vice-president, treasurer and a secretary, who shall constitute the board of officers of the corporation,

and a board of trustees, to consist of five members; *pro-Provido.*
vided, however, that the failure to hold the election at the
time specified, shall not work any forfeiture or dissolution
of the corporation, nor shall such election be of none
effect by reason of any delay in holding the same; and
it shall be the duty of the president and secretary of such
corporation, in case of any failure to hold any election at
the time above provided, forthwith to give reasonable
notice of a time and place for the holding of such election.

5. *And be it enacted,* That the said board of representa-
tives shall have the power to make the necessary by-laws Power to make
by-laws, &c.
for the government of the said associations, and for the
regulation of the meetings of said representatives and the
trustees.

6. *And be it enacted,* That in case a vacancy shall occur Vacancies, how
filled.
in the office of representative, such vacancy shall forth-
with be filled by the assembly or society by which he was
elected, for the remainder of the term for which he was
elected; and in case a vacancy shall occur in the board
of officers or trustees, such vacancy shall be forthwith
filled by the board of representatives for the remainder
of the term for which such officer was elected.

7. *And be it enacted,* That at any meeting of the board Board author-
ized to inquire
into management
of funds, &c.
of representatives, they shall have the right to inquire
into the management of the funds and property of the
said corporation, and to suspend any officer or trustee
charged with misconduct or malfeasance in office; and
upon any representative or trustee being charged with
misconduct or malfeasance in office, such charge shall at
once be tried by the board of representatives, at which
trial he may be heard in his own behalf or by counsel;
and if he shall be found guilty by a majority vote of such
board of representatives, his office shall be declared
vacant.

8. *And be it enacted,* That the object of the corporations Objects of cor-
porations formed
formed under this act shall be the purchase of land, and
the erection of a hall or other buildings, to be used for
literary and social purposes, and for the general improve-
ment of workingmen, by the establishment of libraries,
reading-rooms and places of social entertainment; and
no part of the funds of any such corporation shall be used
in any way or manner save as provided by this act.

Trustees authorized to convey lands, &c., now held by them.

9. *And be it enacted*, That if, before the passage of this act, moneys have been raised in any county of this state by the assemblies of the knights of labor, or other societies of organized labor, and lands and buildings purchased therewith, and conveyed to trustees in trust for the building fund of the knights of labor of such county, or other similar organization therein, that it shall and may be lawful for said trustees, upon the organization and due incorporation of an association pursuant to the provisions of this act, to transfer and convey, by good and sufficient conveyance or conveyances in the law, to such association the said lands and buildings, the same to be held and enjoyed by said association for the purposes for which lands may be held by such association under the provisions of this act.

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

Approved April 18, 1889.

CHAPTER CLXXXVIII.

A Further Supplement to an act entitled "An act to incorporate societies or clubs for social, intellectual and recreative purposes," approved March twenty-seventh, one thousand eight hundred and eighty-eight.

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

Section as amended.

4. *And be it enacted*, That the estate and property of what kind soever the same may be, of such society or club shall be vested in them as a corporation, and by their corporate name such society or club shall have power to acquire, by lease or purchase, suitable buildings, libraries and furniture for the uses of such societies or

clubs, to borrow money for such purposes and issue bonds therefor, and to secure the same by mortgage, and generally to acquire and take by purchase, gift, devise, bequest or otherwise and to hold, transfer and convey all or any such real or personal property as may be necessary or desirable for attaining the objects and carrying into effect the purposes of such societies or clubs.

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

Approved April 18, 1889.

CHAPTER CLXXXIX.

An Act providing for the assessing of lands benefitted by the construction of lateral or other sewers connecting with a main or outlet sewer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, within the limits of the drainage area of any main or outlet sewer established in any city, town or township in this state, there has been or hereafter may be constructed a lateral or other sewer connecting with the main or outlet sewer therein, of such size and capacity that lands in such city, town or township, outside of such drainage area, having no sewerage and not included in any other drainage area, can be properly drained and sewered by and through the same, it shall be lawful for the commissioners appointed to make an assessment of the cost of any such lateral or connecting sewer, to extend the limit of assessment beyond the lines of such drainage area, so that the area of assesment therefor shall include all the lands specially benefitted thereby, and to assess such lands their fair and equitable proportion of the cost of such lateral or connecting sewer, and such lands so assessed shall not there-

Commissioners
may extend
limit of assess-
ment to include
lands specially
benefitted.

after be included within the limits of the drainage area of any other main sewer.

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

Approved April 18, 1889.

CHAPTER CXC.

An Act respecting the pay or compensation of officers and employes appointed by the board of chosen freeholders of any county of this state, in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the officers and employes appointed by the board of chosen freeholders of any county of this state, who, during the last preceding fiscal year, have served and fully performed the duties and work of their respective places, but by reason of exhaustion of the appropriation of moneys intended to meet and pay for the same in full, or for other reason whatever, have, for and during a portion of such fiscal year, been paid for their said duties and work at the rate of only fifty per centum, or one-half of the full regular pay and compensation previously fixed therefor, shall be entitled to and are hereby made entitled to be paid and to receive respectively such additional sum of money, without interest, as, with that already paid, shall constitute and make up a sum equal to the full pay or compensation fixed as aforesaid; and this last-mentioned sum of money, such board of chosen freeholders are hereby authorized to pay to each of such officers and employes.

2. *And be it enacted*, That in order to carry out the provisions of this act, such board are hereby authorized to borrow, by means of temporary loan, in anticipation of county taxes next thereafter to be levied in such county,

Freeholders
authorized to
pay officers and
employes.

May borrow
money in antici-
pation of county
tax.

sufficient money to make the payments, and to pay to such officers and employes the several sums above directed to be paid; *provided, however,* that the whole sum of money ^{Proviso.} so to be raised under this act in such county shall not exceed eight thousand five hundred dollars; and the amount thus raised shall be provided for and put in the next tax levy made thereafter.

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

Approved April 18, 1889.

CHAPTER CXCI.

A Supplement to an act entitled "An act to authorize the purchase and condemnation of land and the erection of buildings for market purposes in the cities of this state, and other places in which market facilities are or may be required for public use, and to provide therefor," passed April twenty-second, one thousand eight hundred and eighty-six.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever, in the judgment ^{Section as amended.} of the common council or other governing body of any city, additional market facilities are or may be required for public uses, it shall and may be lawful for such council or other governing body to appoint five commissioners to purchase such lands and erect suitable buildings

thereon, to be used as a public market; and that such commissioners shall receive as compensation for their services in relation thereto, such sum or sums of money as such council or other governing body shall deem just and proper.

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

Approved April 18, 1889.

CHAPTER CXCLII.

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

Authorized to
erect, rebuild
and maintain
bridges.

Proviso:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any stream, creek or river shall be the dividing line between any two or more counties of this state, the boards of chosen freeholders of said counties shall erect, rebuild, maintain and keep in repair suitable bridge or bridges across the waters, water-way or water-ways of such streams, creeks or rivers, at the joint expense of such counties, whether the waters of such stream, creek or river shall flow in one or more separate channels or water-ways; *provided, however*, that in case it shall be necessary to erect a bridge or bridges at a point on such stream, creek or river where the same shall flow in two or more channels or water-ways, the place where said stream, creek or river divides shall not be more than five hundred yards from the place where said channels or water-ways shall again join and flow as one channel or water-way.

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

Approved April 18, 1889.

CHAPTER CXCIH.

An Act to amend an act entitled "An act to increase the efficiency of the department of public instruction," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to increase the efficiency of the department of public instruction," approved April fifth, one thousand eight hundred and seventy-eight, be and the same is hereby amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the superintendent of public instruction is hereby authorized, by and with the approval of the governor of this state, to employ assistants as may be necessary in his department; *provided*, that the annual cost thereof shall not exceed the sum of two thousand five hundred dollars, and that the same shall be paid, on the warrant of the comptroller, out of the income of the school fund. Section as amended.

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

Approved April 18, 1889.

CHAPTER CXCIV.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of aldermen or other body having the control and management of the finances of any city in which the act to which this is a supplement has been or may be in operation, may pay over to the commissioners of adjustment such sum or sums of money as they may require, and as such municipal board may deem necessary, to properly perform and carry out the provisions of said act and the supplements thereto; and the said commissioners of adjustment shall render an account to said municipal board of the manner of the expenditure of all moneys so appropriated; *provided*, that such moneys so advanced shall be refunded out of the moneys collected under the provisions of said act.
2. *And be it enacted*, That the common council, board of aldermen or other board having control and management of the finances in any such city, may, by a majority vote, with the approval of the mayor, increase the salaries of the city surveyor and the city counsel, or either of them, to an amount not exceeding one thousand dollars each per annum above that already paid to such officers, such increase to take effect from the time of the passage of any such resolution and to continue during the term of the commission appointed under the provisions of said
- Common council may pay over money to commissioners.
- Proviso.
- May increase salaries of surveyor and city counsel.
- Amount of increase.

act, unless sooner rescinded by such municipal board with the approval of the mayor.

3. *And be it enacted*, That in case any owner, mortgagee or other person appearing to have an interest in the lands which shall be sold for arrears of taxes or assessments under the provisions of the act to which this is a supplement, is unknown to, or cannot be ascertained by the purchaser or his legal representatives or assigns, after due inquiry, application shall be made to the circuit court of the county wherein such lands are situate for an order for a deed, by petition duly verified, which shall describe the said lands so sold, not only by lot and block numbers, as required by the act to which this is a supplement, but also by metes and bounds, and shall also set out the manner in which the purchaser or his legal representatives or assigns, have made inquiry for such unknown owner, mortgagee or other interested person; and the court, upon being satisfied by the said petition, or otherwise, that such owners, mortgagees or other interested persons are unknown to said purchaser, his legal representatives or assigns, and that due inquiry to ascertain their names, places of residence and post-office address has been made and cannot be ascertained, may make an order requiring such unknown owner, mortgagee or other person interested in said lands to show cause before said court, at a day to be therein specified, not less than six months from the date of said order, why a deed should not be made and delivered for the said lands to the purchaser or to his legal representatives or assigns, and that in case such unknown owner, mortgagee or other interested person shall not appear and show cause or redeem the said lands within the time limited by the said order, then the court shall, on the return-day thereof, or afterwards, make an order directing the comptroller, or other collecting officer of the city wherein such lands are situate, to make a deed of conveyance of said lands to said purchaser, or to his legal representatives or assigns, which shall convey the said lands, free of all interest or estate in or lien upon, or claim thereto, of any such unknown owner, mortgagee or person so proceeded against; *provided*, that within ten days after the date of such order the said purchaser shall cause to be published in one of the newspapers printed and circu-

Proceedings in case lands sold the owners are unknown and cannot be ascertained.

Proviso.

lating in the city in which said lands are situate, a notice directed to such unknown owner, mortgagee or other person appearing to have an interest in said land, describing the lands as in said petition and requiring them to redeem said lands or to show cause why a deed therefor should not be delivered to the purchaser thereof, or his legal representatives or assigns, within the time specified in said order, which notice shall be published in such newspaper at least once a week thereafter for at least six weeks, and proof of such publication shall be filed in the office of the clerk of the said circuit court; and in case such owner, mortgagee or other person interested shall appear and answer the said petition, the court may hear the same in a summary manner, and make such order thereon as shall be equitable and just.

Proceedings in
case owner, &c.,
is an infant.

4. *And be it enacted*, That in case any owner, mortgagee or other person appearing to have an interest in said lands so sold shall be known to be an infant under the age of twenty-one years, no deed shall be delivered to the purchaser, or to his legal representatives or assigns, by the comptroller or other collecting officer, except upon the order of the circuit court of the county wherein said lands are situate, to be made upon a duly verified petition of the purchaser, his legal representatives or assigns, and upon such notice to said infants or their guardians as the court may deem proper; and the court in such case may appoint a guardian ad litem, and inquire into the ability of the said infants or their estate to redeem said land, and may postpone the hearing thereon from time to time, in its discretion, to give opportunity for such redemption, and may make such order in relation to such deed as may be equitable and just.

Proceedings in
case of lands
sold which has
been devised to
any person for
life.

5. *And be it enacted*, That where any lands which have been devised to any person for life, and to the child or children of such devisee after his or her death, have been or shall be sold under the act to which this is a supplement, and the purchaser at such sale shall be unable, after due inquiry, to ascertain the name or names of such child or children, or whether such devisee had or left issue or not, the purchaser, or his legal representatives or assigns, shall make application to the circuit court of the county wherein such lands are situate, by petition, duly

verified, for a deed; such petition shall contain a description of the land, both by lot and block numbers, and by metes and bounds, and shall also state the manner in which inquiry has been made for such child or children; and the said court, upon being satisfied of the truth of the statements contained in such petition, shall make an order directing the child or children, or heir or heirs, of such devisee (naming him), and the heir or heirs of the testator (naming him), to show cause before said court, at a day therein to be specified, not less than six months from the date of said order, why a deed should not be made and delivered for the said lands to such purchaser, his legal representatives or assigns; and in case such heirs, or children, or any of them, shall not appear and show cause, or shall not redeem the said lands within the time limited in the said order, then the court shall, on the return day thereof, or afterwards, make an order directing the comptroller, or other collecting officer, to make and deliver a deed of conveyance of said lands to the purchaser, or to his legal representatives or assigns, which shall convey the same free of all claim or lien against or estate therein of such heirs or children; *pro-* Proviso.
vided, however, that such purchaser, his legal representatives or assigns, shall, within ten days after the making of such order, cause to be published in one of the newspapers printed and circulating in the city in which said lands are situate, a notice directed "to the children and heirs" of such devisee and testator (naming them), describing the lands as in such petition, and requiring them to redeem the same, or show cause why a deed therefor should not be made and delivered to such purchaser, his legal representatives or assigns, within the time specified in said order, which notice shall be published for the time, and the publication thereof proved in the manner directed in the third section of this supplement; and in case any such children or heirs shall appear and answer the said petition, the said court may hear the same in a summary way, and make such order thereon as shall seem to be just.

6. *And be it enacted,* That all persons claiming an interest Persons claiming interest to be bound by proceedings had and notices under the act. in or mortgage upon any lands heretofore or hereafter sold as provided in the act to which this is a supplement

by or through any deed, conveyance, mortgage, assignment or any instrument which by 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 execution and delivery of the deed as provided in the act to which this is a supplement, shall be bound by the proceedings had and notices given under the provisions of said act, so far as said property is concerned, in the same manner as if such persons had been duly served with the notice mentioned in the sixth section of said act.

Persons claiming any interest by descent, &c., to be bound by notice served.

7. *And be it enacted*, That when notice has been served upon any person or persons having, or appearing to have of record, an estate in or mortgage upon any lands sold as provided in the act to which this is a supplement, and proof of such service has been made and filed as provided in said act, any person or persons claiming by descent, devise, deed, mortgage, assignment or otherwise, through or under the person or persons so served, shall be bound by the notice so served on such person or persons by, through or under whom such estate, interest or lien has been acquired.

Mortgage redeeming lands sold to have a first lien, &c.

8. *And be it enacted*, That when any lands assessed under the act to which this is a supplement, have been heretofore or shall hereafter be redeemed by any person having a mortgage or other lien or incumbrance thereon, the person so redeeming shall hold and retain a first lien on said lands, subject only to taxes and assessments thereafter levied and assessed, to the amount of the sum paid by him to effect such redemption, together with lawful interest thereon from the time of such payment; and the certificate of the city treasurer stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption and payment; any person redeeming lands sold under the provisions of the act to which this is a supplement, shall pay to the city treasurer, for the use of the purchaser, his legal representatives or assigns, not only the sum paid at the sale, with interest, as provided in section sixth of said act, but also any other tax or assessment chargeable thereon, and which the said purchaser or his legal representatives or assigns may have paid since said sale,

together with lawful interest on such payment from the time of filing such notice; *provided*, a notice of such payment shall have been filed in the office of the city treasurer. Proviso.

9. *And be it enacted*, That where, in any case, upon the sale of any lands by virtue of the act to which this is a supplement, a greater sum is bid and paid therefor than is sufficient to pay and satisfy the liens so re-adjusted and fixed, the said court shall, upon petition by any person interested in the surplus, have jurisdiction to order and direct the distribution, payment and investment of the same, according to the facts and circumstances of each case and as appears to be just, and may award to any person holding possession under a valid term of years the value thereof, together with the value of permanent improvements made by such owner upon the lands so sold. When greater sum is bid to pay liens, surplus how distributed.

10. *And be it enacted*, That the commissioners of adjustment who have been or may be appointed in pursuance of the act to which this is a supplement, shall have power and jurisdiction, and they are hereby directed and required to adjust and assess and levy, in the manner directed and required by the said act, any and all claims for unpaid taxes, assessments and water rates heretofore levied or imposed, or attempted to be levied or imposed on any land in the cities in and for which such commissioners have been or may be appointed respectively, notwithstanding that any such land may be, or may have been mortgaged to, or owned by any officer or officers of this state in his or their official capacity, or may be, or may have been mortgaged to or owned by any person or persons appointed by any court, or in any judicial proceeding had or taken in this state in his or their official capacity; that nothing but actual payment of the amount of the special benefit conferred on any such land by reason of the making of any local or public improvement, or the payment of any such claims for taxes, assessments or water rates levied or imposed, or attempted to be levied or imposed thereon, whether valid or not, shall be held to exempt any such land from liability to such adjustment, assessment and levy by the commissioners of adjustment, for or on account of any such improvement or claims; Commissioners to adjust, assess and levy claims for unpaid taxes, assessments and water rents.

and that the amount of such benefits or claims, when so adjusted, assessed and levied, and the report thereof confirmed as provided in said act, shall be a first lien upon such lands, prior to any other interest or estate therein, or claim against or lien upon the same, and shall be enforced and collected in the manner provided in the said act and its supplements for enforcing and collecting other liens imposed by such commissioners.

Repealer.

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

Approved April 18, 1889.

CHAPTER CXCIV.

An Act fixing the salaries of and otherwise concerning the mayors of all "cities of the first class" that have a population within their territorial limits exceeding one hundred thousand inhabitants.

Authorized to
fix salary of
mayor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in "cities of the first class" that have within their territorial limits a population exceeding one hundred thousand inhabitants, according to any census or enumeration by the United States, or by this state, the board of aldermen, common council or other governing body thereof, as the case may be, shall have power to fix the salary of the mayor of such city at not less than thirty-five hundred dollars, nor more than five thousand dollars per annum, and the money needed to execute this act, not already provided for in the current tax levy of any such city, shall be borrowed by temporary loan, and the amount thereof provided for and paid out of the next annual tax levy of any such city.

Amount.

2. *And be it enacted*, That the mayors of all cities to which this act shall apply shall each have power to appoint a clerk or secretary in his own office, to be paid at the rate of one hundred and twenty-five dollars per month, and may appoint an additional clerk, to be paid at the rate of seventy-five dollars per month, both to serve at the pleasure of the mayor in every such city.

Mayors authorized to appoint clerks, &c.

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

Repealer.

Approved April 19, 1889.

CHAPTER CXCVI.

A Further supplement to an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if doubt exists that the provisions of this act and the several amendments and supplements thereto have not been complied with in the manner of advertising or holding the annual elections, or the qualifications of the commissioners alleged to have been elected, application may be made to the judge of the circuit court of the district wherein said borough commission may be situate, upon the petition of eight freeholders of said borough, either in term time or vacation, whereupon the said judge shall fix an early day for hearing such application, and if proof be made at such hearing that the requirements of this act have not been complied with, then the judge of the circuit court may make void the certificates of the commissioners so elected and order a new election for commissioners in said borough, according to the manner of holding elec-

Judge of court may order election when act has not been complied with.

tions under this act, giving not less than eight nor more than fourteen days' notice of such special election.

Costs of election,
how paid.

2. *And be it enacted*, That if the judgment of the court shall find that the requirements of the act relative to the election of commissioners have been complied with, and shall confirm such election, then the costs of such hearing shall be paid by the petitioners; but if the court shall find that the commissioners so alleged to have been elected are not a de jure board, and shall order a new election, then the costs shall be paid by the borough.

Commissioners
to serve if special
election is
ordered.

3. *And be it enacted*, That if the court shall order a special election, the commissioners so elected, under the provisions of this act, shall serve until the time for holding the next annual election, on the first Tuesday of April thereafter.

When commis-
sioners to be
enjoined.

4. *And be it enacted*, That when such petition shall be presented to the judge of the circuit court, he shall enjoin the de facto commissioners from contracting any obligations beyond the ordinary current expenses of the borough.

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

Approved April 19, 1889.

CHAPTER CXCVII.

An Act to authorize incorporated towns to construct sewers and drains, and to provide for the payment of the cost thereof.

Towns author-
ized to construct
sewers and
drains.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of any incorporated town in this state to order and cause sewers or drains to be constructed in any part of such town, and to provide, maintain and

order a general system of sewerage and drainage for said town, or any part thereof, conformably to which all sewers and drains shall be constructed, and to establish and maintain one or more outlets or places of deposit, within or without such town, for sewage and drainage, and to provide for the disposal of the sewage and drainage from the town, and to repair and cleanse such sewers and drains.

2. *And be it enacted*, That whenever a petition in writing of any owners of property interested shall be presented to the common council of the said incorporated town, asking for the construction of a sewer or drain in any particular section of said town, it shall be lawful for such common council to adopt a resolution declaring its intention to cause such sewer or drain to be constructed, and the said common council shall forthwith cause public notice of such intention to be given by the town clerk, or other designated officer, in a newspaper printed or circulated in such town, for the space of ten days, briefly describing the proposed work and requesting such persons as may object thereto to present their objections in writing, at or before the expiration of ten days from the date of such notice, to the officer signing the same; and if persons owning or representing more than one-half of the lineal frontage of the land along any street, or of the portion thereof through which it is proposed to construct any lateral sewer or drain, shall present their objections in writing, then such proceedings shall cease; but otherwise, after the expiration of the said ten days, it shall be lawful for such common council to adopt any ordinance for the construction of such sewer or drain, to award contracts for the same, or for any part or section thereof, and to take all necessary steps for properly carrying into effect the desired improvement.

3. *And be it enacted*, That in order to provide for the payments of the costs, damages and expenses paid and incurred in the prosecution and completion of said improvement, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon all the owners of all the lands and real estate peculiarly benefited thereby, in proportion to the benefits

Upon petition
common council
to adopt resolu-
tion of intention.

Notice to be
published.

Costs, damages
and expenses to
be ascertained
and assessed on
lands benefited.

received therefor only, upon the same principles and in the same manner as other improvements are now assessed in such incorporated town, and by commissioners of assessments appointed in the same way, of the same number and possessing the same qualifications as are required for commissioners of assessments for other improvements.

Expenditures limited to one per centum.

4. *And be it enacted*, That it shall be lawful for such town to expend not more than one per centum of the total valuation of its taxable property in any one year for the purpose of constructing sewers or drains in such town.

Common council may borrow money upon note or issue improvement certificates.

5. *And be it enacted*, That in order to meet the expenses of any such improvement, the common council may borrow the money necessary therefor temporarily, upon the promissory note of such incorporation, or may issue temporary improvement certificates from time to time, as the work progresses, in such form as the common council may prescribe; said notes and certificates shall bear interest at a rate not exceeding six per centum per annum, and shall be payable at the expiration of not more than two years from the date of issue; all receipts from assessments made against property benefited by such improvements shall be paid to the treasurer of the town, and shall be applied to the payment for such improvements, or to the payment of any temporary indebtedness incurred by the town therefor.

Receipts for assessments to be paid to the treasurer.

Towns authorized to issue bonds.

6. *And be it enacted*, That in order to provide for so much of the cost of such improvement as shall be required to be paid by any town, and the notes or certificates of indebtedness issued therefor, it shall and may be lawful for incorporated towns to issue bonds, to run for a period not to exceed twenty years, and to bear interest not exceeding four and one-half per centum per annum, which said bonds shall be styled improvement bonds, shall be issued in such denominations as the common council may determine, and be executed under the corporate seal of said town and the signature of the president of the common council and clerk; coupons, signed by the president and clerk, for every half year's interest, shall be attached to each bond and numbered to correspond thereto, or the said bonds may be registered, at

the option of the holder; they shall be sold for no less than par, and the proceeds thereof shall be used to pay the portion of costs and expenses of said sewers or drains required to be paid by such town as aforesaid, and to take up and pay off such temporary notes or certificates as have been given in payment of such costs and expenses; *provided*, that in order to meet the interest on said bonds, Proviso. and redeem the same at maturity, it shall be the duty of the common council to order the interest thereon, together with a sinking fund of not less than two per centum of the total amount of said issue, to be raised in the annual tax levy.

7. *And be it enacted*, That this act shall not be operative Act when to become operative. or in effect in any town until the same shall have been accepted by resolution of the common council or other governing body therein.

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

Approved April 19, 1889.

CHAPTER CXCVIII.

A Supplement to an act entitled "An act concerning the government of cities of this state," approved April sixth, one thousand eight hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever there shall be Proceedings to determine or affect title to office in cities instituted or commenced any action or proceeding, at law or otherwise, to try or determine or affect the title to office or the powers, privileges, or rights of any person appointed under the provisions of the act to which this is a supplement, or to try or determine or otherwise affect the duties, rights, powers or privileges, under said act, of the mayor of any city in this state, or where any

dispute or controversy shall arise concerning the rights or title of any person appointed to an office under the provisions of said act, the chief justice of the supreme court shall, upon application being made to him for that purpose by any mayor, appoint a special term of said supreme court, to be held within thirty days of such application, for the hearing and determining of such action or proceeding or dispute or controversy, and such action or proceeding or dispute or controversy shall be heard and determined at such special term; the fact that any such dispute or controversy exists may be brought to the attention of the chief justice by the petition or complaint of any such mayor.

Chief justice
may order
special term.

Proceedings to
be had in a sum-
mary way.

2. *And be it enacted,* That the chief justice of the supreme court, upon application being made to him for the appointment of a special term as aforesaid, shall fix the time within which the questions to be decided shall be prepared for submission to said special term, and shall make such orders as may be necessary to bring into court all persons claiming any right, title or interest to or in any office mentioned in the act to which this is a supplement; all proceedings under this supplement shall be had in a summary manner, in order that the issues involved shall be determined as early as possible, and all pleadings or papers shall be filed within such time as the chief justice shall prescribe; upon application being made for the appointment of a special term as aforesaid, the chief justice shall direct that any person claiming the right to hold, otherwise than by virtue of an appointment by the mayor of such city, any office which, by the terms of the act to which this is a supplement, is directed to be filled by appointment by the mayor of such city, shall be made a party to the action or proceeding in which such application is made, and the right of such person to such office shall be tried and determined at such special term; at the time of the appointment of such special term, the chief justice shall direct that any person claiming to hold any office in any such city, affected by the act to which this is a supplement, otherwise than by the appointment of the mayor as aforesaid, shall file in such action or proceeding a paper or pleading, setting out his claim of title or right to office, and

the court shall determine, at such special term, whether any such person is entitled to hold the office which he claims; the chief justice shall prescribe the manner in which any person or persons may be made parties to any such action or proceeding, and direct the manner and time of service of all rules or orders, or other papers, which service may be by publication or otherwise; upon application being made to him as aforesaid, the chief justice shall make such orders as he may deem proper, concerning the taking of testimony, and shall make such further orders or rules concerning such action or proceeding, the papers and pleadings therein and the conduct thereof, as shall be necessary to have the same heard and determined at the special term of the supreme court appointed as aforesaid.

3. *And be it enacted*, That upon application being made to him for the appointment of a special term as aforesaid, the chief justice shall summarily determine and direct, by an order to be entered for that purpose, which of the persons claiming such office shall discharge the duties of the offices affected by the act to which this is a supplement, during the pendency of any action or proceeding commenced as aforesaid. Chief justice to determine and direct who shall discharge duties of office.

4. *And be it enacted*, That the provisions of this act shall apply to any city in this state which has heretofore or shall hereafter adopt the provisions of the act to which this act is a supplement. Act not apply.

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

Approved April 19, 1889.

CHAPTER CXCI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any public square or park now dedicated in any city or other municipality shall front upon any tide-waters in this state, the city or other municipality may apply through its legislative body to the commissioners appointed under the acts to which this is a further supplement for a grant or conveyance to such city or municipality of the lands under water in front of such public square or park; such grant to contain provisions that the same shall be kept and maintained as an open public square forever fronting on such tide-water; and that no buildings or other structures shall be erected on such square or park, or on the lands under water, which shall in any way obstruct or interrupt the view or public access to the water from any part of the said square or park; that said commissioners shall make said grant or conveyance, at a consideration of one dollar, upon receiving a written assent to such grant or conveyance of the person or corporation owning the title to the fee of the soil embraced within such public square or park; that such grant or conveyance shall contain the above provisions, and a copy of such assent, and shall also contain a provision that if at any time after the grant aforesaid such public square or park shall cease to be used as such, the lands under water granted as aforesaid shall at once revert to this state.

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

Approved April 19, 1889.

Cities may apply for grants of lands under water.

Grant to contain certain provisions.

Repealer.

CHAPTER CC.

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.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of the state, immediately upon the passage of this act, and as often thereafter as the office hereby created shall become vacant, shall appoint, by and with the advice and consent of the senate, a competent and suitable person to be supervisor of the state prison, who shall be commissioned as such by the governor, and shall hold his office for three years and until his successor is appointed as aforesaid and qualified; such supervisor shall receive a salary of three thousand dollars per annum, payable by the treasurer in the same manner as the salaries of state officers are paid; he shall perform all the duties which now are or may hereafter be imposed by law upon the supervisor of the state prison; he shall, before entering upon the duties of his office, take and subscribe before a justice of the supreme court of this state an oath that he will well and truly execute the office of state prison supervisor and will well and faithfully discharge all the duties imposed upon him by law as such supervisor; and he shall give bond to the state of New Jersey with not less than two sufficient sureties, to be approved by the governor and to be filed in the office of the secretary of state, in the sum of twenty-five thousand dollars, with condition that he will well and faithfully discharge all the duties imposed upon him by the laws of this state, and will well and faithfully use, account for and pay over to the treasurer

Supervisor of
state prison, how
appointed.

Term of office
and salary.

Bond.

of the state, as may be required of him by law, all the moneys of the state which may be received by him as state prison supervisor of the state of New Jersey.

Expiration of
term of present
supervisor.

2. *And be it enacted*, That the term of the present state prison supervisor shall expire upon the appointment of a state prison supervisor as provided for in this act.

Repealer.

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

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

Approved April 20, 1889.

CHAPTER CCI.

A Supplement to an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two.

Day designated
for holding
elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all boroughs organized under the law to which this is a supplement, when the legal voters of said borough shall have failed to hold an election on the first Tuesday of April of this present year, the day fixed by law for holding the same, it shall be lawful for said legal voters of such boroughs to hold such election for the current year on the first Tuesday of May of this present year, public notice of which said election, and the place where the same is to be held, being first given, by putting up notices thereof in five public places within the limits of said borough, at least one week before said first Tuesday of May.

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

Approved April 25, 1889.

CHAPTER CCII.

An Act relative to the publication of the financial statements of counties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several counties of this state, where the financial statement of the county collector is published in the newspapers, the county collector shall cause such financial statement to be published in all the newspapers in his county that are designated by the governor and comptroller to publish the laws, together with such other newspapers of the county as are designated by the board of chosen freeholders within thirty days after the annual meeting of the board, reference being made, as nearly as possible, to an equal division of the papers representing the two political parties; in counties where the financial statements of the county collector are now published by law in pamphlet form by a majority vote of the board of freeholders of said counties, may direct that said publication be hereafter published in the newspapers as is by this law indicated; *provided*, that the county collector shall cause such financial statement to be published in at least one newspaper in each legislative district in the county, if a newspaper shall be printed and published therein; and for every neglect so to do such county collector shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding fifty dollars.

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

Approved April 25, 1889.

County collector
to publish finan-
cial statement in
certain news-
papers.

Proviso.

Repealer.

CHAPTER CCIII.

An Act to amend an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to remove the fire and police departments in cities of this state from political control," approved May second, one thousand eight hundred and eighty-five,' which supplement was approved January twenty-seventh, one thousand eight hundred and eighty-six," and which amendatory act was approved March sixth, one thousand eight hundred and eighty-six.

Section amended 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to remove the fire and police departments in cities of this state from political control," approved May second, one thousand eight hundred and eighty-five,' which supplement was approved January twenty-seventh, one thousand eight hundred and eighty-six," and which amendatory act was approved March sixth, one thousand eight hundred and eighty-six, be and the said section hereby is amended to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act entitled "An act to remove the fire and police departments in cities of this state from political control," approved on the twenty-seventh day of January, one thousand eight hundred and eighty-six, be and the same hereby is amended to read as follows :

When boards to estimate expenses of departments. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on or before the first day of May, in each year, the said boards of fire and police commissioners, respectively, shall estimate in detail the expenses of the fire and police departments for the ensuing year, and shall transmit such estimate to the common council of such city, which sums, so estimated, the said

body shall cause to be assessed and raised by making provision therefor in the tax ordinance of each year; *provided, however*, that if such estimate for the fire department shall, in any year, exceed an amount equal to one mill and five-tenths of a mill on one dollar of the total valuation of the assessed property in such city, as ascertained by the assessors' returns of the previous year, and if such estimate for the expenses of the police department shall, in any year, exceed an amount equal to two mills and five-tenths of a mill on every one dollar upon such valuation, that it shall be optional with such common council whether the excess or any part thereof be raised by taxation in such city or not; *provided further*, that the said boards shall not make any expenditure or incur any indebtedness exceeding the amount so appropriated and raised; *provided, however*, that where in any city the amount now authorized to be raised for current general expense is fixed and limited, that so much of the sum required by this act to be raised therein as exceeds the amount now by law required to be raised by taxation therein for the purposes aforesaid, shall not be included in such limitation, but shall be raised in addition thereto.

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

Approved April 27, 1889.

CHAPTER CCIV.

An Act to authorize cities of the second class to extend the term of office and fix the rate of compensation of certain officers therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state wherein they have an officer known as city physician, the mayor of any such city shall appoint such officer, and the board of aldermen or other legislative body of said city, by a majority vote, confirm said appointment, and at the time of making of the appointment to such office, said mayor shall also fix the term for which such appointee may hold his office, which term shall not exceed three years, and said board may, at the same time, determine and fix the annual salary of such officer, to be paid him during the term so fixed.

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

Approved May 3, 1889.

City physician,
appointment,
term of office
and compensa-
tion.

Repealer.

CHAPTER CCV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the sheriffs of the several counties in this state shall be entitled to the same fees for the service of notices on grand and petit jurors as are now allowed by law for the service of a summons issued out of the court of common pleas. Fee of sheriffs for serving notices on jurors.

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

Approved May 3, 1889.

CHAPTER CCVI.

An Act authorizing the presiding judges of the court of oyer and terminer, the court of special sessions and the court of general quarter sessions of the peace, in counties of the second class, to appoint an interpreter to said courts, and fixing the salary of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the presiding judges of the court of oyer and terminer, court of general quarter sessions of the peace, the courts of special sessions, be and are hereby empowered to appoint an interpreter to attend any of the above-named courts when said judges may Presiding judges empowered to appoint an interpreter.

deem it necessary to employ a constant attendant in the nature of an interpreter, whose duty shall be to interpret in all the foreign languages, either in person, when that may be possible by said interpreter understanding said foreign language, or in case said foreign language be not understood by said court interpreter so chosen, then said court interpreter shall, out of the salary that he may receive under the provisions of this act, furnish to said courts a competent interpreter in the said foreign language not understood by said court interpreter.

Interpreter to be
in constant
attendance upon
courts.

2. *And be it enacted*, That said court interpreter shall be in constant attendance upon said courts at general and special sessions, and may be called upon at all times at chambers, and shall respond to all calls from said judges at all times and all places within the jurisdiction of said judges, not beyond the bounds of the county, in assisting said courts in the interpretation of foreign languages.

Compensation of
interpreter and
how paid.

3. *And be it enacted*, That said interpreter shall receive as compensation for such service an annual salary of not less than four hundred dollars and not more than six hundred dollars, to be fixed by the judges of said courts, said salary to be paid out of the county funds by the collector in quarterly payments, upon certificate being presented to him, signed by the judges of said courts.

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

Approved May 3, 1889.

CHAPTER CCVII.

An Act amending "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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-eighth section of the act of which this is amendatory be and the same is hereby amended to be in the words following, to wit:

28. *And be it enacted*, That the county collectors of the several counties of this state shall be entitled to receive an annual salary, to be prescribed by the boards of chosen freeholders of their respective counties, by resolution or ordinance adopted by the votes of a majority of all the members of such board, which annual salary shall be in lieu of any and all fees, percentages, salary or other compensation and emoluments heretofore prescribed by law or by any ordinance or resolution of any such board; such annual salary may be changed from time to time by any such board, but shall not be increased or diminished during or for the term for which any county collector may have been elected; nor shall such annual salary exceed one per centum of the aggregate sum of all moneys received and paid out by him as such collector for state, county, school and other purposes during the fiscal year next preceding the adoption of any such ordinance or resolution.

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

Approved May 3, 1889.

CHAPTER CCVIII.

An Act requiring cable railroad companies, electric railroad companies and horse railroad companies to make annual returns to the state board of assessors.

Cable, electric and horse railroad companies to make annual returns to state board of assessors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act every cable railroad company, electric railroad company and horse railroad company, and every corporation owning, using or operating any cable, electric or horse railroad in this state, shall, on the first Tuesday of January in each and every year, return to the state board of assessors of this state a statement or report, subscribed and sworn to by the president or other chief officer of such company, showing the amount of the capital stock of such company issued, the amount actually paid in thereon, and the amount of funded and other debts of said company on the thirty-first day of December next preceding the rendering of said report; also the cost of the said railroad, including its equipment and appurtenances, up to the thirty-first day of December next preceding the rendering of said report; also the amount of the expenditures for repairs, superintendence and management of the same during the year preceding the making of said report, under appropriate heads; said statement or report shall also show the income received by such company, during the year preceding the making of said report, from the carrying of passengers and freight and from all other sources, and shall also show the amount of dividends paid during said year, and the source thereof.

Statements to be filed and copies printed.

2. *And be it enacted*, That the said statements or reports shall be filed by the state board of assessors in their office at Trenton, there to remain as of record, and copies thereof shall be printed in the annual reports made by the said board to the legislature.

3. *And be it enacted*, That all companies required to make statements or reports to the state board of assessors under and by virtue of this act, shall make the same for the year ending December thirty-first, one thousand eight hundred and eighty-eight, on or before the first day of June, in the year one thousand eight hundred and eighty-nine. Statement for 1888 to be made.

4. *And be it enacted*, That if any corporation owning, using or operating any cable railroad, electric railroad or horse railroad in this state, shall willfully neglect to make an annual statement or report as required by this act, such corporation shall forfeit, as a penalty for the failure to make such statement or return, the sum of five thousand dollars, to be recovered, in any proper form of action, in the supreme court, in the name of the state, and paid into the state treasury; it shall be the duty of the said board to certify any such default to the attorney-general of the state, and it shall thereupon be the duty of the attorney-general to prosecute for such penalty; any person who shall falsely make any oath required to be made under this act shall be guilty of perjury, and on conviction thereof shall be liable to all the penalties prescribed by law therefor. Penalty for neglecting to make return.

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

Approved May 3, 1889.

CHAPTER CCIX.

A Supplement to an act entitled "An act to provide for the establishment of a home for the care and training of feeble-minded women," approved March twenty-seventh, one thousand eight hundred and eighty-eight.

Appropriation
for current
expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two thousand dollars be and is hereby appropriated for the current expenses of the home for the care and training of feeble-minded women for this fiscal year.

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

Approved May 3, 1889.

CHAPTER CCX.

A Supplement to an act entitled "An act to regulate the practice of courts of law" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

When plaintiff
entitled to
judgment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the plaintiff in any action upon contract, after the defendant is in court, shall file his declaration sooner than is required by law, and shall serve a copy thereof upon the defendant or defendants, personally, the plaintiff shall be entitled to judgment thereon, at the expiration of ten days from the date of service, unless the defendant or defendants, his or their

agent or attorney, shall, within said period of ten days, file with the clerk of the court in which such action is pending, an affidavit, to be called an affidavit of merits, that the affiant believes that the said defendant or defendants, or some of them, have a just and legal defense to the action on the merits of the case; and in case such affidavit shall be so filed, the defendant or defendants filing the same shall have thirty days from the date of the service of said declaration upon him or them, in which to plead or demur to the said action, and the plaintiff, before entering judgment, shall file an affidavit of such service.

If affidavit filed, defendant to plead or demur within thirty days.

2. *And be it enacted*, That there shall be indorsed upon or served with every copy of declaration served under the provisions of the first section of this act, a notice that if the defendant or defendants intend to make a defense to the action, he or they shall file an affidavit of merits within ten days from the date of such service, and shall file his plea or demurrer within thirty days from the date of such service, and that in default of the filing of such affidavit, plea or demurrer, judgment will be entered by default against him or them.

Notice to be endorsed upon copy of declaration.

3. *And be it enacted*, That the copy of declaration mentioned in the foregoing section of this act, may be served on the defendant or defendants at the time of the service of the summons as now provided by law, and if served by the sheriff, with the summons, no other or greater fee shall be allowed to the sheriff therefor than is now allowed by law therefor.

Copy of declaration may be served at the time of the service of the summons.

4. *And be it enacted*, That all acts inconsistent herewith shall be and hereby are repealed.

Repealer.

Approved May 3, 1889.

CHAPTER CCXI.

An Act to defray the incidental expenses of the legislature of New Jersey, for the session of one thousand eight hundred and eighty-nine.

Treasurer
authorized to
pay certain
amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, videlicet:

Item No. 1. To Naar, Day & Naar, for stationery to engrossing clerk, house of assembly, session of one thousand eight hundred and eighty-nine, two hundred and forty-five dollars and fifty cents, \$245 50

Item No. 2. To Naar, Day & Naar, for stationery to clerk, house of assembly, session of one thousand eight hundred and eighty-nine, one hundred and twenty-eight dollars and forty-five cents, \$128 45

Item No. 3. To Naar, Day & Naar, for stationery to engrossing clerk of senate, session of one thousand eight hundred and eighty-nine, one hundred and sixty-four dollars and five cents, \$164 05

Item No. 4. To Naar, Day & Naar, for stationery to president of senate, session of one thousand eight hundred and eighty-nine, two hundred and four dollars and eighty cents, \$204 80

Item No. 5. To Naar, Day & Naar, for stationery to secretary of senate, session of one thousand eight hundred and eighty-nine, one hundred and twenty-eight dollars and eighty-five cents, \$128 85

Item No. 6. To Naar, Day & Naar, for stationery to speaker of house of assembly, session of one thousand eight hundred and eighty-nine, two hundred and thirty-nine dollars and forty cents, \$239 40

Item No. 7. To Convery & Walker, for supplies furnished sergeant-at-arms, house of assembly, session of one thousand eight hundred and eighty-nine, seventy-two dollars and fifty cents,	\$72 50
Item No. 8. To Naar, Day & Naar, for printing furnished committee on corporations, house of assembly, session of one thousand eight hundred and eighty-nine, one dollar and fifty cents,	\$1 50
Item No. 9. To William A. Rogers, for supplies furnished sergeant-at-arms, house of assembly, session of one thousand eight hundred and eighty-nine, seventy-five dollars and forty-five cents,	\$75 45
Item No. 10. To William E. Ross, assistant sergeant-at-arms, for extra services and expenses incurred in securing attendance of absent members, house of assembly, session of one thousand eight hundred and eighty-nine, ten dollars,	\$10 00
Item No. 11. To Emma Lowery, for services as janitrix, house of assembly, session of one thousand eight hundred and eighty-nine, one hundred and fifty dollars,	\$150 00
Item No. 12. To Henry Poynton, for services as clerk to committee on incidental expenses, session of one thousand eight hundred and eighty-nine, one hundred dollars,	\$100 00
Item No. 13. To P. H. Corish, sergeant-at-arms house of assembly, for extra services and expenses incurred in securing attendance of absentees, session of one thousand eight hundred and eighty-nine, fifteen dollars,	\$15 00
Item No. 14. To Rev. A. D. Lewis, D.D., for opening house of assembly with prayer, session of one thousand eight hundred and eighty-eight, ten dollars,	\$10 00
Item No. 15. To Sutphin & La Rue, for hire of three coaches to deaf and dumb asylum, order of Mr. Potts, house of assembly, session of one thousand eight hundred and eighty-nine, nine dollars,	\$9 00

Item No. 16. To Mrs. Clara Jamison, for services rendered in washing towels, house of assembly, session of one thousand eight hundred and eighty-nine, seventy-five dollars,	\$75 00
Item No. 17. To W. S. Snyder, for services rendered as clerk to the joint legislative committee to sit and inquire into extension of New Jersey water front, house of assembly, session of one thousand eight hundred and eighty-nine, two hundred dollars,	\$200 00
Item No. 18. To The John L. Murphy Publishing Company, for calendars and books furnished James P. Logan, clerk of house of assembly, session of one thousand eight hundred and eighty-eight, for use of session of one thousand eight hundred and eighty-nine, one hundred and twenty-eight dollars and seventy-five cents,	\$128 75
Item No. 19. To John F. Jamison, for services rendered cleaning spittoons, house of assembly, session of one thousand eight hundred and eighty-nine, one hundred dollars,	\$100 00
Item No. 20. To John F. Jamison, for services rendered cleaning water-closets, house of assembly, session of one thousand eight hundred and eighty-nine, fifty dollars,	\$50 00
Item No. 21. To Alexander Dunn, for furnishing railing, brass gates for assembly chamber and clerk's room, building enclosure over sergeant-at-arms' room, and moving shelving for engrossing clerk to second story, house of assembly, session of one thousand eight hundred and eighty-nine, two hundred and thirty-three dollars and seventy-nine cents,	\$233 79
Item No. 22. To Kessler Brothers, locksmiths, for furnishing supplies and services rendered house of assembly, session of one thousand eight hundred and eighty-nine, forty-one dollars and fifty-five cents,	\$41 55
Item No. 23. To Kessler Brothers, locksmiths, for furnishing supplies to senate, session of one thousand eight hundred and eighty-nine, twelve dollars and eighty-five cents,	\$12 85

Item No. 24. To John E. Brundage, for services rendered as sergeant-at-arms, to James Martin and John F. Ten Brock, for services rendered as assistant sergeant-at-arms, opening house of assembly, session of one thousand eight hundred and eighty-nine, each the sum of ten dollars, in all thirty dollars, \$30 00

Item No. 25. To Louis Keengott, James Moore, William H. C. Albertson, William Becker, Thomas Packer, Charles R. Baker, Louis Soloman and George Bannon and Frank Barnard, for services rendered as pages, opening house of assembly, session one thousand eight hundred and eighty-nine, ten dollars each, \$80 00

Item No. 26. To Jacob Christman, door-keeper, Edward W. Conklin, keeper cloak-room, Enos G. Budd, bill clerk, and Thaddeus O. Doane, keeper ladies' gallery, for services opening house of assembly, session of one thousand eight hundred and eighty-nine, ten dollars each, \$40 00

Item No. 27. To William H. Moses, for services as journal clerk, to James P. Logan, for services as clerk, to William C. Farner, for services as assistant journal clerk, to J. Herbert Potts, for services as assistant clerk, to John Predmore, junior, document clerk, house of assembly, session of one thousand eight hundred and eighty-nine, ten dollars each, \$40 00

Item No. 28. To John A. King, for engrossing and framing set of resolutions in regard to the death of Honorable E. Frank Short, as per resolution, house of assembly, session of one thousand eight hundred and eighty-nine, fifty dollars, \$50 00

Item No. 29. To Thomas K. Johnston, for parchment rolls and preparing oaths of officers and members of senate and assembly, session of one thousand eight hundred and eighty-nine, fifty dollars. \$50 00

Item No. 30. To New Jersey Staats Zeitung, for printing furnished house of assembly, session

of one thousand eight hundred and eighty-nine, one hundred and seventy dollars and fifteen cents,	\$170 15
Item No. 31. To William E. Dugan, for extra services, committee on engrossed bills, house of assembly, session of one thousand eight hundred and eighty-nine, seventy-five dollars,	\$75 00
Item No. 32. To Joseph Burton, for services rendered, opening house of assembly, session of one thousand eight hundred and eighty-nine, ten dollars,	\$10 00
Item No. 33. To Alexander McLean, for stenographic services to joint committee of the New Jersey legislature to investigate the extending of shore front of Hudson county, as per resolution, house of assembly, session of one thousand eight hundred and eighty-eight, one hundred and sixty-six dollars,	\$166 00
Item No. 34. To Albert Datz, for minute bills files furnished senate and house of assembly, session of one thousand eight hundred and eighty-nine, five hundred and fifty-seven dollars,	\$557 00
Item No. 35. To National Stationery Company, for stationery furnished house of assembly, session of one thousand eight hundred and eighty-nine, ninety-one dollars and seventy-five cents,	\$91 75
Item No. 36. To each clergyman, for opening sessions of the legislature with prayer during session of one thousand eight hundred and eighty-nine, ten dollars,	\$10 00
Item No. 37. To William Thompson, for services rendered as bill clerk, opening house of assembly, one thousand eight hundred and eighty-eight, ten dollars,	\$10 00
Item No. 38. To T. J. McDonald, sergeant-at-arms house of assembly, session of one thousand eight hundred and eighty-seven, for services rendered, opening session of one thousand eight hundred and eighty-eight, ten dollars,	\$10 00
Item No. 39. To Charles H. Schmidt, for printing furnished house of assembly, session of one thousand eight hundred and eighty-nine, one hundred and seventy dollars and fifteen cents,	\$170 15

- Item No. 37. To John L. Murphy Publishing Co., for stationery furnished the secretary of the senate, session of one thousand eight hundred and eighty-nine, one hundred and ninety-two dollars and forty-five cents, \$192 45
- Item No. 38. To John L. Murphy Publishing Co., for stationery furnished sergeant-at-arms of the senate, session of one thousand eight hundred and eighty-nine, two hundred and twenty-five dollars and seventy cents, \$225 70
- Item No. 39. To the Foye Letter File and Cabinet Index Co., for files furnished the senate, session of one thousand eight hundred and eighty-nine, two hundred and twenty-four dollars, \$224 00
- Item No. 40. To John Hanlon, for services in cleaning spittoons, and so forth, for the senate, session of one thousand eight hundred and eighty-nine, one hundred dollars, \$100 00
- Item No. 41. To Mrs. B. A. Hanlon, for services, washing towels, and so forth, for senate, session of one thousand eight hundred and eighty-nine, fifty dollars, \$50 00
- Item No. 42. To R. B. Reading, secretary of the senate, A. V. D. Honeyman, assistant secretary, A. S. Barber, Jr., journal clerk, for services opening session one thousand eight hundred and eighty-nine, ten dollars each, \$30 00
- Item No. 43. To A. C. B. Havens, engrossing clerk of the senate, D. Harris Smith, assistant engrossing clerk, for services opening session one thousand eight hundred and eighty-nine, ten dollars each, \$20 00
- Item No. 44. To Furman L. Richardson, sergeant-at-arms of the senate, E. A. Miller, assistant sergeant-at-arms, for services opening session one thousand eight hundred and eighty-nine, ten dollars each, \$20 00
- Item No. 45. To Frank Huber, bill clerk, Joseph Mongar, assistant in bill room, for services opening session one thousand eight hundred and eighty-nine, ten dollars each, \$20 00

- Item No. 46. To Walter Atkinson, C. V. Bitters, Louis Wiel and William Rodman, doorkeepers of the senate, for services opening session one thousand eight hundred and eighty-nine, ten dollars each, \$40 00
- Item No. 47. To William Knott, Charles B. Corson, Louis H. Rumville and Frank Morganwick, senate pages, for services opening session one thousand eight hundred and eighty-nine, ten dollars each, \$40 00
- Item No. 48. To Mary Dwyer, for cleaning senate chamber, session of one thousand eight hundred and eighty-nine, one hundred dollars, \$100 00
- Item No. 49. To John J. Walsh, for services rendered as assistant bill clerk, session senate one thousand eight hundred and eighty-nine, one hundred and fifty dollars, \$150 00
- Item No. 50. To Knight & Guichtel, to attendance before senate and house committee on riparian rights, as stenographers before said committee, forty-two dollars and forty cents, \$42 40
- Item No. 51. To T. F. Fitzgerald, for forty-five legislative manuals furnished the legislature, session one thousand eight hundred and eighty-nine, forty-five dollars, \$45 00
- Item No. 52. To Frank Stevens, for rent of rooms for use of senate, special committee on riparian rights, session one thousand eight hundred and eighty-nine, ten dollars, \$10 00
- Item No. 53. To Charles F. Van Valen, for services as assistant calendar clerk of senate, session one thousand eight hundred and eighty-nine, two hundred and fifty dollars, \$250 00
- Item No. 54. To Robert A. Haggerty, the sum of fifty dollars, for services in bill room, receiving and forwarding documents after the adjournment of the legislature, \$50 00
- Item No. 55. To Emma Lowery, for cleaning gallery of senate, for the session of the legislature for the year one thousand eight hundred and eighty-nine, fifteen dollars, \$15 00

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

Approved May 6, 1889.

CHAPTER CCXII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following and no other fees shall be allowed to the justices of the peace and constables in this state, to justices and constables in criminal cases, and that no fees be demanded from parties applying to justices or constables for their services, but shall be paid out of the funds of the county in which such services were rendered, provided the prosecutor of the pleas shall approve of such payment:

Fees of justices
of the peace and
constables, and
how paid.

For drawing complaint and taking affidavit, when not exceeding one sheet or folio, thirty-five cents, and for all in excess of one folio, at the rate of fifteen cents per folio ;	
For issuing every warrant,	forty cents ;
For drawing conviction,	forty cents ;
For drawing commitment,	forty cents ;
For drawing each recognizance,	forty cents ;
For warrant to jailer to discharge prisoners,	forty cents ;
For issuing every subpoena,	ten cents ;
For taking examination in writing, when required by law,	fifteen cents per folio ;
For examination in a case where not required to be taken in writing,	fifty cents ;
For swearing each witness,	ten cents ;
For making and certifying bill of items of costs in each case,	fifteen cents ;
For drawing, certifying and sending to the judge of the circuit court, a copy of complaint and commitment, in a case where a boy under fourteen years of age is charged with crime, he is considered a fit subject to be sent to the state reform school,	one dollar ;

In cases arising under the act for suppressing vice and immorality, justices and constables shall be entitled to the same fees as for like services in other criminal cases :
 For a trial before two justices under the supplements to the act entitled "An act to describe, apprehend and punish disorderly persons," one dollar and fifty cents ;
 For making every decree or order required under the supplements to said act to be made by two justices, one dollar ;

FEEES IN CASES OF TRIAL FOR PETTY LARCENY, BEFORE TWO JUSTICES.

For issuing warrant to bring the accused before two justices, forty cents ;
 For trial before two justices, one dollar and fifty cents ;
 For drawing and preferring charges to prisoners, one dollar ;
 For drawing conviction, fifty cents ;
 For commitment, fifty cents ;
 For making and certifying each copy of bill of items of costs, fifteen cents ;

CONSTABLES' FEES IN CRIMINAL CASES.

For serving every warrant against one or more persons, for each person, eighty cents ;
 For serving every commitment, one dollar ;
 And the constable shall be entitled to mileage at the rate of four cents per mile (to be computed as hereinbefore provided) for the service of all warrants or commitments :
 For attending prisoners under trial for petty larceny, or under examination before a justice, fifty cents ;
 For serving every subpoena, where the distance is over one mile, thirty-five cents ;
 But where the distance is not over one mile, twenty cents ;
 For all services not enumerated in this act, justices and constables shall be entitled to receive fees as now fixed or may hereafter be provided by law.

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

Approved May 6, 1889.

CHAPTER CCXIII.

An Act to enable justices of the peace, police justices, recorders and other magistrates before whom disorderly persons are tried, to fine and imprison such persons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any person is convicted of having violated any of the provisions of the disorderly act, approved April ninth, eighteen hundred and seventy-five, and the supplements thereto, it shall and may be lawful for the magistrate before whom such person was convicted, to sentence such person to the work-house or common jail of the county in which such person may be convicted, for a period not to exceed ninety days, or to impose a fine not exceeding twenty-five dollars on such person. Magistrates empowered to fine or imprison persons convicted under the disorderly act.
2. *And be it enacted*, That after such person in default of paying such fine shall have been committed to said work-house or jail, it shall be lawful for the magistrate to discharge such person on receiving such fine or portion thereof, as he may see fit. May discharge prisoner upon payment of fine.
3. *And be it enacted*, That this act shall in nowise affect the proceedings against persons referred to in the fifth section of the disorderly act. Act not to affect certain proceedings.
4. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.
5. *And be it enacted*, That this act shall take effect immediately.

Approved May 6, 1889.

CHAPTER CCXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the prosecutors of the pleas in the several counties having a population, according to the last census, of less than eighty thousand inhabitants, and over fifty-six thousand inhabitants, may appoint suitable persons, not exceeding two in any county, to act as special officers for the detection, arrest and prosecution 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 approved by a majority of all the judges of the court of general quarter sessions of the peace of said county, and said person so appointed shall receive a per diem allowance and compensation not exceeding four dollars per day, to be fixed by a majority of said judges at the date of such approval; *provided*, that such per diem allowance and compensation shall be paid only for the time such officer shall be actually employed, which time shall be certified to the county collector by the said prosecutor.

Prosecutors of the pleas in certain counties may appoint two detectives.

Proviso.

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

Approved May 6, 1889.

CHAPTER CCXV.

A Supplement to "An act for the maintenance of bastard children," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any person shall be arrested under the provisions of said act it shall be no longer necessary for the justice to call to his aid another justice, but one justice of the peace shall be authorized and empowered to do each and every act now required to be done under said act by and before two justices of the peace, and shall receive the same fees as now allowed by law to one justice.

Not necessary
for justice to call
another to his
aid to try cases
under act.

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

Repealer.

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

Approved May 6, 1889.

CHAPTER CCXVI.

An Act relating to a state reformatory.

WHEREAS, It is deemed advisable that there shall be a state reformatory in this state for the custody and confinement of criminals between the ages of sixteen and thirty, who have not been previously sentenced to a state prison in this or any other state or country, and of persons convicted for the first time of a crime not involving moral turpitude; therefore,

New Jersey State Library

- Board of commissioners, appointment of, &c.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall appoint five persons as a board of commissioners, who shall be authorized to visit and examine any of the intermediate reformatories erected and in operation in other states, and shall make report to the governor of their inspection and judgment as to the best institution and system.
- To select site.
2. *And be it enacted*, That they shall thereafter select from any available property owned by the sinking fund a suitable site for a state reformatory; and in case there is no suitable site among such properties they shall select one elsewhere; they shall make a report of the site selected and the value thereof to the governor and comptroller, and if approved of by them, in case the same does not belong to the sinking fund, shall procure an option for its purchase on behalf of the state for a price not greater than the sum so approved of.
- Make report.
- Authorized to employ architect or procure plans.
3. *And be it enacted*, That the said commissioners shall be authorized to employ an architect or architects, or to procure plans or designs, for the construction of suitable buildings for the state reformatory, which shall have a capacity of not less than five hundred prisoners, and to be so constructed as to admit of the classification of prisoners; they shall report to the governor the plan which they shall be of opinion is the best adapted to the purpose, with an estimate of its probable cost; the governor shall report to the next legislature the said plans and estimate.
- Report.
- Report.
- Expenses, &c., how paid.
4. *And be it enacted*, That the said commissioners shall be entitled to receive their traveling and other official expenses, which, with the cost of said plans and estimates, shall be paid on the approval of the governor by the treasurer, on the warrant of the comptroller.
5. *And be it enacted*, That this act shall take effect immediately.

Approved May 6, 1889.

CHAPTER CCXVII.

An Act to authorize the employment of prisoners in county jails in cooking and other work in and about the county buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sheriff, warden or keeper of the county jail in any county of this state is hereby authorized to employ and set at labor any convicted person committed to his care and custody at any reasonable labor, such as cooking, cleaning, gardening, mechanical or other service necessary to be performed within the bounds of the court-house or county property.

Officers authorized to employ prisoners.

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

Approved May 6, 1889.

CHAPTER CCXVIII.

A Supplement to an act entitled "An act respecting county jails," approved March eighth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the keeper of every jail or other penal or reformatory institution, supported by public moneys of any county or township of this state, be required to keep a book, provided by the board of freeholders in the county wherein such institution shall be, in which he shall set forth the date of entry, date of discharge, the description, age, birthplace, and such other

Keeper of jail or institution to keep record of inmates.

information as he may be able to obtain of the inmates committed to his care, that this book shall be exposed in a conspicuous place in said institution and be open to the inspection of any taxpayers.

Penalty for failure to comply with act.

2. *And be it enacted*, That upon any failure to comply with the requirements of this law, the keeper of said institution, thirty days after complaint of ten legal voters of the county wherein such institution is situate, to the board of freeholders of said county, shall be subject to a fine of twenty-five dollars, to be sued for in any court of competent jurisdiction by any taxpayer of the county and to be applied when collected to the use of the county.

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

Approved May 6, 1889.

CHAPTER CCXIX.

An Act for the better regulation of the poor-houses of this state.

Female inmates of poorhouses to be kept separate from the male inmates.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of freeholders or township committee in every county or township of this state wherein an institution has been established for the reception of the poor of said county or township, to provide such suitable accommodations for the reception of inmates that the females so committed may be entirely separated from the male inmates; and that the living-rooms, halls, stairways, dining-rooms, outbuildings and yards be so built as to cause the sexes to be entirely apart.

Keeper to keep record of inmates.

2. *And be it enacted*, That the keeper or person in charge of said poor-house shall keep a book, to be provided by the board of freeholders or township committee, as the

case may be, in which he shall set forth the date of entry, date of discharge, the description, age, birthplace and such other information, under the head of "remarks," as he may be able to obtain of the inmates committed to his care; which book shall be open to the inspection of any taxpayer.

3. *And be it enacted*, That for failure to comply with the provisions of this act, the keeper of such institution shall be liable to a penalty of twenty-five dollars, to be sued for in any court of competent jurisdiction by any taxpayer of the county, to be applied, when collected, to the use of such institution.

Penalty for failure to comply with act.

Approved May 6, 1889.

CHAPTER CCXX.

Further Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in a township not divided into wards or election districts, and containing but one polling-place, it shall appear that two hundred or more voters in any one section of such township have to travel a distance of five miles, or more, to vote, that in every such case it shall be the duty of, and the township committee are required to forthwith establish an additional polling-place in such section.

Township committees of certain townships to establish additional polling-place.

2. *And be it enacted*, That the township committee are hereby required, whenever such polling-place shall be established as required by this act, to file a description of the boundaries of the district within which such polling-place is situated, one copy in the county clerk's office and one copy in the township clerk's office, and appoint,

To file description of boundaries.

Appoint election
officers for new
precinct.

in time for the next election, two inspectors and one judge of elections, and one clerk of elections, for each precinct so established, who shall be residents of the precincts in which they are appointed, and who shall serve until their successors are elected; the said inspectors so to be appointed shall not belong to the same political party.

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

Approved May 6, 1889.

CHAPTER CCXXI.

An Act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-ninth, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable county superintendents of schools to devote more time in the discharge of the duties of their office, and to properly examine and direct the schools under their charge, by frequent visits to said schools, and counsel and direction to teachers in the proper method of instruction, their yearly salary shall be at the rate of twelve and a half cents for each child in the county between the ages of five and eighteen years, as ascertained from the last annual report of the state superintendent; *provided*, that the salary shall in no case be less than eight hundred dollars, nor more than thirteen hundred dollars; *and provided*, that in case any city or town shall have a city or town superintendent of schools, the children belonging to such city or town shall not be counted in determining the salary of the county superintendents, and the super-

Salary of county
superintendents.

Provisc.

Provisc.

vision of the schools of such city or town, which would otherwise belong to the county superintendent, shall devolve upon the city or town superintendent.

2. *And be it enacted*, That each member of the county board of examiners, except the county superintendent, shall receive for his services, in addition to traveling expenses, a sum not exceeding five dollars for each of the quarterly examinations held by said board in February, August and November, and eight dollars for the regular quarterly examination held in May. Compensation of county board of examiners.

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

Approved May 6, 1889.

CHAPTER CCXXII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education, board of school trustees or other body having charge and control of the public schools in any school district in this state, acting under a special charter, or under the provisions contained in the charter of any city, town, borough or other municipality, is hereby authorized and empowered, for the purpose of building or enlarging school-houses, by and with the consent of the board having charge and control of the finances of such municipality, to borrow from the "trustees of the fund for the support of public schools" such sum or sums of money as may be necessary for that purpose; that the Board of education authorized to borrow money for the erection of schoolhouses from trustees of school fund.

Money to be secured by bonds of district. money thus borrowed shall be secured by bonds to be issued in the corporate name of said municipality or school district, to be known as district school bonds, which bonds shall bear interest at the rate of five per centum per annum, payable annually, and the said bonds shall and are hereby declared to be the first lien upon the school-house and lot on which the same is erected, and for the erection or repair of which they shall have been issued; that no loan authorized by this act shall be less than five hundred dollars; that such loan may be paid at such times and in such amounts as the board of education, board of school trustees or other body borrowing money under the provisions of this act may direct; *provided*, that the first payment on any such loan shall become due and payable not later than five years from the date of said loan, and that the last payment on any such loan shall be made not later than ten years from the date thereof.

Minimum amount of loan.

Proviso.

Charter provisions limiting amount of indebtedness not to apply to the raising of money under this act.

2. *And be it enacted*, That if any charter of any incorporated school district, city, town, borough or other municipality in this state shall limit the amount of indebtedness that may be incurred, or shall limit the amount of tax or the rate of taxation in any incorporated school district, city, town, borough or other municipality or by its terms prevent the carrying out of the provisions of this act, the same shall not hereafter be held to apply to the raising of money under the provisions of this act, and the powers herein conferred shall embrace every school district in this state, any public, local, special or other law to the contrary notwithstanding.

State treasurer authorized to invest fund.

Proviso.

3. *And be it enacted*, That the treasurer of this state, under the direction of the "trustees for the support of public schools," is hereby authorized to invest the fund for the support of public schools in this state in the bonds issued by virtue of this act; *provided, always*, that said trustees, before giving such direction shall be satisfied that the lot upon which the school-house is proposed to be erected or repaired is free from all incumbrance, and that the said bonds, when issued, will become the first lien upon said lot with the improvements thereon, and that the city, town, borough or other municipality applying for the loan has not defaulted in the payment of

the principal or interest of any bonds theretofore issued within two years from the date of the application.

4. *And be it enacted*, That copies of all papers and proceedings authorizing the issuing of such bonds shall be submitted to the attorney-general for his approval of the legality of the same, and that duplicate copies of such papers and proceedings shall be filed in the office of the state superintendent of public instruction. Copies of papers to be submitted to attorney-general. Duplicates filed.

5. *And be it enacted*, That the state superintendent of public instruction shall prepare and furnish the necessary blanks and forms for all proceedings under this act. State superintendent to furnish blanks.

6. *And be it enacted*, That it shall be the duty of the officers or board charged with the raising, levying and assessing of taxes in any school district or municipality issuing bonds under the provisions of this act, to assess upon the inhabitants thereof and their estates and the taxable property therein, an amount sufficient to pay the bond or bonds of the district maturing in such year, together with the interest accruing upon the whole issue of the unpaid bonds of such district or municipality, and the tax thus ordered shall be assessed, levied and collected in the same manner as other taxes for school purposes are assessed, levied and collected. Amount sufficient to pay bonds and interest thereon to be assessed upon inhabitants of district.

7. *And be it enacted*, That the 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," approved March twenty-seventh, one thousand eight hundred and eighty-eight, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 6, 1889.

CHAPTER CCXXIII.

An Act to amend an act entitled "A further supplement to an act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty-six," which said further supplement was approved April twenty-third, one thousand eight hundred and eighty-eight.

- Section amended.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act of which this is an amendment be and the same is hereby amended so as to read as follows, videlicet:
- Exempt firemen exempt from poll tax and property to the amount of \$500.
2. *And be it enacted*, That all exempt firemen of any city, town, borough, township or fire district in this state shall be exempt from general and special poll tax, and from state, county and municipal taxation upon real or personal property, or both, not exceeding in the aggregate five hundred dollars, which may be assessed against them on their said property by the authority of the municipal corporation in the service of which they became exempt firemen; *provided*, that all persons who heretofore have become exempt firemen by reason of membership and service in any fire-engine, hose or hook and ladder company, a majority of the active members of which company have subsequently been constituted a company of the regular fire department of any city, town or borough of this state, shall be entitled to the same rights and exemption from taxation provided in this act as if they had become exempt firemen in the service of such city, town or borough.
- Proviso.
2. *And be it enacted*, That this act shall take effect immediately.
- Approved May 6, 1889.

CHAPTER CCXXIV.

A Supplement to an act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

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

18. *And be it enacted*, That this act shall not be construed so as to alter, modify, affect, annul or repeal the provision of any charter of any city, village or borough whereby the collection of taxes is regulated, and the taxes assessed and to be assessed in any such city, village or borough shall be levied, assessed and collected as heretofore, and the lien of taxes on lands in any such city shall be and remain as now regulated, and nothing in this act shall be held to impair, alter or affect the said lien in any way whatsoever, but this act shall apply to all townships in this state and to all cities wherein no other provisions are in force making taxes a lien upon real estate and authorizing sales for the payment of the same. How act to be construed.

2. *And be it enacted*, That all supplements to the said act heretofore passed shall have the same force and validity in all such cities as aforesaid, as if they had been passed after the passage of this act. Supplements heretofore passed valid.

3. *And be it enacted*, That the term "township" wherever used in the said act and the supplements thereto, shall be construed to include all such cities as aforesaid; and that in all such cities, the duties by the said act and the supplements thereto directed or authorized to be performed respectively by the township committee or a majority of them, and by the township clerk and township collector, shall be performed, respectively, by the city council or other legislative body of said city, and by Term construed. City officers to perform duties.

Lands to be purchased in name of city.

the city clerk and the city collector of taxes; and that any lands, tenements or real estate purchased in any such city for the benefit of said city, under the provisions of said act and the supplements thereto, shall be purchased in the corporate name of said city.

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

Approved May 6, 1889.

CHAPTER CCXXV.

A Supplement to an act entitled "An act for the protection, and to limit the time and manner of killing European pheasants and other game birds of foreign origin," approved March twenty-second, one thousand eight hundred and eighty-six.

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

Section amended.

"1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person to take, kill or capture any European pheasant, partridge or grouse within three years next after the passage of this act, under a penalty of twenty-five dollars," be amended so as to read as follows :

Penalty for killing partridge, grouse or pheasant within three years.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person to take, kill or capture any European partridge, grouse or hen pheasant within three years next after the passage of this act, under a penalty of twenty-five dollars.

Repealer.

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

Approved May 6, 1889.

CHAPTER CCXXVI.

An Act to authorize the transfer and revocation of licenses granted by the excise board of any city in this state, and to authorize such boards to appoint a license inspector and fix the compensation of such officer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the excise board or board of excise commissioners of any city in this state shall be authorized and empowered, in their discretion, to transfer or revoke any license granted by them, and in case of transfer, the license so transferred shall only be good or effective for the unexpired term thereof, at either the place or premises mentioned in the original license or else at the place or premises to which the person or persons named in the original license shall remove and locate within the corporate limits of such city; and in case of revocation of any license as aforesaid, any person selling or offering for sale thereunder, shall be liable to all the penalties provided by law for selling without a license; *provided*, that before any transfer shall be made by any excise board as aforesaid, there shall be paid a fee for such transfer, to be fixed by such excise board, of not less than five dollars.

Excise boards
authorized to
transfer or
revoke licenses.

Proviso.

2. *And be it enacted*, That in order to effectually prevent the violation of the provisions of this act and the unlawful sale, without license, of spirituous vinous, malt or brewed liquors, such excise board is fully authorized and empowered to appoint one license inspector in any such city, and the person so appointed license inspector shall possess the sole power and authority and perform the duties appertaining to the inspection of licenses granted by such excise board, and such board shall be solely authorized and empowered to prescribe the duties of such license inspector, and fix and determine the annual compensation to be paid such license inspector, not exceeding one thousand dollars per annum, which

Board em-
powered to ap-
point a license
inspector.

Powers and
duties of.

Compensation
and how paid.

annual compensation or salary so fixed and determined by such excise board, shall be paid monthly by such city to the person appointed license inspector, by such excise board as aforesaid, and any such city is hereby fully empowered and required to assess, levy, raise and pay such compensation to such license inspector appointed as aforesaid, in the same manner as the salaries of the commissioners of the excise board of any such city are assessed, levied, raised and paid.

Repealer.

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

Approved May 6, 1889.

CHAPTER CCXXVII.

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

If one section of act unconstitutional not to affect other provisions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any section or sections of the act mentioned in the title hereof, and whereto this act is supplemental, shall, for any reason, be held to be unconstitutional or invalid, it shall not affect the other provisions of said act approved March twenty-first, one thousand eight hundred and eighty-nine, or any of them.

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

Approved May 6, 1889.

CHAPTER CCXXVIII.

A Further Supplement to an act entitled "A further supplement to an act entitled 'An act to provide for the support of the government of this state, and to fix the salaries of public officers,' approved April fourth, one thousand eight hundred and forty-five," which said supplement was approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lay judges of the inferior court of common pleas in all counties of the third class of this state shall hereafter each be entitled to receive an annual salary at the rate of five hundred dollars, and in all counties of the fourth class two hundred dollars, and that said salary shall be paid in equal monthly payments by the county collectors of the counties aforesaid, and shall be in full for per diem and all services by them respectively rendered while in attendance at court as judges of the court of common pleas, judges of the court of general quarter sessions of the peace, orphans' court, and all other courts in any of the counties of the third class of this state.

2. *And be it enacted*, That this act shall only apply to those judges of the inferior court of common pleas, quarter sessions and orphans' court whose term of office shall hereafter commence, or to those now in office (and to those who may hereafter be appointed to office), who may file their assent in writing under their hands, to the provisions of this act, in the office of the clerk of the county in which he is such judge; *provided, however*, that nothing in this act contained shall in anywise be construed or held as reducing the salary or compensation of any of the judges of the aforementioned courts in any of the counties aforesaid of this state.

Salary of lay judges of courts of common pleas in counties of the third and fourth classes, and how paid.

Act only to apply to judges who may file assent in county clerk's office.

Proviso.

Repealer. 3. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed, and that this act shall be a public act, and take effect immediately.
 Approved May 6, 1889.

CHAPTER CCXXIX.

An Act to amend an act entitled "An act to regulate and establish the compensation of law or president judges of the courts of common pleas of the counties of this state," passed May eleventh, one thousand eight hundred and eighty-six.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act to regulate and establish the compensation of law or president judges of the courts of common pleas of the counties of this state," passed May eleventh, one thousand eight hundred and eighty-six, be and the same is hereby amended so as to read as follows:

Annual salary of law or president judges of the courts of common pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the law or president judges of the courts of common pleas of the counties of this state, shall be paid an annual salary in proportion to the population of said counties respectively, as hereinafter provided, that is to say: the annual salary of each law or president judge aforesaid, shall be fifteen hundred dollars in counties where the population is not more than thirty-nine thousand; two thousand dollars in counties where the population is more than thirty-nine thousand and not more than forty-nine thousand; twenty-seven hundred dollars in counties where the population is more than forty-nine thousand and not more than fifty-nine thousand; thirty-five hundred dollars in counties where the

population is more than fifty-nine thousand and not more than sixty-nine thousand; thirty-seven hundred dollars in counties where the population is more than sixty-nine thousand and not more than seventy-nine thousand; thirty-nine hundred dollars in counties where the population is more than seventy-nine thousand and not more than eighty-nine thousand; forty-three hundred dollars in counties where the population is more than eighty-nine thousand and not more than ninety-nine thousand; forty-seven hundred dollars in counties where the population is more than ninety-nine thousand and not more than one hundred and nine thousand; fifty-one hundred dollars in counties where the population is more than one hundred and nine thousand and not more than one hundred and nineteen thousand; fifty-five hundred dollars in counties where the population is more than one hundred and nineteen thousand and not more than one hundred and twenty-nine thousand; and fifty-nine hundred dollars in counties where the population is more than one hundred and twenty-nine thousand and not more than one hundred and thirty-nine thousand; and sixty-three hundred dollars in counties where the population is more than one hundred and thirty-nine thousand and not more than one hundred and fifty thousand; and sixty-seven hundred dollars in counties where the population is more than one hundred and fifty thousand and not more than one hundred and seventy-five thousand; and seventy-one hundred dollars in counties where the population is more than one hundred and seventy-five thousand and not more than two hundred thousand; and seventy-five hundred dollars in counties where the population is more than two hundred thousand.

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

Approved May 6, 1889.

CHAPTER CCXXX.

An Act concerning public records.

- County clerk to attend sessions of courts and keep minute of proceedings.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be and it is hereby made the duty of every county clerk in this state 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 to keep a minute of the proceedings of said court or courts in their respective counties, and that the public shall have access to said minutes at all proper and reasonable hours, and that 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 county clerks of the respective counties of this state shall receive and be allowed and paid the same per diem, and no more, for such attendance upon said courts as the sheriffs of the respective counties of this state are now allowed by law for their daily attendance upon said courts, to be paid in the same manner and by the same authority that the said sheriffs are now paid.
- Compensation per diem.
- Repealer.
2. *And be it enacted*, That all acts and parts of acts, local, general or special, inconsistent with this act, be and the same are hereby repealed.
3. *And be it enacted*, That this act shall take effect immediately.
- Approved May 6, 1889.

CHAPTER CCXXXI.

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

WHEREAS, Commissioners of deeds in and for this state Preamble.
 in some instances have, through inadvertence or mistake, continued to take acknowledgments and proofs of deeds, mortgages and other writings after their term of office had expired, or after their commissions had become void by reason of removal out of the township, ward or district in which they resided at the time of their appointment, and innocent persons may be subjected to loss or injury thereby; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and Acknowledgments validated.
 proofs of deeds, mortgages and other writings, and the certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this state, whose term of office had expired, or whose office had been vacated, or whose commission had become void at the time of taking such acknowledgment or proof, and the records of such deeds, mortgages and other writings are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such acknowledgment or proof had not expired, nor his office been vacated, nor his commission become void as aforesaid.

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

Approved May 6, 1889.

CHAPTER CCXXXII.

An Act to provide a method for appointing commissioners in the places of other commissioners who have deceased or who shall fail to act in certain cases touching the organization of companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where acts of incorporation have heretofore been passed, in which certain commissioners are named to receive subscriptions to the capital stock of any company, and to do certain things mentioned in said acts of incorporation, and where any of said commissioners shall have deceased before the organization of said company or companies, or shall fail, for any reason, to act with a majority of the surviving commissioners named in said acts, respectively, when required to organize any of said companies, that a majority of said commissioners who shall attend the organization of said company or companies shall have the power to elect other commissioners to take the places of those who have deceased, or who shall fail to attend the first meeting of said commissioners, upon due notice, and to perform all of the duties which would have devolved upon the said deceased or absent commissioners in regard to the organization of said company or companies.

A majority of commissioners may appoint others in place of those who have deceased or fail to attend.

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

Approved May 7, 1889.

CHAPTER CCXXXIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation hitherto created under or by virtue of any law of this state, which has maintained its organization but which may have failed to renew or extend its corporate existence, as provided by law, to do so for a period not exceeding fifty years, by filing a certificate to that effect in the department of state; *provided*, that such corporation shall be subject to all charges, fees and taxes now imposed by law upon like corporations.

Certain corporations may renew corporate existence by filing certificate in the department of state.

Proviso.

2. *And be it enacted*, That upon filing such certificate the period of the existence of such corporation shall be extended as therein declared as fully as if the said period had been named in the original charter or certificate of organization of such corporation.

When certificate filed period of existence extended.

3. *And be it enacted*, That nothing herein contained shall be construed to interfere with the right of the state, reserved by any law now or hereafter existing, to acquire the property or 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 irrevocable or other contract with the state contained in any charter, beyond the time originally fixed for its expiration; nor shall this act apply to any corporation against which quo warranto or other proceedings for dissolution are pending.

Act not to be construed to interfere with the right of the state to acquire property or franchise of corporation, &c.

Act not to apply.

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

Repealer.

Approved May 7, 1889.

CHAPTER CCXXXIV.

An Act relative to banking, trust, guarantee, safe deposit, and indemnity corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every banking, trust, guarantee, safe deposit and indemnity corporation or association which may now or hereafter be organized under any law of this state, shall file in the department of state, during the month of January of every year, a report of its condition at the close of business on the thirty-first day of December last preceding, in such form as the state board constituted by "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six, shall prescribe, which report shall be verified by the affidavits of the president or vice-president and the treasurer or cashier of such corporation; the said state board shall be designated as the board of bank commissioners, and it shall be their duty to furnish such corporations with blank forms for the statement required, and to call for like reports at such other times as may seem to them expedient, and if any such corporation shall fail to file such annual report prior to the fifteenth day of February, or to furnish such additional reports as may be called for by the commissioners for five days after receiving notice to do so, it shall be liable to a penalty of two hundred and fifty dollars and costs of action, to be sued for and collected by the secretary of state, in the name and for the benefit of the state.
2. *And be it enacted*, That no such corporation shall establish or maintain any branch or agency, nor more than one place of business, in this state, without the approval of the said board of bank commissioners.
3. *And be it enacted*, That it shall be the duty of the bank commissioners, whenever they shall deem it expedient, or at the request of any such corporation, or like request in writing by three or more of its creditors,
- Certain corporations to file annual reports in the department of state.
- Bank commissioners to furnish blanks.
- Penalty for failing to file report.
- Branches, how established.
- When examination of corporation to be made.

depositors or stockholders, to cause an examination to be made of the affairs of any such corporation; and it shall be the duty of the officers and employes of such corporation to exhibit its books, securities, records and accounts ^{Officers to exhibit books.} to the person or persons authorized by said board to conduct the examination, and otherwise facilitate the same so far as it may be in their power to do; the said commissioners, or any examiner appointed by them, shall have power to examine, under oath or affirmation, the officers and employes of any such corporation relative to its business and affairs, and for that purpose any such examiner shall have power to administer oaths and affirmations.

4. *And be it enacted*, That whenever it shall appear, as ^{Proceedings when affairs of corporation found in unsafe condition, &c.} the result of examination, that the affairs of any such corporation are in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority or in violation of law, it shall be the duty of the attorney-general, on notice by the commissioners, to apply forthwith by petition, or bill of complaint or information, to the chancellor for an injunction restraining such corporation from the transaction of further business, or the transfer of any portion of its assets in any manner whatsoever, and for such other relief and assistance as may be appropriate to the case; and the chancellor, being satisfied of the sufficiency of such application, or that the interests of the people so require, may order an injunction, and make other appropriate orders in a summary way, and thereafter proceed in said cause according to law and the practice of the court of chancery.

5. *And be it enacted*, That for the purpose of defraying ^{Expenses, how defrayed.} the expenses incurred in carrying out the provisions of this act, each corporation shall pay ten dollars on filing its annual statement, and in addition thereto each corporation shall defray the expenses incurred by the board of bank commissioners in making any examination of its affairs as hereinbefore provided for; and the secretary of state may maintain an action, in the name of the state, ^{May maintain action.} against such corporation for the recovery of such expenses, in any court of competent jurisdiction.

Penalty for violation of act.

6. *And be it enacted*, That the officers of any such corporation who shall violate, or fail to comply with the requirements of this act, or the act under which it is organized, shall severally be liable in a penalty of like amount, to be recovered in the same manner as provided against the corporation in the first section of this act.

Annual report to the legislature.

7. *And be it enacted*, That the secretary of state shall make annual report to the legislature, which shall embrace a statement of proceedings taken under this act, of new corporations organized, and a summary of the annual report of each.

Repealer.

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

Approved May 7, 1889.

CHAPTER CCXXXV.

An Act relative to an appropriation for the state industrial school for girls.

Appropriation transferred, and how to be used.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much money as was appropriated by an act approved February twenty-first, one thousand eight hundred and eighty-eight, to the state industrial school for girls for the purchase of a tract of land, that has not been used for that purpose (being twenty-one hundred dollars), be and the same is hereby transferred to the general fund of said industrial school, and the trustees are hereby authorized to use so much of said money as may be needed to increase the capacity of said school by altering, enlarging and repairing a frame building now on their farm; and the treasurer of the state is authorized to pay to the treasurer of said industrial school the said sum of money on the warrant of the comptroller.

Treasurer to pay.

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

Approved May 7, 1889.

CHAPTER CCXXXVI.

An Act in relation to the pay of certain officers of the police force in certain cities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having a population of upwards of one hundred thousand inhabitants, the annual salary to be paid to the chief of police shall not be less than two thousand five hundred dollars, and the annual salary of the captains of police not less than two thousand dollars; *provided, however*, that the salaries fixed by the terms of this act shall not commence or become operative until the beginning of the fiscal year in any city subject to the provisions of this act next ensuing the passage of this act; *and provided, further*, that this act shall not apply to any city in this state which may have accepted the provisions of the act entitled "An act to remove the fire and police departments in the cities of this state from political control," approved May fifth, one thousand eight hundred and eighty-five, and any of the supplements thereto.

Annual salary of chief and captains of police.

Proviso.

Proviso.

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

Repealer.

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

Approved May 7, 1889.

CHAPTER CCXXXVII.

An Act concerning cities.

Municipal
authorities may
fix compensation
of city marshal
or sergeant-at-
arms.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen or common council of any incorporated city of this state whose charter authorizes the employment of a city marshal or sergeant-at-arms, may fix the compensation of such officer at the rate of fifteen hundred dollars per annum, and the board of finance or other board having the control of the finances of any such city shall provide the money necessary to pay such compensation; *provided*, that nothing herein contained shall apply to any police officer who is designated by the title herein named.

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

Approved May 7, 1889.

CHAPTER CCXXXVIII.

An Act to authorize cities to sell fire engine-houses and lands and to purchase other lands for fire-house purposes.

Lawful to sell
and purchase
lands and build-
ings for fire-
house purposes.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state in which two fire engine-houses are located together, or next to each other, to sell the land and buildings, and with the proceeds of such sale purchase other lands in such city and build fire-houses thereon; *provided*, that the fire-houses so erected and the lands purchased for fire purposes shall not be contiguous to each other.

2. *And be it enacted*, That for the purpose of paying the total cost of the erection of such fire-houses the common council, board of aldermen, or other governing body of such city, are hereby empowered to borrow a sum of money not to exceed fifteen thousand dollars, and to issue registered bonds for the same, under the seal of such city, bearing interest at a rate not to exceed four per cent. per annum, having not longer than fifteen years to run, and pledging the faith, credit and property of such city for the payment of the same; and to provide for the payment thereof by taxation.

Cost of erecting firehouses, how paid.

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

Approved May 7, 1889.

CHAPTER CCXXXIX.

An Act to authorize cities of this state to establish and maintain a fire limit therein, and to provide for the proper enforcement thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state, the common council or other legislative 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 common council or other 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 r cases in their judgment require such exception.

Municipal authorities may establish fire limit.

Determine thickness of partition walls.

Proviso.

May prohibit
the erection of
certain buildings
within such
limit, &c.

2. *And be it enacted*, That such common council or other legislative body of any city 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 said 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 city and in any court of record, against the owner or owners of such building, and that upon judgments obtained in any such suit the body of the defendant may be taken upon execution, as in an action of tort.

Repealer.

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

Approved May 7, 1889.

CHAPTER CCXL.

An Act to establish the rate of interest on arrears of taxes and assessments in cities of this state.

Municipal
authorities may
fix rate of interest
on past due taxes
unpaid prior to
Jan. 1, 1888, at
seven per cent.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, or other board having charge and control of the finances in any city in this state, to fix and change, by resolution, the rate of interest on all past-due taxes and assessments of all kinds which were due and unpaid prior to January first, one thousand eight hundred and

eighty-eight, at and after the rate of seven per centum per annum; *provided, however,* that such rate, when adopted, shall apply only to such taxes as are still due and unpaid to such city. Proviso.

2. *And be it enacted,* That all laws, general or special, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 7, 1889.

CHAPTER CCXLI.

An Act to authorize cities and boroughs to provide by ordinance for the licensing, regulating and restraining of persons and vehicles for the sprinkling of streets with pure water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall and may be lawful for the common council, board of aldermen or other governing body of any city or borough within this state to make and establish ordinances for the following purposes, videlicet: to license persons to engage in the business of sprinkling the streets of said cities and boroughs respectively with pure water, and to license and regulate the vehicles to be used for the sprinkling of such streets, and to regulate the manner in which streets shall be sprinkled, and to prohibit all persons and all vehicles unlicensed from acting, using or being used in said capacities and for such uses and purposes, and to fix and prescribe penalties for the violation of any such ordinance or ordinances, and that the fees for such licenses may be imposed for revenue. Municipal authorities may provide by ordinance for licensing person and vehicles for sprinkling

2. *And be it enacted,* That upon the adoption of ordinance as aforesaid, any fire engine, hose or hook and ladder company, whether said company be incorporated or not, When ordinance adopted fire companies may be licensed.

and whether located in said city or borough or not, may be licensed under said ordinance by the name by which said company is commonly known or designated.

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

Approved May 7, 1889.

CHAPTER CCXLII.

An Act to enable the overseers of roads in certain road districts of this state to call meetings for the purpose of raising money for the use of roads.

When overseer
of roads may
call meeting in
certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all road districts in this state where, by law, the legal voters of such districts have authority to elect overseers of roads and to raise money for the use of roads in such districts, when, for any cause, the overseer of such district has neglected to call a meeting for the purposes aforesaid within the time prescribed by law, it shall be lawful for the overseer whose duty it is to call such meeting, to call a meeting of the legal voters of any such district, at any time prior to the first day of May in any year, giving due notice of the time and place of such meeting, and the object thereof, by written or printed notices, signed by him and set up in two of the most public places in said road district at least five days before the day appointed, and all meetings held as aforesaid shall be valid and effectual in law for the purposes aforesaid as if the same had been called in the manner heretofore prescribed.

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

Approved May 7, 1889.

CHAPTER CCXLIII.

An Act authorizing incorporated towns to provide for changing the width and boundaries of streets and avenues.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the council or governing body of any incorporated town in this state, in the manner hereinafter provided, to alter and amend any map or plan establishing the boundaries of streets and avenues therein by changing the width of any proposed street or avenue, or section of proposed street or avenue, which has not been opened to the width shown on such map; *provided, however*, that no street or avenue, or section of street or avenue, shall be made less in width than it was at the time of the adoption of any such plan or map.

2. *And be it enacted*, That on the petition in writing of the owners of one-sixth of the land fronting on any such street or avenue, or section thereof, setting forth the change desired, the council or governing body of such town shall direct the same to be published, together with a notice stating when and where the council or governing body of such town will meet to receive objections in writing thereto, in at least two newspapers printed and published in the county, for at least two weeks successively, at least once in each week, next preceding the time appointed for receiving objections; any owner of land fronting on the street or avenue, or section thereof, proposed to be changed, may, at the time specified in such notice, object in writing thereto; at the time so appointed the council or governing body of such town shall meet and shall examine all objections in writing which shall have been presented; and if it shall appear that the owners of a majority of the land fronting on the street or avenue, or section thereof, proposed to be changed have not objected thereto, the said council or

governing body shall have power to pass and adopt an ordinance in conformity to the provisions of the first section of this act; and if it appear that the owners of a majority of such land have objected thereto, then such petition shall be dismissed.

Costs, how paid. 3. *And be it enacted*, That all costs and expenses incurred in the matter of such petition shall be paid by the petitioners.

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

Approved May 7, 1889.

CHAPTER CCXLIV.

An Act relating to the change of grade of streets in cities of this state.

Municipal authorities may award damages to owners of buildings. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any city of this state has power to change the grade of any street or part of a street upon which any house or other building stands, or is erected, it shall be lawful for the municipal authorities in any such city, through its proper officers, to make, or cause to be made, the proper award for damages, if any, ensuing or arising to the owner or owners of any such house or other building standing and erected upon any such street or part of a street, the grade whereof is changed as aforesaid.

Damages to be assessed upon lands benefited. 2. *And be it enacted*, That the damages mentioned in this act to be paid to such owner shall be assessed upon and paid by the lands and real estate benefited thereby, in proportion to the benefits received, and such damages shall be ascertained, estimated and assessed, and the amount thereof shall afterwards be justly and equitably

assessed and apportioned upon the lands and real estate benefited thereby, by such municipal authorities, through its proper officers, as aforesaid.

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

Approved May 7, 1889.

CHAPTER CCXLV.

A Further Supplement to an act entitled "An act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever objections in writing to the construction of any proposed sewer shall be received in answer to the printed notice of intention to build any such sewer, given pursuant to a resolution of said board, and such objections are from persons owning or representing more than one-half of the lineal frontage of land along the street or streets or part or parts thereof through which it is proposed to construct such sewer, the board of aldermen or other legislative body of any such city may, notwithstanding any such objections, proceed to adopt an ordinance for the construction of such sewer or drain and to award contracts for the construction of the same or any part thereof; *provided, however*, that any such ordinance for the construction of any such sewer or drain shall require for its final passage a vote of not less than four-fifths of the whole number of such board of aldermen or other body.

Municipal authorities may adopt ordinance for construction of sewer notwithstanding objection of owners of land. Proviso.

Repealer.

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

Approved May 7, 1889.

CHAPTER CCXLVI.

An act concerning cities.

Lawful for pre-
siding officer to
vote on all
measures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the president or presiding officer of the common council, board of aldermen, or other legislative body, however designated, of any city in this state, to vote on any and all measures, resolutions, ordinances and applications now or hereafter before said board for action.

Repealer.

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

Approved May 7, 1889.

CHAPTER CCXLVII.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, and the supplement thereto, approved March twenty-third, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of non-payment of taxes at the time appointed by law, the borough collector shall make out a list of the names of the delinquents, with the sums due from them respectively thereto annexed, and deliver them to some justice of the peace of the county on the twentieth day of December in every year, except when the said day shall happen on a Sunday, and then on the next day following.

2. *And be it enacted*, That it shall be the duty of said justice of the peace on receiving a list of the names of such delinquents, to administer an oath to said collector that the moneys in said list mentioned have been duly demanded, or due notice thereof given or left at the usual place of residence of each delinquent who can be found, or who may reside in said borough, and thereupon give the said collector a receipt of such list, certifying therein the names of the delinquents, and the sums at which they are respectively assessed; and it shall also be the duty of said justice of the peace to make out and deliver to the collector of such borough a warrant or warrants at the time, and as provided by law, in case of return of a list of delinquent taxpayers by the township collector to a justice of the peace, and to deliver the same to the said justice of the peace.

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

Approved May 7, 1889.

CHAPTER CCXLVIII.

An Act to amend an act entitled "An act to increase the powers of boards of commissioners," approved February twenty-first, one thousand eight hundred and eighty-eight.

- Section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act to increase the powers of boards of commissioners," approved February twenty-first, one thousand eight hundred and eighty-eight, be and the same is hereby amended so that the same shall read as follows :
- Boards of commissioners empowered to pass ordinances for certain purposes. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all towns in this state where the governing power has been committed to a board of commissioners elected annually by a vote of the freeholders or the legal voters of such town, such board of commissioners shall, in addition to the powers now vested by law in them, hereafter have the power to pass, alter, amend and repeal ordinances for the following purposes :
- Disorderly persons. I. To prevent and suppress breaches of the peace and disorderly assemblages, and to define and suppress disorderly houses in said town ;
- Board of health. II. To provide for a board of health to act in case of the prevalence of epidemic diseases ;
- Nuisances. III. To abate and cause the removal of nuisances, and, at the expense of the owner or occupant, the cleansing and disinfection of premises where nuisances are maintained detrimental to health ;
- Paving of sidewalks. IV. To compel the owner of abutting lands to pave or flag sidewalks, and upon the refusal or neglect of such owner to comply with such ordinance, to cause the same to be done at the expense of such owner, said boards of commissioners being hereby empowered to recover such cost or expense of such owner in an action of debt in any court of competent jurisdiction ;

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

VI. To regulate and prevent the dumping or throwing of waste matter, ashes or garbage in the public streets or on lands belonging to or under control of the public; ^{Garbage.}

VII. To license and regulate public hacks, carriages, carts, trucks and other vehicles used for hire; ^{Hacks, &c.}

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

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

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

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

Approved May 7, 1889.

CHAPTER CCXLIX.

An Act respecting contracts by boards of commissioners in townships or villages, for lighting public streets.

Board of commissioners may contract for supply of light.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of commissioners within any township or village in this state, having authority to procure and supply lights for lighting the public streets, to make a contract with any person or corporation for the supplying of such lights, for a year or term of years, which contract when so made shall be lawful and valid, and the money payable under said contract in each year shall be levied and raised by taxation in the annual tax levies of such year; *provided*, that no such contract shall be made for a longer period than five years.

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

Approved May 7, 1889.

CHAPTER CCL.

An Act to authorize boroughs in this state, located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade, protect and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or other governing body in the boroughs of this state, located on or near the ocean and embracing within their limits or jurisdiction any beach or ocean front, by an ordinance or ordinances duly passed for that purpose, as herein provided, to lay out and open streets and drives and construct public walks along the beach or ocean front, and in like manner to grade and properly protect or otherwise improve the same, whether such street, drive or public walk be laid out, opened or constructed wholly or partly between high and low-water mark, or wholly or partly on land covered by water.
2. *And be it enacted*, That where, in any borough, an ordinance has been duly passed and approved for this purpose, designating therein the street or streets, drive or drives, walk or walks which it is the intention of such borough to lay out, open, construct and properly protect, the character of the improvements intended to be made, which ordinance or ordinances shall be published at least ten days after it shall be ordered to have a third reading, and before final passage, in the newspaper or newspapers in which the official notices of such city are now or may be hereafter published, it shall be the duty of the city or borough counsel, or other principal law officer of such city, on behalf of such city or borough, to make applica-

Municipal
authorities
authorized to
pass ordinances
to lay out streets,
drives and walks.

When ordinance
passed counsel
to apply to cir-
cuit court for
appointment of
commissioners
to estimate dam-
ages and benefits.

tion to the circuit court of the county wherein such city or borough is situate for the appointment of three commissioners to estimate the damages and benefits which the opening, laying out, construction or improvement of any such street, walk or drive will occasion, with protection of the same; all such damages shall include the value of the land taken, as well as the injury to the owner or owners of the remaining land, by reason of such taking; notice of the time when and place where such application will be heard shall be given, as the court shall direct and may be either personal or by publication; upon satisfactory evidence of such notice having been given, the said court shall, without unnecessary delay, appoint the said commissioners, who shall be a freeholder in the borough for which the application is made; when so appointed the said commissioners shall, within ten days after their appointment, take and subscribe an oath before some person duly qualified to administer oaths, faithfully and impartially to execute the duties imposed upon them as such commissioners, and they shall proceed without unnecessary delay to the execution of their duties; in case of the death, resignation, refusal to serve or disability of any commissioner so appointed the vacancy shall be filled by the said court, as soon as may be, on application as aforesaid.

What damages shall include.

Notice.

Commissioners to take oath.

Powers and duties of commissioners.

Proceedings for confirmation of report.

3. *And be it enacted,* That the said commissioners so appointed shall, immediately after they are qualified as herein directed, give notice by advertisements in the newspapers in the county where said borough is located, in which the public laws and official notices are printed, of the time and place of their meeting, at least ten days before the said meeting; and the said commissioners, or a majority of them, when met, shall have power to examine witnesses, under oath, to be administered by any one of them, to enter upon and view the premises, and adjourn from time to time; and they shall make a just and true estimate and assessment of the damages and benefits as aforesaid, and make report of the same to the said court, signed by the said commissioners, or any two of them; and the said court shall cause such notice to be given as it shall direct, of the time and place of hearing any objection that may be made to such assessment or

assessments; and, after hearing any matter which may be alleged against the same, the said court shall, by rule or order, either confirm the said report, or refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by the said court to reconsider the subject-matter thereof; and the said commissioners to whom the said report shall be so referred, shall return the same report, corrected and revised, or a new report, to be made by them in the premises, to the said court, without unnecessary delay; and the same, on being so returned, shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; and such report, when so confirmed by said court, shall be final and conclusive, as well upon the said borough as the owners of any land and real estate affected thereby; and the said court shall thereupon cause a certified copy of the said report to be transmitted to the borough clerk, with a certified copy of the rule of said court confirming the said report; and the common council or other governing body of the said borough, shall thereupon order and cause the said assessment so made to be collected or the damages awarded to be paid as herein provided; and the said commissioners can include in one report an estimate and assessment of damages and assessments for benefits for any such opening or improvement, or may make separate reports thereof, as may be deemed most advisable by them.

4. *And be it enacted*, That whenever any estimate and assessment of damages have been made and reported, and certified as aforesaid, it shall be the duty of the common council or other governing body, within thirty days, to place in the treasury of the said borough a sufficient amount of money to pay the damages so estimated and awarded, and the owners of land taken or other persons entitled thereto shall be entitled to demand and receive the same from the treasury of such borough, or, in default thereof, may have an action against such borough to recover the same in any court having jurisdiction thereof; and the lands and real estate so condemned shall, upon making

Copy transmitted to borough clerk.

Authorities to order assessment to be collected.

May make separate reports.

When assessment of damages has been made owners of lands may demand award, &c.

In default of payment action may be maintained.

such deposit, become the property of such borough for the use for which the same are taken, and such borough shall be entitled to the possession thereof immediately, and the common council shall in like manner, upon any report of benefits having been received and certified as aforesaid, order and direct the collector or collecting officer of such borough to make an abstract of such assessment, and enter the same in a book or books to be kept for that purpose, and to give notice thereof, either personally or by publication, for at least ten days, in the newspapers published in the county where said borough is located, publishing the official notices thereof, stating in general terms the streets or sections of streets and lands comprised in such assessment, and requiring the owners of land and real estate assessed, as stated in the said report, to pay the amount of the assessment so made, to the treasurer of such borough or to the other proper officer authorized to receive the same, within sixty days from the giving or publication of said notice; and all such assessments for benefits shall be and constitute a prior and first lien upon the lands and real estate upon which the same are imposed, and the same may be sold as hereinafter provided, to collect the amount of the assessment so made; it shall be the duty of the said commissioners in making their said report to annex thereto proper maps showing thereon the lands taken and condemned, and the amount awarded therefor, and the names of the owners thereof, so far as the same may be ascertained, and where they cannot be ascertained, such award shall be made to the owners as "owners unknown," and also a designation and description of the lands assessed for benefits, with the amounts so assessed on each plot or piece of land, and the names of the persons who are the owners thereof, so far as the same can be ascertained, and when they cannot be ascertained they shall be designated as "owners unknown."

Assessments to be first lien on lands.

Disposition of award of moneys to non-residents, lunatics, &c.

5. *And be it enacted*, That if in any case an award of damages is made to any person who is not resident in such borough, or upon due inquiry cannot be found therein, or is a lunatic, or idiot, or under age, or is for any other lawful reason incapacitated to receive the same, or will not accept the same when tendered, that the

borough treasurer shall make an affidavit of such fact and shall file the same with the borough clerk, and the common council or other governing body of the borough shall, after inquiry into the facts of the case, direct the amount of such assessment to be paid into the treasury of such borough for the use of the person or persons to whom the same may be due, and the said moneys so placed in the said treasury shall be paid to the person or persons entitled to receive the same, but without interest, except from the time that a lawful demand shall be made therefor and payment thereof refused, and any person interested in the said moneys may make application to the circuit court of the county wherein such borough is situate, and the said court shall make inquiry on such application, and make such order in relation to the payment and distribution of the said moneys as may be just and equitable in the premises, and the said court may make such rules and regulations not inconsistent with the provisions of this act, for the practice or procedure thereunder, as shall be deemed expedient.

6. *And be it enacted*, That all assessments for costs, damages and expenses which shall be incurred in the opening, laying out or construction of any street, public walk or drive, and protection of the same, or for the improvement thereof made under the authority of this act, or any supplement thereto, shall be assessed by the said commissioners upon all the owners of land and real estate in the said borough peculiarly benefited thereby, in proportion as nearly as may be to the advantage each shall be deemed to acquire, and in case the costs, damages and expenses shall exceed the amount of the said benefits, such benefits shall be assessed upon and paid by such borough.

7. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses which may be incurred in making any public improvement under the provisions of this act, it shall be lawful for the common council or other governing body of the said borough in the name of said borough to issue its bonds in any sum not exceeding in the aggregate one hundred thousand dollars, to be designated "borough improvement bonds," which bonds shall run for any

Assessments for costs, damages, &c., to be assessed upon owners of lands, &c.

Authorized to issue bonds to provide for payment of costs, damages, &c.

Amount.

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

May issue temporary improvement certificates.

Compensation of commissioners.

8. *And be it enacted*, That the commissioners appointed by virtue of the provisions of this act shall receive such compensation for the services rendered by them as the common council or other governing body shall by resolution order and direct, not exceeding five dollars per day for each day's services rendered by them, and the same and all expenses incident to the execution of the provisions of this act shall be deemed part of the expenses of such improvement and be included in the cost of the same; and it shall be the duty of the commissioners

appointed by virtue of this act, in making their report of any assessment for benefits made by them, to estimate and state therein the cost of the improvement for which the benefits are so estimated and assessed, in which they shall include the costs authorized by this act.

9. *And be it enacted*, That in all work done in constructing streets, walks and drives, and protection of the same under the authority of this act, or in improving the same, the common council or other governing body shall appoint a committee to be called the "committee on streets, walks and drives," to consist of not more than five members of said body, and the said committee, before proceeding to perform the said work or any part thereof, shall cause plans and specifications to be prepared therefor, and shall cause public notice to be given by advertisement of the work needed to be done and the material to be used therefor, inviting bids or sealed proposals therefor at least ten days before awarding the same as hereinafter provided, in the papers publishing the official notices in such borough or county, and they may give such further publication thereof as they may deem proper and advisable, and at the time and place designated in such notice they shall receive and open sealed proposals for the work so to be done and materials to be furnished, and shall award the same to the lowest bidder therefor; *provided, however*, that it shall be competent for the said committee to reject any and all bids so offered, if in their judgment the interest of the borough shall require such rejection, and they may advertise again for such sealed proposals in the same manner until the said work shall be finally awarded; contracts for all such work and material shall be made in the name of the borough, and such regulations for letting such work and for securing the performance of the same, as the common council or other governing body may require, may be made, and all such contracts may be signed on the part of the borough by the mayor and attested by the borough clerk.

10. *And be it enacted*, That in case any assessment for benefits, made under the provisions of this act, shall be paid on or before the expiration of the time limited in the notice herein directed to be given, no interest thereon shall be charged or collected, but if not paid within that

time, interest at the rate of seven per centum per annum shall be charged and collected from the date of the final confirmation of the report of the commissioners; and it shall be lawful for the common council or other governing body in any such borough, by ordinance, to provide for the sale of all lands and real estate on which such assessments have been made which remain unpaid for one year after the date of final confirmation; every ordinance passed for this purpose shall require notice to be given of the time and place at which such sale or sales shall be made, the officer or officers by whom the same shall be conducted, which notice shall not be less than four weeks; and every such ordinance shall provide for the redemption of such lands and real estate by the owner, mortgagees, judgment creditors and other persons having any estate therein, giving such person not less than six months within which to redeem the same after notice of the sale thereof, and shall provide also for the execution and delivery of proper deeds of conveyance therefor; all such proceedings shall be made to conform as nearly as may be with the provisions made for the sale of lands and real estate sold for taxes and assessments, adjusted and fixed under an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates and 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, and the supplements thereto; all conveyances made in pursuance of this authority shall convey to the purchaser or purchasers the title of the lands sold in fee simple, and the borough may be a purchaser at any such sale, with all the rights of a purchaser.

Sale of lands for non-payment of assessments.

Proceedings to conform with the provisions of a certain act.

Use of streets, &c., may be regulated by ordinance.

11. *And be it enacted*, That where, in any borough, streets, walks or drives are laid out, protected and constructed under this act, the common council or other governing body may, by ordinance, regulate the use thereof, and enforce such regulations and rules as may be adopted by reasonable penalties which may be imposed for revenue.

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

Approved May 7, 1889.

CHAPTER CCLI.

A Supplement to an act entitled "An act to provide for local improvement by sea-side associations," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

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

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it appears necessary, in the opinion of the board of trustees, directors, commissioners or other corporate authorities of any incorporated sea-side association, to open, lay out or improve avenues, streets and sidewalks, or either of them, or to construct cisterns and reservoirs for holding water for the extinguishment of fires or other purposes for public benefit, it shall be the duty of the said board of trustees, directors, commissioners or other corporate authorities, to first obtain the consent, in writing, of a majority of the lot-owners on the line of the proposed avenue, street or sidewalk to be opened, laid out or improved, or in case of a proposed construction of cisterns or reservoirs, a majority of the owners of lots within a radius of six hundred feet therefrom," be amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it appears necessary, in the opinion of the board of trustees, directors, commissioners or other corporate authorities of any incor- When deemed necessary to lay out streets, construct cisterns, &c., consent of lot-owners to be first obtained.

porated sea-side association or borough commission, to open, lay out or improve avenues, streets and sidewalks, or either of them, or to construct cisterns and reservoirs for holding water for the extinguishment of fires or other purposes for public benefit, it shall be the duty of the said board of trustees, directors, commissioners or other corporate authorities, to first obtain the consent, in writing, of a majority of the lot-owners on the line of the proposed avenue, street or sidewalk to be opened, laid out or improved, or in case of a proposed construction of cisterns or reservoirs, a majority of the owners of lots within a radius of six hundred feet therefrom.

Section
amended.

2. *And be it enacted*, That section two of the act to which this is a supplement, and which reads as follows:

“2. *And be it enacted*, That the cost and expenses of the opening, laying out or improving any avenue, street or sidewalk, or of the constructing of any cistern or reservoir, shall be assessed by the board of trustees, directors, commissioners or corporate authorities of such incorporated sea-side association, where such improvement is to be made, or by a committee thereof duly authorized by them, upon the lands and real estate benefited by them, in proportion to the benefit received and not in excess thereof, and in such manner as may be fair and equitable,” be and the same is hereby amended to read as follows:

Cost and ex-
penses, how
assessed.

2. *And be it enacted*, That the cost and expenses of the opening, laying out or improving any avenue, street or sidewalk, or of the constructing of any cistern or reservoir, shall be assessed by the board of trustees, directors, commissioners or corporate authorities of such incorporated seaside association or borough commission, where such improvement is to be made, or by a committee thereof duly authorized by them, upon the lands and real estate benefited by them, in proportion to the benefit received and not in excess thereof, and in such manner as may be fair and equitable.

Approved May 7, 1889.

CHAPTER CCLII.

A Supplement to "An act to provide for the purchase, construction and maintenance of public parks by the cities and other municipalities in this state," approved March fourteenth, one thousand eight hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where cities have purchased lands for public parks, and in order to complete and to give a better outline or boundary line for said parks, it is necessary to purchase more lands, that said cities, by a vote of three-fourths of the members of the common council or board of aldermen of such city, may purchase said lands. Municipalities may purchase more land for park purposes.
2. *And be it enacted*, That such lands may be paid for as provided in the second section of said act. How paid for.
3. *And be it enacted*, That cities of the second class owning parks may, by a vote of three-fourths of the members of the common council or board of aldermen of such city, create a park commission, for the purpose of managing said parks. Cities of the second class may create park commission.
4. *And be it enacted*, That this act shall take effect immediately.

Approved May 7, 1889.

CHAPTER CCLIII.

A Supplement to an act entitled "An act to provide for the purchase, construction and maintenance of public parks by the cities and other municipalities in this state," approved March fourteenth, one thousand eight hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state which have heretofore or may hereafter purchase a park or parks under the act to which this is a supplement, the common council of such city shall levy a tax of one-fifth of one mill on each dollar on all the taxable property in such city, such tax to be levied and collected in like manner as and with the other general taxes of said city, and to be known as "the park fund," and shall be used for the construction, improvement and maintenance of such parks.
2. *And be it enacted*, That in any such city where a park commission now exists, or may hereafter be appointed to take charge of the improvement and maintenance of said parks, that the said "the park fund" shall be appropriated by said common council to the credit of said park commission, to be used by said park commission in maintaining and improving said park or parks; that where no such park commission exists, such fund shall be so expended by said common council.
3. *And be it enacted*, That all acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.
- Approved May 7, 1889.

Common council
to levy tax for
park purposes.

How park fund
expended

Repealer.

CHAPTER CCLIV.

An Act to amend an act entitled "An act concerning the fire departments of this state, and to provide for the retirement of firemen and employes therein," approved March twenty-third, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act concerning the fire departments of this state, and to provide for the retirement of firemen and employes therein," approved March twenty-third, one thousand eight hundred and eighty-eight, be and the same is hereby amended to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of fire commissioners or other municipal authority having charge and control of any fire department in this state, shall have the power, by resolution or ordinance, adopted by two-third vote, subject, in cities where the fire department is not under control of fire commissioners, to the approval of the mayor of said city, in cities where the mayor has the veto power, to retire from all service in the said fire department any officer or man doing fire service or employed in such fire department who shall become unable, by reason of injury sustained or sickness caused in the discharge of his duties in said department, to perform the duties assigned to him, or who shall be found to be disqualified, physically or mentally, for the performance of his duties in such department, when such disqualification has been induced and caused through the discharge of or attempt to discharge said duties (or who, by reason of advanced age, is found unfit for service in said department, provided he shall have served therein at least twenty years, whether continuously or otherwise); and the said officer or man so retired from service may, from year to year, be allowed by said board of fire com-

Section amended.

Board of fire commissioners empowered to retire officers or men from service for certain reasons.

Annual pension.

Pension to
widow or chil-
dren.

Proviso.

missioners, or other municipal authority having charge or control of such fire department, during such inability, disqualification or unfitness for service in said department, an annual allowance as pension, not to exceed one-half the yearly salary last received by such person so retired, unless said one-half is less than three hundred dollars, and in the case of volunteer firemen not to exceed one hundred dollars, and in the event that the salary or yearly allowance of such officer or man shall have been less than three hundred dollars, then to pay to such officer or man a yearly pension not less than one hundred and fifty dollars; and if any officer or man doing fire service, or employed in such fire department, shall be killed while doing such duty, or shall die as the result of his doing such duty, an annual allowance as pension, not to exceed one hundred and fifty dollars, may be allowed by such board of fire commissioners, or other municipal authority having charge or control of such fire department, and paid to the widow of such officer or man during her lifetime or widowhood; or, if he shall leave no widow, or in the event of her death or remarriage, such allowance or pension may be paid to or for the support of the children of said deceased officer or man during their minority, respectively; *and provided*, that the same shall be paid in installments each year, out of the appropriation of such fire department, at the same time and in the same manner as the wages and salary of firemen in active service in said department are paid, or, in the case of volunteer firemen, to be paid quarterly; and the appropriation each year to said fire department shall be made with a reasonable allowance for pensions as aforesaid, to be paid out of the same as occasion may require.

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

Approved May 9, 1889.

CHAPTER CCLV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any insurance company organized or incorporated under the laws of this state, transacting the business of insuring the health of persons, injury, disablement or death of persons resulting from traveling, general accidents by land or water, guaranteeing the fidelity of persons holding places of public or private trust, the lives of horses, cattle, and other live stock, plate-glass against breakage, steam-boilers against explosion and against loss of life or property resulting therefrom, or against loss by burglary or theft, or either or any of them, to issue or renew any policy or policies on any one risk in excess of ten per centum of the amount of its paid-up capital stock and net surplus.

Unlawful for insurance company to issue or renew policy on any one risk in excess of ten per cent. of paid up capital and net surplus.

2. *And be it enacted*, That hereafter it shall not be lawful for any insurance company organized or incorporated under the laws of any other state or country authorized and permitted by the laws of this state to transact the business of insurance on the health of persons, injury, disablement or death of persons resulting from traveling, by general accidents by land or water, guaranteeing the fidelity of persons holding places of public or private trust, the lives of horses, cattle, and other live stock, plate-glass against breakage, steam-boilers against explosion and against loss of life or property resulting therefrom, or against loss by burglary or theft, or either or any of them, to issue or renew, in this state, any policy or policies on any one risk situated or located in this state, in excess of ten per centum of the amount of its paid-up capital stock and net surplus.

Same as to insurance companies of other states or countries.

Secretary of
state to revoke
certificates of
company violat-
ing act.

3. *And be it enacted*, That whenever any insurance company such as is described in the second or third sections of this act, shall violate any of the provisions of this act, the secretary of state, on being satisfied of any such violation, shall revoke and cancel any and all certificates of whatever character issued by him to any such insurance company or to the agents of any such insurance company.

Unlawful to
effect insurance
in company
violating act.

4. *And be it enacted*, That it shall not be lawful for any person or persons to seek, take or effect, or cause, or procure to be made or effected, or receive applications for any character of insurance named in the first or second sections of this act, by or in behalf of any such insurance company as is described in the provisions of this act which shall have violated any of the provisions of this act; and every violation of the provisions of this section shall subject the party violating the same to a penalty of five hundred dollars, to be sued for and recovered in the name of the state by the prosecutor of the pleas of the county in which such violation shall occur; one-half of the said penalty, when recovered, shall be paid to the treasurer of the said county for the benefit of the charitable fund of the fire department in said county, or if there is none, then for the benefit of said county, and the other half to the informer of the violation.

Penalty.

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

Approved May 9, 1889.

CHAPTER CCLVI.

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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all local boards of health shall, in addition to the powers now vested in them, have power to pass, alter or amend ordinances and rules within their respective jurisdictions; to license and regulate persons to engage in the business of cleaning cesspools and privies; to fix the fees that shall be charged for each license granted, not exceeding twenty dollars for each vehicle or conveyance; to prohibit unlicensed persons from engaging in said business, and to require all vehicles and conveyances used in said business to be approved by the local board of health of the jurisdiction in which the same may be used.

Local boards
vested with additional powers.

2. *And be it enacted*, That each license granted under the provisions of the foregoing section shall continue for the term of one year from the date of granting the same; *provided*, that if any person licensed as aforesaid, or any of his employees, servants or agents, shall violate any ordinance or rule of said board in cleaning any cesspool or privy, or in removing the contents thereof, such license may, in the discretion of the board which granted the same, be revoked by said board.

License to continue for one year.

Proviso..

3. *And be it enacted*, That all local boards of health except township boards of health which now have, or may hereafter pass an ordinance or ordinances under the power now conferred by law, requiring that the plan of the plumbing or drainage system to be constructed in any building within their respective jurisdictions, shall be filed in the office of the board of health, shall have the

Local boards may charge fee for filing plan of plumbing or drainage system.

power to charge a fee not exceeding two dollars, to be paid by the owner or other person filing said plan to the said board of health, on filing said plan.

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

Approved May 9, 1889.

CHAPTER CCLVII.

An Act regulating the pay of officers and policemen in certain cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state other than towns, cities or boroughs which are known as seaside resorts, the pay or salaries of the following-named officers shall be as hereinafter specified, viz.: to aids, sergeants, detectives or lieutenants, the sum of twelve hundred dollars per annum; to round-sergeants or roundsmen, the sum of not less than ten hundred and fifty dollars per annum, and to patrolmen the sum of ten hundred dollars per annum, in lieu of all other compensation whatever.

2. *And be it enacted*, That this act shall take effect immediately; *provided*, that its provisions shall remain inoperative in any city or municipality until assented to by a majority of the legal votes cast for or against an increase of pay at any regular charter or general election to be hereafter held in such city or municipality, when submitted to said voters by the concurrence of the boards hereinafter designated; and the city clerk of such city or municipality shall, on the resolution of the common council, board of aldermen, board of police commissioners, or other governing body of such city or municipality, when concurred in by the board having charge

Salaries of officers and policemen.

Act inoperative until assented to by majority of voters.

How election conducted.

and control of the finances in such city, provide for each elector voting at such election, ballots, to be printed or written, or partly printed or partly written, on which shall be either the words, "for increase of pay of police department," or "against increase of pay of police department;" and if a majority of those voting shall be in favor of an increase of the pay of the police, then this act shall go into effect immediately, and the pay or salaries of the officers or men of such department shall be as hereinbefore stated; persons entitled to vote at any charter or general election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts, districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "for increase of pay of police department" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "against increase of pay of police department" written or printed thereon, and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers, and shall be counted in determining such result, and there shall be a canvass on the return of the votes upon the 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.

3. *And be it enacted*, That in any city or municipality in which this act shall become operative in the manner therein provided, the increase of pay or salaries therein made shall go into effect on the first day of the next calendar month thereafter, notwithstanding that there may not be any existing appropriation or fund sufficient to permit such increase, and the board or authority having control of the finances of such city or municipality shall borrow a sufficient sum to cover such increase for the remainder of the current fiscal year of such city or municipality, or may permit the same to be paid out of any money of said city or municipality, and shall put such sum in the next tax levy raised in said city or municipality.

When increase
of salary to go
into effect.

How paid.

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

Approved May 9, 1889.

CHAPTER CCLVIII.

An Act to authorize boards of chosen freeholders to change the location of county bridges, and to construct the approaches thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any place upon any public road of any of the counties of this state, where any bridge or bridges need rebuilding or repairing, and the board of chosen freeholders of any such county shall, by a unanimous vote of said board, decide that they can, for a less amount than it will cost to rebuild or repair said bridge or bridges, purchase the right of way over adjoining lands, and build said road or roads and put the same in traveling condition, then it shall and may be lawful that the said board may, by said vote of said board, make such purchase of said right of way, if it can be done, and the new road built and put in traveling condition for a sum deemed to be less than it would cost to rebuild or repair said bridge or bridges; *provided*, that the point where said new road shall start shall not be more than five hundred yards from where it shall again join said old road.
2. *And be it enacted*, That the work of building and making of any such road shall be done by contract; the notice of receiving sealed bids for the letting thereof shall be published in at least one newspaper printed and published in the county, and circulated in the township or townships where said road is proposed to be built, and notices thereof shall be set up in at least ten public places in said county; three thereof shall be in the township where said road is to be made; and if said work shall be contracted, completed, and when accepted by the board the payment of said right of way, as well as the building of said road, shall be authorized by the board to be paid by the county collector, out of the funds of said county; and the working and keeping in repair of said road shall
- Board of freeholders may purchase right of way and build new road in certain cases.
- Proviso.
- Work to be done by contract.
- How paid for.

thereafter be done by the respective townships wherein said road shall have been built, the same as the regularly laid out roads of said townships.

3. *And be it enacted*, That on and after the rebuilding of said new road as aforesaid, the board of chosen freeholders of said county shall be relieved from the rebuilding or repairing of said bridge or bridges and from liability from damages that might accrue by any person or persons continuing to use said bridge or bridges, if they are not removed by the order of said board, which they may do by a two-thirds vote of said board.

When new road built board of freeholders relieved from liability.

Approved May 9, 1889.

CHAPTER CCLIX.

An act giving the assent of this state to the erection of a free bridge over the river Delaware within a distance of less than three miles from the bridge of the president, managers and company for erecting a bridge over the river Delaware at or near Trenton, and providing for obtaining the assent of the said president, managers and company thereto.

WHEREAS, Divers citizens of the states of New Jersey and Pennsylvania have formed a voluntary association, called the Bucks and Mercer free bridge association, for the purpose of erecting a free bridge over the Delaware river at a distance of less than three miles from the location of the present bridge of the president, managers and company for erecting a bridge over the river Delaware at or near Trenton, with money raised by subscription among the citizens of the said two states; *and whereas*, the state of New Jersey, in the charter of the said president, managers and company for erecting

Preamble.

a bridge over the river Delaware at or near Trenton, agreed that it should be unlawful for any bridge to be erected by any persons within the said distance of three miles from the bridge of the aforementioned company, which exclusive right it is represented that the said president, managers and company aforesaid are willing to relinquish upon condition of being relieved of the obligation to maintain a foot and wagon bridge, in order that its entire structure may be devoted to railroad uses; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the state of New Jersey be and is hereby given to the erection of a free bridge over the Delaware river at a point in the borough of Morrisville, in the county of Bucks and state of Pennsylvania, opposite to Fall street, in the city of Trenton, in the state of New Jersey, by Alfred M. Parsons, William G. Howell, Jesse S. Wilson, Lloyd Ridge, Edmund Wright, Edward S. Kirkbride, James Newbold, John H. Scudder, A. L. Worthington, Benjamin F. Walton, William H. Skirm and George W. Lanning, committee of the said Bucks and Mercer free bridge association; *provided*, that the said bridge shall be completed within three years, and, when erected, shall at all times hereafter, forever, be a free bridge, over which the citizens of the said two states shall have the right to cross without any charge.

2. *And be it enacted*, That upon the filing in the office of the secretary of the state of New Jersey and the secretary of the commonwealth of Pennsylvania, of a certificate setting forth action by the president, managers and company for erecting a bridge over the river Delaware at or near Trenton, assenting to the construction of the bridge authorized in the first section of this act, at a point within three miles of the location of their said bridge, as soon as the bridge authorized by the first section of this act is erected and completed, they shall have the right to remove from their bridge the wagon and footways and thereafter use the entire structure for railroad purposes; they shall also have the right to exercise, with the reference to any additional tracks put upon said bridge, the same powers

Consent of state
to erection of
bridge.

Proviso.

When certain
bridge may be
used for railroad
purposes only.

as they are authorized by legislation to use with reference to tracks now upon said bridge.

Approved May 9, 1889.

CHAPTER CCLX.

A Supplement to an act entitled "An act to authorize and regulate the business of banking."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no bank or banking company shall be organized under the provisions of the act entitled "An act to authorize and regulate the business of banking" [Revision], approved April ninth, one thousand eight hundred and seventy-five, unless the consent of the board of bank commissioners, constituted by the fifty-first section of said act, be first had and obtained; and also a certificate, signed by all of said board, that in their judgment such bank or banking company is required for the public benefit; which consent and certificate shall be filed in the office of the secretary of state before or at the time of incorporating any bank or banking company.

No bank to be organized without consent of bank commissioners.

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

Approved May 9, 1889.

CHAPTER CCLXI.

An Act to legalize certain newspaper publications.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any weekly newspaper which has been established, with its own separate and complete equipment of type and of presses, run by steam or water power, and which has supported the regular nominations of either of the two leading political parties in any county where such nominations had no other newspaper support, shall be qualified for designation to publish the laws of the state, and for the purposes of advertising all notices required by law or by order of courts; *provided*, that such newspaper shall have been continued regularly.

Certain newspapers qualified for designation to publish laws.

Proviso.

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

Approved May 9, 1889.

CHAPTER CCLXII.

An Act in relation to the publication of city advertisements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any newspaper in any city has been designated by law for the publication of the official advertisements of said city, such designation as an official paper shall not be annulled by the fact that its publication has been temporarily suspended, if publication has afterwards been resumed under the same or another name, but without change of ownership;

When designation of official newspaper not to be annulled.

and the official advertisements of said city shall continue to be made therein, and the owners thereof shall be entitled to be paid, or to recover from said city, for city advertisements published in said newspaper by direction of the city officials.

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

Approved May 9, 1889.

CHAPTER CCLXIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every corporation that has heretofore been organized, and that shall hereafter be organized, under the act to which this act is a supplement, and the other supplements thereto, for the purpose of holding agricultural fairs and exhibitions, shall have the power to hold fairs and exhibitions of agricultural, horticultural, mechanical and manufacturing productions, collections and discoveries of works of art, of horses, cattle, sheep and other live stock and animals, and for the encouragement of competition in the breed of stock and development of speed and other qualities in horses and other animals; to provide, keep and maintain grounds, buildings, road-tracks, walks and such other improvements as may be necessary or desirable for the proper display of the articles and things exhibited at said fairs and exhibitions; to encourage competition by the offer and payment of premiums and rewards for stock and articles of a superior kind, class or quality, and to ask, demand and receive reasonable fees for the admit-

Powers of companies organized for holding agricultural fairs and exhibitions.

tance of exhibitors and visitors to said fairs and exhibitions.

Directors vested with police jurisdiction for maintaining order on grounds.

May suppress sale of liquors and prohibit gambling.

Appoint special officers.

Officers vested with powers of constables.

2. *And be it enacted*, That for the purpose of maintaining order and preserving the peace and decorum upon all grounds on which any fair and exhibition shall be held by any association organized under the provisions of the act to which this is a supplement, and the other supplements thereto, the directors of every such association shall have police jurisdiction upon the grounds on which such association shall hold any fair and exhibition, and for the distance of one-quarter of a mile from the boundaries of such grounds; it shall be the duty of said directors, and they shall have power, to suppress the sale of intoxicating liquors by parties not regularly licensed by the public authorities, and to prohibit every species of gambling and breach of the peace or laws of this state on said grounds and within said limits; and it shall also be lawful for said directors, or a majority of them, to appoint from time to time, as many fit and discreet persons as they may deem proper, as special police officers, who, before entering upon the duties of their respective offices, shall each take and subscribe an oath or affirmation, before a master in chancery, notary public or justice of the peace of the county in which such fair and exhibition may be held, that he will well and truly serve the state of New Jersey as such special police officer, and will execute and perform all services, acts and duties of his office to the best of his knowledge, judgment and ability, which oath or affirmation shall be forthwith filed in the office of the clerk of the county in which such fair and exhibition may be held, the date of which filing shall be indorsed thereon by said clerk, who shall be paid for each oath or affirmation so filed the sum of twenty cents, and the persons so appointed and sworn or affirmed shall possess, so long as the said directors shall choose to retain them, the same powers and authority on the grounds where any such fair and exhibition may be held, and within the limits aforesaid, as are or may be vested in constables in criminal cases in this state, and they shall have power and authority, without process, to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a

disorderly manner, or disturb or wrongfully interfere with any such fair and exhibition, or the exhibitors thereat or visitors thereto, or who shall violate any of the rules or regulations of the association who may hold any such fair and exhibition, and any person so arrested shall be taken, as soon as conveniently may be, before a justice of the peace of the county in which such fair and exhibition may be held, there to be dealt with according to law.

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

Approved May 9, 1889.

CHAPTER CCLXIV.

An Act supplementary to the act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the proviso contained in the tenth section of the said act to which this is a supplement shall be construed to forbid the formation of any company under said section, which shall propose to carry on transportation by means of a railroad operated by it as lessee thereof, if such railroad be already built, and has acquired its right of way and other appurtenances, and which new corporation formed does not in fact need to acquire the right of taking or condemning lands; but such corporation shall not in any case be authorized to acquire lands for right of way additional to that by it leased as aforesaid.

Proviso not to be construed to forbid formation of company for operating railroad.

2. *And be it enacted*, That this act shall apply as well to corporations already formed, and in possession of leased railroads, as to those hereafter formed. Act to apply.

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

Approved May 9, 1889.

CHAPTER CCLXV.

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

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

Company may carry on part of business and hold real estate out of the state. 15. *And be it enacted*, That any company organized as aforesaid may carry on a part of its business out of this state, and have one or more offices and places of business out of this state, and may hold, purchase and convey real and personal property out of this state the same as if such real and personal property were situated in the state of New Jersey; *provided*, that the certificate of the organization of such company shall state what portion of its business is to be carried on out of this state, and in what town or city, county and state its principal office or place of business out of this state is to be situated, and also in what other state or states, territory or territories of the United States, and in what other countries it proposes to carry on operations, and shall also state the name of the town or city and county in which the principal part of the business of said company within this state is to be transacted, and such town or city and county within this state shall be deemed to be the town, place and county in which the operations and business of the company are to be carried on and its principal place of business within this state, within the provisions of this act.

Proviso.

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

17. *And be it enacted*, That the directors shall not be less than three in number, and, except as hereinafter provided, they shall be chosen annually by the stockholders at such time and place as shall be provided by the by-laws of the company, and shall hold their offices for one year and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or by the stockholders, as shall be directed by the by-laws; but by so providing in its original certificate of incorporation, any company, organized under the act to which this is a supplement, may classify its directors in respect to the time for which they shall severally hold office, the several classes to be elected for different terms; *provided*, that no class shall be elected for a shorter period than one year or for a longer period than five years, and that the term of office of at least one class shall expire in each year, and such directors shall hold office accordingly; any such company, whose directors shall be so classified and which shall have more than one kind of stock, may, by so providing in its original certificate of incorporation, or in its by-laws, confer the right to choose the directors of any class upon the stockholders of any class or classes, to the exclusion of the others. Election of directors and president. Directors may be classified as to terms. Proviso.

3. *And be it enacted*, That section twenty-five of the same act be and hereby is amended so as to read as follows: Section amended

25. *And be it enacted*, That any company shall have power to create and issue certificates for two kinds of stock, namely, general stock and preferred stock; which preferred stock shall at no time exceed two-thirds of the actual capital paid in, and may be made subject to redemption at par at a fixed time, to be expressed in the certificate thereof; and the holders of such preferred stock shall be entitled to receive, and the said company shall be bound to pay thereon, a fixed yearly dividend, to be expressed in the said certificate, not exceeding eight per centum, payable quarterly, half-yearly or yearly, before any dividend shall be set apart or paid on the said general stock; and in no event shall the holder of such preferred stock be Power to issue general and preferred stock.

individually or personally liable for the debts or other liabilities of said company, but in case of insolvency such debts or other liabilities shall be paid in preference to such preferred stock; *provided always*, that except where it shall be otherwise provided in its original certificate of incorporation, no such company shall create or issue certificates for such preferred stock, except by authority given to the board of directors thereof by a vote of at least two-thirds of the stock voted at a meeting of the general stockholders, duly called for that purpose.

Section amended 4. *And be it enacted*, That section fifty-five of the same act be and hereby is amended so as to read as follows:

Stock may be issued for property purchased. 55. *And be it enacted*, That the directors of any company incorporated under this act may purchase mines, manufactories or other property necessary for their business, or the stock of any company or companies owning, mining, manufacturing or producing materials, or other property necessary for their business, and issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be declared and be taken to be full-paid stock and not liable to any further call, neither shall the holder thereof be liable for any further payments under any of the provisions of this act; and said stock shall have legibly stamped upon the face thereof, "issued for property purchased," and in all statements and reports of the company to be published, this stock shall not be stated or reported as being issued for cash paid into the company, but shall be reported in this respect according to the fact.

Act not to apply to certain corporations. 5. *And be it enacted*, That this supplement shall not apply to any corporation existing under a special charter or which is in the hands of a receiver.

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

Approved May 9, 1889.

CHAPTER CCLXVI.

A Supplement to an act entitled "A supplement to an act entitled 'An act concerning corporations,' approved April seventh, one thousand eight hundred and seventy-five," which supplement was approved March thirty-first, one thousand eight hundred and eighty-two.

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

2. *And be it enacted*, That any stock issued for property Stock issued for property purchased may contain proviso guaranteeing dividend. purchased under section fifty-five of the act to which this is a supplement, may, by a vote of the board of directors, whenever the certificate of incorporation shall authorize the exercise of such a power, contain a provision guaranteeing a minimum yearly dividend, payable yearly, half-yearly or quarter-yearly, but only out of the actual profits of the business of the company; *provided*, that Proviso. such provision shall not contain a guarantee of any larger dividend than is authorized to be paid on preferred stock of such company; such guaranteed dividend to be paid before any dividend paid on the general stock of said company not containing any such provision; the holder of such guaranteed stock shall be entitled to participate equally with the other holders of general stock in the profits arising out of the business of the company, and receive full dividends whenever the annual dividend, or the sum of dividends in any year, upon the entire capital stock of said company, shall exceed the dividend named in such guarantee; the holders of such guaranteed stock shall have all the rights of holders of the general stock of such company, including the right to vote and receive dividends thereon, and such guaranteed stock may be converted into an equal amount of the preferred stock of the company issuing the same, carrying no larger dividend; and the directors of any company, for the purpose

- of retiring the guaranteed stock of such company, may issue and exchange therefor an equal amount of its preferred stock, carrying no larger dividend than that guaranteed; *provided*, that the amount of preferred stock so issued shall, at no time, exceed two-thirds of the entire capital of the company issuing the same; *and provided, further*, that the preferred stock so issued shall be entitled to dividends on a par with preferred stock before issued only with the assent of the holders of preferred stock then outstanding, or in case it shall have been so provided in the original certificate of incorporation, or in the certificates for preferred stock outstanding.
- Proviso.
- Proviso.
- Act not to apply to certain corporations.
2. *And be it enacted*, That this supplement shall not apply to any corporation existing under a special charter or which is in the hands of a receiver.
- Repealer.
3. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.
- Approved May 9, 1889.

CHAPTER CCLXVII.

Supplement to an act entitled "An act to incorporate boat clubs and other associations for the promotion of athletic exercises," approved April twenty-first one thousand eight hundred and seventy-six.

- Associations may issue shares for building purposes.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any association incorporated or to be incorporated hereafter under the act to which this act is a supplement, may, for the purpose of purchasing real estate and erecting the necessary buildings, issue shares, in sums of not less than five dollars, redeemable in twenty years, or sooner, bearing interest at a rate not exceeding five per centum per annum; said shares may

be secured by mortgage or otherwise, at the option of the corporation.

2. *And be it enacted*, That the control and disposal of the funds, property and estate of said corporation shall be vested in the board of trustees mentioned in the act to which this act is a supplement; no member of said board shall receive compensation for his services, and no person shall be entitled to a vote in said corporation unless duly elected a member thereof.

3. *And be it enacted*, That section six of the act to which this act is a supplement be amended so as to read as follows :

6. *And be it enacted*, That the sole and exclusive object of incorporations under this act shall be the mental and physical improvement of their members by the maintenance of boat-houses, club, gymnasium, boats and yachts, and by such other means as may be appropriate to the objects for which they are respectively organized; *provided*, that gambling and the sale of intoxicating liquors in any such boat-house, club-room or gymnasium of any such association are hereby absolutely prohibited and forbidden, and that any violation of this provision by any such association, or any permission or allowance of such violation to any of its members, shall be taken or deemed to work a forfeiture of the charter and privileges of incorporation of the association so violating, or permitting or allowing the violating of this provision; *and provided further*, that any member or members of any such association who shall be regularly expelled therefrom, on account of his or their violation of the foregoing provision or any other provision of this act or of the constitution or by-laws of any such association, shall be held to have forfeited all right, title and interest in and to the privileges, property and franchises of such association, but shall be held liable for the payment of all arrearages of any dues, fees, assessments or charges which shall have been previously laid or held against him or them, in accordance with the constitution or by-laws of such association.

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

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

Approved May 9, 1889.

CHAPTER CCLXVIII.

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

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

Associations may hold land, not exceeding 125 acres.

Trustees may sell.

4. *And be it enacted*, That any association incorporated under this act, or under any special act, may take, by purchase or devise, and hold within the county in which the certificate of their incorporation is recorded, or in a county adjoining thereto, lands not exceeding one hundred and twenty-five acres in extent, such lands to be adjoining each other and not exceeding in taxable value seventy-five thousand dollars, to be held and occupied exclusively for a cemetery for the burial of the dead ; such land, or such parts thereof as may, from time to time, be required for that purpose, shall be surveyed and subdivided into lots or plots of such size as the trustees may direct, with such avenues, paths, alleys and walks as the trustees deem proper, and a map or maps of such surveys shall be filed and kept in the office of the association, open to the inspection of the lot-owners ; the trustees may sell and convey the lots or plots, and parts of lots or plots, designated on such maps, upon such terms as shall be agreed, and subject to such conditions and restrictions as may be imposed upon the use of such lots or plots by rules or

regulations now adopted, or hereafter to be adopted, by the trustees of such association, the conveyances to be executed under the common seal of the association and signed by the president, or the vice-president, and the treasurer of the association; any association incorporated under this act may hold personal property to an amount not exceeding five thousand dollars, besides what may arise from the sale of lots or plots; *provided*, that any portion of the property of any such company, not actually set apart and used for burial purposes, shall be subject to taxation until the same has been so set apart and used for actual purposes of burial, excepting roads and walks actually graded and in use. Proviso.

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

Approved May 9, 1889.

CHAPTER CCLXIX.

An Amendment 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, and the supplement thereto, approved March twenty-fifth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of said supplement, approved March twenty-fifth, one thousand eight hundred and eighty-five, be and the same is hereby amended so that the same shall read as follows: Section amended

3. *And be it enacted*, That no dead human body of any person who has died of small-pox, cholera, yellow fever, ship or typhus, spotted, relapsing, or scarlet fevers, or from any new disease, publicly declared by the state Disinterment of bodies of persons dying of epidemic and contagious disease.

- board of health or by any county board of health to be epidemic or endemic and contagious, shall be disinterred or removed from any grave, tomb, vault or place of burial within the limits of this state at any time, unless the said body was originally interred in a metallic case, hermetically sealed, and then only by the order of, and under the direction of the board of health within whose jurisdiction such body was buried; *provided, however*, that the provisions as to said metallic case shall not apply where said body shall have been buried or interred three years or more, and shall have died from other disease than small-pox, cholera or yellow fever; *and provided further*, that it may be lawful to remove, for re-interment, between the first day of November and the first day of April in each year, within the limits of the same cemetery, the dead body of any person that may have died from other disease than small-pox, cholera or yellow fever; *provided*, that special permit therefor is first obtained from the board of health within whose jurisdiction such body shall be buried.
- Proviso.
- Proviso.
- Proviso.
- Repealer. 2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.
- Approved May 9, 1889.

CHAPTER CCLXX.

An act concerning county clerks.

Court may appoint clerk in absence of clerk or deputy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if, at any term or session of a court having a clerk, no clerk or duly appointed deputy shall 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 con-

fined to the clerical work of keeping the records of the court, swearing jurors, witnesses, taking verdicts, and such other duties as are performed by the clerk in the presence of or under the direction of the court.

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

Approved May 9, 1889.

CHAPTER CCLXXI.

An Act requiring contracts for the conditional sale of personal property to be recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every contract for the conditional sale of goods and chattels hereafter made, which shall be accompanied by an immediate delivery and be followed by an actual and continued change of possession of the things contracted to be sold, all conditions and reservations which provide that the ownership of such goods and chattels is to remain in the person so contracting to sell the same, or other person than the one so contracting to buy them, until said goods or chattels are paid for, or until the occurring of any future event or contingency, shall be absolutely void as against subsequent purchasers and mortgagees in good faith, and as to them the sale shall be deemed absolute, unless such contract for sale with such conditions and reservations therein, be recorded as directed in the succeeding section of this act.

Conditions void as to subsequent purchasers and mortgagees unless contract, &c., recorded.

2. *And be it enacted*, That the instruments mentioned in the preceding section shall be recorded in the clerk's office of the county wherein the party contracting to buy, if a resident of this state, shall reside at the time of the execution thereof, and if not a resident of this state, then in the clerk's office of the county where the prop-

Where instruments to be recorded.

erty so conditionally bought shall be at the time of the execution of such instrument; *provided*, that in any county where the office of register of deeds exists or hereafter may be created, such instruments shall be recorded in the office of such register.

No contract to be recorded unless execution thereof acknowledged.

3. *And be it enacted*, That no contract of sale or conveyance intended to operate as a contract to sell goods and chattels conditionally 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 law for the acknowledgment and proof of deeds.

How instruments to be recorded.

4. *And be it enacted*, That the clerks and registers of the several counties of this state shall record such instruments, in accordance with the provisions of this act, in the books used for the recording of chattel mortgages, and the said clerks and register shall respectively enter at the foot of the record of each such contract of sale and instrument so recorded, the time when such contract of sale or instrument was received by him in his office to be recorded, and shall indorse on each contract of sale and instrument, when recorded as aforesaid, the time when the same was delivered to him 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 to his order.

How indexed.

5. *And be it enacted*, That such contracts of sale shall be properly indexed in the books used for indexing chattel mortgages, 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 contracts of sale and for copying such records as they are entitled to for the recording, indexing and copying of deeds.

Record evidence

Fees.

Contract hereafter recorded valid against creditors, etc.

6. *And be it enacted*, That every contract of sale hereafter recorded pursuant to the provisions of this act shall be valid against the creditors of the person contracting to buy and against subsequent purchasers and mortgagees, from the times of the recording thereof until the same be canceled of record in the manner now provided by law for canceling of mortgages of real estate.

Approved May 9, 1889.

CHAPTER CCLXXII.

An Act concerning the practice of law in the courts of
New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person, except in his own case or in the case of an infant, shall be permitted to appear and prosecute or defend any action in any court of this state, unless he is a licensed attorney-at-law of the supreme court of this state, who shall be under the direction of the court in which he acts; *provided*, that nothing in this act shall apply to actions before justices of the peace.

Persons not permitted to prosecute or defend actions.

Proviso.

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

Approved May 9, 1889.

CHAPTER CCLXXIII.

A Supplement to an act entitled "An act regulating the practice of the courts of law," approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March twenty-second, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirteen of an act entitled "An act regulating the practice of the courts of law," approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March twenty-second, one thousand eight hundred

Section amended

and eighty-one, is hereby amended so as to read as follows :

When execution may be sued out against real and personal estate of deceased party.

Proviso.

13. *And be it enacted*, That when a sole defendant, or one or more of several defendants, against whom a judgment has been recovered, has died or shall die after judgment and before execution issued, or after execution issued, and the judgment remains in whole or in part unsatisfied, and such deceased defendant or defendants shall not have left a last will and testament, and no letters of administration shall have been granted upon such deceased party or parties' estate within six months after the death of such party or parties, execution may be sued out in the original title of the cause against the real estate and personal property of such deceased party or parties as if such death or deaths had not occurred; *provided*, that ten days' notice of such application shall be given to the heirs or legal representatives of such deceased defendant or defendants in such manner as the court may order.

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

Approved May 9, 1889.

CHAPTER CCLXXIV.

A Supplement to an act entitled "An act authorizing persons having liens for work, labor or materials employed in the repair and construction of any article, to enforce such lien" [Revision], approved February sixteenth, one thousand eight hundred and eighty-five.

Lien remaining unpaid for three months may be sold at public auction.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lien which any person may have upon any goods or chattels in his possession for labor or materials bestowed or employed in the repair or

construction thereof, and the amount due thereon, either in whole or in part, shall remain unpaid for the space of three months after the same became due and payable, it shall be lawful for the person having said lien to expose the same at public auction, upon a notice of said sale Notice of sale. being first published for the space of two weeks preceding the day of sale in some newspaper published in the county in which said goods or chattels are located, and also five days' notice of said sale set up in five of the most public places in said city or township, and if the residence can be ascertained of the owner or owners of said goods or chattels, a copy of the printed notice be mailed to said owner or owners, at least five days before the day of sale; and the proceeds of said sale shall be applied to the payment of such lien and the expenses of such sale; and no Proceeds, how applied. more of such goods or chattels shall be sold, if they are of such nature as to be easily separated or divided, than No more goods to be sold than necessary to pay lien. shall be necessary, as near as may be, to pay such lien and expenses, and the balance, if any, shall be paid to the owner of such goods or chattels when the goods or chattels shall be taken away or settled for in full.

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

Approved May 9, 1889.

CHAPTER CCLXXV.

An Act in relation to the lien of manufacturers, spinners and throwsters of cotton, woolen and silk goods.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That all persons or corporations engaged in the business of manufacturing, spinning or throwing cotton, wool or silk into yarn or other goods, shall be entitled to a lien upon the goods and property of others that may come into their possession for the purpose Manufacturers entitled to lien upon goods for amount of account due.

of being so manufactured, spun or thrown into yarn or other goods, for the amount of any account that may be due them from the owners of such cotton, wool or silk, by reason of any work and labor performed and materials furnished in or about the manufacturing, spinning or throwing of the same or other goods of such owner or owners.

Lien not im-
paired by recov-
ery of judgment.

2. *And be it enacted*, That such lien shall not be waived or impaired by the recovery of any judgment for the moneys so due, and for the work and labor performed and materials furnished; and such lien may be enforced by levy and sale under execution upon such judgment.

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

Approved May 9, 1889.

CHAPTER CCLXXVI.

A Further Supplement to an act entitled "An act for preventing the injury of illegal confinement and better securing the liberty of the people" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Vice-chancellors
may grant writs
of habeas corpus.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the vice-chancellors, or either of them, shall have the same jurisdiction, power and authority to grant all writs of habeas corpus, and to hear and determine the same, that the chancellor of this state now has, and he or they shall proceed in the same manner.

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

Approved May 9, 1889.

CHAPTER CCLXXVII.

A Supplement to an act entitled "An act relative to sales of land under a public statute or by virtue of any judicial proceedings," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisement of such sale in two newspapers printed and published in the county in which said lands are situate, in the manner required by the acts to which this is a further supplement, but that any purchaser or purchasers of land at such sale, who shall have complied with the conditions of such sale, shall be entitled to have a deed for the lands so purchased, notwithstanding the sale was advertised in but one newspaper of the county in which the land was situated; *provided*, that where the sale has been made by direction of any court of competent jurisdiction, an order confirming such sale shall first be made by said court, or a judge thereof, upon it appearing to the satisfaction of said court or judge that the land has been sold for a fair price, and that it is proper in such case to make the order; and a deed or deeds so given shall operate to transfer the title to the purchaser or purchasers as fully as if the sale had been advertised in two newspapers of the county where the land is situate, in the manner and as required by the acts to which this is a further supplement.

Sale of land not invalidated by omission to publish advertisement in two newspapers.

Proviso.

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

Approved May 9, 1889.

CHAPTER CCLXXXVIII.

Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, on the application of any executor or executors, administrator or administrators, lands have been or shall be sold on the order of a court for the payment of the debts of any decedent, and there shall remain a surplus from such sale in the hands of such executor or executors, administrator or administrators, after the payment of the debts of such decedent, to be distributed among the heirs of such decedent or to the devisee under any will, and any judgment or judgments are or shall be obtained against any of such heirs-at-law or devisees or distributees under any will, entitled to such surplus or any part thereof, at any time prior to the distribution of such surplus, such judgment creditor or creditors may, upon petition filed in the court ordering such sale in such cause, have an order, and such court is hereby authorized to make the same, directing the payment of such judgment or judgments out of the proceeds of the sale of such share or shares against which the same would be a lien, had such share or shares been owned in severalty by such judgment debtor or debtors, and in the same order of priority as if sold under execution.

When judgments against heirs or devisees may be paid out of surplus from sale of lands to pay debts.

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

Approved May 9, 1889.

CHAPTER CCLXXIX.

A Supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any executor or administrator shall have settled the estate of any decedent, or may hereafter settle the estate of any decedent, and there has been, or shall be, upon such settlement, a surplus to be distributed among the devisees or next of kin of such decedent, it shall and may be lawful for any creditor of said estate, who may have neglected to file his claim with such executor or administrator within the time prescribed by law and the order of the orphans' court, to present such claim to such executor or administrator under oath at any time before said surplus shall have been distributed or paid over according to law by such executor or administrator, and upon such claim being so presented, it shall be the duty of such executor or administrator to pay the same, or so much thereof as there may be surplus in his hands for that purpose, in case he is satisfied that it is correct and ought to be paid, or, if he is not satisfied of the correctness of such claim, he shall notify such creditor to proceed forthwith to establish said claim by the judgment of some court of competent jurisdiction, and in such case the said executor or administrator shall not make any distribution or payment of such surplus money to or among the devisees or next of kin of said deceased without retaining in his hands a sum sufficient to pay the amount of such claim so presented by such creditor, with interest and costs, in case it shall be established by the judgment of a court, until such creditor shall have had an opportunity to establish the validity of said claim by the judgment of some competent court.

When claim of creditor of decedent who neglects to file same within lawful time to be paid.

Creditor may
bring suit for
recovery of
claim.

2. *And be it enacted*, That if such executor or administrator shall neglect or refuse to pay such claim upon being presented in manner aforesaid, it shall and may be lawful for such creditor to bring suit against such executor or administrator, for the recovery of said claim, in any court of competent jurisdiction, and the same proceedings may be had for the collection and recovery of said claim as if the same had been duly presented, before the settlement of said estate, within the time prescribed by law and the order of the orphans' court.

Creditor failing
to bring suit
within one
month barred
from recovering
claim.

3. *And be it enacted*, That if such creditor, after having been notified by the executor or administrator to bring suit for the establishment of his claim by the judgment of a court, shall neglect for the period of one month to commence such suit and prosecute the same with due diligence according to the rules and practice of the court, he shall be thereafter forever barred from bringing any suit or action for the recovery of such claim.

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

Approved May 9, 1889.

CHAPTER CCLXXXI.

An Act to provide for the erection of monuments commemorative of the services of the soldiers and sailors of the late war, and authorizing appropriations for such purpose.

Board of free-
holders may ap-
propriate money
for monuments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of any county in which there is no monument commemorative of the soldiers and sailors of the late war, may appropriate a sum not exceeding five thousand dollars for the erection of such monument.

2. *And be it enacted*, That no part of any such appropriation shall be expended until the organizations of veteran soldiers and sailors in such county have raised, by voluntary contribution or otherwise, a sum equal to at least fifty per centum of the amount of any such appropriation; any part of the money so raised by the veterans may be expended in the purchase of a site for such monument, the title to which land shall be vested in the county.

3. *And be it enacted*, That any monument erected by moneys appropriated and raised as provided in this act, shall be located and erected under the supervision of a committee to consist of not more than six members, three of whom shall be members of the board of freeholders, and three to be designated by the grand army posts in the county, and approved by the said board.

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

Approved May 9, 1889.

CHAPTER CCLXXXII.

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

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

32. *And be it enacted*, That there shall be a regimental board of officers to each regiment, and a battalion board of officers to each battalion, to consist of all the commissioned officers of the regiment or battalion, which shall

have power to pass laws for their own government and that of the regiment or battalion, and to establish fines and penalties for violation of such laws; to establish penalties for the non-attendance of the officers, non-commissioned officers and privates at any drill or parade of the regiment or battalion; all companies of the national guard shall have power to adopt by-laws for their internal government, to establish fines and penalties for violation of such by-laws and derelictions of duty, to provide for the qualifications and election of its members and for the expulsion of unworthy, unruly, derelict or insubordinate members upon conviction by court-martial; such by-laws to be subject to the approval of the commandant of the regiment or battalion to which the company is attached, and in case of separate companies, subject to the approval of the commandant of the brigade to which such company is attached, and such commandant shall have power to annul or suspend the whole or any portion of such by-laws, in his discretion.

Section amended 2. *And be it enacted*, That section forty-six of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

Regimental and battalion courts. 46. *And be it enacted*, That there shall be a regimental court to each regiment, and a battalion court to each battalion, each to consist of one field officer or senior captain as president, one captain and one first lieutenant, who shall be appointed by the respective commandants of regiments and battalions; they shall hold sittings at such times and places within the bounds of their commands as the said commandants respectively shall direct; said courts shall have power to try non-commissioned officers, musicians and privates of their respective commands for non-attendance at regimental or battalion duty, or neglect of duty prescribed by law or the laws and regulations of the regimental or battalion boards in pursuance of law, or for insubordination, intoxication, disobedience of orders, conduct to the prejudice of good order and military discipline or such other misdemeanors as are amenable to punishment under this act or the regulations of the state military board, and they shall have power to impose fines not exceeding twenty-five dollars for each and every offense, to reprimand, to reduce to the ranks or

dishonorably discharge from the national guard of New Jersey, or such other penalty as they may deem proper.

3. *And be it enacted*, That there shall be a brigade court Brigade courts. to each brigade, to consist of one field officer as president, one captain and one first lieutenant, who shall be appointed by the respective commandants of the brigades, for the trial of non-commissioned officers, musicians and privates of separate companies attached to the respective brigades; such courts shall have the same powers as conferred upon regimental and battalion courts.

4. *And be it enacted*, That there shall be a company Courts-martial. court-martial to each company, appointed by the commandant, consisting of one commissioned officer as president, one sergeant, one corporal and two privates; they shall hold sittings as may be directed by the company by-laws or the commandant; the president and two other members of the court shall constitute a quorum, and one of the members shall be appointed by the president as recorder; they shall have jurisdiction over the enlisted men of their respective companies, and shall have power to impose such fines and penalties as may be provided by the by-laws of the company; *provided*, that for the expulsion of a member, the commissioned officer and at least two other members of the court shall have voted in the affirmative; *and further provided*, that such expulsion shall Proviso. be subject to the approval of the commandant of the company and the commandant of the regiment or battalion to which such company belongs, or, in the case of an unattached company, the commandant of the brigade. Proviso.

5. *And be it enacted*, That upon the approval of the findings and sentence of any court-martial, when the sentence is expulsion or dishonorable dismissal, it shall be the duty of the convening authority to forward a copy of the order of approval to the adjutant-general of the state, who shall file the same in his office and keep a record thereof; and no person against whom sentence of expulsion or dishonorable dismissal shall have been duly adjudged shall be eligible to hold a commission in the national guard of this state. Copy of approval of sentence of court-martial to be forwarded to adjutant-general, &c.

- Section amended 6. *And be it enacted*, That section forty-seven of the act to which this is a supplement, be and the same is hereby amended so as to read as follows :
- Duties of presidents of courts-martial. 47. *And be it enacted*, That it shall be the duty of such presidents of such courts respectively to transmit to the officer commanding the brigade, regiment or battalion, as the case may be, the findings of the courts, together with a correct list of all delinquents upon whom said courts shall have imposed fines, and the amount of each fine, and such commandant, countersigning said list of delinquents, shall transmit the same to the brigade, regimental or battalion paymaster, or person acting as such, and if any delinquent shall refuse to pay to such paymaster or acting paymaster the fine or fines against him within ten days after notice in writing to him given, to pay the same, then it shall be the duty of the paymaster or acting paymaster to proceed to collect and enforce the same according to law; and all the moneys so collected shall be expended for the use and purpose of the command whose court imposed said fine, as the laws of the official board thereof may direct, except when such fine shall have been imposed for violations of company by-laws, then, in such case, the same shall be turned over unto the company to which the accused may belong.
- Section repealed. 7. *And be it enacted*, That section forty-eight of the act to which this is a supplement, be and the same is hereby repealed.
- Section repealed. 8. *And be it enacted*, That section fifty-one of the act to which this is a supplement, be and the same is hereby repealed.
- Section repealed. 9. *And be it enacted*, That section fifty-two of the act to which this is a supplement, be and the same is hereby repealed.
- Section repealed. 10. *And be it enacted*, That section fifty-three of the act to which this is a supplement, be and the same is hereby repealed.
- Section amended 11. *And be it enacted*, That section forty-three of the supplement to the act to which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, be amended so as to read as follows :

43. *And be it enacted*, That no commissioned officer resigning shall be entitled to or receive an honorable discharge from the service with the benefits thereto belonging, unless his accounts for public property shall have been settled at the quartermaster-general's office within ninety days.

Officer's accounts to be settled before resignation or discharge.

12. *And be it enacted*, That section ten of the supplement to the act to which this is a supplement, which was approved April seventeenth, one thousand eight hundred and eighty-five, be amended so as to read as follows :

Section amended

10. *And be it enacted*, That whenever a howitzer or Gatling gun shall be attached to any regiment or battalion by the major-general of division, a gun detachment to take charge of the same shall be organized, to consist of one first lieutenant, one sergeant, one corporal and sixteen privates; the officers to be appointed by the regimental or battalion commandant; the lieutenants so appointed to be commissioned and attached to the regimental or battalion staff; if for any cause the gun detachment shall cease to exist, the lieutenant shall be placed upon the retired list.

When gun squad to be organized, &c.

13. *And be it enacted*, That it shall be the duty of the inspector-general to attend such brigade reviews and parades as the commander-in-chief may direct, and from the returns of inspectors of brigades make a report of the condition of the national guard to the adjutant-general; he shall forward one copy of all inspections made of the national guard to the office of the adjutant-general, and one copy to the headquarters of the national guard.

Inspector-general to attend reviews and parades.

Make report, &c.

14. *And be it enacted*, That courts of inquiry to consist of one or three officers may be appointed by the major-general, and such courts shall have the same power to subpoena witnesses, compel their attendance, take testimony under oath and preserve order, and the members thereof shall be entitled to the same immunities, as provided by law for courts-martial.

Courts of inquiry, powers, &c.

15. *And be it enacted*, That brigade commanders may appoint upon their staffs one hospital steward.

Hospital steward.

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

Approved May 9, 1889.

CHAPTER CCLXXXIII.

A Supplement to an act entitled "An act to take for public use a tract of land on the Atlantic coast, in the county of Monmouth, and to vacate the streets and ways thereon, and to take and extinguish certain easements thereon and therein," approved February twenty-first, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state do appoint two citizens of this state to be agents of the state to acquire by purchase for the public use of the state as a military encampment for the military forces of the state, all that certain tract of land situate at Sea Girt, in the township of Wall, in the county of Monmouth, and state of New Jersey, and being part of a larger tract belonging to the Sea Girt land improvement company, beginning at a stake in the middle of Sea Girt avenue, which stake is at the distance of four chains and fifty links, measuring on a course south, forty-five degrees east, from a stone in the southeast corner of lands formerly belonging to Charles Graham, deceased, and now of said Sea Girt land improvement company, and in the line of land belonging to William Harris; and running thence along the middle of said Sea Girt avenue, south, forty-three degrees forty-five minutes east, two thousand nine hundred and eighty-eight feet and six-tenths of a foot, to a stake, a corner of other lands of said company; thence by said other land, south, forty-three degrees forty-three and one-half minutes west, eight hundred and seventy-one feet and eleven-hundredths of a foot, to a stake; thence south, seventy-one degrees twenty-four and one-half minutes east, one thousand six hundred and two feet and thirty-one hundredths of a foot, to ordinary high-water mark of the Atlantic ocean; thence along said high-water mark, south, eighteen degrees thirty-five and one-half minutes west, four hundred and eighty feet, to a point; thence north,

Governor to appoint agents to purchase tract of land for military encampment.

seventy-one degrees twenty-four and one-half minutes west, one thousand seven hundred and sixty-two feet and sixty-hundredths of a foot, to a stake; thence south, forty-three degrees forty-three and one-half minutes west, one hundred and fifty-three feet and two-tenths of a foot, to a stake on the northerly side of Stockton lake or Newbury's pond; thence along the same course produced into the said lake or pond, to the middle thereof; thence along the middle of said lake or pond, and along the middle of a small stream emptying thereinto, the several courses and distances thereof respectively, to a point where a line running south, twenty-seven degrees forty-five minutes west, one thousand seven hundred and forty-five feet and twenty-four hundredths of a foot from the first-mentioned stake and place of beginning strikes the middle line of said stream; thence along said last-described course and line to the place of beginning, the upland containing one hundred and nineteen acres and eight hundred and twelve one-thousandths of an acre; the foregoing description, courses and distances of the said upland being taken from a survey of said tract of land made by William Segorne on the twenty-eighth day of November, anno domini one thousand eight hundred and eighty-four; and also to acquire by purchase for the said public use all rights, private ways, easements or servitudes held, exercised or used by any person or corporation in, upon or over the said tract of land or any part thereof; *provided*, that the said land, private ways, easements, rights or servitudes can be acquired for a sum not exceeding the amount hereby appropriated; *and provided also*, that the said agents can ascertain such owners or persons, and such owners or persons are competent to make and execute valid conveyances for the same.

Proviso.

Proviso.

2. *And be it enacted*, That the said agents do proceed immediately after such appointment, to perform the duties imposed upon them by this act, and that within one month from the date of their appointment, they do report in writing to the governor and state comptroller their proceedings, and whether they have been able to discover and agree with the owners and incumbancers of and upon the said land for the purchase thereof, and if they have so agreed, then for what sum of purchase-

Agents to proceed to perform duties and make report.

money, and whether the said owners and incumbrancers can make and execute valid conveyances and releases to the state, to vest the title to said land in the state free and clear from all incumbrances; and whether they have been able to discover and agree with the persons or corporations who hold, exercise or use any right, private way, easement or servitude in, upon or over the said land, or any part thereof, for the purchase and extinguishment thereof, and what sum they have agreed upon (if they have so agreed) for the said purchase and extinguishment, and whether such persons or corporations can make and execute valid instruments for the conveyance and extinguishment aforesaid; and the said report shall be inspected by the governor and state comptroller, and filed in the office of the state comptroller, and if approved by them the several amounts agreed upon and so approved as aforesaid, which shall not exceed the sum appropriated by the act to which this is a supplement, shall be paid by the state treasurer to the person or corporation entitled to receive the same, upon a warrant of the comptroller.

Report inspected
and filed.

When approved
state treasurer to
pay.

Proceedings
when agents can-
not agree with
owners of land.

3. *And be it enacted*, That in case the said agents shall be unable to discover and agree with the owners and incumbrancers, or any of them, of and upon the said land, for the purchase thereof, or the said owners and incumbrancers, or any of them, shall be unable to make and execute valid conveyances and releases to the state, to vest the title to said land in fee simple, free and clear of all incumbrances, or to discover and agree with the persons or corporation, or any of them, holding, exercising or using any rights, private ways, easements or servitudes in, upon or over the said land or any part thereof, for the purchase and extinguishment thereof, or if they, or any of them, shall be unable to make and execute valid instruments to the state for the conveyance and extinguishment thereof; or in case the governor and state comptroller shall not approve of the report of the said agents, the state shall take the said tract of land for the public use of the state as a military encampment ground for the military forces of the state, and the governor shall appoint two disinterested and impartial citizens of the state to be commissioners to ascertain the value of the said land, rights, private ways, easements and servitudes.

Governor to ap-
point commis-
sioners.

4. *And be it enacted*, That the said commissioners, before entering upon the discharge of their duties, do severally take before a master in chancery of this state, an oath or affirmation faithfully, impartially and justly to perform all the duties required of them by this act, and then the said commissioners shall proceed to examine into and adjudge the true value of the said land, rights, private ways, easements or servitudes in or upon said land or any part thereof, and that thereupon they do fix a time and place of meeting in the village of Manasquan, in the county of Monmouth; and that they do summon to attend and be heard before them, at such time and place, all persons claiming to be owners of said tract of land, or to hold incumbrances thereon, and also all persons or corporations claiming to have lawfully acquired and to be entitled to any private ways or other easements or servitudes whatever in, upon or over the said tract of land or any part thereof; such summonses shall declare that the state of New Jersey is about to take for the public use the said lands and all rights, private ways, easements or servitudes whatever in, upon or over the same, or any part thereof, and that the said commissioners are about to ascertain the values thereof, respectively; and such summonses shall be served upon all residents of this state known to the commissioners to be claimants of said tract of land, either as owners or incumbrancers of or upon said tract of land, or any part thereof, or as holders of any rights, private ways, easements or servitudes therein or thereon, and such summonses shall be served by agents to be appointed by said commissioners, and in the same manner as summonses issued out of the supreme court of this state are now required by law to be served, and in like manner, upon all persons claiming to be entitled to any private ways or other easements or servitudes whatever in, upon or over the same or any part thereof; the said commissioners shall also publish once a week, for one month, in at least two newspapers printed and published in the county of Monmouth, and in the newspaper styled the "Public Ledger," printed and published in the city of Philadelphia, and the state of Pennsylvania, a like summons, addressed to all persons not resident in the state of New Jersey, and

Commissioners
to take oath.

Duties.

to all persons resident in or out of the said state and unknown to said commissioners, who claim to be owners of or incumbrancers upon said tract of land, or any part thereof, or to be entitled to any rights, private ways or other easements or servitudes whatever in, upon or over said tract of land or any part thereof, requiring such persons to attend and be heard before them, in the village of Manasquan, in the county of Monmouth aforesaid, at the time and place fixed by said commissioners, as hereinbefore directed; and such service and publication shall be deemed and taken to be due notice to all persons interested, of the intention of the state of New Jersey to take said lands, private ways, easements or servitudes, for the aforesaid public use of the state, and due notice to such persons of the opportunity afforded them to be heard thereon.

Proceedings at the hearing before the commissioners.

Attorney-general to appoint counsel to represent the state.

After hearing, commissioners to ascertain value of tract and make award, &c.

5. *And be it enacted*, That at the time and place so fixed the said commissioners shall hear representations of all the claimants as aforesaid, who shall attend before them for that purpose, in respect to the value of the said tract of land, and of the rights, private ways, easements or servitudes aforesaid, and shall inspect all documentary proofs offered by such claimants before them, and shall take the depositions of such witnesses as shall be produced to testify before them, either in behalf of said claimants or of the state, and for that purpose they are hereby empowered to administer oaths or affirmations to such witnesses, and to employ a stenographer to reduce such depositions to writing, who shall receive the compensation now prescribed by law to be paid to stenographers appointed by the circuit courts of the state; the attorney-general shall appoint a proper counselor-at-law to represent the state in the proceedings before the commissioners, who shall receive such compensation as the governor and attorney-general shall approve; the said commissioners may adjourn the proceedings before them from time to time, and shall orally announce at the close of each of their meetings the time and place at which their next meeting will be held.

6. *And be it enacted*, That after the hearing before prescribed, the said commissioners shall proceed and ascertain the value of the said tract of land, and also of each

private way, or other easement, or servitude whatever, in, upon or over the same or any part thereof, and shall make their award thereof in writing, and return and file the same in the office of the state comptroller, and the said return and award shall be inspected by the governor and state comptroller, and if approved by them, the amounts of such valuation and awards to an amount which shall not exceed the amount appropriated by the act to which this is a supplement, shall be paid by the state treasurer, upon a warrant of the comptroller, into the court of chancery of the state, to the credit of the several parties named in said award, and a copy of said award shall be filed in the office of the clerk of said court; and it shall be the duty of the chancellor to give notice, in such manner as he shall prescribe, to the several claimants of said funds named in said award, and to all other persons claiming the same, to appear before him and present their claims thereto, and the said chancellor shall adjudge the validity of their claims and order payment thereof as he shall deem equitable and just.

7. *And be it enacted*, That so soon as the said funds shall have been paid into the court of chancery as aforesaid, the governor of this state shall take possession of the said tract of land, and of all private ways or other easements or servitudes whatever, in, upon or over the same, for the aforesaid public use of the state of New Jersey, and that upon such taking, Westminster, Myrtle, Holly, Lake, Atlantic and First avenues, and Greenwich, Brunswick, Essex, Somerset and Arch streets, designated on a map of Sea Girt, or plan of streets and lots, made by Charles F. Ingham, and revised by Frederick J. Anspach, and filed in the clerk's office of the county of Monmouth as a public record September twelfth, one thousand eight hundred and seventy-eight, so far as the same are embraced within the limits of the tract of land aforesaid, and all other roads, avenues, streets or ways, whether public or private, embraced within the limits of the said tract of land, be and the same are hereby vacated and made void; and it shall not be lawful for any public or municipal body, or any person or corporation, to open or use the same; and the land, when so taken, shall be held by the state free from any and every easement of way over the same, and in fee simple absolute.

When funds paid
into chancery
governor to take
possession of
tract.

Appropriation
for expenditures.

8. *And be it enacted*, That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the incidental expenditures to be made by virtue of this act and the act to which this is a supplement.

Repealer.

9 *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with the provisions of this, be and the same is hereby repealed, and that this act be a public act, and take effect immediately.

Approved May 9, 1889.

CHAPTER CCLXXXIV.

An Act concerning ward and district lines in cities of this state.

Municipal
authorities em-
powered to
divide city into
wards and dis-
tricts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of aldermen or other legislative body of any city of this state shall have power, by ordinance, to divide said city up into wards, or aldermanic districts, and to change the lines and boundaries of the present wards and aldermanic districts therein once in five years; *provided*, that no additional wards or aldermanic districts shall be created in such city under the provisions of this act; *and provided*, *further*, that three-fourths of all the members of said legislative body shall agree to the passage of said ordinance, and the same shall be approved by the mayor of said city.

Proviso.

Proviso.

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

Approved May 9, 1889.

CHAPTER CCLXXXV.

An Act amendatory of an act entitled "An act concerning divisions of wards in cities of this state."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning divisions of wards in cities of this state," approved April twenty-fifth, one thousand eight hundred and eighty-four, be amended so as to read as follows: Act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cases where, in any city of not more than fifty thousand inhabitants already divided into wards, there shall have been polled in any such ward, at the last presidential or any subsequent election, more than one thousand legal votes, the common council or other legislative body of such city shall have power, by resolution passed by a two-third vote of their number and approved by their mayor, to divide any said ward into two wards, and to designate said wards by names or numbers; *provided*, the provisions of this section shall not now or hereafter apply to any city of this state wherein the boundary lines of the wards therein are required by law to conform to the assembly district lines in any such city. When wards in certain cities may be divided. Proviso.

2. *And be it enacted*, That from and after the annual municipal election next succeeding such division of ward into two wards, each ward thereby created shall have the same representation in the common council or other governing body to which the ward so divided was, at the time of such division, entitled under the terms of the act or acts regulating representation therein; and that at the annual municipal election next succeeding such division, the legal voters of each ward thereby created shall elect, by ballot, the municipal representative or representatives and other officers to which such ward shall be entitled as aforesaid, for the same term or terms prescribed for representatives and other officers chosen at the first election held in the ward so divided, in and Ward entitled to like representation in common council, &c.

by the act or acts regulating representation therein ; and shall annually thereafter elect, by ballot, the municipal representative or representatives and other officers to which said ward shall be entitled as aforesaid ; *provided*, that if, at the date of the first election under this act, the term of office of a member of the common council or other governing body theretofore elected to represent the ward so divided shall not have expired, then and in that case such member shall serve out his term of office as a representative of the ward in which his residence may be.

Proviso.

Until division made ward entitled to choose double representation.

3. *And be it enacted*, That until such division as provided in section one of this act in any ward of any city in this state where more than one thousand legal votes shall have been polled at the last presidential or any subsequent election, there shall be chosen or elected in such ward at each subsequent municipal election, in the manner provided in section two of this act, a sufficient number of councilmen or aldermen to give such ward double the representation in the common council, city council or board of aldermen it now has ; and that such councilmen or aldermen when thus elected shall hold office until their term shall expire, unless said ward is sooner divided as provided in this act, and after such division they shall hold office until the next municipal election, when their successors shall be chosen, as provided in this act.

Repealer.

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

Approved May 10, 1889.

CHAPTER CCLXXXVI.

An Act for the parole or conditional release of prisoners confined in the New Jersey state prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the principal keeper and the board of inspectors of the New Jersey state prison shall have power to establish rules and regulations under which any prisoner who is now, or hereafter may be, imprisoned under a sentence other than for murder in the first or second degree, manslaughter, sodomy, rape, arson, burglary or robbery, who may have served with commutation time allowed one-half of his or her sentence for the crime for which he or she was convicted, and who has not previously been convicted of a felony and served a term in a penal institution, may be allowed to go upon parole outside of the buildings and inclosures, but to remain, while on parole, in the legal custody of the principal keeper and board and subject at any time to be taken back within the inclosure of said institution; and full power to enforce such rules and regulations, and to re-take and re-imprison any convict so upon parole, is hereby conferred upon said principal keeper and board of inspectors, whose written order, certified by its secretary, shall be a sufficient warrant for all officers named therein, to authorize such officers to return to actual custody any conditionally-released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process; *provided*, Keeper and inspectors of state prisons authorized to establish rules for conditional release of certain prisoners *Proviso.* that any prisoner violating the conditions of their parole or conditional release (by whatever name), as affixed by the principal keeper and board of inspectors, when, by a formal order, entered in the principal keeper and board of inspectors' proceedings, he or she is declared a delinquent, shall thereafter be treated as an escaped prisoner owing service to the state, and shall be liable, when arrested, to serve out the unexpired period of the maxi-

mum possible imprisonment, and the time from the date of their declared delinquency to the date of their arrest shall not be counted as any part or portion of time served; and any prisoner at large, upon parole or conditional release, committing a fresh crime, and, upon conviction thereof, being sentenced anew to the state prison or penitentiary, shall be subject to serve the second sentence after the first sentence is served or annulled, to commence from date of termination of his liabilities upon the first or former sentence; *provided, further*, that it shall be unlawful to parole any prisoner who may at this time be, or hereafter be, sentenced to the New Jersey state prison or penitentiary, unless he or she has been a citizen of the state of New Jersey for three years last prior to their conviction.

Proviso.

Repealer.

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

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

Approved May 13, 1889.

CHAPTER CCLXXXVII.

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

Buildings to be
provided with
means of escape
from fire.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every building now or hereafter used, in whole or in part, as a public building, public or private institution, school-house, church, theatre, public hall, place of assemblage or place of public resort, and

every building in which twenty or more persons are employed above the second story in a factory, workshop or mercantile or other establishment, and every hotel, lodging-house or tenement-house in which ten or more persons lodge or reside above the second story, and every factory, workshop, mercantile or other establishment, the owner, lessee or any one having control of such buildings, of which is notified in writing by the inspector of factories and workshops, or one of his deputies for the district in which any such building may be located, shall be provided with proper ways of egress or other means of escape from fire, sufficient for the use of all persons accommodated, assembling, employed, lodging or residing in such building or buildings, and such ways of egress and means of escape shall be kept free from obstruction, in good repair and ready for use; every room above the second story in any such building in which twenty or more persons are employed shall be provided with more than one way of egress, by stairways on the inside or outside of the building; stairways on the outside of the building shall be kept clear of ice and snow and other obstructions; women or children shall not be employed in a factory, workshop or mercantile or other establishment in a room above the second story from which there is only one way of egress; all doors in any building subject to the provisions of this section shall open outwardly, if the inspector or one of his deputies shall so direct in writing; no portable seats shall be allowed in the aisles or passage-ways of such building during any service or entertainment held therein; the proscenium or curtain-opening of all theaters shall have a fire-resisting curtain of some incombustible material, and such curtain shall be properly constructed, and shall be operated by proper mechanism; the certificate of the inspector of factories and workshops, or one of his deputies, shall be conclusive evidence of a compliance with such requirements.

2. *And be it enacted*, That it shall be the duty of such inspector of factories and workshops, or his deputies, to examine, as soon as may be after the passage of this act, and thereafter from time to time, all buildings within his district subject to the provisions of this act; a copy of this act shall be kept posted in a conspicuous place in every

Requirements of act.

Certificate of inspector.

Inspectors to examine buildings.

Copy of act to be posted in building.

such building by the person occupying the premises covered thereby.

Inspector to issue acknowledgment of application for certificate under act.

3. *And be it enacted*, That upon an application being made to the inspector of factories and workshops for the granting of a certificate under this act, he shall issue to the person making the same an acknowledgment that such certificate has been applied for, and pending the granting or refusal of such certificate such acknowledgment shall have for a period of ninety days the same effect as such certificate, and such acknowledgment may be renewed by said inspector with the same effect for a further period not exceeding ninety days, and may be further renewed by the said inspector until such time as such certificate shall be granted or refused by him.

When change made in premises notice to be given to inspector.

4. *And be it enacted*, That in case any change is made in any premises for which a certificate has been issued under this act, whether in the use thereof or otherwise, such as terminates the effect of such certificate as above provided in section two, it shall be the duty of the person making the same to give written notice thereof forthwith to the said inspector of factories and workshops.

When building found not to conform to provisions of act, inspector to give notice to owner.

5. *And be it enacted*, That in case any building or portion thereof subject to the provisions of this act is found by the said inspector or one of his deputies to fail to conform to the provisions of this act, or in case any change is made in such building or portion thereof, such as terminates the effect of a certificate formerly granted therefor as aforesaid, it shall be the duty of the inspector of factories and workshops to give notice in writing to the owner, lessee or person who may have control of such building, specifying and describing what additional ways of egress or means of escape from fire are necessary in the opinion of said inspector in order to conform to the provisions of this act and to secure the granting of a certificate as aforesaid; notice to any agent of such owner, lessee or occupant in charge of the premises, shall be sufficient notice under this section to such owner, lessee or occupant.

What sufficient notice.

Any one owner, &c., of buildings may provide means of escape from fire.

6. *And be it enacted*, That in case any building subject to the provisions of this act is owned, leased or occupied, jointly or in severalty, by different persons, any one of such persons shall have the right to apply to any part of

the outside of such building, and to sustain from any part of the outside wall thereof, any way of egress or means of escape from fire specified and described by the inspector as above provided, notwithstanding the objection of any other such owner, lessee or occupant; and any such way of egress or means of escape may project over any highway, street or alley.

7. *And be it enacted*, That every story above the second story of a building subject to the provisions of section one, shall be supplied with means of extinguishing fire, consisting either of pails of water or other portable apparatus, or of a hose attached to a suitable water-supply, and capable of reaching any part of such story; and such means of extinguishing fire shall be kept at all times ready for use and in good condition.

8. *And be it enacted*, That it shall be the duty of every owner, lessee or occupant of any building or part thereof subject to this act, to cause the provisions thereof to be carried out, and any owner, lessee or occupant failing to observe such provisions, shall be subject to a fine of not less than fifty nor more than five hundred dollars; but no prosecution therefor shall be brought until four weeks after written notice from the inspector of factories and workshops or one of his deputies, as above provided, of the changes necessary to be made in order to conform thereto, nor then, if in the meantime such changes have been made in accordance with such notification; notice to one member of a firm, of a corporation, or to the person in charge of the premises, shall be deemed sufficient notice hereunder, and such notice shall be given in person; any such owner, lessee or occupant shall be liable for all damages caused by his violation of the provisions of this act; any person using or occupying a building contrary to the provisions of this act may be enjoined from such use or occupation in a proceeding to be had before any court of competent jurisdiction at the instance of the inspector, and upon the filing of a petition or bill of complaint therefor, the court in which such proceeding is pending may issue a temporary injunction or restraining order, as provided in proceedings in equity and according to the practice of such court.

Employers, etc.,
required to ad-
mit inspector to
building.

Answer ques-
tions and render
account.

Penalty.

Penalty.

Fines and penal-
ties, how en-
forced.

9. *And be it enacted*, That each and every person employing labor, his officers, agents and employes, and any person or persons, owner or lessee of any building mentioned in section one of this act, located within this state, shall, on demand of the inspector of factories and workshops or any of his deputies, for admission to any such building, immediately admit thereto such inspector of factories and workshops or his said deputy, and such owner, lessee or occupant, his officers, agents and employes, shall afford such inspector or deputy full and free access to any room or apartment of any such building, and each of such persons hereby is required, if thereto requested by such inspector or deputy, to answer such questions as may be asked by such inspector or deputy, and if so requested by such inspector or deputy, to render a true account in writing to such inspector or his deputy, to the best of his knowledge, of every person or employe then belonging to such building regarding the various matters mentioned in this act, and whoever shall willfully fail or refuse to immediately answer such questions or to render such written report to such inspector or deputy as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not less than fifty dollars and not exceeding one hundred dollars; and every president, treasurer, secretary, general agent or managing director of any manufacturing corporation located and employing labor in this state, or the owner, lessee or occupant of any building or institution mentioned in section one of this act, from which answers to any questions or the rendition of a written report are herein required to be made, who shall willfully neglect or refuse to give true and complete answers to any inquiries or render a written report as required by this section, such person, officer or agent, shall forfeit and pay a sum not less than fifty dollars nor more than one hundred dollars, to be recovered in an action of debt, to be instituted by the prosecutor of the pleas of the proper county in any court of competent jurisdiction, in the name and for the use of the county wherein such violation occurs.

10. *And be it enacted*, That all fines and penalties imposed by this act may be enforced by indictment or

appropriate action at law in any court of competent jurisdiction of the county wherein such offenses have been committed or forfeitures incurred.

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

Approved May 13, 1889.

CHAPTER CCLXXXVIII.

An Act to regulate the number of votes required by cities of the second and third classes to adopt resolutions and motions relating to the expenditure of money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second and third classes of this state, no resolution or motion involving the expenditure of money shall be adopted or passed by the board of aldermen, common council or other legislative body of any such city by a vote of less than a majority of the whole number thereof. Resolution or motion must receive a majority vote of legislative body.

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

Approved May 13, 1889.

CHAPTER CCLXXXIX.

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.

Section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth one thousand eight hundred and sixty-six, be and the same is hereby amended so as to read as follows:

Board of managers may appoint officers of home. 3. *And be it enacted*, That the said board of managers shall appoint a surgeon of the said home and a chief executive officer, subject to the approval of the governor, and such other officers, assistants and attendants as may be necessary and proper; all officers so required by the board of managers shall severally enter into bond to the state for the faithful performance of the duties of their office, and all the officers of the home shall be subject to removal by resolution of said board.

Section amended. 2. *And be it enacted*, That section four of the 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 and the same is hereby amended so as to read as follows:

Managers to provide for general management of home. 4. *And be it enacted*, That the said board of managers shall provide for the general management and care of the home, of the inmates, of the buildings and grounds, with their fixtures, furniture and stock, and shall fix the duties of all the officers, assistants and attendants, by by-laws, rules and regulations established by the said board.

Section repealed 3. *And be it enacted*, That section five of the 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, and which reads as follows:

“5. *And be it enacted*, That the superintendent shall be a competent accountant and the chief financial agent, and shall purchase all necessary clothing, provisions and other supplies for the said home, subject to the approval of the said board, and to the rules and regulations; he shall keep the accounts of the said home and of all the receipts and disbursements, and of all the financial transactions relating thereto; and he is hereby directed and empowered to draw and receive any pension due to any patient and apply it to the use of the said home; all purchases for the use of the said home shall be made for cash, and not on credit or trust, and a voucher for every purchase shall be taken, duly filled up at the time it is taken, and an abstract of the vouchers, verified on oath or affirmation, stating that the money was paid and the voucher taken and filled up at the time of its date, shall be presented with the accounts of the said superintendent; and the said commandant or the said superintendent shall, at all times, reside at the said home, as the said managers shall direct,” be and the same is hereby repealed.

4. *And be it enacted*, That section one of the act entitled “An act to amend section seven of the 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, also providing an additional appropriation for the home provided for by the said act,” approved March twenty-fourth, one thousand eight hundred and eighty-five, be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be admitted into the said home as an inmate except upon the certificate of a judge of the court of common pleas, upon proof made to his satisfaction, by testimony in writing of a respectable physician and other evidence, that the applicant has been a soldier, sailor, or marine in the army or navy of the United States, and been honorably discharged from such service; that he is necessitous and has not the ability to procure the means sufficient for his comfortable support and necessary care and attendance; that he has been a resident of this state two years next before the date of

Superintendent,
his powers and
duties.

Section
amended.

How persons
admitted to
home.

such application, which proof shall accompany said certificate; and the said applicant for admission shall, with the certificate of the judge, present to the officer designated by the board of managers, a statement in writing, signed by himself, setting forth his name in full, place of his nativity, and of his residence at the time of making such application, and at the time of his entering the service, his age and occupation, the company and regiment in which, and captain and colonel under whom he served, time of his service and of his discharge, and further, that he will conduct himself properly and submit to the rules, regulations and discipline of the said home.

Insane inmates may be transferred to state asylum.

5. *And be it enacted*, That any soldier, sailor or marine who may have been regularly admitted into the said home, who shall be found to be insane, may be transferred, by an order of the board of managers, to any state lunatic asylum, there to remain at the expense of the state until legally discharged; said expense to be paid out of the maintenance fund of the said home, and at the same rate as is charged to the county insane.

Expense, how paid.

Officer vested with authority of a military commandant.

6. *And be it enacted*, That such officer of the said home as may be designated by the board of managers may have all the power and authority exercised by the commandant of a military post or encampment of state troops, within the precincts of the home grounds.

Inmates subject to discipline of national guard.

7. *And be it enacted*, That all inmates of the home shall be subject to the discipline and rules and regulations governing the members of the national guard of the state of New Jersey, while attending an encampment.

Penalty for receiving portion of uniform, &c., of inmates.

8. *And be it enacted*, That any person who purchases, or offers to purchase, or receives from any inmate of the soldiers' home, or from one who is absent without leave, dropped from the rolls or discharged from the said home, any portion of the uniform or underclothing issued to the inmates thereof under the rules and regulations adopted by the board of managers, shall be adjudged guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding thirty days, or both.

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

Approved May 13, 1889.

CHAPTER CCXC.

A Further Supplement to "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the delivery to the state librarian of seven hundred copies of the pamphlet entitled "A compilation of the laws of the state of New Jersey relating to game and fish, with notes and forms of procedure, including the acts of one thousand eight hundred and eighty-eight," by Charles A. Shriner, assisted by John W. Griggs, the comptroller of the treasury shall draw his warrant upon the state treasurer in favor of the said Charles A. Shriner for the sum of three hundred dollars, and the state treasurer shall pay the same.

Appropriation
for copies of
compilation of
game laws, how
paid.

2. *And be it enacted*, That the state librarian shall furnish five copies of said compilation to each member of the legislature, two copies to each game warden of the several counties in this state, the rest to be distributed as the commissioners of fisheries of the state may determine.

How copies dis-
tributed.

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

Approved May 13, 1889.

CHAPTER CCXCI.

An Act in relation to the practice of the law.

Supreme court
to assign justice
to revise rules
governing the
practice in com-
mon law courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the first term of the supreme court ensuing the passage and approval of this act, it shall be the duty of said court to assign and appoint one or more of the justices of that court to revise and amend the rules and provisions governing the practice of the law in the common-law courts, and to report the same with suitable precedents to the supreme court for adoption, and that the said court may by rule of court prescribe and adopt such rules, provisions and precedents as may be so reported.

Compensation
for services.

2. *And be it enacted*, That such justice or justices so appointed, shall be paid for his or their services in that behalf, such sum as may be certified by the chief justice and governor, to be paid out of the state treasury on their certificate.

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

Approved May 14, 1889.

CHAPTER CCXCII.

An Act to authorize cities in this state to issue bonds to secure a new water-supply, and to refund bonds heretofore issued in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, in any city, a contract has been or shall be made for the purchase of water, water rights and property, and works constructed or to be constructed for the purpose of providing a further and other supply of water for such city, it shall be lawful for the common council, or other governing body of such city, by and with the consent of the board having charge and control of the finances therein, to issue, in the name of such city, its bonds to pay the purchase-money or contract price of such rights, property and works, and to pledge the property of such city for the payment thereof; such bonds shall, from the date of issue, run for a period not less than twenty, nor more than thirty years, and bear interest not exceeding four per centum per annum, and shall be of such form and payable at such place as may be determined on by the common council or governing body; *provided, however*, that the provisions of this act shall not apply to the purchase of any such water, water rights or property and works except that the same be purchased under and in accordance with the exercise of an option under the provisions of an act entitled "An act to authorize any of the municipal corporations of this state to contract for a supply or a further or other supply of water therefor," approved April second, one thousand eight hundred and eighty-eight.

2. *And be it enacted*, That where, in any such city, bonds heretofore issued for the purpose of providing the present water-supply, shall fall due within the next ten years, and no adequate provision has been made for their payment, it shall and may be lawful for such city, in the manner mentioned in the preceding section, to issue

Municipal authorities may issue bonds to secure new water supply.

Proviso.

Bonds heretofore issued may be redeemed by the issue of other bonds.

other bonds of the character therein described, to redeem and refund the bonds so falling due.

How payment of principal and interest of bonds provided for.

3. *And be it enacted*, That to provide a fund from which to pay the principal and interest of the bonds authorized by this act as they fall due, that all the revenues received from water rents in such city, except so much thereof as may be necessary to meet the current yearly expenses of the water board or department, shall be devoted and set aside, and the same shall be paid to the commissioners of the sinking fund, for this purpose, and while any part of such bonded debt remains unpaid, it shall be unlawful to use the same for any other purpose, and it shall be the duty of such city to raise annually by taxation, such further sum, if any be needed, as will be sufficient to pay the interest on such bonds as the same falls due, and provide a sinking fund of not less than two per centum of the amount so issued, to pay the principal of such bonds when they fall due; *provided, however*, that where, in any such city, there are or may be other revenues not specially pledged or appropriated, such revenues or any part thereof may, at the option of the common council or other governing body, be used for this purpose, and to the extent to which the sinking fund hereby required is provided for from such revenues, it shall not be necessary to make provision therefor by taxation.

Proviso.

Unlawful for city to increase bonded indebtedness beyond fifteen per cent. of value of real and personal property.

4. *And be it enacted*, That it shall not be lawful for any city, under the authority conferred by this act, to increase its bonded indebtedness so that the whole amount of such bonded indebtedness outstanding at any time shall be greater than fifteen per centum of the value of the real and personal property therein, as returned and assessed for taxation for municipal purposes, but in estimating the total amount of such bonded indebtedness in any such city, the aggregate amount of the money and securities held in the sinking fund of such city, applicable to the payment of such indebtedness, shall first be deducted.

What bonds exempt from taxation.

5. *And be it enacted*, That where any of the bonds issued under the authority of this act are owned and held by any taxpayer residing in the city wherein they are so issued, at the time taxes are laid and levied therein, the same shall in every such case be exempt from taxation.

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

Approved May 14, 1889.

CHAPTER CCXCIII.

A Further Supplement to "An act relative to sales of land under a public statute, or by virtue of any legal proceeding" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and the several supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to put up or post one of the advertisements or bills of such sale in the township in which said lands are situated, and the said township had been inserted in the legal proceedings for the sale thereof, in the manner required by the acts to which this is a further supplement, but that such purchaser or purchasers who have complied with the conditions of such sale, taken his, her or their deed and paid the consideration money therefor, such deed shall operate to transfer the title to the purchaser or purchasers as fully as if the advertisement or bill of sale had been put up or posted in the township in which the lands are situated, and the said township had been inserted in the legal proceedings for the sale thereof, in the manner and as required by the acts to which this is a further supplement.

Sale of land not invalidated by omission to put up advertisement of sale in township in which lands are situated.

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

Approved May 16, 1889.

CHAPTER CCXCIV.

An Act to provide for a board of assessors in cities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May next after this act takes effect, there shall be in all cities accepting the provisions of this act a board of assessment of taxes, to consist of three persons; they shall be appointed by the mayor, and shall hold office for three years, and until their successors are appointed; the first appointments to be made under this act shall be for one, two and three years respectively, and all appointments to fill vacancies shall be for the unexpired term only; such assessors shall each receive a salary of twenty-five hundred dollars per annum, payable monthly, and shall give a bond for the faithful performance of their duty, in the penal sum of twenty-five thousand dollars, to be approved by the corporation counsel or attorney; they shall have such clerical force, not exceeding three, as they may appoint, whose appointment and salary, not exceeding one hundred and twenty-five dollars per month each during such time as they may be employed, shall be subject to approval, in writing, by the mayor; they shall perform the duties now devolving by law upon assessors of taxes, or boards for the assessment of taxes, and the offices of such assessors and such boards, now existing in such cities, shall be abolished upon the appointment of assessors under this act; the common council or board of aldermen shall provide an office for said board in the city building, which must be always open during business hours, for the transaction of business; such assessors may be removed by the mayor for cause, and the cause of such removal shall be specified in writing, and filed in the office of the city clerk before the removal shall take effect; any justice of the supreme court may, at chambers, upon application by an assessor so removed, made within thirty

Board of assessment of taxes, how constituted and appointed.

Salary.

Bond.

Clerks.

Duties of board.

Offices abolished.

Offices to be provided for board.

How assessors removed.

days from the time of filing the cause of removal, review in a summary manner the action of the mayor in making such removal.

2. *And be it enacted*, That it shall be the duty of said Board to inspect property and give notice, &c. board to inspect property and give notice, &c. of the value of any property for the purpose of taxation, to give written or printed notice to the owner thereof, when known, of such intended increase and of a time when they will hear objections to such increase at the office of said board, but no assessment of taxes shall be invalidated by reason of the omission to give such notice or make such inspection; such objections shall be heard and determined by said board at least one month before the final adjournment of the board of commissioners of appeals for said city.

3. *And be it enacted*, That the board of aldermen or common council of any city may, by resolution, or the mayor of any city may, by proclamation at any time, submit the question of the acceptance or rejection of this act to the voters of such city at any charter or general election; and, if a majority of those who shall vote at such election shall be in favor of the acceptance of the act, then this act shall go into effect immediately, and the grant of powers herein made, to any such city, shall be deemed to be accepted by such city; and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election, where this question is submitted to them, shall express their assent or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election, in the precincts or wards of any such city, and those who are in favor of the acceptance of this act and the grants and powers therein contained, shall each deposit a ballot containing the words "new assessors' act accepted" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "new assessors' act rejected" written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the state, city or ward officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass, on the return of

Act may be submitted to voters for acceptance or rejection.

How election conducted.

the votes, upon this question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at such election; and if a majority of the ballots on which there shall be either the words "new assessors' act accepted," or "new assessors' act rejected" shall be found to be for the acceptance of this act, it shall then, but not otherwise, go into effect and be binding upon such city wherein such vote shall have been taken.

Repealer.

4. *And be it enacted*, That 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 May 16, 1889.

CHAPTER CCXCV.

A Supplement to an act entitled "An act relative to the publication of the laws of this state in the newspapers," approved May sixth, one thousand eight hundred and eighty-seven.

Section amended.

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

Governor, comptroller and secretary of state to designate newspapers.

2. *And be it enacted*, That the governor, comptroller and secretary of state, or a majority of them, shall, within ten days after this shall become a law, and thereafter annually within thirty days after the day fixed in January for the convening of the legislature, select and designate the newspapers to publish the laws, upon the following basis:

Number to be selected in each county.

I. To select as many in each county as there are representatives from that county in both branches of the legislature, not exceeding eight; such selection to be of an

equal number of newspapers representing each of the two leading political parties, having reference also to such of them as have the larger circulation ;

II. In case after such selection it appears there are any legislative districts in this state in which no newspaper has been designated to publish the laws, at least one newspaper in such district may be designated; and in case also it appears that there are in the state, cities, towns or boroughs having a population of at least five thousand according to the latest official census, in which no newspaper, or but one newspaper has been designated, the governor, comptroller and secretary of state, or a majority of them, may, at their discretion, select and designate a newspaper or newspapers, not exceeding two, in any of such cities, towns or boroughs ;

Number to be designated in certain localities.

III. Besides the selections and designations already mentioned, it shall be lawful for the governor, comptroller and secretary of state, or a majority of them, at their discretion, to select and designate to publish the laws other newspapers at large in the state, without regard to their representing political parties, but reference being had to their character and circulation ; *provided, however,* that the total number of all newspapers in the state authorized to publish the laws, shall not exceed one hundred.

Other newspapers may be designated.

Proviso.

2. *And be it enacted,* That section five of the act to which this is a supplement be amended so as to read as follows :

Section amended

5. *And be it enacted,* That the rate of compensation to be paid by the state for the publication of the laws shall be a sum to be fixed by the governor, comptroller and secretary of state, or a majority of them, not to exceed fifty cents per folio, but no compensation shall be paid to any newspaper which prints the laws from plates, unless such plates are cast in its own office for its own use.

Rate of compensation for publication of laws.

When not to be paid.

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

Approved May 16, 1889.

CHAPTER CCXCVI.

An Act in relation to the appointment of certain subordinates under the control of boards of assessment and revision of taxes in the cities of this state, abolishing the office of assistant, ward or deputy assessor, and regulating the time and manner of making assessments.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in the cities of this state in which a department or board exists to whom is entrusted the control of the assessment and revision of taxes, the office of assistant, ward or deputy assessor, if any such there is, shall be and the same is hereby abolished.
2. *And be it enacted*, That in any such city there shall be, from time to time, appointed by said board such clerks or assistants for such department or board as the exigencies of the service may require, but in no case shall the number be greater than twenty.
3. *And be it enacted*, That the duties heretofore performed by assistant, deputy or ward assessor in any such city shall be performed by clerks or assistants specially detailed for this purpose by such board or department, who, in making such detail, shall have regard to the qualifications of the person or persons assigned for the duty to be performed, and shall, from time to time, prescribe such duty and supervise the execution of the same, and that the compensation of such clerks shall not be less than eighty dollars, or more than one hundred dollars per month.
4. *And be it enacted*, That the valuation of property and assessment of taxes in any such city, after the taxes of the present year have been levied and assessed, shall be considered as made on the third Wednesday in January of each year, and shall constitute a lien, as now provided by law, on and from that date, and that it shall not be necessary hereafter in any such city to specify and keep a record of the different items which are included in and
- Office of assistant, ward or deputy assessor abolished.
- Board to appoint clerks or assistants.
- Duties of clerks or assistants.
- Compensation.
- Valuation of property and assessment of taxes, when to be considered made, &c.

make up the rate of taxation therein, but it shall be sufficient to specify the rate fixed, and keep a record of the several amounts collected for each purpose required by law.

5. *And be it enacted*, That it shall and may be lawful for said board to appoint some competent and suitable person, possessing the requisite skill, to act as surveyor and draughtsman for said board, whose compensation shall be not less than one hundred and twenty-five dollars, or more than two hundred dollars per month; and it shall be the duty of such officer to make the surveys and maps necessary to procure a correct and just assessment of all the real estate situate in such city and taxable therein, and to do and perform all such other services in his department as shall be required by said board.

Board may appoint surveyor and draughtsman.

Compensation and duties.

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

Repealer.

Approved May 16, 1889.

CHAPTER CCXCVII.

An Act concerning cities of this state, and to provide for properly and sufficiently lighting the streets and public places thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state, in which the streets and public places thereof may be improperly or insufficiently lighted, or may be in danger of becoming so, by reason of the want of enough money in the annual appropriation for lighting said streets and

Cities authorized to borrow additional sum of money for lighting streets and public places.

public places, for the present fiscal year, any such city is hereby authorized and empowered to borrow such further sum of money as will, with the annual appropriation then existing, be sufficient to light the streets and public places of such city in a proper manner, for the present fiscal year, and any contract for such lighting, made in contemplation of the sum to be borrowed as aforesaid, shall be lawful and binding upon such city; *provided, however,* that such additional appropriation shall not exceed the sum of fourteen thousand dollars; *and provided,* that such contract shall be concurred in and approved by the board having the management and control of the finances in such city.

Proviso.

May issue bonds to raise additional sums for lighting purposes.

2. *And be it enacted,* That in order to raise such additional sum as may be determined by the board or authorities of said city having charge or control of the lighting of said city, with the concurrence of said board having charge and control of the finances therein to be necessary as aforesaid, the board or other authority or authorities of said city having the management and control of the finances thereof, shall cause to be issued temporary bonds of the city therefor, bearing interest at a rate not exceeding four and one-half per centum per annum, and to be sold at not less than par, and the amount of the principal and interest of said bonds shall be placed in the next annual tax levy, and assessed and collected as other taxes.

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

Approved May 16, 1889.

Joint Resolutions.

JOINT RESOLUTIONS.

NUMBER I.

A Joint Resolution authorizing the commissioners of the sinking fund and the trustees of the school fund to reduce the rate of interest on certain mortgages.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the sinking fund and the trustees of the school fund be and they are hereby authorized to reduce the rate of interest payable on any of the mortgages held by them respectively to five per cent. per annum, in all cases in which the interest shall be paid semi-annually within thirty days after the same shall become due.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved April 3, 1889.

(469)

NUMBER II.

Joint Resolution to authorize the governor of the state of New Jersey to offer a prize to be competed for by rifle teams of the military of the several states and territories, District of Columbia and team from United States army, and payment of expense of New Jersey state team.

WHEREAS, It is proposed to have an inter-state rifle match to take place upon the range at Sea Girt during the year one thousand eight hundred and eight-nine, in which rifle teams from all the states, territories, District of Columbia, and the team from the United States army may take part, and as an inducement thereto,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be, and he is hereby authorized to purchase a trophy to be presented to the successful team in such competition, under such rules and regulations as shall be prescribed by the rifle department of the state of New Jersey, approved by the governor; and the governor is authorized to make his requisition upon the treasury to meet the necessary expenses of the purchase of such trophy and the expenses of the New Jersey state team in such competition, and the comptroller of the treasury is hereby authorized to draw his warrant for and the treasurer authorized to pay the said expense incurred.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved April 3, 1889.

NUMBER III.

Joint Resolution to authorize the payment of taxes and assessments to the city of Bayonne upon certain property purchased at foreclosure sale by the commissioners of the sinking fund.

WHEREAS, The commissioners of the sinking fund acquired title to a large tract of property in the fourth ward of the city of Bayonne, by purchasing the same at a foreclosure sale, upon which property, at the time of making the mortgage, taxes and assessments were a lien; *and whereas*, the commissioners of adjustment of said city of Bayonne have adjusted said taxes and assessments at one thousand eight hundred and four dollars and eighty-seven cents; *and whereas*, the common council of said city of Bayonne have caused to be built a main sewer adjacent to said property, and the commissioners of assessment have assessed said property in the manner prescribed by law, for the sum of three thousand eight hundred and eighty dollars and seventy-four cents as its proportion of the actual benefit which said property has received from said improvement;

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the said commissioners of the sinking fund be and are hereby authorized and directed to pay out of the funds of the sinking fund, to the collector of revenue of the city of Bayonne, the sum of five thousand six hundred and eighty-five dollars and sixty-one cents, the amount of said liens upon said property.

Approved April 11, 1889.

NUMBER IV.

Joint Resolution providing for the appointment of a joint committee to make arrangements for meeting of the grand army of the Potomac at Orange, New Jersey.

WHEREAS, The state of New Jersey is every ready to do honor to her soldiers who took a prominent part in the conflict for the preservation of the Union; *and whereas*, the New Jersey volunteers were conspicuous in the army of the Potomac, and were engaged in all its great battles; *and whereas*, the survivors of the army of the Potomac, accepting the invitation of the New Jersey veterans, have honored this state by selecting the city of Orange as the place of the next annual meeting:

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That a joint committee of seven be appointed, to consist of three members of the senate, including the president, and four members of the house of assembly, including the speaker, to make the necessary and proper arrangements for the meeting of the association of the army of the Potomac to be held in this state in June next, and that the expenses incurred in making said arrangements, on being approved by the governor, shall be paid by the state treasurer upon a warrant drawn by the comptroller.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved April 17, 1889.

NUMBER V.

Joint Resolution to enable the state of New Jersey to take part in the centennial celebration of the inauguration of George Washington as president of the United States.

WHEREAS, On the thirtieth day of April, in the city of New York, the people of this country propose to celebrate in an appropriate manner the centennial anniversary of the inauguration of the first president of the United States, and the committee on states of this celebration has invited the governor and his staff, the legislature and the citizens of this state to attend this anniversary; and whereas, it is fitting that our state, which was so prominent in the events which marked the establishment and inauguration of the government of the United States, should be adequately and appropriately represented on such an occasion; and whereas, in properly participating in the exercises incident thereto we do honor alike to the memory of Washington, to our own state and to the whole country; therefore,

1. BE IT RESOLVED by the *Senate and General Assembly of the State of New Jersey*. That the governor is hereby authorized and requested to tender such a welcome, reception and escort to the president of the United States in his passage through this state to attend the centennial celebration as is due to him and to his high office, and that he make and carry out arrangements for the proper representation and participation of the state in the ceremonies attendant on said celebration, including such portion of the national guard as he may deem creditable to this state and to the occasion, and also including such representation of the grand army of the republic as will turn out as post organizations to take part in the reception of the president at Elizabeth and in the military parade in New York city on April thirtieth, instant, and cause them to be furnished with the necessary transportation and such commissary stores and subsistence as may be requi-

site ; and the governor is authorized and empowered to make his requisition upon the treasury to meet the necessary and proper expenses to carry out the provisions of this resolution, and the comptroller is hereby authorized to draw his warrant for the same, and the governor shall cause an accurate and detailed account to be kept of the expenditures, and shall file the same, together with proper vouchers, with the comptroller, who shall report the same to the next session of the legislature.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved April 18, 1889.

NUMBER VI.

Joint Resolution requesting the congress of the United States to pass a law granting a pension to every honorably-discharged Union soldier who was confined in a prison of the enemy during the late war of the rebellion, and the payment of the additional sum of two dollars per day to every such soldier for every day of such imprisonment.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That the senate and house of representatives of the United States be requested and they are hereby urged to pass a law providing that all honorably-discharged Union soldiers of the late war who were confined in rebel prisons, shall be placed on the pension rolls of the United States, at not less than twelve dollars per month, and that, in addition, they shall receive the sum of two dollars per day for each day of such imprisonment.

2. *And be it resolved*, That the governor of this state be requested to forward a copy of this resolution to the senate and house of representatives of the United States.

Approved May 9, 1889.

NUMBER VII.

Joint Resolution requesting the state of Pennsylvania to adopt such legislation as may be necessary to make the waters of the Delaware river available for manufacturing purposes.

WHEREAS, By an act entitled "A supplement to an act entitled 'An act concerning corporations,' approved April seventh, one thousand eight hundred and seventy-five," which supplement was approved April twelfth, one thousand eight hundred and seventy-six, the state of New Jersey made provision for the construction and maintenance of dams and other appliances for rendering available for manufacturing purposes the water of the Delaware and other rivers; *and whereas*, it is necessary for carrying into effect the provisions of said act, so far as it applies to the river Delaware, that similar legislation should be adopted by the state of Pennsylvania; *and whereas*, the rendering available the said water would be of great benefit to the states of Pennsylvania and New Jersey; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the legislature of the state of Pennsylvania be respectfully requested to adopt such legislation as may be necessary to carry into practical effect the true intent of the legislation of this state recited in the preamble hereto.

2. *Be it resolved*, That the governor be respectfully requested to transmit a copy of this joint resolution to the legislature of the state of Pennsylvania, and to request its favorable consideration.

Approved May 9, 1889.

NUMBER VIII.

Joint Resolution to authorize the payment of assessments to the city of Rahway upon certain property purchased at foreclosure sale by the commissioners of the sinking fund.

WHEREAS, The commissioners of the sinking fund have acquired title to a large tract of property in the Third ward of the city of Rahway, by purchasing the same at a foreclosure sale, upon which property, at the time of said purchase, certain assessments were a lien, by virtue of the common council of said city having ordered certain streets and avenues, adjacent to said property, to be opened, widened, curbed and guttered, and the sidewalks to be flagged; *and whereas*, the commissioners of adjustment of said city are about to adjust said assessments; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the said commissioners of the sinking fund be and are hereby authorized and directed to pay out of the funds of the sinking fund, to the treasurer of the city of Rahway, such amount as the commissioners of adjustment of said city shall adjudge to be a valid and subsisting lien upon said property, for the improvements so made by the said "the mayor and common council of the city of Rahway," which are a benefit to said property, when said amounts shall be fixed and determined by said commissioners of adjustment, and their report duly confirmed by the court.

Approved May 14, 1889.

Proclamations.

PROCLAMATIONS.

PROCLAMATION BY THE GOVERNOR.

I, ROBERT S. GREEN, governor of the state of New Jersey, do hereby designate Thursday, the twenty-ninth day of November, instant, as a day of thanksgiving and praise to Almighty God, for all His blessings to us as a people, during the year now drawing to a close. The soil has yielded its produce bounteously; prosperity has attended the labors of industry, and by His mercy we have been spared from the ravages of disease.

I recommend that on that day the people of this state, abstaining from all unnecessary secular employment, meet in their accustomed places of worship, and give thanks to God for all His goodness in the past, with prayer, that He will bless us and all others with a continuance of His bounty, and the nation, state and people with peace, prosperity and happiness.

Given under my hand and privy seal, in the city of Trenton, this fifth day of November in the year of our Lord one thousand eight hundred and eighty-eight, and of the independence of the United States the one hundred and thirteenth.

ROB'T S. GREEN,
Governor.

By the Governor,
ROB'T S. GREEN, JR.,
Private Secretary.
(479)

PROCLAMATION BY THE GOVERNOR.

Whereas, notice and information has been given me, as provided by law, that E. Frank Short, who was duly declared to have been elected, at the last general election, a member of the next general assembly of this state, in the tenth assembly district of the county of Hudson, died on the ninth day of December, instant, whereby a vacancy has occurred in the representation of said county of Hudson in said general assembly;

Therefore, I, ROBERT S. GREEN, governor of the state of New Jersey, by requirement of law, do hereby issue this my proclamation, commanding and requiring that an election be held according to law, in the said tenth assembly district of the said county of Hudson, on Tuesday, the eighth day of January next ensuing the date hereof, for the purpose of electing a member of the general assembly of this state to fill the vacancy occasioned by the death of the said E. Frank Short.

[L. s.] Given under my hand and the great seal of the State of New Jersey, at Trenton, this tenth day of December, in the year of our Lord one thousand eight hundred and eighty-eight, and of the Independence of the United States the one hundred and thirteenth.

ROBT S. GREEN,
Governor.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

PROCLAMATION BY THE GOVERNOR.

Whereas, the governor is, by joint resolution adopted February twenty-first, one thousand eight hundred and eighty-four, authorized to issue a proclamation annually, setting apart a day in April for the planting of forest trees, and recommending that the day be devoted for that purpose;

And whereas, it is represented that such planting will be more successful if different days be so named for different sections of the state;

Now, therefore, pursuant to the said authority, I, ROBERT S. GREEN, governor of the state of New Jersey, do hereby set apart Friday, April twelfth, one thousand eight hundred and eighty-nine, in the county of Burlington, and in all counties south of Burlington county, and Thursday, April eighteenth, one thousand eight hundred and eighty-nine, in all counties of the state north of the county of Burlington, for the planting of forest trees, and recommend that the day be devoted by the people to that purpose.

In testimony whereof, I have hereunto set my hand and caused the great seal of [Great Seal.] the state to be hereunto affixed, at Trenton, this twenty-ninth day of March, A. D. one thousand eight hundred and eighty-nine.

ROB'T S. GREEN.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

PROCLAMATION BY THE GOVERNOR.

I, ROBERT S. GREEN, governor of the state of New Jersey, by authority of law, do proclaim and make known that, in conformity to the sixth section of the act entitled "An act providing for declaring and making known that certain laws and joint resolutions have become inoperative and void," approved March third, eighteen hundred and seventy-three, the comptroller of the treasury of this state has duly reported to me that an act of the legislature of this state, entitled "An act for the relief of Cornelius Hunter, of the township of Byram, in the county of Sussex, passed April second, eighteen hundred and eighty-nine, has become inoperative and void for the reason that the parties interested therein have failed to pay the sum assessed thereon and declared to be payable thereon, according to the requirements of the act entitled "An act to increase the revenue of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, and the supplement thereto, approved March eighteenth, eighteen hundred and fifty-nine.

Given under my hand and the great seal of the state of New Jersey, at Trenton, [Great Seal.] this sixteenth day of July, A. D. eighteen hundred and eighty-nine.

ROB'T S. GREEN.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

PROCLAMATION BY THE GOVERNOR.

It having been represented that uncertainty exists with reference to the observance of the first Monday of September as a legal holiday, proclamation is hereby made that by virtue of an act of the legislature of said state, approved April 8th, 1887, the first Monday of September, to be known as Labor Day, is a legal holiday, on which no court shall be held, except in cases where said court would sit upon a Sunday, and on which no person can be compelled to labor by any person or corporation.

[L. s.] Given under my hand and privy seal, at the executive chamber, in the city of Trenton, this twenty-seventh day of August, eighteen hundred and eighty-nine.

ROBT S. GREEN.

Attest: R. S. GREEN,
Private Secretary.

Special Public Acts.

SPECIAL PUBLIC ACTS

PASSED BY THE

One Hundred and Thirteenth Legislature

CHAPTER VI.

An Act to dedicate certain lands of the state of New Jersey, in the township of Ewing, in the county of Mercer, for a public road.

WHEREAS, it is desirable that a public road in the town-^{Preamble.}ship of Ewing should be extended across the lands of the trustees of the state industrial school for girls; *and whereas*, such extension would be advantageous to the property of the state of New Jersey appropriated for the use of a state industrial school for girls; *and whereas*, it is essential to the proper extension of said road, that a certain portion of the said land of the state of New Jersey should be used for the purpose of a road; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following tract of land at ^{Certain lands dedicated as a public road.}the northerly terminus of Stuyvesant avenue, in the township of Ewing and county of Mercer, being a tract of land twenty-five feet on each side of the following line, to wit: beginning at a point in the line of the lands between lands of the trustees of the state industrial school for girls and lands of Horace A. Buttolph, distant two hundred and eight feet south, twenty-three degrees and fifty minutes west, from a stone corner to lands of the said trustees of the New Jersey state industrial school for girls and lands of the said Horace A. Buttolph; thence running south,

forty degrees and forty minutes east, fifteen chains and seventy links to a point on the westerly side of Stuyvesant avenue, in Ewing township, Mercer county, said point being twenty-five feet distant from a stone corner to the lands of the said the trustees of the New Jersey industrial school for girls and lands of George W. Farlee, said point being also south, twenty-nine degrees and fifty-five minutes west, from a blazed sassafras tree which stands on the easterly side of Stuyvesant avenue, on lands of the said George W. Farlee, be and the same is hereby dedicated to the use of the public for the purpose of a public road, in the township of Ewing and county of Mercer ; *provided*, that in case the lands hereby dedicated should be vacated or be used for any other purpose than for a public road, then the state of New Jersey, its officers or agents, may re-enter upon, enclose and resume the possession of the lands hereby conveyed.

Proviso.

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

. Approved February 18, 1889.

CHAPTER XII.

An Act to annex to the township of Fanwood, in the county of Union, a part of the present township of Westfield, in said county.

Description of tract set off to Fanwood township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the part of the township of Westfield, in the county of Union, described as follows :
 "Beginning at the intersection of the east and west branches of Green brook, in the line between Somerset and Union counties, thence up the west branch of said brook as it runs in the line of said counties, to a turn or bend of said branch, on the northwest side of the valley

road leading to Springfield, said turn or bend of said branch being forty links northwest from the northwest end of formerly the center of an arch of a stone bridge (now a flat wooden bridge); thence along the northwest side of said valley road, as the needle pointed in the year eighteen hundred and forty-one, north, forty-two degrees and thirty minutes east, six chains and eighty links, to the northern angle of said road and the road leading from Scotch Plains to New Providence; thence along the northwest side of said valley road north, fifty-six degrees east, fourteen chains and fifty links, to the line of the township of Fanwood, in the middle of the east branch of Green brook, eighty links distant, on a course bearing north, seventy-five degrees east, from the center of a spring in the front of formerly Humphrey M. Drake's house, now Warren Ackerman's; thence down the middle of said branch as it runs, to the place of beginning, being the same tract of land that was annexed to the said township of Westfield by an act entitled 'An act to alter a part of the boundary line between the townships of Westfield and New Providence, in the county of Essex,' approved March tenth, one thousand eight hundred and forty-one," be and the same is hereby set off from the said township of Westfield, in the county of Union, and annexed to and made part of the township of Fanwood, in said county.

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

Approved February 25, 1889.

CHAPTER XVI.

An Act to dedicate certain lands of the state of New Jersey, in the township of Ewing, in the county of Mercer, for a public road.

Preamble.

WHEREAS, It is desirable that a public road lately laid out in said township of Ewing should be straightened; *and whereas*, such road, if straightened, would be advantageous to the property of the state of New Jersey appropriated for the use of the New Jersey lunatic asylum, at Trenton; *and whereas*, it is necessary, in order to make said road straight, that a portion of the lands of the state of New Jersey should be used for the purpose of a public road; therefore,

Certain lands
dedicated for
public road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tract of land bounded and described as follows, to wit: Beginning at a stone corner to Egbert B. Lane, and near the new asylum, and running thence (one) south, forty-one degrees and fifty-three minutes east, nineteen chains and fifty links, to lands of Horace A. Buttolph; thence (two) by said lands north, forty degrees east, fifty-one feet; thence (three) north, forty-one degrees and fifty-three minutes west, nineteen chains and sixty links, to lands of Egbert B. Lane; and thence (four) along his land south, twenty-six degrees west, fifty-two feet, to the place of beginning, be and the same is hereby dedicated to the use of the public for the purpose of a public road, to be used as a part of the public road running from the Ferry road to the city of Trenton.

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

Approved February 25, 1889.

CHAPTER XCI.

A Further Supplement to an act entitled "An act for the improvement of the town of Red Bank, in the county of Monmouth," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said act, which reads as follows :

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Red Bank, in the county of Monmouth, for the purpose of this act, shall be as follows: beginning at a point where the middle of the public road leading from Red Bank to Shrewsbury intersects the middle of Irving street; thence westerly, on a line with the middle of Irving street continued straight to the North Shrewsbury river; thence northwardly and eastwardly, along the said river, to the northeast corner of the land of the heirs of Edmund Throckmorton, deceased; thence southwardly, to a point where the middle of the public road leading from Red Bank to Port Washington intersects the middle of the road leading from the last-mentioned road to Parkerville, by land of David N. Byram and William L. Borden; thence southwardly, along the middle of said Parkerville road, to a point where the line of the middle of Irving street continued eastwardly intersects the middle of the last-named road; thence westwardly, to the place of beginning," be amended so as to read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Red Bank, in the county of Monmouth, for the purposes of this act, shall be as follows: beginning at a point where the center line of Beach street continued westerly would meet the North Shrewsbury river; thence northwardly and eastwardly, following the said river, to a point on the south shore thereof, distant one mile eastwardly in a straight

Section to be amended.

Limits of the town of Red Bank.

line from the northwest corner of Maple avenue where it ends at the shore of the said river, near Allen's dock; thence southwardly, westwardly and northwardly, describing a part of a true circle, the radius of which is one mile and the vertex or central point is the said the northwest corner of said Maple avenue, until it reaches the point or place of beginning.

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

Approved April 1, 1889.

CHAPTER CXXXIV.

An Act to facilitate judicial proceedings in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the courts of common pleas, oyer and terminer, general quarter sessions of the peace and orphans' court in and for the county of Cumberland, shall hereafter consist of one law judge and two lay judges in addition to the justice of the supreme court holding the circuit for said county, and said law judge shall be a counselor-at-law of this state of at least five years' standing, and shall be appointed in the same manner as justices of the supreme court are now appointed; *provided*, that the present number of lay judges may be continued until the number is reduced to two by expiration of term of office or other vacancy as to one of the number.
2. *And be it enacted*, That whenever the justice of the supreme court holding the circuit court for said county shall be absent, the law judge provided for by this act shall be president judge of said courts of common pleas, oyer and terminer, general quarter sessions of the peace and orphans' court of said county.

Additional judge
of common pleas
created.

How appointed.
Proviso.

Presiding judge.

3. *And be it enacted*, That the courts of common pleas, Courts may hold special terms. general quarter sessions of the peace, and orphans' court in and for said county of Cumberland, may hold adjourned and special terms of said courts, or either of them, under the regulations already provided by statute in case of the circuit court and court of oyer and terminer and general jail delivery.

4. *And be it enacted*, That indictments for all crimes Indictments may be handed down when necessary. within the jurisdiction of the court of general quarter sessions of the peace shall be handed down by the court of oyer and terminer and general jail delivery into, and be tried in the said court of general quarter sessions of the peace, whenever the said court of oyer and terminer and general jail delivery shall deem it necessary or proper in order to expedite the business of said court, and to deliver the jail.

5. *And be it enacted*, That whenever any person shall be Persons charged with offence may waive indictment and trial by jury. charged, upon oath, before any justice of the peace or police justice, or any other officer authorized to hear said charge, in the county of Cumberland, with any offense now triable by law before the court of general quarter sessions of the peace of said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury, and request to be tried immediately, it shall be the duty of said prosecutor, unless he or the president judge of the court of common pleas of said county shall think the public interest will be benefited by denying said request, to apply to the president judge of said court of common pleas for the immediate trial of said person, and the said president judge shall thereupon call a court of special quarter sessions, to be composed of himself and at least one other judge of said court, to meet at the courthouse, in said county, which court is hereby empowered and required to try such persons with all due speed, having due regard to the circumstances of the case, the public interest, and the possibility of obtaining necessary witnesses to determine the guilt or innocence of the person charged; if such person be acquitted by the said court, he or she shall be forthwith discharged; if he or she shall plead guilty, or be convicted, said court shall thereupon forthwith render and record such judgment of imprison-

ment or fine, or both, as shall be authorized by law, in case such person had been duly indicted and convicted; and it shall be the duty of said prosecutor (in person or by deputy) to attend upon said trial, prefer to said court an allegation in writing, alleging the time, place and nature of the offense with which such person is charged, and to which said person shall forthwith plead, and the proceedings for bringing such person for trial before such court, the accusation, place, trial and sentence, shall be in conformity with law, and the practice heretofore, except the same are altered by this act, and the cost of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings and indictments found in courts of oyer and terminer and general jail delivery of said county are now taxed and paid.

Duties of clerk,
sheriff and other
officers.

6. *And be it enacted*, That the clerk of the said county of Cumberland shall be clerk of the court hereby provided for, and shall issue all process, whether of capias, subpœna or execution, which shall be required in carrying out the provisions of the act, which process shall be delivered to the sheriff of the county of Cumberland, and shall be by him served and returned under the same regulations and penalties, and with the same compensation as heretofore; and the said sheriff shall be the officer of the said court, and exercise the same supervision and direction of all constables and subordinate officers attending said court, and in all things pertaining to the office, as heretofore.

Persons charged
with larceny,
how tried.

7. *And be it enacted*, That hereafter no person charged with larceny in said county of Cumberland shall be tried otherwise than before said court of special sessions hereby provided for, or on regular indictment, according to the usual course of proceedings at law.

Law judge,
power and
authority.

8. *And be it enacted*, That in all matters within the jurisdiction of the said several courts relating to the practice and settlement of legal rules and questions, the said law judge shall, in the absence of the justice of the supreme court holding the circuit court for said county, have exclusive power and authority to determine such rules, questions and practice.

9. *And be it enacted*, That the law judge provided for by this act shall receive such salary as is now provided by law for counties of its population, payable in monthly payments by the collector of said county, but shall receive no other compensation whatever. Compensation of law judge.

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

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

Approved April 8, 1889.

CHAPTER CXXXVI.

An Act to facilitate judicial proceedings in the county of Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the courts of common pleas, oyer and terminer, general quarter sessions of the peace and orphans' court in and for the county of Atlantic, shall hereafter consist of one law judge and two lay judges, in addition to the justice of the supreme court holding the circuit for said county, and said law judge shall be a counselor-at-law of this state of at least five years' standing, and shall be appointed in the same manner as justices of the supreme court are now appointed; *provided*, that the present number of lay judges may be continued until the number is reduced to two by expiration of term of office or other vacancy as to one of the number. Additional judge of common pleas created. How appointed. Proviso.

2. *And be it enacted*, That whenever the justice of the supreme court holding the circuit court for said county shall be absent, the law judge provided for by this act shall be president judge of said courts of common pleas, oyer and terminer, general quarter sessions of the peace and orphans' court of said county. Presiding judge.

Courts may hold special terms.

3. *And be it enacted*, That the courts of common pleas, general quarter sessions of the peace and orphans' court in and for said county of Atlantic, may hold adjourned and special terms of said courts, or either of them, under the regulations already provided by statute in case of the circuit court and court of oyer and terminer and general jail delivery.

Indictments may be handed down.

4. *And be it enacted*, That indictments for all crimes within the jurisdiction of the court of general quarter sessions of the peace shall be handed down by the court of oyer and terminer and general jail delivery into, and be tried in the said court of general quarter sessions of the peace, whenever the said court of oyer and terminer and general jail delivery shall deem it necessary or proper in order to expedite the business of said court, and to deliver the jail.

Persons charged with offence may waive indictment and trial by jury.

5. *And be it enacted*, That whenever any person shall be charged, upon oath, before any justice of the peace or police justice, or any other officer authorized to hear said charge, in the county of Atlantic, with any offense now triable by law before the court of general quarter sessions of the peace of said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury, and request to be tried immediately, it shall be the duty of said prosecutor, unless he or the president judge of the court of common pleas of said county shall think the public interest will be benefited by denying said request, to apply to the president judge of said court of common pleas for the immediate trial of said person, and the said president judge shall thereupon call a court of special quarter sessions, to be composed of himself and at least one other judge of said court, to meet at the courthouse, in said county, which court is hereby empowered and required to try such persons with all due speed, having due regard to the circumstances of the case, the public interest, and the possibility of obtaining necessary witnesses to determine the guilt or innocence of the person charged; if such person be acquitted by the said court, he or she shall be forthwith discharged; if he or she shall plead guilty, or be convicted, said court shall thereupon forthwith render and record such judgment of imprison-

ment or fine, or both, as shall be authorized by law, in case such person had been duly indicted and convicted; and it shall be the duty of said prosecutor (in person or by deputy) to attend upon said trial, prefer to said court an allegation, in writing, alleging the time, place and nature of the offense with which such person is charged, and to which said person shall forthwith plead, and the proceedings for bringing such person for trial before such court, the accusation, place, trial and sentence, shall be in conformity with law, and the practice heretofore, except the same are altered by this act, and the cost of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings and indictments found in courts of oyer and terminer and general jail delivery of said county are now taxed and paid.

6. *And be it enacted*, That the clerk of the said county of Atlantic shall be clerk of the court hereby provided for, and shall issue all process, whether of capias, subpoena or execution, which shall be required in carrying out the provisions of the act, which process shall be delivered to the sheriff of the county of Atlantic, and shall be by him served and returned under the same regulations and penalties, and with the same compensation as heretofore; and the said sheriff shall be the officer of the said court, and exercise the same supervision and direction of all constables and subordinate officers attending said court, and in all things pertaining to the office, as heretofore.

Duties of clerk,
sheriff and other
officers.

7. *And be it enacted*, That hereafter no person charged with larceny in said county of Atlantic shall be tried otherwise than before said court of special sessions hereby provided for, or on regular indictment, according to the usual course of proceedings at law.

Persons charged
with larceny,
how tried.

8. *And be it enacted*, That in all matters within the jurisdiction of the said several courts relating to the practice and settlement of legal rules and questions, the said law judge shall, in the absence of the justice of the supreme court holding the circuit court for said county, have exclusive power and authority to determine such rules, questions and practice.

Power and
authority of law
judge.

9. *And be it enacted*, That the law judge provided for by this act shall receive a salary of fifteen hundred dollars

Compensation of
law judge.

per annum, payable in monthly payments by the collector of said county, but shall receive no other compensation whatever.

Repealer.

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

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

Approved April 8, 1889.

CHAPTER CLXX.

An Act to establish a new township in the county of Bergen, to be known as the township of Boiling Springs.

Boundaries of
new township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Union, in the county of Bergen, lying within the following boundaries, to wit: beginning at the intersection of a line in the middle of the Hackensack river with the middle line of the lands of the Paterson and Ramapo railroad, now occupied by the New York, Lake Erie and Western railroad company; running thence northerly and westerly, along the center line of said railroad, in the various courses thereof, to the middle of the Passaic river; thence northerly, along the middle of the Passaic river, to the southerly line of the township of Lodi, in the county of Bergen; thence easterly, along the southerly line of said township of Lodi, to the middle of the Hackensack river; thence southerly, along the middle of the Hackensack river, in the several courses thereof, to the place of beginning, shall be, and hereby is set off from the township of Union, in the county of Bergen, and made a separate township, to be known by the name of the township of Boiling Springs.

Name of new
township.

2. *And be it enacted*, That the inhabitants of the township of Boiling Springs shall be and are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the inhabitants of the township of Boiling Springs, in the county of Bergen," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in said county of Bergen are or may be entitled or subject to by the laws of this state.

Corporate name
and rights.

3. *And be it enacted*, That the inhabitants of the township of Boiling Springs aforesaid shall hold their first town meeting at engine-house number three, in said township of Boiling Springs, within sixty-days after the approval of this act, and the officers elected at said town meeting shall hold their respective offices until the next annual town meeting.

When and where
first town meet-
ing to be held.

4. *And be it enacted*, That the township committees of the townships of Boiling Springs and Union shall meet on the first Monday next after the said first town meeting, at engine-house number one, Valley Brook, in the township of Union, in the county aforesaid, at ten o'clock in the forenoon of that day, and then and there proceed, by writing, signed by a majority of those present, to allot and divide, between the said townships, all property, real and personal, moneys on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessor of the said township of Union, within the limits of the respective townships of Boiling Springs and Union, at the last assessment, and may adjourn said meeting, from time to time, as a majority of those present may deem proper; and the inhabitants of the respective townships shall be liable to pay their just proportion of the debts, if any there should be; and a majority of the persons comprising the township committees of said two townships, shall constitute a quorum, and may proceed to make said division, and the decision of a majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place, within either of said townships, as a majority of those assembled as aforesaid may think proper.

Township com-
mittees to meet
to allot and
divide property.

Proviso.

Clerk of town-
ship. 5. *And be it enacted*, That Louis Lane shall be and is hereby constituted the clerk of the township of Boiling Springs until after the first town meeting of said township, and it shall be his duty as such clerk to set up the notices required by law for holding said town meeting, together with all the several duties of town clerk.

Election officers. 6. *And be it enacted*, That Jacob H. Vreeland shall be and is hereby constituted the judge of election, and Isaac J. Van Winkle and Frank C. Tarbox, inspectors of election of the township of Boiling Springs until after the first town meeting of said township, and it shall be their duty to act as judge and inspectors of election respectively, as required by law, with all the usual duties of such offices.

Act not to inter-
fere or impair
commissions. 7. *And be it enacted*, That nothing in this act contained shall be construed so as to interfere with or impair the commissions of justices of the peace, or of commissioners of deeds, until they shall expire by limitation, or so as to impair the rights of the said township of Boiling Springs in and to its just and legal proportion of the surplus revenue of the general government and the interest thereon.

Assembly
district. 8. *And be it enacted*, That the said township of Boiling Springs shall form a part of the second assembly district of the county of Bergen, as said assembly district is now constituted.

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

Approved April 17, 1889.

CHAPTER CCLXXX.

A Further Supplement to the act entitled "An act to establish district courts in the city of Newark," passed March fourth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-three of said act, which reads as follows:

"23. *And be it enacted*, That the judges of said courts shall each receive, in lieu of all fees whatever, an annual salary of three thousand dollars, to be paid by the mayor and common council of the city of Newark, out of the treasury of said city, in quarterly installments, which shall be computed from the day of appointment of said judge; and the clerks of said courts shall each receive an annual salary of one thousand dollars, to be paid in like manner, and in addition thereto shall receive five per centum of all fees paid into said courts by the suitors therein; *provided*, that such additional compensation do not exceed the sum of four hundred dollars per annum," be amended so as to read as follows:

23. *And be it enacted*, That the judges of said courts shall each receive, in lieu of all fees whatever, an annual salary of three thousand dollars, to be paid by the mayor and common council of the city of Newark, out of the treasury of said city, in quarterly installments, which shall be computed from the day of appointment of said judge; and the clerks of said courts shall each receive an annual salary of fifteen hundred dollars.

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

Approved May 9, 1889.

Private Acts.

PRIVATE ACTS

PASSED BY THE

One Hundred & Thirteenth Legislature

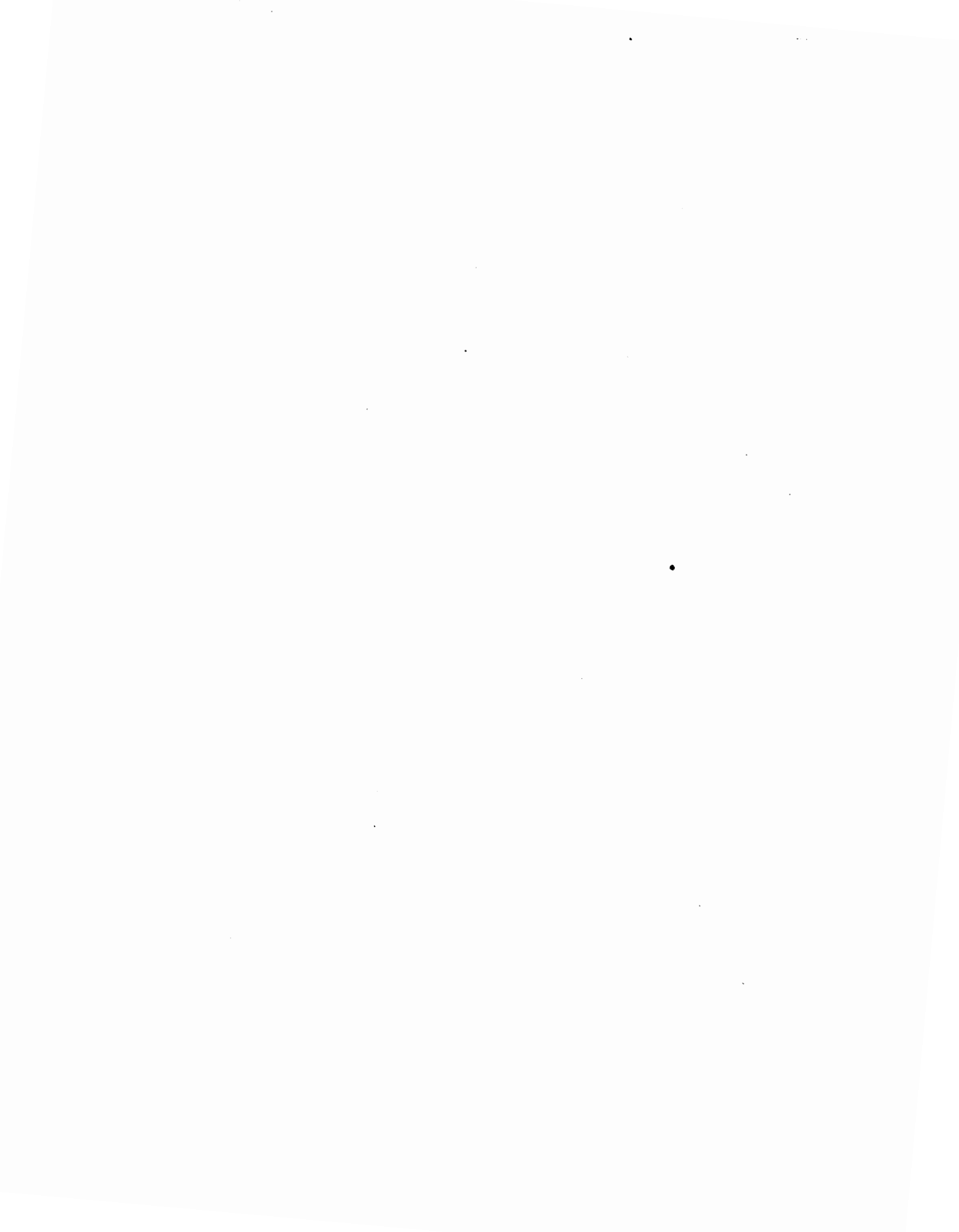
CHAPTER C.

An Act for the relief of Cornelius Hamler, of the township of Byram, in the county of Sussex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius Hamler, of the township of Byram, in the county of Sussex, be and the said Cornelius Hamler is hereby restored to all his rights, liberties, privileges and franchises as a citizen of the state of New Jersey. Restoration to citizenship.

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

Passed April 2, 1889.



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